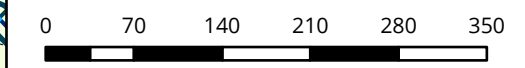


- Legend**
- Study area
 - Water race
 - Victorian heritage register
 - Victorian Heritage Inventory
 - Proposed VHI
 - Heritage overlay
 - Sluiced Areas
 - 1 Trail crossing historic feature
- Heritage features**
- ★ Historic reference
 - Water race
 - Mined area
 - Historic place

Figure 4.4 Heritage place impacts and management

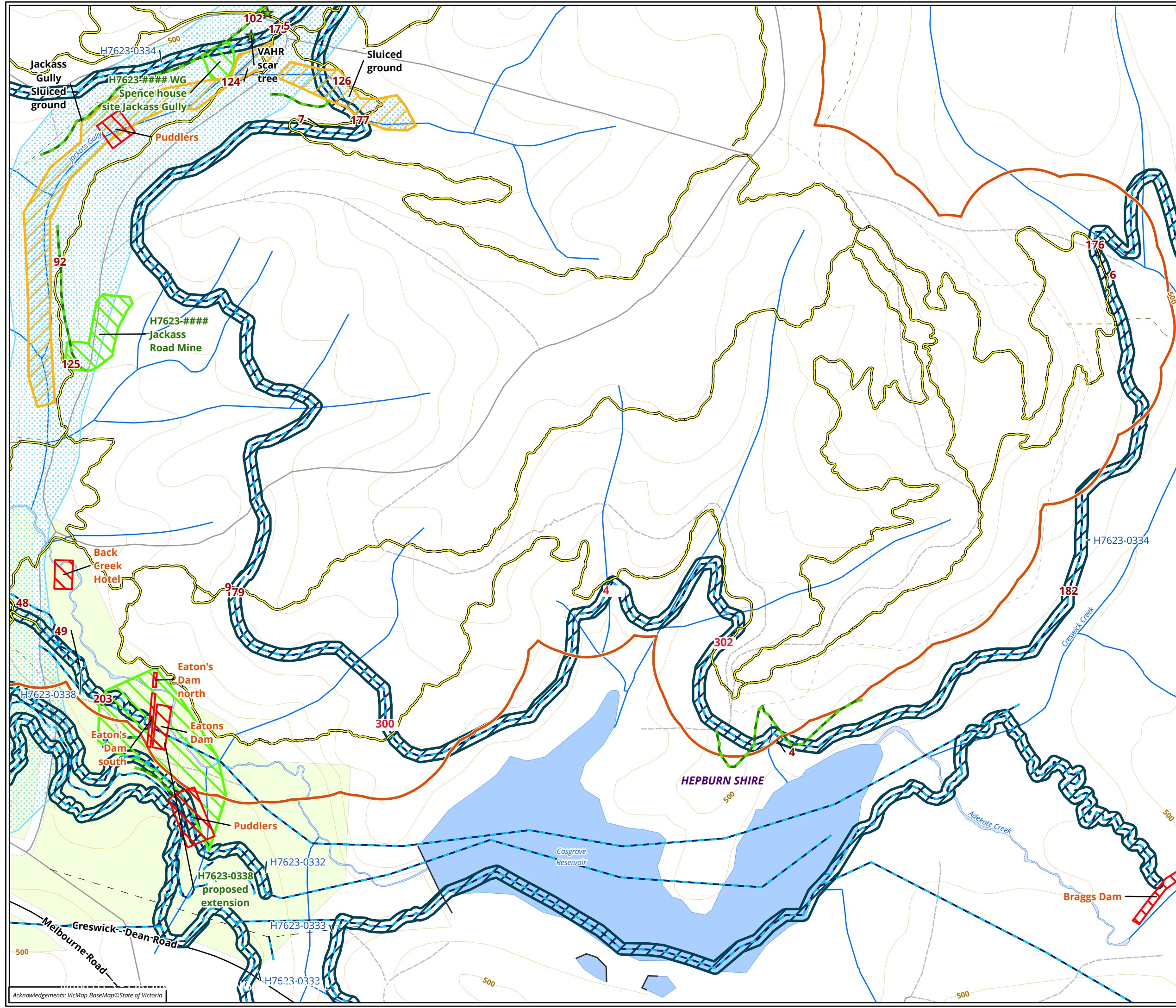
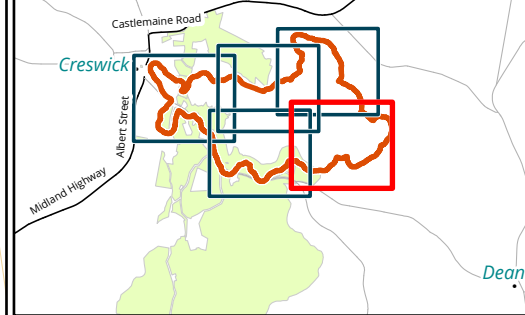


Metres
Scale: 1:6,000 @ A3
Coordinate System: GDA 1994 MGA Zone 54



Matter: 35554,
Date: 30 September 2021,
Prepared for: GV, Prepared by: DK, Last edited by: dkang
Layout: 35554_F5_HeritageMgmt
Project: P:\35554\35554\Mapping\35554_CreswickMTB.aprx

Acknowledgements: VicMap BaseMap © State of Victoria



Legend

- Study area
- Water race
- Victorian Heritage Inventory
- Proposed VHI
- Sluiced Areas
- 1 Trail crossing historic feature

Heritage features

- ★ Historic reference
- Water race
- Mined area
- Historic place

Figure 4.5 Heritage place impacts and management

0 70 140 210 280 350
 Metres
 Scale: 1:6,000 @ A3
 Coordinate System: GDA 1994 MGA Zone 54



Matter: 35554,
 Date: 30 September 2021,
 Prepared for: GV, Prepared by: DK, Last edited by: dkang
 Layout: 35554_F5_HeritageMgmt
 Project: P:\355500s\35554\Mapping\35554_CreswickMTB.aprx

Acknowledgements: VicMap BaseMap © State of Victoria

5 Legislative requirements

Due to the large number of historic places in the study area, the Creswick Mountain Bike Trails will require approvals from state and local heritage regulators. In particular, works within the extent of places included in the Shire of Hepburn Heritage Overlay will require approval from the council under the *Planning and Environment Act 1987*, while works within VHR places require a permit from Heritage Victoria and those within the extent of VHI places require a Consent to Damage from Heritage Victoria under the *Heritage Act 2017*.

Specifically permits are required for the following:

Table 9 Places heritage requiring permits of consent

Place	Statutory listing	Approval required
Pinus jeffreyii (Jeffrey Pine)	HO560	No permit required- no impact
Creswick State Battery	HO974 VHI H7623-0239	No permit required- no impact
Roycraft's Water Race	VHI H7623-0328	Consent to damage
Davis' Water Race	VHI H7623-0332	Consent to damage
Bragg's Water Race and Dam	VHI H7623-0333	No permit required- no impact
Smokeytown Water Race	VHI H7623-0334	Consent to damage
Eaton's Water Race and Dam Wall	VHI H7623-0338	Consent to damage
Back Creek Chinese Garden and Orchard	VHI H7623-0346	No permit required- no impact
W G Spence's house	VHI H7623-####	No permit required- no impact
Jackass Road mine	VHI H7623-####	No permit required- no impact
Chinese Camp Melbourne Road	VHI H7623-####	No permit required- no impact
Princess Alexandra Mine	VHI H7623-####	Consent to damage
Georges Diggings	none	No permit required- no statutory listing
Watkins Mine	none	No permit required- no statutory listing
Old School House Road Mine	none	No permit required- no statutory listing
Jackass Gully sluicing area	none	No permit required- no statutory listing
Koala Park	none	No permit required- no statutory listing
Back Creek Hotel	none	No permit required- no statutory listing
Brackenbury Lookout	none	No permit required- no statutory listing
Orr's Store	none	No permit required- no statutory listing

Examination of the VHI site cards and online mapping in VicPlan for some of the VHI places suggests that mapping is not accurate for in some cases.

The site card for Lincoln Gully (H7623-0248) describes the workings as extending along the “ Eastern slope of Humbug Hill [where] there are the remains of an extensive system of water races, hillslope sluicing, dams and pebble heaps....Parts of the gully are heavily timbered. 500 metres along Lincoln Gully Road, from Creswick Road, is a good viewing location.” This suggests that the intention was that the area recorded extended for some distance along Lincoln Gully. The extent mapped for the VHR place H1228 for Humbug Hill includes a separate area that actually does run along about 1.5 kilometres along Lincoln Gully, the VHR statement of significance for Humbug hill refers to “two water races brought water to Humbug Hill, one from Bragg's Dam (across Salty Creek); the other from Russel's Reservoir (down Lincoln Gully). The latter race is still well preserved and is included in the nomination.” This might be intended to cover the area along Lincoln Gully except that the La Trobe University mapping of the Lincoln Gully water races put them some distance to the north and south of the gully.

Similarly, the mapped area for the Humbug Hill Hydraulic Gold Sluicing Site covers a location south of the area of extensive sluicing and the actual mapped hilltop. It is understood that Heritage Victoria has amended the VHR listing extent for this area. The new extent is presented in our mapping.

6 Potential Impacts

Potential impacts to heritage places may derive from construction works requiring clearance of vegetation and alteration of land surfaces, or from gradual erosion of land surfaces caused by use.

Construction impacts are described below, and management of these impacts are described in Section 6.2 and Table 7.

Five of the heritage listed places within the study area will be impacted by the mountain bike trails. The impacts involve disturbance to ground surfaces and vegetation when a trail either crosses or runs along a water race, or in the case of the Princess Alexandra Mine, where the trails cross mine workings, including sluiced ground and mullock heaps. No other heritage listed historic places are impacted by the proposed mountain bike trails.

6.1 Construction impacts

A range of construction methods are proposed to be employed to avoid or minimise disturbance of historic water races and other historic features during construction. These are set out in the separate document "Creswick Trails Project Construction Guideline" (Shire of Hepburn, June 2020).

In summary this sets out the following processes:

- The alignment from the Detailed Design Alignments is flagged on the ground and reviewed by the construction crew prior or as part of construction.
- Benched Trail using a half-bench cut-and-fill method will not be used where there are historic water races present.
- Typical trail building comprises a 2 tonne excavator and operator, followed by 2 or 3 labourers who use hand tools (rake hoes, rakes, picks, shovels, crowbars) to 'groom' and shape the track once the excavator has passed.
- Sensitive areas near heritage sites will require centreline pinned marking of the exact trail location prior to construction. A Heritage Advisor will be involved in the inspection and marking.
- Where there is construction on historic water races, trail construction will be limited to hand building only and, where possible, will involve the removal of ground and encroaching vegetation only.
- Trail builders will undertake inductions, follow strict guidelines, and be overseen by the HSC's Construction Manager to provide compliance with the specifications and approved construction drawings.
- Methods for works on and adjacent to water races will use hand tools only, to remove understory vegetation and debris from the top of the water race wall. Loose objects such as fallen branches will also be removed but solid embedded objects (e.g. stone) will remain in the structure.
- Where the race wall has been naturally damaged by time or weather, local soil and stone can be used for repair.
- No blocking of water flow within water races will be permitted. Culverts or open draining stone structures may be used to maintain water flow where required.

- Construction techniques for crossing a water race, including dry stone, soil and fabricated structure will be employed. Open draining rock features or wooden/steel ramps can be installed to bridge gaps. Races should be crossed at close to right angles to minimise disturbance.
- Points where trails enter and exit water race walls or where obstacles such as trees growing in the water race of embankment will be managed in a way to appropriately minimise impact by constructing soil, stone or fabricated ramps as appropriate to the specific site.

Samples illustrations of construction methods are in the following Figures. For a full description of methods see the Creswick Trails Project Construction Guideline (Shire of Hepburn, June 2020). Specific locations of potential impacts which are considered to require management actions are discussed in Section 6 and shown in Map 4.

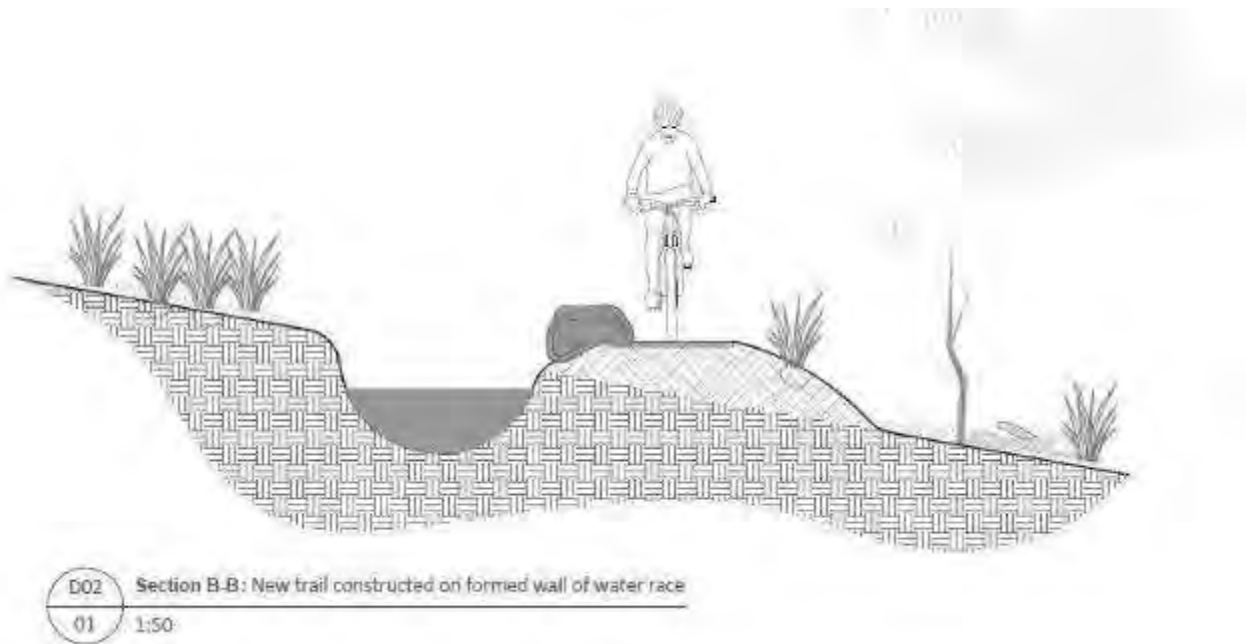


Figure 10 Water Race – Trail Cleared

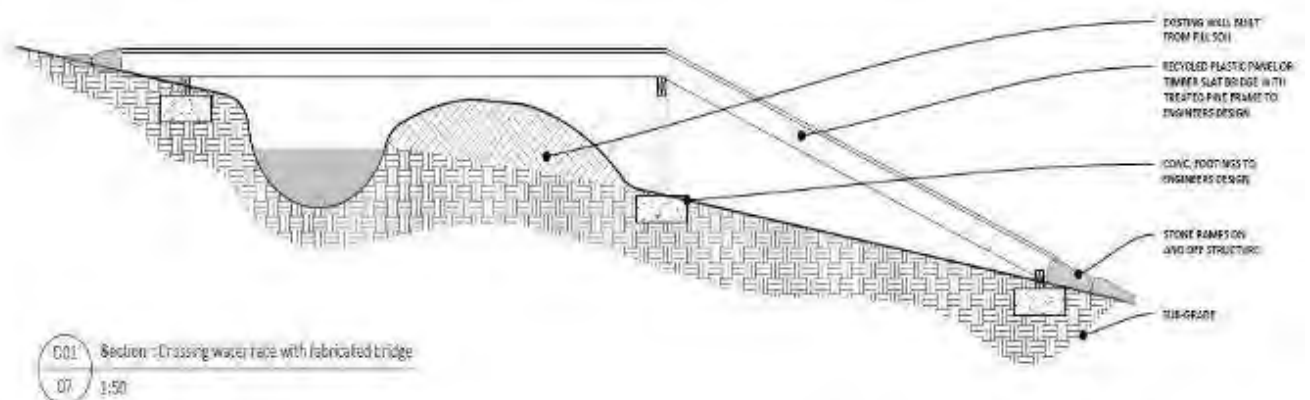


Figure 11 Fabricated Bridge Crossing

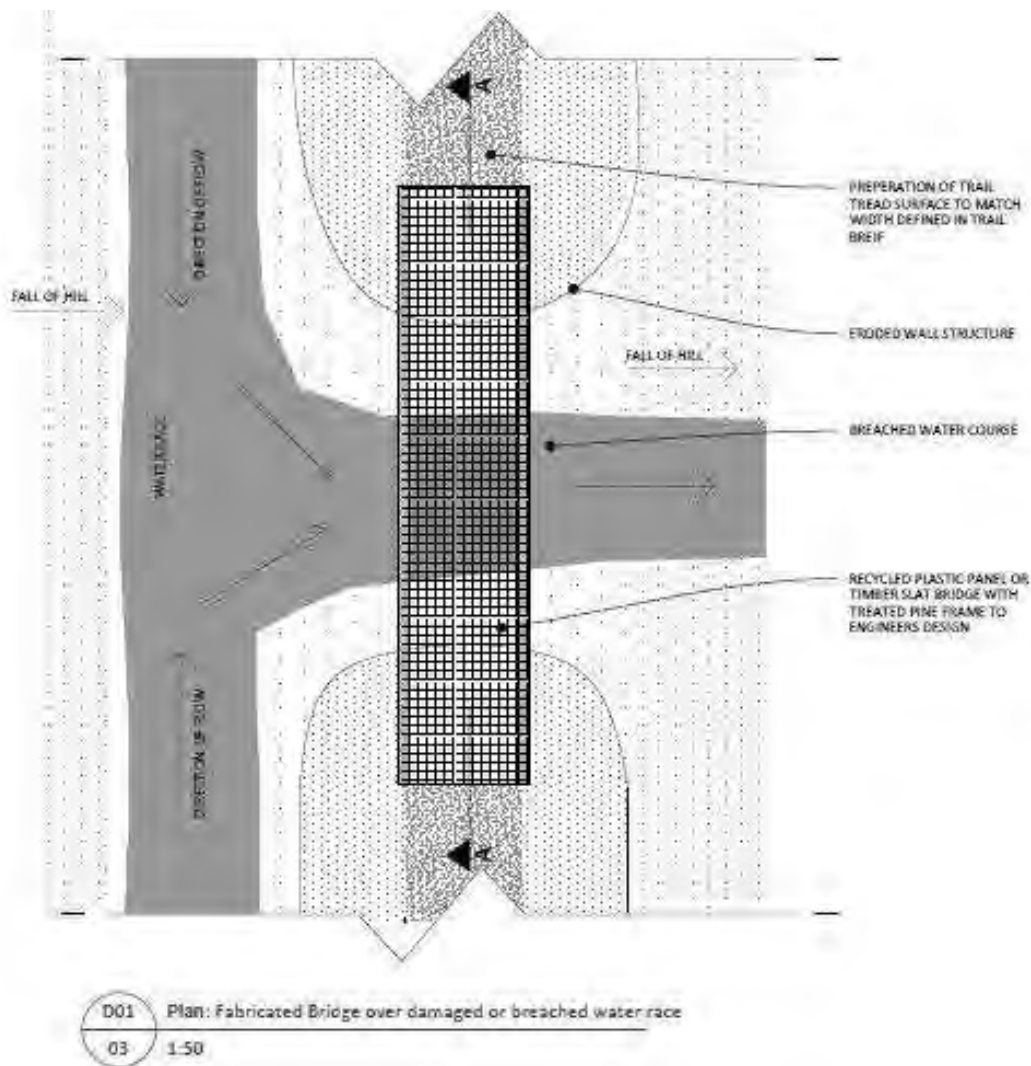


Figure 12 Fabricated bridge over breach in a water race

6.2 Managing impacts during construction

The following general management principals have been adopted in designing the mountain bike trails. This recognises the historic landscape character of the study area and the many minor historical features, but also acknowledges that not all features meet the criteria and thresholds for inclusion on statutory listings, whether the Victorian Heritage Register, Heritage Inventory or Heritage Overlay. Discussion of specific impacts and mitigation measures are provided for those places which do meet these statutory listing criteria.

6.2.1 Avoidance

Avoidance has been achieved in many cases by aligning the trails away from major historic features. Further avoidance may be possible during construction by micro-siting trails to take advantage of natural crossing places of the water races, or where previous tracks or erosion have already impacted the place.

6.2.2 Clearing vegetation only with no earth works

Were trails cross or run along water races, or are within the extents of VHI listed places, recommendations have been made to avoid earthworks wherever possible, and have only hand clearing of vegetation to form the trails.

6.2.3 Importing soil to build up rather than excavating

A general recommendation wherever trails cross water races or other features or where earthworks are required, is that it be done wherever possible, by laying imported soil over the ground rather than excavating within the heritage place, in order to avoid impacts to potential archaeological features.

6.2.4 Monitoring and micro siting during works

Where earthworks are required, a process will be implemented involving initially inspection of the location by the archaeologist and discussions with the trail designer and/or contractor to micro-site the trail, and to select an alignment with the least impact, and then for the archaeologist to monitor at commencement of the works.

6.2.5 Unexpected finds protocol

The unexpected finds protocol has been developed to provide a method to manage the possible discovery of cultural material during works (Appendix 3).

6.3 Specific construction impacts

Specific construction impacts for each of the VHI listed places affected by the proposed mountain bike trails are summarised in the following sections.

6.3.1 Roycraft's Water Race H7623-0328

Roycraft's water race is proposed to be crossed five times by the mountain bike trails, while several sections of the race have an existing trail along the embankment of the race. This is the Wallaby Track, which is already used by mountain bikes.

Management of impacts where the trail crosses race will involve avoidance of earthworks, and construction above ground timber crossing if required. The decision about whether a timber crossing is required will be determined by the existing condition, and whether construction of use would otherwise cause damage to the race.

Management of impacts where the trail follows the race will involve micro-siting to employ an alignment with least impact, off the water race if necessary, avoidance of earthworks, and raising of the track above the existing surface with imported soil if needed.

Inspection by the project archaeologist will be undertaken at the time of construction to determine the best method of construction with the trail design team and to record any archaeological features or deposits that may be exposed during works.

Locations of specific impacts to Roycraft's Water Race (H7623-0328) are as follows:

Table 10 Locations of specific impacts and proposed mitigation to Roycraft's Water Race (H7623-0328)

ID	East	North	Survey area	Trail No.	Impact	Mitigation
43	758467.6	5852129		N1	Trail follows race	Microsite trail to avoid features, protect during works
44	757689.8	5852896	23	L3	Trail crosses race	Avoid earthworks, construct above ground timber crossing if required

ID	East	North	Survey area	Trail No.	Impact	Mitigation
45	758026.8	5852389	23	N3	Trail follows race	Avoid earthworks, construct above ground timber crossing if required
46	757719.6	5852825	23	N2	Trail crosses race	Avoid earthworks, construct above ground timber crossing if required
47	757686.6	5852908	23	L4	Trail crosses race	Avoid earthworks, construct above ground timber crossing if required
196	758462.9	5852128		N1	Trail follows race	Avoid earthworks, construct above ground timber crossing if required
198	757690.2	5852897	23	L3	Trail crosses race	Avoid earthworks, construct above ground timber crossing if required
199	757714.3	5852825	23	N2	Trail follows race	Avoid earth works on or adjacent to race, use imported soil to build up surface if required
202	756986.8	5853393		S1	Trail follows race	Avoid earth works on or adjacent to race, use imported soil to build up surface if required
203	759118.3	5852180	14	C1	Trail follows race	Avoid earth works on or adjacent to race, use imported soil to build up surface if required
204	757211.3	5852416	65	M1	Trail crosses race	Avoid earth works on or adjacent to race, use imported soil to build up surface if required
260	758061.2	5852309		N3	Trail follows race	Avoid earth works on or adjacent to race, use imported soil to build up surface if required

6.3.2 Davis' Water Race (H7623-0332)

Davis' water race is proposed to be crossed four times by the mountain bike trails, while several sections of the race have an existing trail along the embankment of the race. This is the Wallaby Track, which is already used by Mountain Bikes.

Management of impacts where the trail follows the race will involve micro-siting to employ an alignment with least impact, off the water race if necessary, avoidance of earthworks, and raising of the track above the existing surface with imported soil if needed.

Management of impacts where the trail crosses race will involve avoidance of earthworks, and construction above ground timber crossing if required. The decision about whether a timber crossing is required will be determined by the existing condition, and whether construction of use would otherwise cause damage to the race.

Inspection by the project archaeologist will be undertaken at the time of construction to determine the best method of construction with the trail design team and to record any archaeological features or deposits that may be exposed during works.

Locations of specific impacts to Davis' Water Race (H7623-0332) are as follows:

Table 11 Locations of specific impacts and proposed mitigation to Davis' Water Race (H7623-0332)

ID	East	North	Survey area	Trail No.	Impact	Mitigation
1	758009.9	5852172	13	S6	Existing trail along race embankment in part	Microsite trail to avoid features, protect during works
2	759323.3	5851929	68	C1	Existing trail along race embankment in part and adjacent puddlers	Microsite trail to avoid features, protect during works
100	757686.4	5852935	23	L4	Trail crosses unmapped section of race	Avoid earthworks, construct above ground timber crossing if required
123	757850.2	5852107	13	S6	Uneven sluiced ground and tailings adjacent to Roycraft's Water Race	Avoid earthworks, raise with imported soil if needed
197	757738.5	5852944	23	L2	Trail crosses possible extension of water race	Avoid earthworks, construct above ground timber crossing if required
200	757016.8	5853342		G7	Trail crosses possible extension of water race	Avoid earthworks, construct above ground timber crossing if required
201	757665.8	5853022	23	S2	Trail crosses possible extension of water race	Avoid earthworks, construct above ground timber crossing if required
257	758160.6	5852209	13	S6	Existing trail along race embankment in part	Inspection by archaeologist during works, avoid earth works on or adjacent to race, use imported soil to build up surface if required
259	757636.3	5852134	27	S6	Existing trail along race embankment in part	Inspection by archaeologist during works, avoid earth works on or adjacent to race, use imported soil to build up surface if required

6.3.3 Smokeytown Water Race (H7623-0334)

The Smokeytown Water Race is proposed to be crossed 36 times by the mountain bike trails, while several sections of the race are proposed to run along or adjacent to the alignment of the Smokeytown Water Race. Much of the trail impacts are in the pine plantations where the race has been disturbed or destroyed by harvesting, ripping and planting.

Management of impacts where the trail follows the race will involve micro-siting to employ an alignment with least impact, off the water race if necessary, avoidance of earthworks, and raising of the track above the existing surface with imported soil if needed.

Management of impacts where the trail crosses race will involve avoidance of earthworks, and construction above ground timber crossing if required. The decision about whether a timber crossing is required will be determined by the existing condition, and whether construction of use would otherwise cause damage to the race.

Inspection by the project archaeologist will be undertaken at the time of construction to determine the best method of construction with the trail design team and to record any archaeological features or deposits that may be exposed during works.

Locations of specific impacts to the Smokeytown Water Race (H7623-0334) are as follows:

Table 12 Locations of specific impacts and proposed mitigation to the Smokeytown Water Race (H7623-0334)

ID	East	North	Survey area	Trail No.	Impact	Mitigation
3 186	758416.4 758417	5852424 5852424		N1	Trail crosses race	Avoid earthworks, construct above ground timber crossing if required
4	760478.7	5852248	70	C2	Trail crosses race	Avoid earthworks, construct above ground timber crossing if required
5	759450.4	5853277	57	S7	Trail crosses race	Avoid earthworks, construct above ground timber crossing if required
6	760867.3	5852883		S9	Trail runs along race	Inspection by archaeologist during works, avoid earth works on or adjacent to race, use imported soil to build up surface if required
7	759528.5	5853136	57	S8	Trail crosses race	Avoid earthworks, construct above ground timber crossing if required
8	757497.7	5853510		G1	Trail crosses race in pine forest – little evidence on ground	Inspection by archaeologist during works, avoid earth works on or adjacent to race, use imported soil to build up surface if required
9	759382.1	5852326		C4	Trail crosses race	Avoid earthworks, construct above ground timber crossing if required
10 180	757336.6 757335.4	5853653 5853654	63	G9	Trail crosses race in pine forest – little evidence on ground	Inspection by archaeologist during works, avoid earth works on or adjacent to race, use imported soil to build up surface if required
11	757595.6	5853418	20	G3	Trail crosses race	Avoid earthworks, construct above ground timber crossing if required
12	757876.6	5853358		G6	Trail crosses race in pine forest – little evidence on ground	Inspection by archaeologist during works, avoid earth works on or adjacent to race, use imported soil to build up surface if required
13	757917	5853318		G5	Trail crosses race	Avoid earthworks, construct above ground timber crossing if required
14 185	757545 757545	5853433 5853425	20	G2	Trail crosses race in pine forest – little evidence on ground	Inspection by archaeologist during works, avoid earth works on or adjacent to race, use imported soil to build up surface if required
15	758121.1	5853041		L1	Trail crosses race in pine forest – little evidence on ground	Inspection by archaeologist during works, avoid earth works on or adjacent to race, use imported soil to build up surface if required
16	758112.7	5852851		L2	Trail crosses race in pine forest – little evidence on ground	Inspection by archaeologist during works, avoid earth works on or adjacent to race, use imported soil to build up surface if required
17	758200.9	5852767		L3	Trail crosses race in pine forest – little evidence on ground	Inspection by archaeologist during works, avoid earth works on or adjacent to race, use imported soil to build up surface if required
18	759058.8	5853185		W6	Trail adjacent to race	microsite to avoid impact
19 190	758324.4 758323	5852412 5852411		N3	Trail crosses race	Avoid earthworks, construct above ground timber crossing if required
20	758074	5852482		N2	Trail crosses race	Avoid earthworks, construct above ground timber crossing if required

ID	East	North	Survey area	Trail No.	Impact	Mitigation
21	757745.1	5853433		G4	Trail crosses race in pine forest – little evidence on ground	Inspection by archaeologist during works, avoid earth works on or adjacent to race, use imported soil to build up surface if required
22 193	757403.1 757404	5853504 5853503	19	G8	Trail crosses race in pine forest – little evidence on ground	Inspection by archaeologist during works, avoid earth works on or adjacent to race, use imported soil to build up surface if required
23 194	757333.1 757331.9	5853689 5853686	63	G7	Trail crosses race in pine forest – little evidence on ground	Inspection by archaeologist during works, avoid earth works on or adjacent to race, use imported soil to build up surface if required
93	760346.1	5852077	70	C2	Trail crosses race probably correct alignment	Avoid earthworks, construct above ground timber crossing if required
94	760435.3	5852129	70	C5	Trail crosses race unmapped section in Jackass Gully	Avoid earthworks, construct above ground timber crossing if required
101	759455.6	5853335	57	W5	Trail crosses race unmapped section in Jackass Gully	Avoid earthworks, construct above ground timber crossing if required
102	759455.6	5853335	57	W6	Trail crosses race unmapped section in Jackass Gully	Avoid earthworks, construct above ground timber crossing if required
175	759451.1	5853284	57	S7	Trail crosses race	Avoid earthworks, construct above ground timber crossing if required
176	760854.6	5852908		S9	Trail runs along race	Inspection by archaeologist during works, avoid earth works on or adjacent to race, use imported soil to build up surface if required
177	759525.6	5853136	57	S8	Trail crosses race	Avoid earthworks, construct above ground timber crossing if required
178	757497.5	5853510		G1	Trail crosses race in pine forest – little evidence on ground	Inspection by archaeologist during works, avoid earth works on or adjacent to race, use imported soil to build up surface if required
179	759382.4	5852327		C4	Trail crosses race	Avoid earthworks, construct above ground timber crossing if required
181	757596.3	5853418	20	G3	Trail crosses race in pine forest – little evidence on ground	Inspection by archaeologist during works, avoid earth works on or adjacent to race, use imported soil to build up surface if required
182	760484.8	5852236	70	C2	Trail crosses race	Avoid earthworks, construct above ground timber crossing if required
183	757877	5853358		G6	Trail crosses race	Avoid earthworks, construct above ground timber crossing if required
184	757916.5	5853318		G5	Trail crosses race	Avoid earthworks, construct above ground timber crossing if required
187	758122.3	5853040		L1	Trail crosses race in pine forest – little evidence on ground	Inspection by archaeologist during works, avoid earth works on or adjacent to race, use imported soil to build up surface if required

ID	East	North	Survey area	Trail No.	Impact	Mitigation
188	758124.3	5852843		L2	Trail crosses race in pine forest – little evidence on ground	Inspection by archaeologist during works, avoid earth works on or adjacent to race, use imported soil to build up surface if required
189	758204.3	5852769		L3	Trail crosses race in pine forest – little evidence on ground	Inspection by archaeologist during works, avoid earth works on or adjacent to race, use imported soil to build up surface if required
191	758074.4	5852477		N2	Trail runs along race	Inspection by archaeologist during works, avoid earth works on or adjacent to race, use imported soil to build up surface if required
192	757743.8	5853432		G4	Trail crosses race in pine forest – little evidence on ground	Inspection by archaeologist during works, avoid earth works on or adjacent to race, use imported soil to build up surface if required
300	757403.1	5853504	19	G8	Trail crosses race	Avoid earthworks, construct above ground timber crossing if required
301	759450.4	5853277	57	S7	Trail crosses race	Avoid earthworks, construct above ground timber crossing if required
302	760867.3	5852883		S9	Trail runs along race	Inspection by archaeologist during works, avoid earth works on or adjacent to race, use imported soil to build up surface if required

6.3.4 Eaton's Water Race and Dam wall (VHI H7623-0338)

The mountain bike trail is proposed to utilise part of the existing Wallaby track along Eaton's water race. The trails do not impact Eaton's Dam wall.

Management of impacts where the trail follows the race will involve micro-siting to employ an alignment with least impact, off the water race if necessary, avoidance of earthworks, and raising of the track above the existing surface with imported soil if needed.

Inspection by the project archaeologist will be undertaken at the time of construction to determine the best method of construction with the trail design team and to record any archaeological features or deposits that may be exposed during works.

Locations of specific impacts to Eaton's Water Race and Dam wall (VHI H7623-0338) are as follows:

Table 13 Locations of specific impacts and proposed mitigation to Eaton's Water Race and Dam wall (VHI H7623-0338)

ID	East	North	Survey area	Trail No.	Impact	Mitigation
24	759616.6	5851750	26	C1	Trail follows race near existing track adjacent to earth and rock dam	Avoid earthworks use imported soil if needed
48	758689.9	5852075	13	S6	Follows existing trail along water race	Avoid earthworks, raise with imported soil if needed
49	759117.2	5852179	14	C1	Follows existing trail along water race	Avoid earthworks, raise with imported soil if needed
50	757222.4	5852409	30	M1	Follows existing trail along water race	Avoid earthworks, raise with imported soil if needed

ID	East	North	Survey area	Trail No.	Impact	Mitigation
96	759202	5852071	68	C1	Follows existing trail along water race	Avoid earthworks, microsite to avoid impacts
111	758538.3	5852000	13	S6	Follows existing trail along disturbed section of race	Microsite trail to avoid features, protect during works
113	758552.4	5852025	13	S6	Follows existing trail along disturbed section of race	Avoid earthworks, raise with imported soil if needed
114	758580.9	5852032	13	S6	Follows existing trail along water race Glass in track	Microsite trail to avoid features, protect during works cover with imported soil
116	757220.2	5852412	65	M1	Water race with existing trail Secondary Race, below Eaton's dam	Avoid earthworks, construct above ground timber crossing if required
142	759309.9	5851943	68	C1	Existing trail along race embankment, adjacent to puddlers	Microsite trail to avoid features, protect during works
143	759250.3	5852062	68	C1	Trail adjacent no impact Earth and stone dam Eaton's Dam Jodi Turnbull Data	Microsite trail to avoid features, protect during works
144	759232.7	5852063	68	C1	Trail adjacent no impact Earth and stone dam Eaton's Dam South	Microsite trail to avoid features, protect during works
254	759204	5852072	68	C1	Water race with existing trail	Avoid earthworks, raise with imported soil if needed
255	759001.6	5852286	14	S6	Water race with existing trail	Avoid earthworks, raise with imported soil if needed
258	758365.8	5852000	13	S6	Water race with existing trail	Avoid earthworks, raise with imported soil if needed
279	758451.5	5851957	13	S6	Water race with existing trail	Avoid earthworks, construct above ground timber crossing if required

6.3.5 Princess Alexandra Mine (H7623-####)

The Princess Alexandra Mine comprises an area of sluiced ground with extensive mullock dumps, rock piles, eroded gullies, and tailings. A network of mountain bike trails is proposed to wind in among the earth features. The northern area has less evidence of mining activity, so a new VHI place has been proposed in the worked ground only.

The trails will utilise the existing informal track alignments and add new sections of track benched where they cross the slopes.

Management of impacts where the mountain bike trail passes through the worked ground will involve micro-siting to employ an alignment with least impact, and raising of the track above the existing surface with imported soil if needed.

Inspection by the project archaeologist will be undertaken at the time of construction to determine the best method of construction with the trail design team, and to record any archaeological features or deposits that may be exposed during works.

Locations of specific impacts to Princess Alexandra Mine (H7623-####) are as follows:

Table 14 Locations of specific impacts and proposed mitigation to Princess Alexandra Mine H7623-####

ID	East	North	Survey area	Trail No.	Impact	Mitigation
118	756508.4	5852981	59	F2	trail passes over disturbed sluiced ground , mullock, mining remains	Monitor during works and microsite to avoid disturbance, avoid earthworks
119	756508.4	5852981	59	F2	Geovic historical reference 'Mine' (Princess Alexandra Co)	Monitor and apply unexpected finds protocol, microsite to avoid any features
134	756494	5852889	59	F5	trail passes over disturbed sluiced ground, mullock, mining remains	Monitor during works and microsite to avoid disturbance, avoid earthworks
137	756573.7	5852858	18	F1	trail passes over disturbed sluiced ground , mullock, mining remains	Monitor during works and microsite to avoid disturbance, avoid earthworks
139	756497	5852839	59	F6	trail passes over disturbed sluiced ground , mullock, mining remains	Monitor during works and microsite to avoid disturbance, avoid earthworks
140	756521.8	5852896	18	F4	trail passes over disturbed sluiced ground , mullock, mining remains	Monitor during works and microsite to avoid disturbance, avoid earthworks
163	756528.1	5852906	59	F4	trail passes over disturbed sluiced ground , mullock, mining remains	Monitor during works and microsite to avoid disturbance, avoid earthworks
164	756499.6	5852948	59	F3	trail passes over disturbed sluiced ground , mullock, mining remains	Monitor during works and microsite to avoid disturbance, avoid earthworks
165	756556	5852826	18	F6	trail passes over disturbed sluiced ground , mullock, mining remains	Monitor during works and microsite to avoid disturbance, avoid earthworks

6.3.6 Georges Diggings

The Georges Diggings exhibits the impact of ground sluicing, hydraulic sluicing and some other alluvial mining activities. However, the area has been extensively impacted by erosion and forestry. Much of the surrounding area has been ripped for pine plantations, and planting, harvesting and track preparation works. There is therefore insufficient evidence to meet the thresholds and criteria for inclusion on the Victorian Heritage Inventory. However, these areas are still of local interest as part of the historic landscape of the Creswick goldfields.

Therefore assessment of potential impacts from the mountain bike trails have been considered and mitigation measures recommended.

There are a number of mountain bike trails intersecting areas of the Georges Diggings. Several of these are also crossing the nearby Smokeytown water race, while another un-named water race survives in disconnected segments along the north side of St Georges Lake.

Management of impacts where the mountain bike trail passes through the worked ground and the sections of water race will involve micro-siting to employ an alignment with least impact, and raising of the track above the existing surface with imported soil if needed.

Inspection by the project archaeologist will be undertaken at the time of construction to determine the best method of construction with the trail design team, and to record any archaeological features or deposits that may be exposed during works.

Table 15 Locations of specific impacts and proposed mitigation near Georges Diggings

ID	East	North	Survey area	Trail No.	Impact	Mitigation
88	757689.7	5853220	62	G4	Trail crosses race	Avoid earthworks, construct above ground timber crossing if required
89	757780.6	5853025	23	L1	Trail crosses race	Avoid earthworks, construct above ground timber crossing if required
90	757687.4	5852958	23	L2	Trail crosses race	Avoid earthworks, construct above ground timber crossing if required
91	757687.2	5852905	23	L3	Trail crosses race	Avoid earthworks, construct above ground timber crossing if required
117	757559.9	5852868	12	S2	Geovic historical reference no visible remains	Monitor and apply unexpected finds protocol, microsite to avoid any features
120	757430.5	5853285	61	G1	trail passes over sluiced ground, mullock, mining remains	Monitor during works and microsite to avoid disturbance, avoid earthworks
121	757430.5	5853285	61	G3	trail passes over sluiced ground, mullock, mining remains	Monitor during works and microsite to avoid disturbance, avoid earthworks
122	757430.5	5853285	61	G2	trail passes over sluiced ground, mullock, mining remains	Monitor during works and microsite to avoid disturbance, avoid earthworks

ID	East	North	Survey area	Trail No.	Impact	Mitigation
127	757476.8	5853430	20	G1	trail passes over sluiced ground, mullock, mining remains	Monitor during works and microsite to avoid disturbance, avoid earthworks
128	757456.5	5853264	61	G3	trail passes over sluiced ground, mullock, mining remains	Monitor during works and microsite to avoid disturbance, avoid earthworks
129	757487	5853340	20	G2	trail passes over sluiced ground, mullock, mining remains	Monitor during works and microsite to avoid disturbance, avoid earthworks
152	757435.4	5853277	61	G1	trail passes over sluiced ground, mullock, mining remains	Monitor during works and microsite to avoid disturbance, avoid earthworks
153	757435.2	5853295	61	G2	trail passes over sluiced ground, mullock, mining remains	Monitor during works and microsite to avoid disturbance, avoid earthworks
278	757862	5853144		G5	Trail crosses minor water race with existing trail near St Georges Lake	Avoid earthworks, construct above ground timber crossing if required

6.3.7 Jackass Gully

Jackass Gully area also exhibits the impact of ground sluicing, hydraulic sluicing and some other alluvial mining activities. However, the area has been extensively impacted by erosion and forestry. Much of the surrounding area has been ripped for pine plantations, and planting, harvesting and track preparation works. There is therefore insufficient evidence to meet the thresholds and criteria for inclusion on the Victorian Heritage Inventory. However, these areas are still of local interest as part of the historic landscape of the Creswick goldfields.

Jackass Gully exhibits the impact of ground sluicing, hydraulic sluicing and some other alluvial mining activities. However, the area has been extensively impacted by erosion and forestry. Much of the surrounding area has been ripped for pine plantations, and planting, harvesting and track preparation works. There is therefore insufficient evidence to meet the thresholds and criteria for inclusion on the Victorian Heritage Inventory. However, these areas are still of local interest as part of the historic landscape of the Creswick goldfields.

Therefore assessment of potential impacts from the mountain bike trails have been considered and mitigation measures recommended.

Management of impacts where the mountain bike trail passes through the worked ground and the sections of water race will involve micro-siting to employ an alignment with least impact, and raising of the track above the existing surface with imported soil if needed.

Inspection by the project archaeologist will be undertaken at the time of construction to determine the best method of construction with the trail design team, and to record any archaeological features or deposits that may be exposed during works.

Table 16 Locations of specific impacts to proposed mitigation near Jackass Gully

ID	East	North	Survey area	Trail No.	Impact	Mitigation
92	759080.9	5852870	63	S7	Trail crosses minor race	Avoid earthworks, construct above ground timber crossing if required
125	759097	5852714	63	S7	Mine shafts, mullock heaps trail passes between features	Microsite and monitor during construction
126	759582.1	5853176	57	S8	Trail passes over sluiced ground, mullock, mining remains	microsite and monitor during construction
132	759488.9	5854446	58	W7	Mine shafts, mullock heaps Old School House Road Mine (Shafts & Mullock) trail passes between features	Microsite and monitor during construction
195	757109.3	5853319		G9	Trail crosses minor race	Avoid earthworks, construct above ground timber crossing if required
124	759360.3	5853163	57	S7	Uneven stripped ground and tailing Sluiced Ground rock piles, sluiced vase, sluice box runs adjacent to Spence House	Microsite and monitor during construction, Avoid earthworks, raise with imported soil if needed

6.4 Management of impacts during use

Use of the Creswick Mountain Bike Trails involves mountain bikes, and probably e-bikes riding intensively on mostly unformed unsealed earth trails. The steeper trails tend to be ridden downhill, while some areas of undulating ground or constructed earth mounds and timber ramps will have landing points where impacts occur. The consequence of this use is that there will be minor areas of soil disturbance during use with the potential for erosion of surface soils.

Management of impacts during use will involve ongoing monitoring and assessment of impacts from the use of the trails and where erosion becomes evident, this will be repaired and managed by providing localised 'hardening off' of the trail with imported material.

An induction for construction crews and management protocols are provided under Recommendations 2 and 6 in section 7 below to ensure potential harm from use is avoided or minimised.

7 Management recommendations

It is an offence to damage or destroy historical sites without a permit or consent from the appropriate body. This section sets out a series of management measures developed in accordance with the requirements of *Heritage Act 2017* and *Planning and Environment Act 1987* to ensure compliance with the legislation and mitigate risk to the proposed works.

The following recommendations are provided to guide construction of mountain bike trails in such a manner that they will not have detrimental impacts on cultural heritage values in the study area.

Hepburn Shire Council is responsible for implementing the management and auditing of any requirements under statutory approvals and to, and to notify the relevant land managers of the commencement of works and any impacts heritage places and assets.

7.1 Recommendation 1 Avoiding historic places

Identified historic archaeological and heritage places, and areas of historical and archaeological sensitivity marked on Map 4 should be avoided during construction wherever possible. Note that in addition to the places recorded on the Victorian Heritage Inventory, there are other features such as minor water races, mining debris such as mullock heaps, mine shafts, and the eroded ground surface from hydraulic sluicing, which do not meet the thresholds for inclusion on the VHI, but are nonetheless of local interest and contribute to the historic character of the Creswick forest.

If construction is proposed near areas of historical and archaeological sensitivity works should be designed to avoid impacts and assist in managing the place. For example, tracks may lead to areas of hydraulic sluicing and gold workings, in order to provide interpretation opportunities, but the tracks should not cut across the sluiced faces and banks. Similarly, if level areas from former water races are to be used, approaches should avoid causing erosion or other damage to the features.

Where listed heritage places are nearby proposed mountain bike trails, these places should be protected from impacts during construction, such as by placing bunting or parra-webbing around the site and marking the sites on construction plans as no-go areas.

Heritage listed places in the vicinity of the proposed Stage 1 Mountain Bike Trails, but not impacted by their construction are listed below.

- *Pinus jeffreyii* (Jeffrey Pine) (HO560)
- Creswick State Battery (HO974, VHI H7623-0239)
- Back Creek Chinese Garden and Orchard. H7623-0346
- Bragg's Water Race H7623-0333
- Back Creek Chinese Garden and Orchard H7623-0346
- W G Spence house (VHI H7623-####)
- Jackass Road mine (VHI H7623-####)
- Chinese Camp Melbourne Road (VHI H7623-####)

A number of other historic places that have been assessed as not reaching the thresholds or criteria for inclusion on statutory heritage listings have also been identified during the study. Those places that are avoided by the mountain bike trails are as follows:

- Watkins Mine
- Old School House Road mines
- Koala Park
- Back Creek Hotel
- Brackenbury Hill Lookout
- Orr's Store

If any construction activity is likely to occur in the vicinity of these site, they should be protected during the course of works including fencing off with suitable barriers, informing works the foreman and marking on any construction plans as no go areas.

Two of the historic places that have been assessed as not reaching the thresholds or criteria for inclusion on statutory heritage listings cannot be avoided by the mountain bike trails and so recommendations are also included for managing impacts to these:

- Georges Diggings
- Jackass Gully sluicing area

7.2 Recommendation 2 Statutory approvals

There are no places listed on the Victorian Heritage Register that will be impacted by the proposed mountain bike trails.

There are no places included on the Shire of Hepburn Heritage Overlay that will be impacted by the proposed mountain bike trails.

There are five places listed on the Victorian Heritage Inventory place that will be impacted by the proposed mountain bike trails. A Consent to Damage must be obtained from Heritage Victoria prior to any works conducted within the extent of the following places:

- Roycraft's Water Race H7623-0328
- Davis' Water Race H7623-0332
- Smokeytown Water Race H7623-0334
- Eaton's Water Race and Dam Wall H7623-0338
- Princess Alexandra Mine H7623-####

7.3 Recommendation 3 Induction and protocol for unexpected finds

A protocol should be implemented to inform contractors of the need to avoid historical and archaeological features, how to recognise them, and who to contact should unexpected historical and archaeological features or objects should be discovered during works. In order that contractors are able to fulfil this recommendation an induction should be presented by a suitably qualified heritage professional on site, which covers information needed.

7.4 Recommendation 4 Management protocols

The following proposed management protocols must be enacted to ensure that works minimise any impacts to archaeological and heritage places, and if any historic or archaeological deposits are encountered during works, these can be appropriately managed.

- Design works to minimise impacts
- Avoid cutting across water race formations or sluice banks
- Induction for contractors in how to recognise and manage historic features, when to stop works, who to contact
- An archaeologist should be present to inspect construction works within the VHI places.
- If significant archaeological features or deposits are uncovered, the trail should be realigned to avoid the features identified if possible, the material should be assessed and recorded by the archaeologist according the Heritage Victoria Guidelines for Investigating Historical Archaeological Artefacts and Sites (Heritage Victoria, 2014) and the area reinstated.
- If is not possible to avoid the features or deposit, a program of archaeological salvage should be submitted for approval to Heritage Victoria, and the material should be excavated and analysed by the archaeologist according the Guidelines for Investigating Historical Archaeological Artefacts and Sites (Heritage Victoria, 2014).
- An unexpected finds protocol (Appendix 3) in the event any significant archaeological artefacts or features are identified during the works.
- A regular process of inspection should be implemented in case use of the trails reveals historical or archaeological remains which should then be managed appropriately.

7.5 Recommendation 5 Recording heritage places

If any previously unrecorded historic archaeological sites are identified during trail construction works and inspection, an assessment should be made as to whether they fulfil the criteria for inclusion on the VHI as historical archaeological sites. Such places are generally more than 75 years old and have a component that includes archaeological deposits. Consultation with Heritage Victoria should be undertaken to confirm whether criteria and thresholds for the VHI are met, and if so, a VHI site record card should be completed by a qualified archaeologist and submitted to Heritage Victoria.

Any place recorded in the VHI, will then be subject to the Recommendation if it is likely to be impacted by works.

Appendices

Appendix 1 Significance assessment

The following information has been extracted from Heritage Victoria's (2008) technical guide. In Victoria, there are three levels of protection:

State significance – the Victorian Heritage Register

Cultural heritage places included on the register have outstanding heritage values and be a type or class of place associated with an event, a movement, person or group that is of particular importance to Victoria.

Local significance – the Heritage Overlay

Cultural heritage places included on the overlay will be of historical, social, aesthetic or technical/research significance in a local geographic context. Given that the Heritage Overlay and the Victorian Planning Scheme operate at the municipal level, an assessment of local significance usually means within the local government area.

Archaeological significance – the Victorian Heritage Inventory

Cultural heritage places included on the inventory include all historical archaeological sites older than 50 years. Archaeological significance is a measure of the integrity of a cultural heritage place. This includes whether it is rare or representative in terms of the extent, nature and preservation of archaeological deposits.

Assessments of the significance can be complex and include a range of heritage values. To provide a comparative framework with which to systematically assess the degree of significance of the cultural heritage place in relation to another, a summary of heritage values of the cultural heritage place can be defined under the four categories of heritage values defined in the Australia International Council on Monuments and Places Burra Charter (2013):

Aesthetic significance

Includes aspects of sensory perception for which criteria can and should be stated. Such criteria may include consideration of the form, scale, colour, texture and material of the fabric; the smells and sounds associated with the place and its use.

Historical significance

It has influenced – or been influenced by an historical figure, event, phase or activity. It may also have value as the location of an important event.

Scientific significance

Reflects both the archaeological significance and more generally its scientific or research value. That is the potential of a cultural heritage place to contribute to our understanding of the past which is in turn dependent on the importance of the data involved, on its rarity, quality or representativeness and on the degree to which the cultural heritage place may contribute further information.

Social significance

Embraces the qualities for which a place has become a focus of spiritual, political, national or cultural sentiment to a group.

The categories of significance listed in the Burra Charter are not an end, but provide a framework for making the assessment of significance more systematic, thereby enabling comparison of the cultural heritage place's values with other places. This comparative assessment is done to establish the relative degree of significance of the cultural heritage place, whether it is of significance at a local, regional or state level and therefore whether it should be recommended for inclusion on the Heritage Register, Heritage Overlay or Heritage Inventory.

Various government agencies, including the Australian Heritage Commission and Heritage Victoria, have developed formal criteria for assessing heritage significance. Based on the principles of the Burra Charter, the Victorian Heritage Council has identified eight criteria against which nominations for the Heritage Register can be assessed (Table 17). These criteria can be used to develop a statement of significance for the cultural heritage place.

Table 17 Victorian Heritage Council heritage significance criteria.

Criterion	Description
A	The historical importance, association with or relationship to Victoria's history of the place or object.
B	The importance of a place or object in demonstrating rarity or uniqueness.
C	The place or object's potential to educate, illustrate or provide further scientific investigation in relation to Victoria's cultural heritage.
D	The importance of a place or object in exhibiting the principal characteristics or the representative nature of a place or object as part of a class or type of places or objects.
E	The importance of the place or object in exhibiting good design or aesthetic characteristics and/or in exhibiting a richness, diversity or unusual integration of features.
F	The importance of the place or object in demonstrating or being associated with scientific or technical innovations or achievements.
G	The importance of the place or object in demonstrating social or cultural associations.
H	Any other matter which the Victorian Heritage Council considers relevant to the determination of cultural heritage significance.

Appendix 2 Existing and proposed heritage listings

7.5.1 *Pinus jeffreyi* (Jeffrey Pine) (HO560)

Significance

There does not appear to be a statement of significance associated with the Hepburn Shire Heritage Overlay for this tree. The National Trust Significant tree register statement of significance is:

The largest example of a species in Victoria, this tree exhibits a particularly large trunk size. An outstanding example of a species rare in Victoria, the only known examples occur at Creswick Forestry School and the Royal Botanic Gardens. A native of western U.S.A. the tree is similar to Pinus ponderosa but the cones are larger and the bark brown to red- brown. This tree looks untidy which appears to be a characteristic of the species

7.5.2 Creswick State Battery (VHI H7623-0239) existing VHI Listing

History

Heritage Inventory History of Site: From 1897 the Victorian government provided assistance to quartz gold prospectors through the installation and operation of small quartz crushing facilities (known as government or State batteries) in localities where no privately-owned batteries were available for public use. The batteries were erected in places where auriferous reefs showed promise, and were moved as demand (or lack of it) required. Their number peaked between the wars, with a maximum of 33 in operation. Government crushing facilities were quite small concerns, at first equipped with only three head of stamps, rising in 1904 to a standard of five head. Sometimes the batteries were equipped with 6-heads. The batteries were originally powered by steam, but producer-gas, oil, and electricity eventually replaced steam power. The Creswick State battery was installed in 1902 and is one of the six that still survive in Victoria. The others are Maldon, Wedderburn, Rutherglen, Bright and Egerton.

Heritage Inventory Description

Working battery - Galvanised iron, timbered framed battery shed with small brick chimney stack. Building is painted light green and has a small verandah. Cyanide vat - Small circular vat. One of the six surviving government batteries. All have recently been decommissioned.

Heritage Inventory Significance: The site has: Scientific significance - intact crushing facility Social value - all of the surviving State batteries appear to hold significant local community, either as an aid to future gold prospecting and/or tourism. SIGNIFICANCE RANKING: Regional

Recorded by: David Bannear

Heritage Inventory Site Features: - working battery- cyanide vat.

Creswick Heritage Study Statement of Significance:

The present Ore Crushing Battery was built in 1918 and still operates as required. It took the place of a smaller battery which was managed by John Coghlan. He joined the Hines Department in 1902 and calculated that in his working life he handled the production of 10 tons of gold. The building is a significant element in the precinct with its direct links to the gold production of the area. The simple form clad in corrugated iron is an important element in the landscape as a reminder of the industrial activity of gold production. (Lester Tropman & Associate, 1991)

7.5.3 Eaton's Water Race and Dam wall (VHI H7623-0338) existing VHI listing

History

Eaton's No.1 Dam is located about 500 metres downstream (westward) from Cosgrove Reservoir, built on a rocky choke in the creek bed. The dam is unusual in the district for having been built with a substantial vertical stone facing downstream and a clay embankment on the upstream (water) side. The dam wall is approximately 70 metres long, about 8 metres wide at the base and generally 4-5 metres in height. The top of the dam wall is about 1.5 metres wide and was originally secured with a frame of heavy timbers (*Ballarat Star* 2 July 1862:4). The lowest courses of stone extend outward slightly from the base. Above these the masonry consists of large schist slabs laid horizontally and overlapping, with small rock infill. The central section of the wall features a steeply sloping buttress on the downstream side about 4 metres in height. There is a bye-wash at both ends of the dam wall, and a plan of the dam from John Roycraft's Water Right No. 950 (see below) indicates that water was discharged from the centre of the wall, probably through a pipe and valve.

In '1863 the dam was still under construction when it was damaged by floods, causing £400 worth of damage (*Ballarat Star* 19 October 1863:2; Semmens Collection, Box 7, p.139). The following year its capacity was described as approximately 15 million gallons (68 ML; Dicker 1864:180). In 1869 the dam was flooded again, while the smaller No.2 (Yankee) dam was destroyed (*Creswick Advertiser* 5 December 1933). By the late 19th century Eaton's Dam (as well as Bragg's Dam) had become a popular site for picnics, bird watching, shooting parties and fishing (Graham 1987:124; Lindsay, 1965:24; Taylor 1998:29, 72). In 1933, however, the creek flooded and destroyed the dam: Flood started Wednesday 29th November. 6% inches of rain. Waters dissipated quietly after initial flooding. Again those who had been flooded began cleaning up preparations but by 1 pm they were disturbed by the ringing of the fire bell.

Quickly the alarm had spread that Eaton's Dam had gone. Hundreds of people hurried down to the creek to watch for the on rush of waters but the alarm was false. Eaton's dam had gone but no one knows exactly when, for reports were most contradictory. Sifting them all through however, it seems that a small piece of the bank must have given way about 6 am and that throughout the day the cut wore deeper. There is ample evidence that at one stage the water was flowing over the embankment for its whole width. One man who went up to investigate reported that at 9 am the bank was still holding but a small hole had appeared in the top and further showers would probably cause the dam to burst. Another person saw the dam on Saturday when it still penned back a huge quantity of water. By Sunday morning however, the cut had eaten down to the bottom of the bank and the creek was flowing the old course (*Creswick Advertiser*, December 1933).

Eaton's Dam is unusual in its design and construction. The Simplest gravity dams normally consist of a mound of clay heaped across a watercourse, with a roughly symmetrical profile (Smith 1971:195-207). Ideally the clay should be puddled to remove impurities and consolidate the mass, with a central clay core dug down and inserted into bedrock to provide a seal. The dam or embankment provides a physical wall to resist the vertical and horizontal pressure exerted by the depth of water stored behind. The profile of Eaton's Dam, however, lacks the downstream (air side) clay mass to provide resistance. Instead, the clay is banked on the upstream (water) side against a stacked stone facing or retaining wall, providing only about half the mass normally found in a gravity dam wall. Hydrologist Leon Bren suggests this may have been a simple measure to economise on construction costs (L. Bren pers comm. 20 August 2012).

The Eaton's utilised a water race which extended two miles (169 chains, or 3.4 km) downstream from their dam along the south side of Creswick (Back) Creek to Portuguese Flat via Lincoln Gully. Much of the area has been extremely disturbed by surface working over the years, which has destroyed some sections of the race. The archaeologically identifiable sections are recorded below in Figure 11. This race was held as Water-Rights License No.2 (the 2nd to be issued in Victoria), and appears to have been leased jointly by Benjamin Eaton and John Roycraft. The pair applied successfully for another license (No.30) to the race and reservoir in

1865 (*Government Gazette* 16 April 1866:818-19). In 1879, at the expiry of the No.30 license, Roycraft obtained another 15-year water-rights license (No.414), this time without the Eaton's' involvement. The license specified a total quantity of water to be diverted *per diem* of 2 million gallons (*Mineral Statistics of Victoria* 1884:54). Roycraft renewed Water Right No.414 in 1894, which was renumbered No.701 (VPRS 7873/P/0001, Unit 1), as well as gaining a permit to sell surplus water from the race (VPRS 5936).

Interpretation of Site

Constructed in 1857 by labourers (including Chinese) for James Robertson. The race brought water from Bullarook Forest to Robertson's sluicing claim at Humbug Hill. In 1860s Robertson sold his shares in the race and the race became known as the St Georges race, supplying the St Georges Sluicing Company claims at Humbug Hill. In 1862 the company adopted new patent bitumen pipe technology to replace the wooden flume built by Robertson. The upper part of the race was taken over by the Council in 1864. The remainder was still utilized by Chinese miners. By 1880 the Council had leased the whole race, presumably for augmenting Council water supply, however by the early 20th century it appears this race fell into disuse.

Built in 1862 to supply water to miners along Back Creek, Eaton's dam remained in use until the 1930's. The dam, built by the Eaton Brothers, was leased between the 1860's and 1930s by John Roycraft, after which time the dam fell into disuse. At times the dam supplemented the Creswick water supply, however the wall was often subject to flood damage and the establishment of Cosgrave's Reservoir diminished any need for Eaton's Dam. Eaton's Dam became a popular site for picnics, bird watching, shooting parties and fishing by the late 19th century until the dam wall was breached in the 1920's.

Archaeological Significance

This site has a high *level* of archaeological significance.

The race is well preserved for its entirety and is a representative example of an 1860s water race that was utilised over several decades for both mining and water supply purposes. Archaeological features include the race alignment, negative cut features, spoil and sediment deposits, dams, diversions, sluice points, and potential gauges, pipes, and sluice lining materials. Although water races are common on Victorian Goldfields very few races in Victoria have been documented and mapped in detail and the integrity of remaining goldfield water management complexes is largely under researched.

The dam wall is in an excellent state of preservation. The dam is unusual in the district for having been built with a substantial *vertical* stone facing downstream and a clay embankment on the upstream (water) side.

Historical Significance

The site has a HIGH level of historical significance at a local level. The site has a rich documentary record.

Due to the excellent preservation of a large part of the Creswick goldfield, the intertwined narratives of mining, water supply, environmental consequences and rapidly evolving legislation can be read in the landscape. At a state level the site contributes to broader narratives of water supply and mining (Victorian Historical Theme 4.5 & 4.6) and informs the development of both mining and water management laws for the State of Victoria. The dam and associated race system is one of many on the Creswick alluvial goldfield that together make up an important and well preserved cultural landscape of water management. Combined with Creswick's strong forestry education facilities and proximity to Melbourne and Ballarat, an increased awareness in this well preserved mining complex could provide Creswick with excellent educational and tourism opportunities illustrating mining techniques and how mining shaped Victoria's water laws.

Heritage Inventory Description

2.8 km extant sections of water race commencing at Eaton's Dam. Significant lengths (c. 3.1 km) of this race are no longer extant, having been destroyed by road construction. The race occurs on both sides of Melbourne Road, following Creswick (Back) Creek and Lincoln Gully. The dam wall is approximately 70 metres long, about 8 metres wide at the base and generally 4-5 metres in height. The lowest courses of stone extend outward slightly from the base. Above these the masonry consists of large schist slabs laid horizontally and overlapping, with small rock infill. The central section of the wall features a steeply sloping buttress on the downstream side about 4 metres in height. The reservoir behind the dam wall is dry and overgrown. A breach occurs where the creek has cut through the wall.

7.5.4 Smokeytown Water Race (VHI H7623-0334) existing listing

Interpretation of Site

The uncertain history of this race requires further investigation to fully understand the development and functions of this race.

The origins and history of this race are uncertain.

Tropman and Associates (1991) suggest that construction of the race commenced in 1870 and took two and a half years to complete, with fluming used to cross creek gullies in several sections. It ended at the site of a quartz mine near the head of Frenchman's Gully where it supplied water to a crushing battery. Later, during the 1930s Depression, the race was cleaned out and supplied enough water pressure for sluicing. This ceased after four years due to the amount of sludge entering Creswick Creek.

Alternatively, there is historical evidence that the race dates from an earlier period. In September 1860 the Chairman brought to the notice of the Creswick Council an abandoned water race that had been cut some time earlier from Birch's Creek around by Spring Gully and the Eastern Hill. The race could, he suggested, be cleaned and repaired for about £100, with a reservoir built on Eastern Hill to supply domestic water to the township, along with water to miners around Clark's Hill. The council obtained Water Right No.153 for this race but the plan to supply water from this source was never carried out (VPRS 3730).

Heritage Inventory Description

A 24 km extant race following contours around Spring Hill, Creswick.

Historical Significance

The site has a HIGH level of historical significance at a local level. Due to the excellent preservation of a large part of the Creswick goldfield, the intertwined narratives of mining, water supply, environmental consequences and rapidly evolving legislation can be read in the landscape. At a state level the site contributes to broader narratives of water supply and mining (Victorian Historical Theme 4.5 & 4.6) and informs the development of both mining and water management laws for the State of Victoria. The race system is one of many on the Creswick alluvial goldfield that together make up an important and well preserved cultural landscape of water management. Combined with Creswick's strong forestry education facilities and proximity to Melbourne and Ballarat, an increased awareness in this well preserved mining complex could provide Creswick with excellent educational and tourism opportunities illustrating mining techniques and how mining shaped Victoria's water laws.

Archaeological Significance

This site has a high level of archaeological significance. The race is well preserved for its entirety and is a representative example of an 1860s water race that was utilised over several decades for mining purposes. Archaeological features include the race alignment, negative cut features, spoil and sediment deposits, dams, diversions, and potential gauges, flume remains, pipes, and sluice lining materials. Although water races are common on Victorian Goldfields very few races in Victoria have been documented and mapped in detail and the integrity of remaining goldfield water management complexes is largely under researched.

National Trust citation

STATEMENT OF SIGNIFICANCE The Chinese water race from Scrub Hill to Smokeytown is over 25 kilometres long and falls about 20 metres. It ends at the site of the quartz mine on the Armagh Reef, where it supplied water to a crushing battery. The race was commenced in 1870 and took two and half years to complete. Fluming was used across the surface creeks. It is believed that the fluming across the Jackass Gully (Jim Spence Gully) was made of steel. In the depression of the 1930s it was cleaned out and supplied enough Pressure for sluicing. This was stopped after 4 years due to the amount of sludge being sent down Creswick Creek. This is an important race for its length and is representative of the miles of races built through the - : forests to bring adequate water for the mining operations to continue through the dry summers in the central gold fields. -- Source: Creswick Advertiser 1975, article by Tom Evans. Additional information from Kevin Tolhurst. <https://www.hepburn.vic.gov.au/wp-content/uploads/2021/05/Heritage-Study-Shire-Of-Creswick-Appendix-A-Building-Citations-Volume-1.pdf>

7.5.5 Roycraft's Water Race (H7623-0328) Existing listing

History

Little is known about this section of race or how long the original race was. It may have had a connection with the Smokey town water race. While there is direct *evidence* to link Roycraft with this section of race it is not clear what Roycraft was doing with the water. It was likely that it was used during the 1860-1900 to supply miners north of Creswick. Much of the race has been destroyed. John Roycraft was a prominent resident at Creswick with interests in mining. He was a major water trader and he and subsequent family members held water rights in Creswick from the 1860's to the 1930's. His main supply of water came from his lease of Eaton's Dam. Roycraft and the Eaton brother were partners in the early gold mining period at Creswick

Archaeological Significance

This site has a low level of archaeological significance due to the relatively small length of extant portion remaining. The race is a representative example of an 1850s water race that was utilised over several decades for both mining and water supply purposes. Archaeological features include the race alignment, negative cut features, spoil and sediment deposits, dams, diversions, sluice points and potential gauges, flume remains, pipes, and sluice lining materials. Although water races are common on Victorian Goldfields very few races in Victoria have been documented and mapped in detail and the integrity of remaining goldfield water management complexes is largely under researched

Historical Significance

The site has a high level of historical significance at a local level. The race is associated with John Roycraft, a prominent figure in Creswick. Due to the excellent preservation of a large part of the Creswick goldfield, the intertwined narratives of mining, water supply, environmental consequences and rapidly evolving legislation can be read in the landscape. At a state level the site contributes to broader narratives of water supply and mining (Victorian Historical Theme 4.5 & 4.6) and informs the development of both mining and water management laws for the State of Victoria. The race is one of many on the Creswick alluvial goldfield that

together make up an important and well preserved cultural landscape of water management. Combined with Creswick's strong forestry education facilities and proximity to Melbourne and Ballarat, an increased awareness in this well preserved mining complex could provide Creswick with excellent educational and tourism opportunities illustrating mining techniques and how mining shaped Victoria's water laws.

Interpretation of Site

Little is known about this section of race. It was likely operated by John Roycraft during the 1860-1900 to supply miners north of Creswick. Much of the race has been destroyed

Heritage Inventory Description

A 2.3 km section of race running on the north side of Creswick (Back Creek) to St Georges Lake.

7.5.6 Bragg's Water Race and Dam H7623-0333

History

Much of the race between Bragg's Dam and Humbug Hill remains in an excellent state of preservation, despite disturbance in several small sections by road construction and logging. In addition, construction of Cosgrove Reservoir in 1977 inundated approximately one kilometre of the race upstream of Eaton's Dam. Bragg's race is generally about one metre wide and up to 1.2 metres deep, curving around Ashwell's Gully and Lincoln Gully en route to Humbug Hill. Extensions of the race to the White Hills, and beyond to Long Point and the Bald Hills², are poorly preserved, with only small sections still extant. The good state of preservation of the Humbug race almost certainly relates to its later re-use as part of the municipal water supply, where the channel was cleaned out and possibly widened, until the 1960s (L. Bren pers comm. 20 April 2012) .

A small holding or settling dam was also constructed on the east side of Humbug Hill. Such dams could serve to lower the velocity of water flowing through the race by spreading it over a wider surface, before the water was then distributed to the working site (Tracey 1997:7). The dam is located about 60 metres south-west of Bragg's race, and the dam wall is 45 metres wide. The floor of the dam is covered with numerous potholes, usually about one metre in width. A small blockage in Bragg's race diverted water through a secondary race into the holding dam, from where it was used in ground sluicing on the southern slopes of Humbug Hill. It is not clear when this small dam was used, although it appears to post-date construction of Bragg's race.

Historical Significance

The site has a HIGH level of historical significance at a local level. Due to the excellent preservation of a large part of the Creswick goldfield, the intertwined narratives of mining, water supply, environmental consequences and rapidly evolving legislation can be read in the landscape. At a state level the site contributes to broader narratives of water supply and mining (Victorian Historical Theme 4.5 & 4.6) and informs the development of both mining and water management laws for the State of Victoria. The race system is one of many on the Creswick alluvial goldfield that together make up an important and well preserved cultural landscape of water management. Combined with Creswick's strong forestry education facilities and proximity to Melbourne and Ballarat, an increased awareness in this well preserved mining complex could provide Creswick with excellent educational and tourism opportunities illustrating mining techniques and how mining shaped Victoria's water laws.

Archaeological Significance

This site has a high level of archaeological significance. The race is well preserved for its entirety and is a representative example of an 1850s water race that was utilised over several decades for both mining and water supply purposes. Archaeological features include the race alignment, negative cut features, spoil and

sediment deposits, dams, diversions, sluice points, bitumen pipe remains and potential gauges, flume remains, and sluice lining materials. Although water races are common on Victorian Goldfields very few races in Victoria have been documented and mapped in detail and the integrity of remaining goldfield water management complexes is largely under researched.

Interpretation of Site

The race was constructed in the early 1850s to service the Humbug Hill Sluicing Companies claims at Humbug Hill. Bragg's dam was constructed c 1860 to supply water to the claim. Water from the race was sold to other miners along the race route and augmented council water supply. The water was carried across Slaty Creek to reach distant company claims at Bald Hills in 1861. New bitumen pipe technology was used but failed, being replaced by iron pipes. The Humbug Hill Sluicing Company represents an important early example of corporate alluvial gold mining in Victoria, with a strong emphasis on water management. The race was taken over in entirety in the mid 1880s by the Creswick Council to augment the town water supply and water was also leased to Chinese miners. The race and dam appear to have fallen into disuse by the early 20th century.

Heritage Inventory Description

An 8.6km extant section of water race commencing at Bragg's Dam, following contours to Humbug Hill and a large earthen mining dam wall and reservoir.

7.5.7 Davis Water Race H7623-0332

History

A 1.8 km extant section of water race along Back (Creswick) Creek.

The extant section of race one of the earliest races in Creswick and was the first along Back Creek constructed under the permit system in 1854. Originally constructed by Davis & Mitchell in 1854, G. Russell soon purchased shares in" this race, and by 1857 B. Eaton had taken over Mitchell and Davis' share in Water Permit No.1 (Back Creek). The race transported water from dams along Back Creek to ground sluicing and alluvial mines at Georges Diggings, Doctors Lead and Portuguese Flat. In 1858 Russell, Eaton and Bragg were involved in major dispute of water rights on Back Creek and the ensuing court cases are illustrative of the complications of water management experienced in many areas of Victoria on the early gold fields. Details of the court case can be found in 'Archaeology of Water Management on the Creswick Alluvial Goldfields' (P. Davies, S. Lawrence and J. Turnbull, 2012).

Interpretation of Site

This race was constructed in 1854 and represents one of the earliest races in Creswick associated with ground sluicing and alluvial mining.

Archaeological Significance

This site has a high *level* of archaeological significance. The race is a representative example of an 1850s water race that was constructed and utilised under the permit system. Archaeological features include the race alignment, *negative* cut features, spoil and sediment deposits, dams, diversions, sluice points and flume remains, and sluice lining materials. It is significant as many of the earliest races along creeks *have* been destroyed by subsequent working. Its' history can be used to trace the development and implementation of water management regulations on Central Victorian Goldfields. Although water races are common on Victorian Goldfields very few races in Victoria *have* been documented and mapped in detail and the integrity of remaining goldfield water management complexes is largely under researched.

Historical Significance

The site has a HIGH *level* of historical significance at a local *level*. Due to the excellent preservation of a large part of the Creswick goldfield, the intertwined narratives of mining, water supply, environmental consequences and rapidly *evolving* legislation can be read in the landscape. At a state *level* the site contributes to broader narratives of water supply and mining (Victorian Historical Theme 4.5 & 4.6) and informs the development of both mining and water management laws for the State of Victoria. The race system is one of many on the Creswick alluvial goldfield that together make up an important and well preserved cultural landscape of water management. Combined with Creswick's strong forestry education facilities and proximity to Melbourne and Ballarat, an increased awareness in this well preserved mining complex could provide Creswick with excellent educational and tourism opportunities illustrating mining techniques and how mining shaped Victoria's water laws.

Heritage Inventory Description

A 1.8 km extant section of water race along Back (Creswick) Creek.

7.5.8 Back Creek Chinese Garden and Orchard. H7623-0346 existing listing

History

The diaries of John le Gerche (forester/bailiff, Creswick) mention Chinese men operating a garden on Back Creek in the 1880s and early 1890s (Taylor 1998). These men were Hok Nea, Ah Soon, Hock Yen and Mosen Yen. Hock Nea appeared in court in 1891 for lighting a fire to drive locusts away from his crop. These gardeners were apparently later evicted because they lacked rights to use the land. Another person mentioned to have managed the garden pre-1900 was Hong Way who owned a house, stable and dam.

Produce from the gardens would have been sold to all local miners, to the Bush Inn off Jackass Road and to markets in Creswick, some 4km to the west. The garden area was later taken over for European fruit growing (Damson Plums) sometime after 1900. Other remnant trees of European origin are Hawthorn and Elderberry. There was a designated Chinese Camp about 1 km to the west of this site, on the south bank for Creswick Creek, but the land appears to have been taken over for forestry by early 1900s (Turnbull 2012 and the Map by Wettenhall 2018; Taylor 1998, p 104-6).

Notes on Chinese settlers around Creswick from various authors:

From Davies et al 2014.

As the number of Chinese dwindled in the 1880s and 1890s, some continued to live in huts and grow vegetables as they had for many years. They were recognised as expert gardeners and were generally 'industrious, honest, generous, and law abiding (Graham 1987:63). John La Gerche (1885) recorded the names and locations of some Chinese during his patrols through the Creswick forests in 1884-90s.

In 1891 a dispute emerged over the illegal occupation of a site on Back Creek by four Chinese men: Hock Nea, Ah Coon, Hock Yen and Mosen Yen. Forester John La Gerche arranged for Hock Nea to be deprived of his garden licence but for the three others to remain in occupation with the necessary permits (Taylor 1998:102-105). Chinese gardeners 4km from Creswick would have been in touch with the Chinese population in their main 'camp' in Creswick township. Daryl Lindsay described the Chinese camp in Creswick at the beginning of the 20th century as: '... a straggling little settlement with a population of five hundred, consisting of two streets of low ramshackle wooden and galvanized iron buildings. There were two joss houses with brass Buddhas, red and yellow hangings with Chinese characters and a strong smell of incense. But the centre of attraction was the two Chinese stores; the largest presided over by Ah Foo who was a kind of mayor and directed the affairs of the camp. Ah Foo was a

well-fed Cantonese with a huge paunch who sat behind a well-polished counter and dispensed conversation in smiling monosyllables or sold exotic Oriental foods – lychees, preserved ginger, cumquats and small pies and hard biscuits with Chinese characters stamped on them in red. The little store was dark with one small window, and leading out of it, was a long low passage that disappeared into utter darkness. On each side of the passage were small, evil smelling cubicles where old China- men with listless eyes reclined on low wooden benches sucking at their bamboo opium pipes, gambled at fan tan, marked tickets in Chinese lotteries or tossed dice.’ (Lindsay 1965:19, Quoted by Davies et al 2014).

The 1901 Census of Victoria recorded only 29 Chinese people residing in the Shire of Creswick. The Chinese were known as adept water managers, not only for mining but also for market gardening. They owned races, leased races, sold water to European miners and were often employed to cut and repair races and dams at Creswick.

Interpretation of Site

Because the Back Creek ‘Orchard’ was planted over the higher, southern part of the original Chinese garden, and then gardening was abandoned, the more fertile and better watered alluvial area of the garden to the north and west is now overgrown and hardly recognizable as a garden site. This lower ‘plain’ is deep soiled and would be well suited to vegetable gardening in drier times of the year. Perhaps vegetable gardening was abandoned because of frequent damage from flooding of Back Creek (Creswick Creek). Of the known Chinese garden sites to the south in the Cabbage tree area, none are known to have been taken over by Europeans for development of a deciduous fruit orchard. The lower section of the land near Back Creek north of the (later established) orchard near Back, resembles to some extent other Chinese garden sites, with several small beds, channels and watering ponds on a good alluvial plain.

Heritage Inventory Description

The main visible feature of this garden is now the orchard of deciduous fruit trees, mainly Damson plums, on the upper, southern part of the site. North of the orchard is a flat area between the orchard and Creswick Creek (also called Back Creek) with remnant beds, banks, furrows and sumps that resemble the structure on some other Chinese gardens, e.g.: the one east of Slaty Creek Road. There is also the remains of a 2 m high earth bank near the northwest corner, probably part of flood protection bank around the lower garden area. Besides the plum orchard, other remnant trees of European origin are Hawthorn and Elderberry.

Statement of Significance

The social and economic significance of this site lies in the way it demonstrates the insecurity of Chinese settlers in procuring and using land for gardening. The Chinese camp to the west is marked on Land maps as designated for that purpose, but is reported to have never been officially established in the land records (Turnbull 2012). Many different people are known to have been associated with the garden over the years. The transition of the garden to an orchard (Damson Plums) is also significant in representing the marked trend towards Chinese people leaving the area and the Goldfields in the 1890s and early 1900s.

Because of the complex and rather vague history of this site, as a garden and later a ‘European’ orchard, and nearby mining shafts and sluicing, it clearly needs sound archaeological study. The major Eaton’s Water Race, passes above and fed into the south east corner of the garden, and is also the alignment of the Goldfields Trail (part of the iconic Great Dividing Trail to Daylesford and Bendigo).

Appendix 3 Unexpected Finds Protocol

Unexpected discovery of historic cultural heritage

While it is not anticipated that significant archaeological artefacts will be recovered from the site, the following artefact management process is proposed in the case of unexpected finds.

Significant historic archaeological artefacts greater than 75 years old are protected under the Victorian *Heritage Act 2017*. While provisions are made during the investigation, assessment and management of historic sites for identifying, recording and curating historic artefacts as part of the Heritage Victoria consent process, in some instances, historic artefacts may be found in location and at times when no archaeological supervision is present. In these cases this unexpected finds protocol will be followed.

The following provides a step by step process for determining when and how this unexpected finds protocol will be enacted.

Induction and information

In the first instance, the foreman of works on site or other responsible project manager will have taken part in an induction as part of the conditions on a permit from Heritage Victoria. This induction will demonstrate the nature of archaeological materials that can be found and the procedures to follow. Copies of the Heritage Victoria Consent, the supporting documentation that describes the heritage values of the place, and this protocol will be kept on site and be made familiar to workers on site.

Procedure

If historic cultural heritage material is found, works must stop in the relevant area and the following process be followed:

- Discovery
 - If suspected historic cultural heritage is identified, **all activity must stop within the extent of the finds and advice be sought from the archaeologist or Heritage Advisor.**
 - The historic cultural heritage must be left in place, and protected from harm or damage.
- Notification
 - The person in charge of the activity must notify the Archaeologist or Heritage Advisor of the identification of historic cultural heritage **immediately.**
 - The Archaeologist or Heritage Advisor will determine if notification to Heritage Victoria is necessary based on the following assessment.
- Assessment
 - A site assessment will determine if the artefacts are:
 - In-situ and part of a significant deposit based on determining their age, extent, formation and other factors as appropriate

- The location, extent, depth and other site formation data will be recorded
- VHI assessment
 - If the artefacts or deposit constitute a new previously unrecorded historic archaeological place, then a new VHI site record will be prepared and submitted to Heritage Victoria. If works cannot proceed without harming the archaeological deposit and it is not considered to be covered by the existing Consent, a new Consent will be sought from Heritage Victoria.
- Artefact management
 - Artefacts or deposits determined to be significant will be managed in accordance with the artefact management procedure outlined in the supporting documentation submitted with the Consent to Damage application.
- Impact mitigation or salvage
 - An appropriate impact mitigation or salvage strategy will be determined by the archaeologist or Heritage Advisor in consultation with a Heritage Victoria staff. This will occur under the provisions of the existing or further Consent as appropriate
- Curation and further analysis

The treatment of salvaged historic cultural heritage must be in accordance with the artefact management and conservation developed by the archaeologist and approved by Heritage Victoria.

Artefact management

(N.B. While it is anticipated that the site will not produce significant artefacts warranting conservation action, the following procedure for artefact management, retention and discard will be followed until the significance assessment has been made and agreed to by Heritage Victoria.)

All artefacts recovered in the field will be processed and catalogued according to Heritage Victoria's *Guidelines for Investigating Historical Archaeological Artefacts and Sites*, using the Heritage Victoria Catalogue Template. Artefacts will be analysed and interpreted in terms of the questions in the Research Design.

Included below is an artefact collection and discard policy, framed to guide the collection, curation, conservation and retention or discard of artefacts (Praetzellis & Costello, 2002).

Artefact retention in the field

- All artefacts will be excavated. Retention will focus on artefacts:
 - Related to site formation and occupation period
 - Where the location has evident context – i.e. they are located in a primary deposit
 - Found in an in-situ archaeological context – i.e. is located where it was originally discarded and not substantially disturbed
 - Object has potential diagnostic, analysis or interpretive value
 - Only of a size that can practically be lifted and transported – i.e. very large objects such as structural components, etc., will not be collected

- Modern materials only where they assist in dating/determining deposit integrity

Artefacts which could not be collected but still have recording value may be recorded in situ.

Artefact sampling in the field

Artefacts will be sampled where more than five examples of an artefact class are recorded, and additional artefacts of this class are not considered to provide further archaeological information e.g. building materials.

All sampling undertaken in the field will be recorded on the relevant context sheets. Details of the sampling undertaken will be outlined in the final project report.

Artefact discard in the field

Artefacts may be discarded during fieldwork where they meet the following criteria:

- Material hazardous to human health and safety
- Items of an age being too recent to qualify as historical, i.e. less than 75 years old.

All discard undertaken in the field will be recorded on the relevant context sheets. Details of such discard are to be outlined in the final project report.

Artefact conservation in the field

The anticipated field conservation needs for this site are low based on the significance of the site and the expected artefact potential. In the event significant deposits or large volumes of artefact material are uncovered the nominated project conservator will be consulted to provide conservation advice either remotely, on-call or on-site as appropriate.

If fragile artefact material is uncovered that cannot be safely excavated without specialist advice, the remains will be protected in-situ (as recommended by the conservator) until removal can be safely carried out.

If fragile artefacts are excavated that cannot be safely processed within the archaeology team's skill and experience the nominated project conservator will be consulted to provide conservation advice either remotely, or on-site as appropriate.

Field conservation carried out by Biosis will be limited to the artefact cleaning processes as outlined below.

Artefact storage and transport

All artefacts will be bagged by provenance (context) and entered into an onsite catalogue.

During fieldwork artefacts will be safely and securely stored on site in a secure, enclosed and locked vehicle and/or site office. The artefacts will be packed and transported to the Biosis office – 38 Bertie Street, Port Melbourne at the completion of every day.

Artefacts will be covered and protected from damage due to heat, rain and uncontrolled drying. Note a large volume of artefacts are not anticipated.

Artefact specific storage

Artefacts will be sorted into material type as soon as possible. Artefacts will be stored according to class type.

Organic material from high significance deposits is not anticipated.

Artefact cleaning

Robust and stable artefacts will be cleaned at the Biosis office under the supervision and guidance of experienced personnel.

For fragile and at risk artefacts, cleaning will not be undertaken without prior consultation with the nominated project conservator. Artefacts will be stored as per conservator advice until cleaning can be carried out safely. Cleaning of these artefacts will be undertaken according to the methodology outlined by the conservator.

Cleaning of robust and stable artefacts will follow these general processes.

- Glass and ceramics will be washed, dried, bagged and boxed.
- Brick, stone and architectural ceramics (tiles, chimney pots, etc.) will be washed, dried and boxed. Plaster ceramics will be dry brushed clean, air-dried and boxed.
- Timber items which are dry and stable will be brushed clean, air-dried and boxed.
- Animal bone would be treated in a similar manner to timber. Fragile items will be bagged and packed with appropriate support and cushioning.
- Metals will be dry brushed to clean with the exception of delicate finds such as coins. Cleaning will remove dirt only and corrosion layers will remain untouched.
- Paper, leather and textiles are likely to be potentially significant items and warrant specialist conservation. If specialist conservation is not required, items will be dry brushed clean, bagged and packed with appropriate support and cushioning.

Artefact cataloguing and packaging

Artefacts will be catalogued using the Heritage Victoria Catalogue Template and cataloguing and artefact packaging will be carried out to meet the requirements specified in Heritage Victoria's *Guidelines for Investigating Historical Archaeological Artefacts and Sites*.

Artefacts will be analysed and interpreted in terms of the questions in the Research Design. Analysis will be undertaken after excavation and will include photography of a representative sample of artefacts.

Significance assessment

A significance based assessment of the artefact assemblage will be carried out.

Sampling and discard policy

Based on the outcomes of the significance assessment further sampling and discard may be appropriate.

Conservation

Conservation can be an on-going process, so discussions with Heritage Victoria will be held once the quantity and nature of the recovered artefacts is determined to work out how long and at what stage conservation input is required.

A professional conservator will be engaged to evaluate conservation requirements, advise on basic conservation actions and undertake specialist conservation works if required. The nominated conservator is:

*Karina Acton, Senior Objects Conservator
International Conservation Services
53 Victoria Avenue, Chatswood NSW 2067*

Karina has significant experience with the conservation of archaeological artefacts and remains having worked in this area for over 15 years. She is a professional member of the Australian Institute for the Conservation of Cultural Material. Karina's conservation knowledge extends to metals, metals, wood, leather, fibres, waterlogged organics, plastics, ceramic, stone, glass and other inorganic material and in-situ remains. In addition to her conservation work, Karina has experience in collections management and preventive conservation and is familiar with exhibition design, installation and maintenance, and management of objects while in storage.

Conservation assessment

Based on the outcomes of the significance assessment a conservation assessment of the assemblage will be undertaken by a professional conservator. In circumstances where the entire assemblage is deemed of low significance and discard of the assemblage has been approved a conservation assessment will not be carried out.

The conservation assessment will detail the condition and conservation needs of the assemblage based on the significance assessment.

Conservation

Conservation works will be carried out in accordance with the approved conservation proposal.

Conservation decisions will depend on both the condition of the object and its archaeological significance.

Conservation of artefacts will be undertaken with the objective of slowing deterioration, arresting organic decay and stabilising corrosion.

Artefact submission

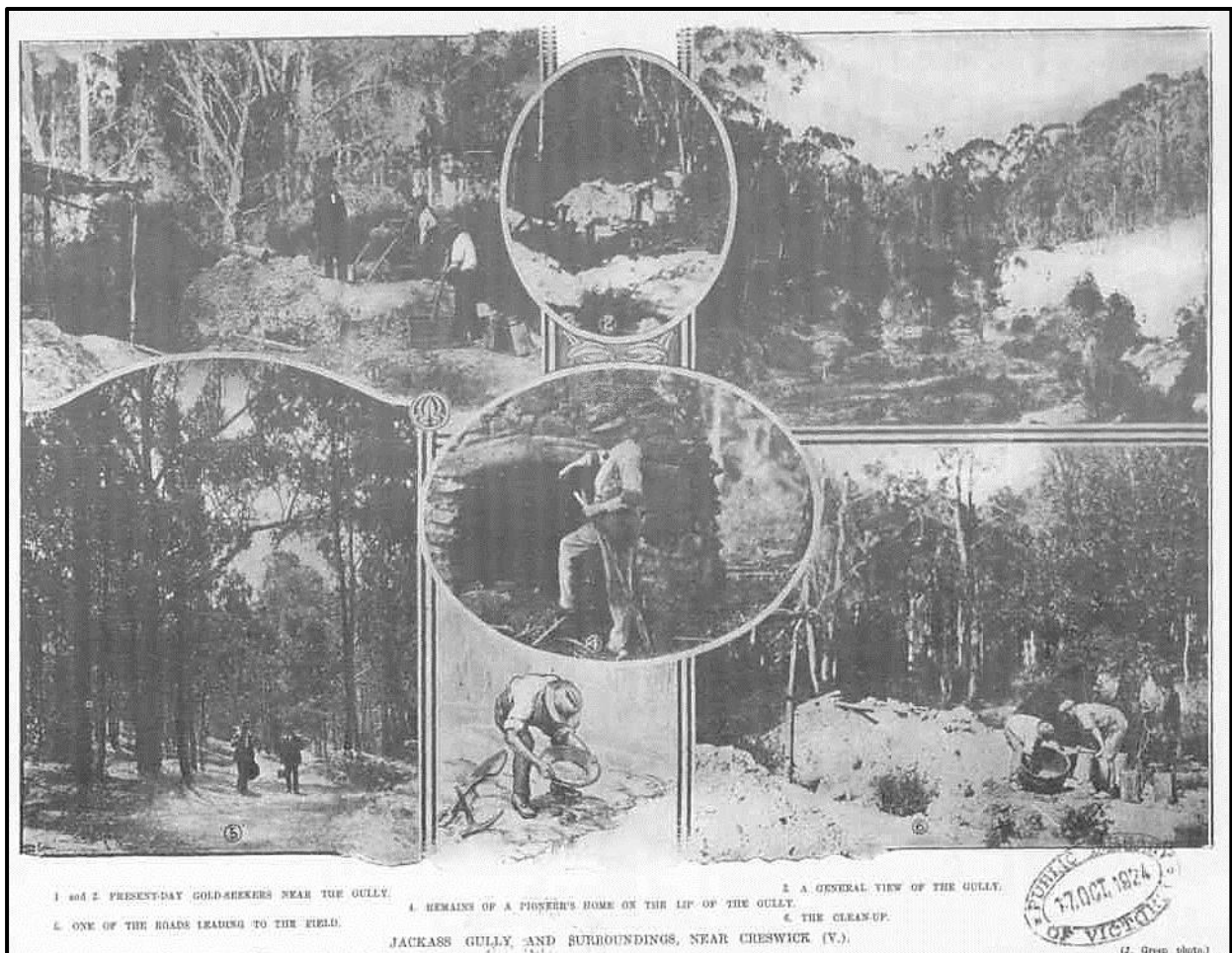
If the assemblage is deemed of medium to high significance, it will be recommended for lodgement with Heritage Victoria's Artefact Repository. If the assemblage is of low significance it may be discarded. The disposal method will be supplied to Heritage Victoria.

Artefacts which have interpretative or display qualities may be retained by the applicant.

Creswick Mountain Bike Trails, Stage 1

Historic Cultural Heritage Impact Assessment Report

November 2021



'Jackass Gully & Surroundings, near Creswick', Australasian 18 October 1924, p.64



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EXECUTIVE SUMMARY

This report has been developed to address the risks and potential impacts on historic (non-indigenous) cultural heritage from **Hepburn Shire Council's Creswick Mountain Bike Trails, Stage 1**.

Over the life of the project, 60 km of trails will be established with an average width of 1.5 metres. Given the intention that some existing trails (e.g., the Goldfields Track) will be utilised, the impacts will be reduced.

The area covered by the proposed bike trails contains six known Heritage Inventory sites. For this report, these sites were re-assessed, resulting in an increased extent for two of them.

In accordance with Section 127 of the Heritage Act 2017, Site Cards for an additional four Heritage Inventory sites (making a total of ten) have been submitted to Heritage Victoria. Consents must be obtained from Heritage Victoria to authorise works that may affect historical archaeological remains at any of these sites.

Tracks have been aligned to avoid four of the Heritage Inventory sites, so that only six sites – mainly comprising earthen archaeological features – will be directly impacted. The proposed impacts to these sites are considered to be moderate, but the damage can be effectively managed and minimised through mitigation measures outlined in this report. Impacts to Heritage Inventory sites could be further reduced by creating avoidance zones, based on archaeological advice, in the final track alignments.

Construction works on or near archaeological sites will entail minimal removal of soil surface and encroaching vegetation and installation of structures (prefabricated, stone and earth) to bridge gaps. Such structures are in common use throughout forests, parks and reserves managed by DELWP or PV, or jointly with First Peoples.

Although some of the proposed trails pass through complex mining landscapes, inspection (micro-siting) by an archaeologist with expertise in historic mining sites should effectively minimise direct or indirect disturbance to archaeological remains. This would be especially important in key gold-bearing localities such as Doctors Lead and Jackass Gully.

All trail works are to be conducted in accordance with Heritage Victoria's Guidelines for Conducting Historical Archaeological Surveys (January 2020) and Guidelines for Investigating Historical Archaeological Artefacts and Sites (July 2015). If ground disturbance is managed according to these guidelines and the statutory processes of the Heritage Act 2017, the risk to archaeological values will be low and there should be no significant adverse residual impacts to archaeological values.

This report concludes **that Hepburn Shire Council's Creswick Mountain Bike Trails, Stage 1** Project poses a low risk to significant archaeological values.

Fieldwork for this report was undertaken by archaeologist David Bannear and Bill Casey, local surveyor.

1. INTRODUCTION

This report has been developed to manage the risks and potential impacts of Hepburn Shire Council's Creswick Mountain Bike Trails, Stage 1, on significant historic (non-indigenous) cultural heritage.

Hepburn Shire Council proposes to construct 60 km of mountain bike trails in an area to the east of Creswick and north of Melbourne Road. Construction of the trails will directly impact six sites listed on the Victorian Heritage Inventory, where the trail passes close to archaeological features – or utilises them, in the case of water races.

This report is based on the draft *Historic Survey Report* prepared for Hepburn Shire Council by Gary Vines of Biosis in October 2021 (referred to hereafter as the Biosis report). Section 3 of the Biosis report shows that historic land-use activities within the area of trail construction (Project Area) related mainly to gold mining and associated habitation. Extant remains of these activities comprise mainly earthen features and fruit trees. The absence of built fabric (e.g., structures, machinery) means that this report deals not with heritage places, but with archaeological sites.

This report re-assesses and augments recorded details and extents of known Heritage Inventory sites in the Project Area, and identifies several additional sites, for which Site Cards have been submitted to Heritage Victoria. As well, the report assesses potential impacts of the bike trail development on historic mining remains within the Project Area.

1.1 Requirements

The report responds to the requirements set out in Table 1.

Table 1: Requirements to be addressed and relevant sections of the report		
Requirements	Section	Comment
<i>Site inspection & assessment</i>		
Archaeological assessment of sites identified as potential 'gaps', i.e., additional sites that may qualify for inclusion in the Heritage Inventory. [Assessments undertaken in accordance with Heritage Victoria's <i>Guidelines for Conducting Historical Archaeological Surveys</i> (2020), and <i>Guidelines for Investigating Historical Archaeological Artefacts and Sites</i> (2015)].	Section 5	Four additional Site Cards were submitted to Heritage Victoria.
Addition of key site details/elements for currently recorded Heritage Inventory sites, where these details are not included in the Biosis report. Also, confirmation that existing Heritage Inventory site locations and extents details are correct.	Section 5	Locations of all water races on the Heritage Inventory have been mapped adequately. Extents for the Back Creek Chinese Garden and Eaton's Dam listings were expanded.
<i>Avoidance and mitigation measures</i>		
Describe and evaluate design, management and site protection measures that could avoid or minimise impacts on historical cultural heritage values.	Section 6	Impacts also presented in Biosis report, Section 6, pages 77-90
Archaeological management plan to manage impacts on historical cultural heritage values.	Section 7	Impacts also presented in Biosis report, Section 6, pages 91-93
Unexpected Discovery Procedure – framework for identifying and responding to discovery of historical archaeological material.	Section 7	Impacts also presented in Biosis report, Appendix 3, pages 106-110.
<i>Likely effects</i>		
Assess direct and indirect effects of the project on historical cultural heritage values, as per Heritage Victoria's <i>Guidelines for Conducting Historical Archaeological Surveys</i> (2020)	Section 6	As the bike trails are currently routed, there will be direct impacts on six Heritage Inventory sites.

The Biosis report identifies that the only historical cultural heritage values to experience direct impacts will be archaeological sites. The Heritage Act 2017 provides statutory protection for archaeological sites listed on the Victorian Heritage Inventory. However, Section 123 of the Heritage Act affords protection for all archaeological sites, not just those that are listed. The definition of an ‘archaeological site’ under the Heritage Act 2017 is:

a place (other than a shipwreck) which –

- *contains an artefact, deposit or feature which is no less than 75 years old, and*
- *provides information of past activity in the State of Victoria, and*
- *requires archaeological methods to reveal information about the settlement, development or use of the place, and*
- *is not associated only with Aboriginal occupation of the place.*

1.2 Project Description

The Project Area for Creswick Mountain Bike Trails (Creswick MBT) is located to the east of Creswick, taking in Crown land between Creswick and Cosgrove Reservoir, a distance of approximately 4.5 km. (See Figure 1) In respect to the land traversed by bike trails in Stage 1, Parks Victoria manages 13% (8.2km), DELWP 59% (35.9km), HVP Plantations 23% (13.7km) and Hepburn Shire Council 6% (3.6kms). All details, mapping, site descriptions and impact assessment are presented in the Biosis report.

The landscape contains a mixture of native trees, pines and other introduced species and has been significantly modified by historic gold mining. Over the life of the project, 60 km of trails will be developed, averaging 1.5 metres in width. Some existing trails (e.g., the Goldfields Track) will be utilised as part of the Creswick MBT development.

Trails will be constructed on both flat and sloping ground and, in some sections, along or across historic water races – linear earth-cut channels with a mound of earth typically on the lower side. Historically, water races were constructed to convey water from rivers, creeks and dams to facilitate gold mining works such as puddling machines, ground sluicing and hydraulic sluicing. Races can be many kilometres in length. An 1869 report put the total length of water races in the Creswick Division at 175 km. (See 4.3 for further explanation of mining types and potential extant evidence.)

Trail construction for the Creswick MBT project will involve the use of a small excavator (typically two-tonne) and hand tools. Half-bench cut-and-fill methods will be employed, as well as some landscaping by hand and installation of dry-stone, soil and fabricated structures to bridge gaps and avoid obstacles such as trees.

The full description of the construction techniques is set out in a separate document, *Creswick Trails Construction Guidelines* (Hepburn Shire Council, June 2020).



Figure 1: Extent of Project Area (Biosis report, Map 1)

1.3 Stakeholder Consultation

This report is not required to address stakeholder consultation. However, it should be noted that the Biosis report draws heavily on *Historical Archaeology of Water Management on the Creswick Alluvial Goldfields* (Peter Davies, Susan Lawrence and Judi Turnbull, La Trobe University, 2013), a comprehensive research project which acknowledged consultation with the following key stakeholders: Heather Bice (Ballarat); Leon Bren, Ian Rutherford, Katie Wood and Kevin Tolhurst (University of Melbourne); Mark Eccleston (Aboriginal Affairs Victoria); Don Henderson (Hepburn Shire Council); Paul Kajewski and Helen Lynas (La Trobe University); Mew Leng Mouy (State Library of Victoria), Wendy Ohlsen (Creswick Cemetery Trust), Jeremy Smith (Heritage Victoria); Ron Southern (Creswick); and Margaret Fullwood and Evelyn Wright (Creswick and District Historical Society).

1.4 Limitations

The main limitations to inspection and assessment of sites were weed infestations (blackberry and gorse) and pine plantations hampering survey. Also, many of the markers installed to flag the trail alignments have been removed.

2. METHODOLOGY

The approach used to identify and assess potential impacts on historical archaeological sites was designed to address the requirements outlined in Table 1, above. The methodology followed the following steps:

1. Determining the existence of statutory archaeological listings and additional sites within the Project Area.
2. Characterising the existing pool of historical archaeological sites within the Project Area – determining the types of historic gold mining and habitation sites, and their significance.
3. Identifying the risks and potential impacts – determining the locations of archaeological sites which may experience direct or indirect effects; and assessing the level of potential impact in respect to the significance of these sites (Table 2 and 3, below)

Heritage aspect	Negligible	Minor	Moderate	Major
Archaeological site	No impact to site	Disturbance to site of poor archaeological value	Disturbance of a site of archaeological value	Destruction of site of archaeological value

	Almost certain	Likely	Unlikely
Negligible risk	Site remains unaffected		
Minor risk		Disturbance to site with poor archaeological value	
Moderate risk	Partial disturbance of a site of archaeological value		
Major risk			Destruction of a site of archaeological value

4. Identifying and modifying construction techniques, to avoid or minimise impacts.
5. Developing an archaeological management plan and protocol for new discoveries.
6. Assessing the residual effects after mitigation and trail construction.

3. LEGISLATION AND POLICIES

3.1 Introduction

This report deals not with heritage places, but only archaeological sites. There are fundamental differences between how a historic heritage place and an archaeological site are managed. Listed heritage places have a statement of significance that clearly establishes the important values of a building, structure, or garden to be protected. The expectation is to maintain and not make changes that may impact adversely on recognised heritage values. Archaeological sites, on the other hand, can be excavated, a destructive process with the potential to recover in situ archaeological material with significant research potential and value to the community.

The Heritage Act 2017 provides statutory protection for archaeological sites. Archaeological sites can be encountered through a range of circumstances, including:

- *unexpected finds*: through ground disturbing activities that uncover artefacts, deposits or features. If this occurs, the discovery must be protected until assessed to determine archaeological value.
- *found through survey*: if the archaeologist undertaking the survey comes across a new archaeological site, there is a requirement to provide a Site Card to Heritage Victoria.
- *being listed on the Victorian Heritage Inventory*: there are several online mapping systems that show the locations/extents of existing Heritage Inventory sites.

3.2 Definition of an archaeological site

Under the Heritage Act 2017 the first thing to address is whether the site is likely to qualify as an archaeological site. The Act defines an archaeological site as a place which:

- contains an artefact, deposit or feature which is no less than 75 years old,
- provides information of past activity in the State of Victoria,
- requires archaeological methods to reveal information about the settlement, development or use of the place,
- is not associated only with Aboriginal occupation of the place.

A site is likely to qualify as an archaeological site if it contains any of the following:

- remnant features that relate to historic (more than 75 years) human activities, e.g., walls, fireplaces, earthworks and gardens), and/or
- artefacts (e.g., metal, timber, bottle, bone, or ceramic pieces) located in occupation deposits (e.g., soil and/or rubble layers).

3.3 Victorian Heritage Inventory

Section 18 (1) of the Heritage Act 2017 makes it the responsibility of Heritage Victoria to record in the Heritage Inventory all archaeological sites determined to have archaeological value.

The Heritage Act 2017 makes it the responsibility of the Heritage Council to:

- determine criteria for assessing whether a place has archaeological value [Sec. 15 (c)], and
- set guidelines in relation to the assessment of sites of archaeological value under this Act [Sec.19 (f1)]

Heritage Victoria has developed a *Policy for determining low archaeological value*, for determining what is classed as an archaeological site and added to the Heritage Inventory. These assessment thresholds must be met by a site to qualify for listing:

Threshold A (archaeology):

- the place meets the definition of archaeological site under the Act; and

- it can be demonstrated that the site contains archaeological features, associated artefacts and/or deposits; and/or;
- documentary evidence and/or oral history, landscape features, visible site fabric or other information indicates a likelihood that the site contains archaeological remains; and
- the archaeological remains are, or are likely to be, in a condition that will allow information to be obtained that will contribute to an understanding of the site.

Threshold B (place history):

- the site evidences (or is likely to evidence) an association with a historical event, phase, period, process, function, tradition, movement, custom or way of life; and
- the site history is of significance within a state, regional, local, thematic, or other relevant framework.

3.4 Managing disturbance to archaeological sites

Disturbance to archaeological sites is managed through a heritage consent approval process. Under Section 123 of the Heritage Act it is an offence to disturb an archaeological site unless approval (called a Consent) has been obtained. A Consent is obtained under Section 124 to authorise damage to an archaeological site. Consent applications require the involvement of a project archaeologist. A template of the Consent application is available on the Heritage Victoria website. Consent applications require payment of the prescribed fee, consent of the owner or land manager, and the name of the project archaeologist.

Consents have to be approved prior to any ground disturbing works commencing. Consent approvals come with **conditions which must be carried out in accordance with Heritage Victoria's *Guidelines for Investigating Historical Archaeological Artefacts and Sites*, 2015**. Some conditions may have to be met before works commence, during works and after the works have been completed. The applicant is responsible for the cost of all tasks associated with these conditions.

3.5 Victorian Heritage Inventory Site Cards

Section 127 (1) of the Heritage Act states that if an archaeological site is discovered during an investigation or survey of land, the person undertaking the investigation or survey must provide a Site Card to Heritage Victoria within 30 days of discovery.

While an archaeologist can make recommendations regarding the significance of an archaeological site (e.g., low), Heritage Victoria ultimately makes the determination through the Site Card process. A template of the archaeological site card is available on the Heritage Victoria website. Completed Heritage Inventory Site Cards are emailed to archaeology.admin@delwp.vic.gov.au for assessment.

3.6 Significance

The cultural heritage significance of an archaeological site is evaluated and described within a state, regional, local, thematic, or other relevant framework. A significance threshold (comparative analysis) is also applied; that is, if one site is 'more' or 'less' significant compared to other similar places, or if it is unique. Comparative measures include:

- Intactness: the degree to which it retains its significant fabric – what is there and what is missing.
- Integrity: the degree to which its heritage values are still evident and can be understood and appreciated.
- Condition: is the fabric in a good or fragile condition?

4. EXISTING CONDITIONS

4.1 Summary of existing conditions

The Biosis report provides details of previous archaeological and heritage studies and archaeological sites listed on the Victorian Heritage Inventory (Section 2, pages 4-15). These are summarised in Tables 4 and 5 (below). Table 6 shows additional archaeological sites that Biosis identified through research and fieldwork, then assessed for this report.

4.2 Previous heritage assessments

The following are the key heritage reports that cover the Project Area:

- *Historical Archaeology of Water Management on the Creswick Alluvial Goldfields*, Peter Davies, Susan Lawrence and Judi Turnbull, La Trobe University 2013.
- *South West Goldfields: Site Gazetteer*, David Bannear, Department of Conservation and Natural Resources, 1996
- Mapping data prepared by Jodi Turnbull, 2019.

4.3 Characteristic features of identified historic archaeological sites

The Biosis report provides details of the historic use of the Project Area (Section 2.2, pages 4-8), while this current report outlines characteristic features of the range of 19th-century historic activities within the Project Area.

4.3.1 Different historic mining activities

Shallow alluvial mining

In Victoria, most primary gold is found in quartz veins or reefs, deposited in **cracks that opened up in the Earth's** crust between 440 and 360 million years ago. Hot watery fluids carrying gold and quartz invaded cracks or faults to form veins of quartz and gold. Over the course of time the land surface, including exposed quartz reefs, was eroded by a depth of several kilometres, freeing gold from the rock and depositing it as nuggets and smaller fragments in the beds of streams. This freed gold, called alluvial gold, is the kind mainly found in the Project Area.

Two parties of miners, known as Main's and Hogben's, are jointly credited with the discovery of the Creswick goldfield in the latter part of 1851 and the subsequent rush. Early alluvial mining at Creswick was mainly focused on a system of shallow gold-bearing leads around the site of the present town and ground to the south and east. In 1854 there was a dramatic increase in the mining population when an extensive network of elevated leads – gold-bearing deposits on hilltops, the stranded remnants of ancient, eroded streambeds – was opened. The focal points of the 1854 rush were a series of hills, including Grahams, Bald, Clarkes, Hard, White, Humbug, Lucknow and Ironstone.

When the 1854 rush subsided, with most diggers lured away by other rushes, those who stayed continued on with alluvial mining, with some limited forays into the quartz reefs. Figure 2 shows a section of the Creswick goldfield that takes in the Project Area.

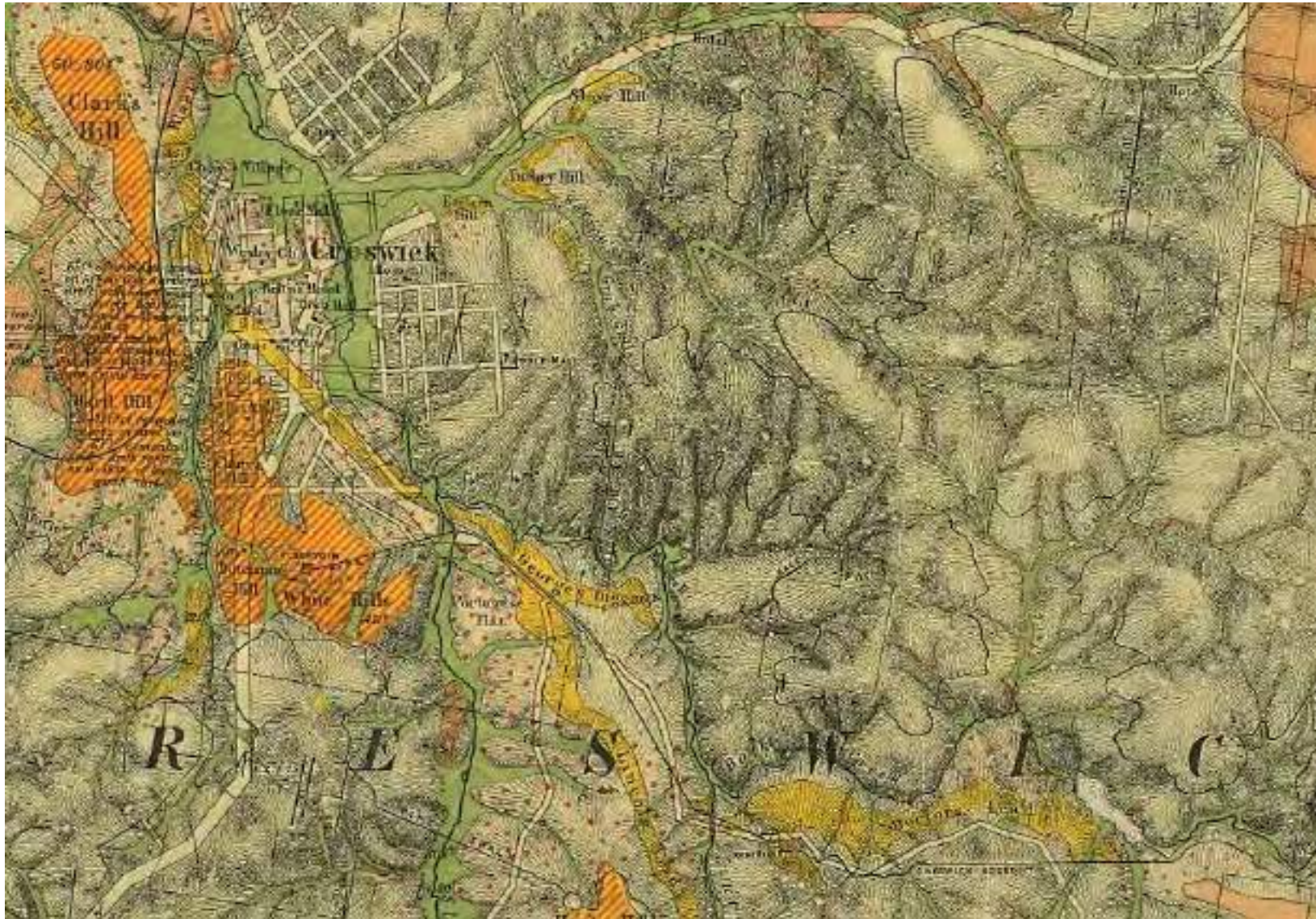


Figure 2: Creswick Goldfield map dated 1880, obtained from Earth Resources Regulation.

The following three gold-mining technologies (illustrated in Figure 3) were used during the gold-rush period at Creswick.

Tin pan – a circular tin pan approximately 80cm diameter – much larger than the plastic or tin ones you can buy today.

Cradle – a device imported from the Californian goldfields. Soil was heaped on the top sieve, then water ladled on. **A rocking motion washed the soil through the sieve and over rippled 'slides' in the cradle's lower levels**, capturing gold along the way and on a hessian-covered surface at the bottom.

Puddling tub – a large wooden tub in which soil was dumped and mixed with water to loosen the gold. The soil would then be panned or cradled.



Figure 3: Forest Creek, Mount Alexander [1854], Thomas Ham, State Library Victoria

Puddling machines – made their first appearances on Victorian goldfield in 1853. A puddling machine comprised a circular wood-lined trough, one metre in width and usually 6.7 metres in diameter. On the central mound formed by the trough stood a wooden pivot post to which was attached a horizontal wooden pole, with a horse harnessed at the other end. The horse trudged repeatedly around the outer edge of the trough, dragging the iron rakes, which hung from the pole, through the washdirt in the trough, breaking it up and loosening the gold. (See Figure 4) Water was fed to the puddling machine from a dam, sometimes via a water race. A puddling machine could treat several tons of washdirt a day, much more than a pan or cradle. A mining registrar's report of August 1859 records 159 puddling machines at work on the Creswick goldfield.

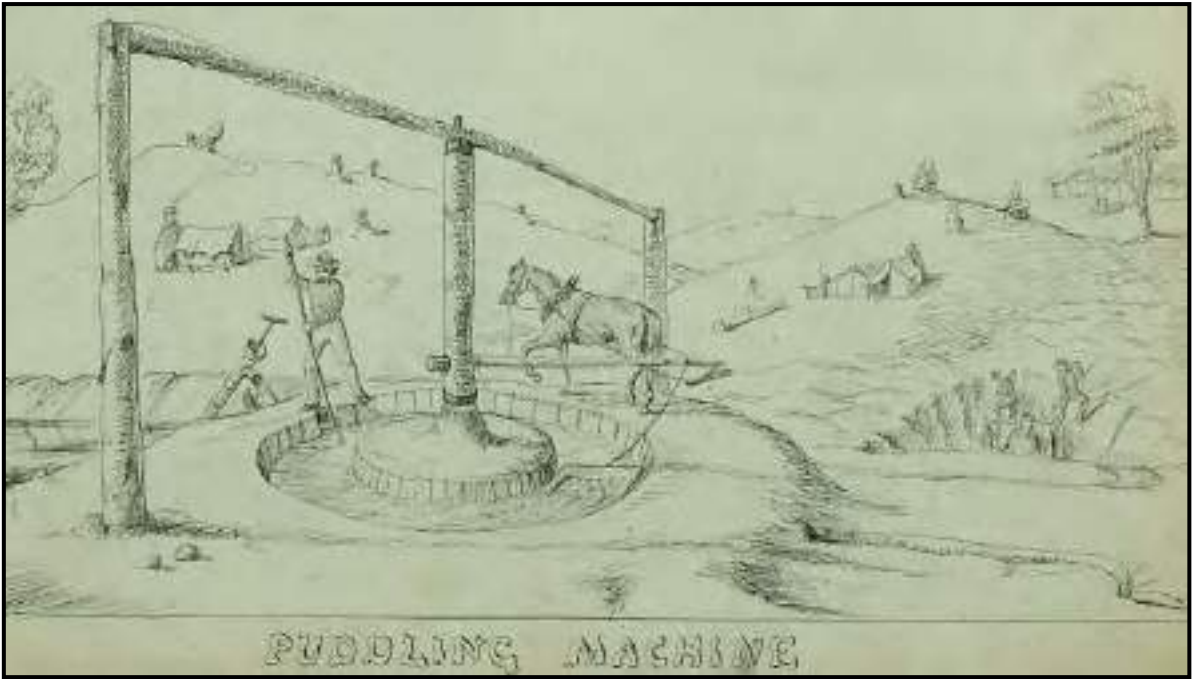


Figure 4: Puddling machine, Charles Lyall, circa 1854, State Library Victoria

Ground sluicing – is an artificial channel, often formed by timber boxes which acted somewhat like the layers in a cradle. (Figure 5) Water supply was key to any sluicing operation, and this was one of the main purposes of water races. Sluicing at Creswick was confined principally to the east and south of the town. The dams from which the races carried water were constructed in the higher catchments of Slaty and Back creeks. The races wound their way for considerable distances round the heads of intervening gullies before reaching their destinations.



Figure 5: Miners working at box sluicing, circa 1861, Richard Daintree, State Library Victoria

Quartz mining – required very different technologies from alluvial mining and was not widely carried out in the Project Area, apart from a few shafts and shallow open-cutting (quarrying). Figure 6 shows the locations of quartz mines identified in the Project Area. The first period of quartz mining at Creswick (1860s) was not extensive or successful. Attempts at quartz mining were reactivated for a brief period from the late 1890s – e.g., by the George Reef Company in 1911.

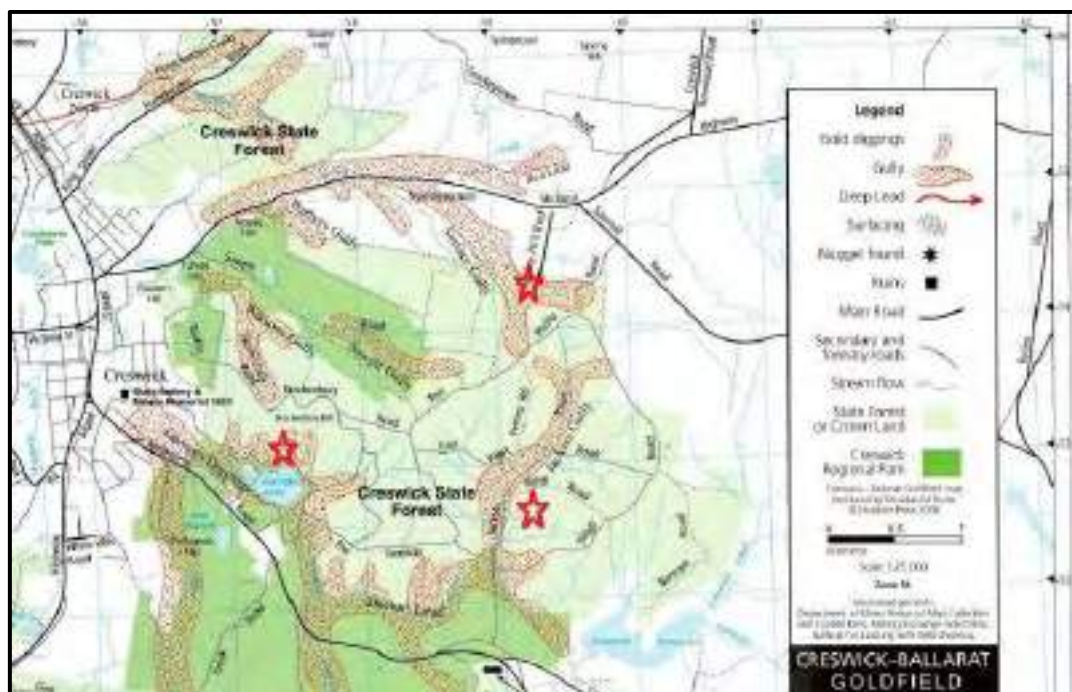


Figure 6: Red stars mark identified quartz mining locations, *Gold Atlas Of Victoria*, Doug Stone, 2011

4.4 Extant historic features found within the Project Area

Table 4 provides an overview of the types of mining carried out in the Project Area and potential extant relics.

Table 4: Overview of the types of mining carried out in the Project Area and potential extant relics	
Type of activity	Physical expression
<p>Alluvial gold digging</p> <p>The earliest form of gold mining carried out on all Victorian goldfields. This simple form of mining continued to be employed into the twentieth century.</p>	<ul style="list-style-type: none"> • small heaps and depressions (shallow shafts) • Fireplaces • Hut platforms or benches • Artefacts such a broken bottles and iron objects
<p>Puddling machines</p> <p>After their initial appearance during the 1850s rush, puddling machines became a major technology for re-working alluvial ground, in use for some 90 years.</p>	<ul style="list-style-type: none"> • Doughnut-shaped clay and earth impression • Dams and water channels • Excavated gullies
<p>Alluvial gold ground sluicing</p> <p>Gold diggers quickly took up sluicing where water and topography allowed, employing the force of water to break up quarried soil and release the gold. Miners sometimes went to considerable lengths to work the creek beds, banks and hilltops.</p>	<ul style="list-style-type: none"> • Quarried creek banks, and tops and slopes of hills. • Water channels on slopes above quarry faces, called head race • Channels, cuttings and sometimes tunnels to carry water and sludge away, called the tail race • Dumps of quartz pebbles and gravel
<p>Alluvial gold hydraulic sluicing</p> <p>Required the supply of a strong head of water; hence this type of mining is often associated with extensive water race systems. The introduction of</p>	<ul style="list-style-type: none"> • Sluicing of elevated gravels. Pits are deeper and more extensive. Sometimes whole hillsides have been removed.

steam, electric and gas-producer powered plant enabled sluicing operations on an increasingly impressive scale.	
Quartz gold shaft and tunnel mining Quartz mining in the Project area spans the period 1850s-1930s. Compared to other goldfields, quartz mining around Creswick was on a small scale.	<ul style="list-style-type: none"> • Tunnels and mullock heaps • Shafts and mullock heaps
Mining settlement From 1855, a gold miner holding a Miner's Right was entitled to a quarter-acre of land adjacent to his mining claim, for a residence and garden.	<ul style="list-style-type: none"> • Cleared areas with exotic vegetation and small dams

5. Archaeological Sites

Within the Project Area there are six Victorian Heritage Inventory-listed archaeological sites. Table 5 gives details of these sites and Figure 5 shows their location.

VHI number	Name	Description	Extent revised
H7623-0328	Roycraft's water race	2.3 km of race running along Creswick (Back) Creek to St George's Lake . Low level of archaeological significance due to the relatively small length of extant portion.	NO. Mapping on Site Card is correct.
H7623-0332	Davis' water race	1.8 km extant section of race along Creswick (Back Creek). High level of archaeological significance.	NO Mapping on Site Card is correct.
H7623-0333	Bragg's water race	8.6 km section of race commencing at Bragg's Dam , following contour to Humbug Hill, south of Melbourne Road. High level of archaeological significance.	NO Mapping on Site Card is correct.
H7623-0334	Smokeytown water race	24 km extant race, following contours around Spring Hill, Creswick. High level of archaeological significance.	NO Mapping and details on Site Card are correct.
H7623-0338	Eaton's water race and dam wall	Existing Site card has a 2.8 km extant section commencing at Eaton's Dam . A significant portion of this (c. 3.1 km) has been destroyed by roadworks. High level of archaeological significance. It is proposed to expand this site to take in a large mining landscape, to be renamed ' Eaton's dam/race and Doctor's Lead mining landscape '	YES. Information supplied to Heritage Victoria for alteration of Site Card.
H7623-0346	Back Creek Chinese Garden and Orchard	Clearing with fruit trees, earth features, water races and dam. High level of archaeological significance. It is proposed to expand the listed area for this site.	YES Information supplied to Heritage Victoria for alteration of Site Card.

5.1 Additional archaeological sites

Fieldwork for the Biosis report identified a further ten potential archaeological sites in the Project Area.

Assessment of those sites' significance (including condition, intactness and integrity) has now been carried out, and four of the sites recommended for listing on the Victorian Heritage Inventory. Archaeological Site Cards have been prepared and submitted to Heritage Victoria. (Table 6)

Table 6: New Victorian Heritage Inventory site recommendations		
Site Cards submitted for the following sites		
Name	Description	listing status
White Hill/Princess Alexandra adit	Adit located at the base of White Hill – opening blocked by soil. Has a 4m wide and 2m deep cutting, 15m long. Above the adit, is a small section of the pit that contains a pebble dump and visible sluiced face.	Site Card submitted
Melbourne Road Chinese Camp	The site has been significantly modified by works for the pine plantation. Despite this, there still survives a dam and some scattered artefacts (bottle bases and metal pieces). To the west of the Chinese Camp is an extensive area containing mine shafts (both round and rectangular), low banks, and water races.	Site Card submitted
Jackass Flat sluicing landscape	Alluvial gold mining landscape partly obscured by ferns and weeds. The eastern bank is relatively clear and has evidence of puddling machines, races and ground sluicing.	Site Card submitted
Spence's House site	Clearing with some exotic trees.	Site Card submitted
No Site Card submitted for the following sites identified by Biosis report		
Name	Description	Listing Status
George's Diggings	Clunes Reef mine site. Two mullock heaps spilling down east side of gully. Ripping for pine plantation removed any traces of associated mining machinery	No Site Card. Poor archaeological value.
Old School Road Mine	Open shafts, shallow open cutting and some costeans. Safety works have occurred to at least four shafts – excavation and placement of metal grills over openings. No associated machinery or blacksmith sites. Poor condition and integrity.	No Site Card. Poor archaeological value. Bike trail misses all historic mining relics.
Jackass Road Quartz Mine	Open shafts, shallow open cut and short adit	No Site Card. Poor archaeological value. Bike trail misses all historic mining relics.
Watkin's Mine	No extant archaeological evidence	No Site Card. Poor archaeological value. No bike trail nearby
Back Creek hotel site	No extant archaeological evidence	No Site Card. Poor archaeological value. No bike trails nearby
Orr's Store	No extant archaeological evidence	No Site Card. Private land - potential site only.

5.2 Total number of Heritage Inventory Sites in Project Area

On the basis of the Site Cards submitted, Heritage Victoria agreed to add all four new sites to the Heritage Inventory. This brings the total for the Project Area to ten Heritage Inventory Sites. Consents must be obtained from Heritage Victoria to authorise any works that may affect historical archaeological remains at any of these sites. (Table 7)

Table 7: Project Area – Updated number of Heritage Inventory sites		
New Heritage Inventory Sites		
VHI number	Name	Significance
H7623-????	White Hill and Princess Alexandra Adit	Local - Low
H7623-????	Melbourne Road Chinese Camp	Local - High
H7623-????	Jackass Gully mining landscape	Local - High
H7623-????	Spence's House Site	Local - High

Existing Heritage Inventory Sites		
<i>VHI number</i>	<i>Name</i>	<i>Significance</i>
H7623-0328	Roycrafts water race	Local - Low
H7623-0332	Davis' water race	Local - High
H7623-0333	Bragg's water race	Local - High
H7623-0334	Smokeytown water race	Local - High
H7623-0338	Eaton's dam/race and Doctor's	Local - High
Expanded extent	Lead Mining Landscape	
H7623-0346	Back Creek Chinese Garden and	Local - High
Expanded extent	Orchard	

Figure 7 shows the currently mapping for the extents of existing Heritage Inventory sites. (This figure will be updated when the revised extents for Back Creek Chinese Garden and Orchard and **Eaton's dam & race/ Doctor's Lead** mining landscape, and extents of the four new Heritage Inventory sites appear on Heritage Victoria's mapping system.)

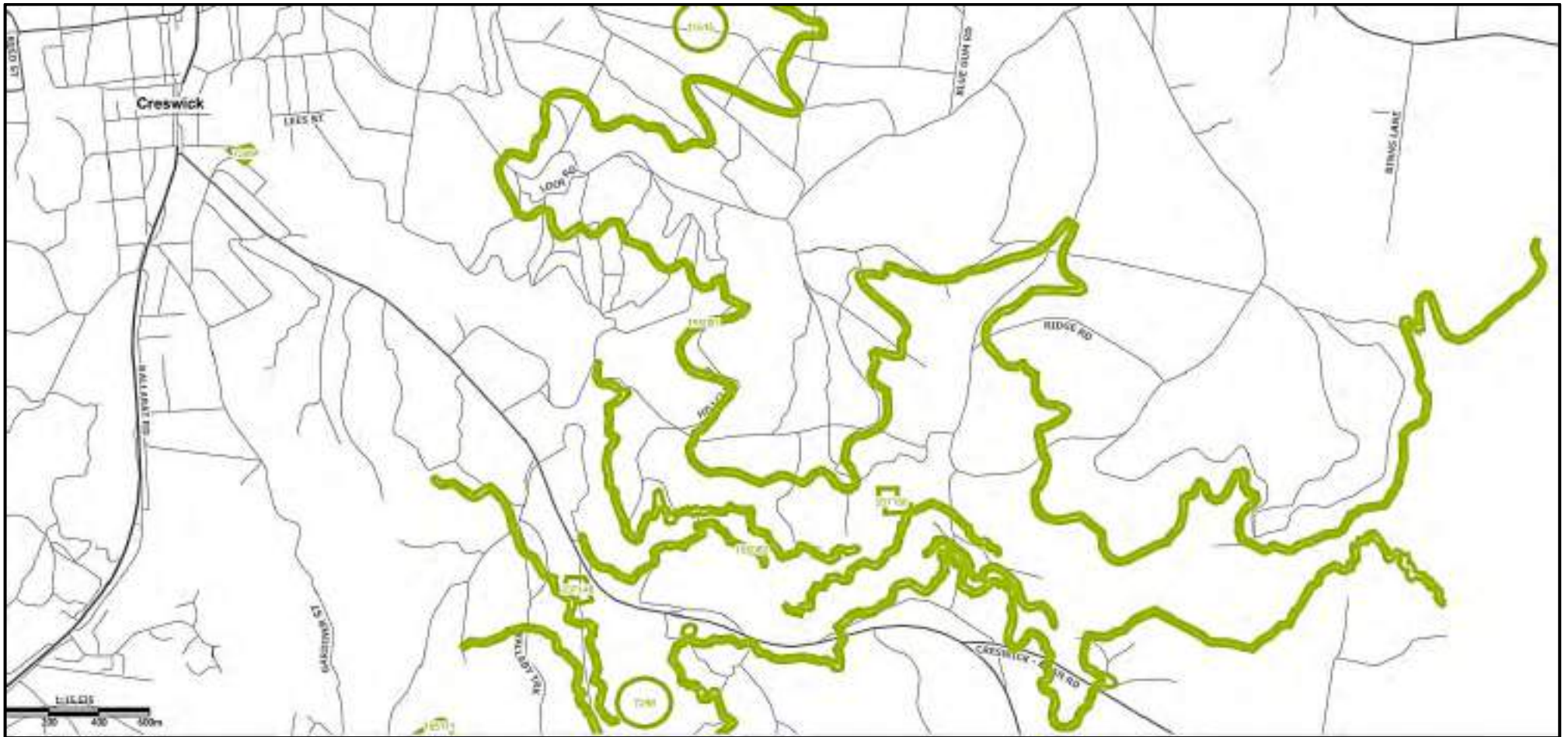


Figure 7: Location of Heritage Inventory Sites, as shown in GeoVic, Earth Resources regulation

6. IMPACT ASSESSMENT

6.1 Impacts

Ground disturbance will result from the use of a small (two-tonne) excavator and hand tools (rake hoes, rakes, picks, shovels and crowbars). The excavator will create direct impacts in the form of half-bench cut-and-fill (Figure 8).

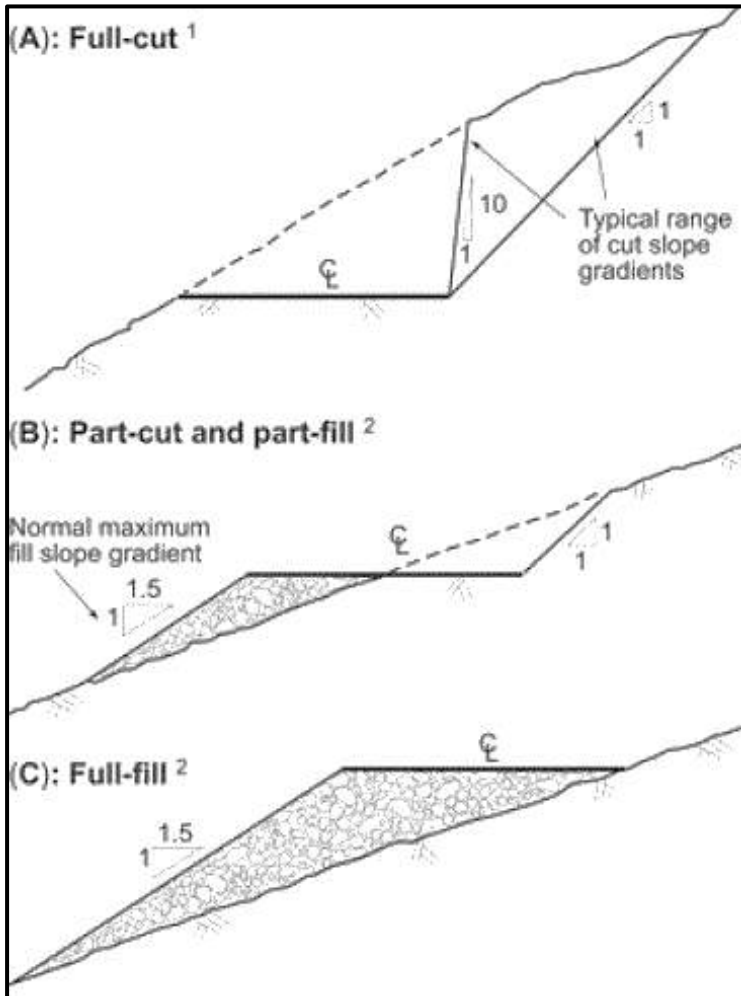


Figure 8: Example of half-bench cut-and fill and hand excavation

Hand excavation on slopes and track levelling on flat ground will create direct impacts to water races through removal of uneven ground surface and encroaching vegetation (Figure 9) and installation of fabricated bridge crossings (Figure 10).

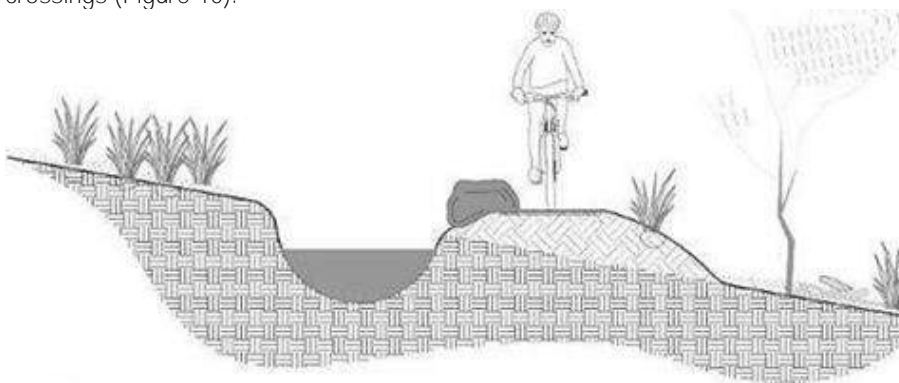


Figure 9: Mountain bike trail formation on water race bank

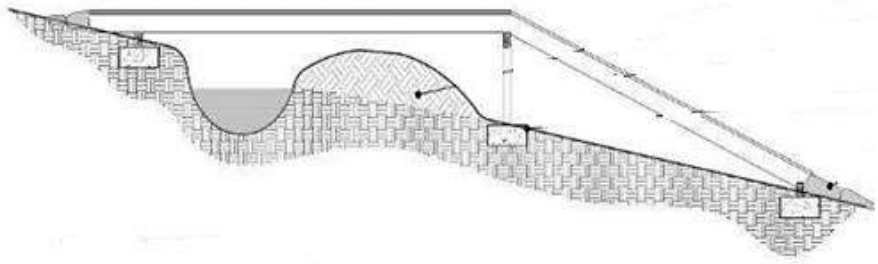


Figure 10: Installation of bridging structures

6.2 Archaeological values

The signature archaeological features within the Project Area are earthworks associated with alluvial gold mining. These include:

- alluvial mining shafts and adit (Figures 11 to 13)
- doughnut shaped imprints of puddling machines (Figures 14 and 15)
- channels and banks of water races, earth walls of dams, and exterior stone retaining wall of Eaton's Dam (Figures 16 to 19)
- sluicing pits and paddocks with low and high banks, races, pebble dumps and sludge deposits. (Figures 20 to 22)
- mullock heaps associated quartz mining shafts (Figures 23 to 26)
- Habitation sites with garden beds, orchards, races, dams and impressions (and potentially buried occupation bearing deposits) and long gone timber huts and sheds. (Figures 27 to 29)

The only nineteenth century stone-built gold mining structure found in the Project Area is:

- the outer face of the earth **bank of Eaton's Dam.** (Figure 19)



Figure 11: Circular alluvial shaft near Melbourne Road Chinese Camp



Figure 12: Rectangular alluvial shaft near Melbourne Road Chinese Camp



Figure 13: Princess Alexandra Company's alluvial mining adit



Figure 14: Puddling machine site near Eaton's Dam



Figure 15: Faint trace of puddling machine, east bank of Jackass Gully



Figure 16: Water race with large trees, east bank of Jackass Gully



Figure 17: Section of earth dam embankment, Jackass Gully



Figure 18: Dam located next to Melbourne Road Chinese Camp



Figure 19: Exterior stone retained wall, Eaton's Dam



Figure 20: Exposed face of elevated gravels, White Hill sluicing pit



Figure 21: Pebble dump, White Hills Sluicing Pit



Figure 22: Ground sluicing landscape to east of Back Creek Chinese Camp



Figure 23: Mullock heap and shaft, Jackass Road



Figure 24: Small quartz mining open cut, Jackass Road



Figure 25: Adit, Jackass Road



Figure 26: Mullock heaps spilling down east side of George's Gully



Figure 27: Fruit trees at Back Creek Chinese Garden and Orchard



Figure 28: Spence's hut site, Jackass Gully



Figure 29: clearing, Melbourne Road Chinese Camp

6.3 Management and site protection measures

Although parts the Project Area are complex layered mining landscapes, inspection and micro-siting by an archaeologist with appropriate expertise should effectively minimise direct or indirect disturbance to archaeological remains. This would be especially important in main gold-bearing localities such as Doctors Lead and Jackass Gully.

6.3.1 No impact

In balancing the range of impact overlays (environmental and cultural heritage), the trail designers have avoided impact on four Victorian Heritage Inventory sites. (Table 8)

Inventory number	Name of site	No impact
H7623-0333	Bragg's Water Race	No proposed bike trails impact on this race
H7623-0346	Back Creek Chinese Garden	Bike trail follows existing Goldfields Track along Eaton's Race and will not impact the site
H7623-????	Melbourne Road (Creswick Creek) Chinese Camp	No bike trails proposed in the area
H7623-????	Spence's House site	Bike trails proposed on the opposite side (eastern) of Jackass Gully from this site

Table 9 shows construction controls developed by the trail designers to reduce the risk to historic mining relics and to the six Heritage Inventory sites which will be impacted to a lesser or greater degrees.

Construction Controls	Archaeological controls
<i>A. Historic mining landscapes</i>	
Trail alignments	A1: Alignment to be flagged on ground and reviewed by construction crew and archaeologist. (See 6.3, above)
Apply for Consent where necessary	A2: If impacts to an archaeological site cannot be avoided, a Consent application to Heritage Victoria will be made prior to works commencing. (See 3.4, above)
Induction and protocol for new discoveries	A3: Trail builders will undertake induction, follow strict guidelines, and be overseen by the HSC's construction manager to provide compliance with the specifications and approved construction drawings. In addition, there will be an induction of personnel/contractors by an archaeologist to reinforce compliance with the obligations and conditions of any heritage approvals and/or processes,
If significant archaeological features or deposits are found or uncovered, a Site Card will be prepared, and if possible, trail re-routed	A4: Preparation and submission of Site Card and, if trail cannot be re-routed, work will be halted until Heritage Victoria advises their listing decision and whether a Consent is required.
Sensitive areas near archaeological sites	A5: Will require centreline pinned marking of the exact trail location prior to construction. An archaeologist will be involved in the inspection and marking.
Establishing avoidance zones	A6: Avoidance zones to be fenced with orange barrier mesh.
<i>B. Water Races</i>	
Trail along level bank of water race	B1: The approach should avoid causing erosion or damage
Benched trail using half-bench cut-and-fill construction method	B2: Will not be used where historic water races are present
Sensitive areas near water races	B3: Will require centreline pinned marking of the exact trail location prior to construction. An archaeologist will be involved in the inspection and marking.

Construction Controls	Archaeological controls
Construction on historic water races	B4: Will be limited to hand building only and, where possible, will involve the removal of ground and encroaching vegetation.
Working near or on a water race.	B5: Methods for works on and adjacent to water races will involve hand tools only, to remove understorey vegetation and debris from the top of the water race wall (earth bank). Loose object such as fallen branches will also be removed but solid embedded objects (e.g., stone) will remain in the structure (in situ)
Repairing damage bank of water race	B6: Where a race bank has been naturally damaged by time and weather, local soil and stone can be used to repair.
Water races will remain open.	B7: No blocking of water flow within water races will be permitted. Culverts of open stone structures may be used to maintain water flow where required.
Construction techniques for crossing a water race.	B8: Will include use of dry stone, soil and fabricated structures. Open draining rock features or wood/steel ramps can be installed to bridge gaps. Races should be crossed at close to right angles to minimise disturbance.
Points where trails enter and exit water race banks or where obstacles such as trees are growing in the water race or bank.	B9: Will be managed in a way to minimise impact by constructing soil, stone or fabricated ramps as appropriate to the specific site.
<i>C. Sluicing areas in gullies and on slopes/hilltops</i>	
Tracks may lead riders to this type of sites to provide interpretation opportunities.	C1: Tracks should not cut across or go through any significant mining features.

6.3.2 Indirect Impacts

Indirect impacts may occur due to a visual intrusion on the surrounding historic mining landscape. There are many examples of this type of indirect impact already existing in the Project Area through existing walking and mountain bike trails. Figures 30 and 31 show an example of existing indirect impacts to **Eaton's Water Race** by the Goldfields Track.



Figure 30: **Eaton's water race** – indirect impacts by Goldfields Track



Figure 31: Eaton's water race – indirect impacts by Goldfields Track

The main ways indirect impacts will be managed is by creating of avoidance zones and the tweaking of trail alignments through on-site monitoring by an archaeologist.

6.3.3 Direct Impacts

Track construction, whether by excavator or hand labour, is classed as a direct impact where it will disturb the ground surface of earthen archaeological features. Direct impact to the six Heritage Inventory sites will occur to a greater or lesser degree, as shown below. The location of the specific impacts to these sites are shown in Biosis report (Table 10, pages 80-82).

A summary of the direct effects of the project on Victorian Heritage Inventory sites is presented in Table 10.

Table 10: Consequences based on the significance of the site				
VHI Site	Summary of impact	Uncertainties	Consequence, based on heritage signif.	Control measures
H7623-0328 Roycraft's Race	Crossed five times, several sections of the race already used as part of Goldfields Track	Archaeological discoveries. Construction techniques for crossing race.	Moderate	See Table 11
H7623-0332 Davis' Race	Crossed four times	Archaeological discoveries. Construction techniques for crossing a water race.	Moderate	See Table 11
H7623-0334 Smokeytown Race	Crossed 36 times and trail will follow the race	Archaeological discoveries. Construction techniques for crossing a water race. Extent of necessary ground and vegetation removal on water races.	Moderate	See Table 11
H7623-0338 Eaton's dam and race/ Doctor's Lead mining landscape	Bike trail will follow the existing Goldfields Track along Eaton's Race . Potential impacts from trail: (1) north of Eaton's Dam to Niggl Rd (2) Niggl Rd to join with Goldfields Track (Eaton's Race)	Archaeological discoveries. Extent of necessary ground and vegetation removal on water races, e.g., Eaton's Water Race (Goldfields Track) Construction techniques for crossing a water race.	Moderate	See Table 11

VHI Site	Summary of impact	Uncertainties	Consequence, based on heritage signif.	Control measures
	(3) Deviation from Goldfields Track near Melbourne Road Chinese Camp.			
H7623-???? Jackass Gully mining landscape	Bike trail goes down eastern bank but above the mining features along the bank.	Archaeological discoveries such as tailraces coming from Davis water race.	Moderate	See Table 11
H7623-???? White Hills & Princess Alexandra Adit	Bike trail below the sluicing pit and does not impact the adit	Archaeological discoveries such as tailraces and shaft sites.	Moderate	See Table 11

The summary of control measures which will be used to manage impacts presented in Table 11, below.

Activity	Impact	Likelihood of impact	Control measures
H7623-0328 Roycraft's Race	Removal of understorey vegetation and debris from water race.	Almost certain	B1-89
H7623-0332 Davis' Race	Removal of understorey vegetation and debris from water race.	Almost certain	B1-B9
H7623-0334 Smokeytown Race	Removal of understorey vegetation and debris from water race.	Almost certain	B1-B9
H7623-0338 Eaton's dam and race/ Doctor's Lead mining landscape	Removal of understorey vegetation and debris from water race. Construction of short sections of new trail.	Almost certain	A1-A6 and B1-B9
H7623- Jackass Gully mining landscape	Dealing with crossing water races and evidence of ground sluicing	Likely	A1-A6, B5, B8 & B
H7623- White Hills/Princess Alexandra Adit	Dealing with crossing water races and evidence of ground sluicing	Likely	A1-A6, B5, B8 & B9 and C1

7. Impact Assessment Uncertainty

7.1 Unexpected Finds Protocol

7.1.1 Induction

The induction of personnel or contractors will address the following:

- compliance with the obligations and conditions of any heritage approvals and/or processes,
- a brief outline of the provisions of the Heritage Act 2017, including the illegality of disturbing/removing artefacts,
- the importance of protecting Avoidance Zones,
- being alert for and able to recognise archaeological sites and their elements (features, deposits, and artefacts),
- procedures for reporting and protecting unexpected discoveries to the manager or identified inducted person, and
- reporting of munitions or other potential explosive artefacts, or human remains.

7.2.2 Unexpected finds protocol

All personnel and contractors will follow the steps outlined below:

- Step 1: Following an unexpected discovery of an archaeological site (features, deposits, or artefacts), all works in the vicinity of the discovery will be halted and temporary webbing erected, with signage identifying the location as an avoidance zone. If the discovery includes artefacts, they must not be removed from the area. Work may continue elsewhere.
- Step 2: If an **archaeologist is not on site, HSC's Construction Manager will be notified. Photos** of the discovery will be emailed to the archaeologist for clarification.
- Step 3: **The assessment of any discovery will be done using Heritage Victoria's *Guidelines for Conducting Historical Archaeological Surveys, 2020.***
- Step 4: The archaeologist will contact Heritage Victoria to determine whether a site card/Consent application is required, or whether work at the location may recommence, subject to a harm-mitigation strategy. Site visits may be required.
- Step 5: If an archaeological Site Card is required, it will be submitted within the statutory time limit of 30 days, as stipulated in Section 127 (1), Heritage Act 2017.
- Step 6: **The submitted site card will be assessed by Heritage Victoria in accordance with their 'Policy for determining low archaeological value'.**
- Step 7: If the site is added to the Victorian Heritage Inventory and will be impacted by ground disturbing works, a Consent application must be submitted to Heritage Victoria (Sections 123 and 124, Heritage Act 2017).
- Step 8: All the condition set by Heritage Victoria in a Consent must be met. The Consent process ends with a final report produced (Section 125, Heritage Act, 2017).
- Step 9: If the discovery is of munitions/explosive devices, the area must be vacated/protected, and the work superintendent notified. The discovery must be reported to Victoria Police immediately.
- Step 10: If suspected human remains are discovered; the area should be vacated/protected, and the discovery reported to the State Coroner's Office immediately (ph. 1300 309 519). A forensic anthropologist will assess the report of human remains and determine whether Victoria Police should be contacted (if human remains are believed to be non-Aboriginal), or whether First Peoples - State Relations should be contacted (if the human remains are believed to be Aboriginal).

8. Summary and conclusion

The investigations conducted for this report found that the Project Area experienced significant disturbance from a long history of historic gold mining.

There are no building assets of significant historic heritage value within the Project Area, only archaeological sites comprising mainly earthen features. There are statutory processes for obtaining approvals from Heritage Victoria and guidelines for archaeological sites and artefacts that can be followed manage impacts to known sites and any that are discovered.

All details, mapping, site descriptions and impact assessment are presented in the Biosis report. The location of specific impacts to these sites are shown in Table 10, pages 80-82 of that report.

Although parts the Project Area are complex, layered mining landscapes, inspection and micro-siting by an archaeologist with appropriate expertise should effectively minimise any direct or indirect disturbance to archaeological remains. This would be especially important in main gold-bearing locations such as Doctors Lead and Jackass Gully.

Where avoidance of sites is not possible, mitigation measures have been proposed by the trail builders to reduce impacts as much as is reasonably practicable. If archaeological sites at direct or directly or indirectly risk are managed according to these measures, there should be no significant adverse residual impacts to heritage values.

The conclusion is that Hepburn Shire Council's Creswick Mountain Bike Trails, Stage 1 poses a minimal risk to significant archaeological values.

OBJECTIONS

From: [REDACTED]
[REDACTED]
[REDACTED] —

Application objecting to: PA 3141 No1

Abbreviations: Hepburn Shire Council = HSC

Parks Victoria = ParksVic or PV

Department of Water, Environment, Land and Planning = DWELP

Field Naturalist Club, Ballarat = FNCB

NB: I want to state that my list of objections is far from comprehensive, as there are too many aspects of objections to be fully covered by one person, especially in areas outside their expertise or experience.

I want to stress that HSC needs to listen to groups and experts doing comprehensive objections in their areas of expertise. I'm deliberately not dealing with some/many aspects of objections, because I know someone else is dealing with them. I want to endorse the submissions by: the Field Naturalists Club, Ballarat;

[REDACTED]
[REDACTED]
[REDACTED]

to make sure HSC knows I'm aware of the issues, even though not mentioned or referred to below. There is no need to repeat them all in detail here. I want to ensure that HSC makes note/takes notice of the above parties' comment and knowledge.

I particularly commend [REDACTED] forensic examination of the planning permit and his questioning if this is a reflection on the entire project. This is in light of other alleged examples of 'sloppiness', such as Central Highlands Water allegedly having to withdraw land, as it was already set aside for carbon offsets, and the Biosis report that does not refer to invertebrates.

REASONS FOR OBJECTION:

There are a number of issues that are of concern and need to be addressed and should be thoroughly investigated before any permit discussion continues. As noted above, the following must be read in the context of the above submissions of objection. My objections include those contained in the above and (inter alia), the following:

1. landowners'/managers' consent was conditional. Have these conditions been met? To foster and facilitate transparency, could HSC set out the letters outlining conditions for consent from the landowners/managers with the matching documents that HSC supplied the landowners/managers to fulfil the conditions of consent?
Is being able to give this consent and the parameters of this consent within the remit of these organisations, the task(s) they undertake and arrangements made by them?
Remit being the area of activity that these organisations and staff have authority to deal with.
2. as with any transaction, especially one in the public domain, have all the criteria of an arm's length transaction been established and verified between all parties to these dealings and in their inter-party dealings?
3. there's also the issue of the land being used for the bike project being repurposed from its original designation. Under current law, is this permissible?
4. there is no business plan outlining either the pros and cons of bike trails/tracks and the other types of tourism for this area, such as environmental and heritage tourism. There seems to be nothing of substance demonstrating the claimed benefits of bike riding compared to that of ecological and heritage tourism, especially the latter if the UNESCO bid is successful. Considering California's water races (allegedly not in the pristine condition that Creswick's are) are reportedly cared for, signposted and properly geared for tourism, why hasn't Creswick's been similarly compared, evaluated and assessed before consenting to a proposal that will permanently alter the landscape is embarked upon? Who will contribute more to Creswick: bike riders, or bushwalkers, birdwatchers, orienteers and tourists geared for heritage and environmental experiences? In the interests of transparency, instead of guesstimates, why hasn't this been done?
5. why is a license being granted to HSC, rather than the more proper lease, for such permanent infrastructure? There hasn't been any licence details being provided for consideration during this round of discussion. They're still *forthcoming*.
Also, is it proper for such negotiations to begin, continue and conclude with the current inquiry into the Public Land Act being convened and calling for submissions? Given the wide-ranging aspects of public land this new act is to encompass, is it proper for any transaction to be concluded before the findings of this inquiry are released? Given the new act is apparently not going to affect existing licences and leases, is there the whiff of this bike trails/tracks project being rushed through to ensure its 'protection' by the new act?
6. there doesn't seem to have been any robust discussion on the probable increased public liability insurance resulting from the construction of the of bike trails/tracks, especially the illegally constructed ones, any increased usage, or the issues of walkers on bikes only, or shared bike-walker, tracks.

Given the comment in the FNCB's submission on the difference in soil types in a report to HSC and the reality, how will any injuries resulting from the construction of the tracks/trails be dealt with and who will be held responsible? Have the ratepayers and other stakeholders in HSC been made aware of these issues and their potential liability in, at least, increased rates or council spending cuts to cover such insurance premiums and non-insurable accident payouts?

There's the further issue of events being organized and held on this land and these tracks/trails and by which organisation(s) and insurance/liability issues.

I attach the newspaper report of Larner v VicParks, for your information and to help explain why I raise liability issues. I trust it will be fairly self-explanatory.

[Attachment 1.]

7. the permanency of the project without any apparent safeguards (eg: no bond paid etc);
8. the lack of transparency on a number of issues, including licencing agreements and access to information. eg: Having to register with Microsoft to download the planning permit documents and, despite two attempts at contact, I am still waiting for a reply from the HSC heritage officer on a relatively simple question on heritage overlays. The Mayor kindly replied to a later request within days. With all due respect, despite the Mayor's kindness, this is not an example of transparency: quite the contrary.
9. Hepburn Shire Council's stated objective in their council plan 2017-21, is to maintain promote, protect and enhance the district's unique social, cultural, environmental and heritage characteristics. *This will be achieved through effective, caring management and responsible governance.*
The construction of these bike trails/tracks will undermine these HSC stated objectives. It has been stated repeatedly that these water races and gardens are unique, especially for the intactness of so many of them, and are critical to any region-wide UNESCO bid.
Instead, the bike trails/tracks advocates intend to incorporate and modify the historic water races as 'trail features,' not to protect them. This issue is dealt with more exhaustively by the FNCB in their submission. Currently, there is pro bono and volunteer heritage research and evaluation being undertaken. Given the alleged deficiencies in some HSC reports, shouldn't these be concluded and evaluated before any further action is taken?
10. in their community engagement policy, Hepburn Shire Council 'recognises the strong commitment of our citizens and stakeholders to public participation. A stakeholder includes 'people who visit the shire.' (HSC. Community Engagement Policy, no date, flyer).
There have been a number of criticisms of HSC's community engagement and advertising. The above definition of stakeholder, including visitors, has not been upheld in the recent past, as there has been no Ballarat advertising of the planning permit. The Ballarat area provides a lot of the visitors to Creswick.
The question of 14 days advertising of a planning permit and local government/council advertising in general needs clarification. Is display, only on

sometimes obscure parts of a council's website, 'advertising' in the spirit of the laws, particularly the new Local Government Act's requirements for community consultation? I stress the general systemic nature of this question, as it is one I would also put to the Ballarat City Council and any local government authority.

11. the proposed increase in numbers of people visiting the forest for the trails/tracks are going to need road access to bring their bikes. There is then the consequent issue of parking these vehicles. Has that land use/amount of land proposed to be used for this purpose been taken into account?

If users don't park at the trailhead at Hammon Park, [a question being: is sufficient parking planned there for the expected/hoped for numbers on any given day, let alone for any of the planned events?] for a personal ride or to participate in an event, where will they park? In the bush, on the sides of roads and tracks through the forest, etc? Where?

There is no mention of parking at the 20-30 points in the bush (*this number estimated from knowledge of where trails can be reached by roads in the forest*. Personal communication 4/5/2021) where people can access the trails/tracks.

Will roadside parking to access parts of the trails be provided, waste managed and policed?

As with other Victorian areas, will visitors leave dangerous to wildlife and public health litter?

If parking bays are provided, what extra acreage will be required, with the commensurate disturbance and damage to the environment: land, flora and fauna?

Given the issue of illegal camping and rubbish dumping, the latter already a major environmental and financial issue in parks and reserves nation-wide, will such extra parking bays, in heritage and environmentally sensitive areas, be an open invitation to campers and dumpsters?

There's also the hygiene issue. While there are supposed to be plans for bike and foot washing points at the trailhead and throughout the park, will and how will this be policed/administered?

12. By their own admission, 'volunteers' from biking groups built some 40km of illegal trails by 2014, for inclusion in the Creswick Trails Project (Trails Master Plan, 2015, p47). The landowners/managers had knowledge of this. Two points from this:
- (a) Will staffing and resources be commensurately increased by landowners/managers and HSC to cope with the (hoped for by bikers) influx of users, and their effect on the environment?
- (b) Does incorporating illegally built tracks/trails fall foul of the law? What new 'infrastructure' will illegally be built? Further to this, for general information:

CRIMES ACT (Victoria) 1958 - SECT 181

Aiding and abetting offences within or outside Victoria [11]

Every person who being within Victoria knowingly aids, abets, counsels, or procures, or who attempts or takes part in or is in any way privy to—

(a) doing any act or thing in contravention of this subdivision;

(b) doing any act or thing outside Victoria, or partly within and partly outside Victoria, which if done within Victoria would be in contravention of this subdivision—

shall be guilty of an indictable offence, and shall—

be liable if a corporation to a level 5 fine and if any other person to level 5 imprisonment (10 years maximum) or a level 5 fine or both.

No. 6103 s. 182. S. 182 amended by No. 9576 s. 11(1).

Are HSC, Parks Vic and DWELP aiding and abetting, or accessory to, the illegal activities of those who constructed unauthorized trails and tracks? These organisations are legal entities, as is a corporation, that are subject to this law. Ignoring an activity (in the below sense of a wilful shutting of one's eyes to the obvious) has also been held to be aiding and abetting.

3 Degree of Knowledge

Finally, what degree of knowledge is required? Applying the five-tiered analysis of degrees of knowledge postulated by Peter Gibson J,¹⁶¹ it is submitted that liability should not extend beyond the first two: (1) 'actual' knowledge; and (2) the wilful shutting of one's eyes to the obvious ('Nelsonian knowledge'). This standard has deep roots in jury instructions in the common law,¹⁶² and is advocated by Dietrich and Davies.¹⁶³ To extend it to the third category, 'recklessly failing to make such inquiries as an honest and reasonable man would make', would extend liability too far.

[NB: personal comment: this is increasingly being questioned. The issue harks back to Nuremberg etc. and is being considered in international circles. End comment]

Importantly, in the second category, the finder of fact draws the inference that A had actual knowledge;¹⁶⁴ in the third, there is no actual knowledge in any sense acknowledged by the common law.¹⁶⁵ To illustrate, a baseball bat vendor should not be liable as a joint tortfeasor merely because he or she did not inquire as to and thwart the specific plans of a suspicious customer. [personal comment: this too may increasingly be questioned, since this article was written in 2017. Questions about liability, personal and public and the interplay between them, are increasingly being asked in the context of domestic violence, gun regulation and the perceived increase in violent crime, such as carjackings, etc. End personal comment]

[Reference: Cooper, Henry, *Liability for Assisting Torts* (2017) **Melbourne University Law Review**, 41:571, p597]

In the context of this and public and individual liability, questions arise about the individual liability of staff, again harking back to Nuremberg and the [near] dismissal of the 'I was only following orders' defence. It arises in the area of enforcing park and track/trail policy, and the liability issues etc.eg: if an organisation expects staff to report certain matters and staff do not, where to draw the line between public, personal and organisational liability? Further comment can be supplied on this issue, if requested/required.

13. Another emerging area of law, of increasing recognition and importance, that appears to have been overlooked/omitted in the entire bike track/trail concept is the rights of nature. The rights of nature means recognizing that *ecosystems and natural communities are not merely property that can be owned. Rather, they are entities that have an independent and inalienable right to exist and flourish...right bearing entities.* [From **Rights of Nature**, Australian Earth Laws Centre, earthlaws.org.au]

The Global Alliance for the Rights of Nature notes that there has been case law on these matters, apparently beginning back in 2011 with the Ecuadorean case of the Vilcabamba River.

Given the recent Victorian government decision and legislation to recognize that animals are sentient beings, the Australian mainstreaming of such law does not seem so far-fetched or remote, given the previous discussion and 2014 case on the rights of the Great Barrier reef, etc.

HOW WILL I BE AFFECTED?

My connection to the Creswick forest dates back to childhood: visits with family and friends, roaming and wandering around bushland, through to adulthood, doing the same. With the advent of these bike tracks/trails, this will fundamentally change. It's positively Orwellian that on public land, purportedly managed for public use, there will be tracks/trails for the exclusive use of bike riders. Some users are more equal than others (?). This inequality further exacerbated by the proposed UNESCO bid. Only riders, on their bike-only trails/tracks, will be allowed into and riding over/along tracks/trails that have been modified and have modified the environment and structures in/on the land in areas deemed of international importance? This on public land? I go onto these tracks and the onus is on me to stay out of the way, etc. equals loss of enjoyment and fear for personal safety. Not my previous positive experiences.

Attachment one (1)

Injured camper gets \$6m damages

The Sydney Morning Herald

29th July, 2008

A TRAGIC accident that left a Melbourne man with severe brain injuries has led to one of the largest payouts ever handed down in the Victorian County Court.

Stuart Larner was awarded \$6 million for catastrophic injuries he received when a branch from a dead river red gum fell on his tent while he was camping on the Murray River.

Legal sources have told The Age the payout could be the largest individual sum awarded by a court in the state's history - although there may have been larger, confidential settlements.

On Boxing Day in 2002, Mr Larner, a draftsman, pitched his tent at a Murray River Reserve camp ground near Echuca where he had had camping holidays for almost 20 years.

The next night he went to bed at midnight. At about 8am, as he lay sleeping, a heavy branch from a dead river red gum snapped off in the high morning winds.

Falling wide of its natural trajectory, it crashed down on his tent, causing catastrophic injuries to the then 37-year-old, including extensive brain damage.

His family was devastated at the effective loss of a middle son who had a thirst for life and adventure and who had always been independent.

"It's affected all of us greatly," Stuart's older brother Glen said yesterday.

"Mum and Dad were all set for retirement. They were ready to go round Australia and do all those types of things. It hit them pretty hard."

An experienced camper, Mr Larner had always been wary of falling branches and set up his tent away from overhanging limbs. But he did not know that the limbs of river red gums fall unpredictably, often spinning out further than might be expected.

Parks Victoria did know that, but the only sign at Fullam Bend - 20 kilometres downstream from Echuca - simply warned to beware of falling branches.

So the Larners sued Parks Victoria, arguing it had breached its duty of care in failing to provide adequate staff training and warnings.

Last Friday they were awarded \$6 million plus an indemnity for Mr Larner's medical bills from his lengthy stay at the Austin Hospital.

In his decision Judge Michael McInerney said it was "somewhat scandalous that a state department charged ... to manage reserves where large numbers of the public frequent, should ... do nothing whatsoever to educate their staff ... or take the steps recommended in its own policy or guidelines."

During the trial that began on November 12, 2007 and ended on December 4, the court heard that Parks Victoria rangers knew of the risks to campers posed by river red gums, but did not act properly to reduce them. "The evidence before me is that the manner in which (Parks Victoria) conducted its operations was that the Murray River Reserve was at such a low operational level ... that there were no resources allocated (for education and training of staff)," Judge McInerney said.

"Given the demonstrated catastrophic risk of injury ... and the evidence of (Parks Victoria's) knowledge of death and injury caused by such risks, I find such lack of action reprehensible."

He said Parks Victoria's submission that 90% of campers would understand that the risk of falling branches extended beyond them dropping straight down was unrealistic.

Judge McInerney also said that had Parks Victoria acted on recommendations made in a 1999 risk assessment of river red gums, Mr Larner's injuries could have been prevented.

The large sum awarded to Mr Larner, now 43, will ensure he has the care he needs.

His family says he would have fared badly in an aged care facility.

"The future for Stuart wasn't too good ... it was basically to go into an aged care nursing home.

"(The money is) about flexibility. It's about him being able to live in his own house - to do things how he wants to do them," Glen Larner said.

"We've told him the good news - he really wants to move to a place of his own.

"He's totally aware of where he's been. He knows what he's done in the past and he knows what he used to be capable of doing ... he's got to learn to walk again, talk again."

The Larner family are celebrating small milestones. Mr Larner is now eating solids and tomorrow, his brother and four friends will take him to a restaurant for the first time since the accident.

Parks Victoria is yet to decide whether it will appeal against the judgement.

Legal citation:

Stuart Russell Larner (by his litigation guardian George Larner) v Parks Victoria [2008] VCC 827

Please use block letters

Planning & Environment Act 1987

WHO IS OBJECTING:

Name/s: [REDACTED]

Property address: [REDACTED]

Postal Address (if different to above)

Tel: [REDACTED] Email: [REDACTED]

WHAT APPLICATION DO YOU OBJECT TO?

Permit application no. PA 3141

Proposal: creswick trails project

Who has applied for the permit: Hepburn shire

WHAT ARE THE REASONS FOR YOUR OBJECTION?

1. The scope and scale of this infrastructure project is highly intrusive – especially to wildlife habitat, heritage and long-time forest users. Parts of Stage 1 (e.g. the old Nature Reserve north-east of St Georges Lake) are valued for high biodiversity, and Field Naturalists have used several sites for many years; that would be disturbed by the trails.
2. Stage 1 would have some particular impacts on mining heritage including the Mining Water Race System
3. High biological diversity and safety along the popular walking section of the GFT between St Georges Lake and Eaton's Dam would also be seriously compromised by the proposed 1.5 m wide 'adaptive' trail, which pedestrian users would have to share with bikers.
4. Over 80% of the proposed Stage 1 trails will be designated "bikes only" - effectively excluding other legitimate forest users (e.g. by making void any insurance claims

HOW WILL YOU BE AFFECTED BY THE GRANT OF A PERMIT?

Inability to have free access to the environment of Creswick forest which we currently have. Concern for how the area may become further degraded as bike trails widen and erode over time.

.....

If insufficient space, please attach separate sheet

Privacy Collection Notice

Your objection and the personal information on this form is collected by council for the purposes of the planning process as set out in the Planning and Environment Act 1987 (PE Act). If you do not provide your name and address, council will not be able to consider your objection. Your objection will be available at the council office for any person to inspect and copies may be made available on request to any person for the relevant period set out in the PE Act.

You must not submit any personal information or copyright material of third parties without their informed consent. By submitting the material, you agree that the use of the material as detailed above does not breach any third party's right to privacy and copyright. You can request access to your personal information by contacting Councils Governance Department.

Signature: Or Tick Box Date: **19 april 2021**

IMPORTANT NOTES ABOUT OBJECTIONS TO PLANNING PERMIT APPLICATIONS

1. This form is to help you make an objection to an application in a way which complies with the Planning and Environment Act 1987, and which can be readily understood by the Responsible Authority. There is no requirement under the Act that you use any particular form.
2. Make sure you clearly understand what is proposed before you make an objection. You should inspect the application at the Responsible Authority's office.
3. To make an objection you should clearly complete the details on this form and lodge it with the Responsible Authority as shown on the Public Notice – Application for a Planning Permit.
4. An objection must:
 - state the reasons for your objection, and
 - state how you would be affected if a permit is granted.
5. The Responsible Authority may reject an application which it considers has been made primarily to secure or maintain a direct or indirect commercial advantage for the objector. In this case, the Act applies as if the objection had not been made.
6. Any person may inspect an objection during office hours.
7. If your objection related to an effect on property other than at your address as shown on this form, give details of that property and of your interest in it.
8. To ensure the Responsible Authority considers your objection, make sure that the Authority received it by the date shown in the notice you were sent, or which you saw in a newspaper, or on the site.
9. If you object before the Responsible Authority makes a decision, the Authority will tell you its decision.
10. If despite your objection the Responsible Authority decided to grant the permit, you can appeal against the decision. Details of the appeal procedures are set out on the back of the Notice of Decision which you will receive. An appeal must be made on a prescribed form (obtainable from the Victorian Civil and Administrative Tribunal) and accompanied by the prescribed fee. A copy must be given to the Responsible Authority. The closing date for appeals is 21 days of the Responsible Authority giving notice of its decision.
11. If the Responsible Authority refuses the application, the applicant can also appeal. The provisions are set out on the Refusal of Planning Application which will be issued at that time.

Please use block letters

Planning & Environment Act 1987

WHO IS OBJECTING:

Name/s: [REDACTED]

Property address: [REDACTED]

Postal Address (if different to above)

Tel: [REDACTED] Email [REDACTED]

WHAT APPLICATION DO YOU OBJECT TO?

Permit application no. PA 3141 No 1

Proposal: Creswick Trails Project

Who has applied for the permit: Hepburn Shire

WHAT ARE THE REASONS FOR YOUR OBJECTION?

I fear environmental and heritage degradation from overuse of the Creswick Regional Park. The financial commitment to the mountain biker trail scheme and hopes for associated tourist boom with gatherings of thousands seem incompatible with the stated aim of informal shared use of the bushland. Bird watching and bushwalking are not compatible with high speed bike use.

I think there should have been detailed responses to the May 2000 Assessment reports submitted by the Ballarat Field Naturalist Club. The preservation of old water races are threatened by the proposed plan but are central to plans to denote this area of the goldfields as National Heritage.

HOW WILL YOU BE AFFECTED BY THE GRANT OF A PERMIT?

At present I am a member of the Ballarat Bushwalking and Outdoor Club (also former member of Victorian Interpretive Projects, VIPS). I have enjoyed many walks in the Creswick forest and do not want to see degradation of a fragile ecosystem or to feel threatened by fast traffic. I am also committed to keeping our remnants of Indigenous and Goldfields heritage intact for the educational benefit of future generations around Ballarat.

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If insufficient space, please attach separate sheet

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Signature: Or Tick Box Date: 16/04/21

IMPORTANT NOTES ABOUT OBJECTIONS TO PLANNING PERMIT APPLICATIONS

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Please use block letters

Planning & Environment Act 1987

WHO IS OBJECTING:

Name/s: [Redacted]

Property address: [Redacted]

Postal Address (if different to above) [Redacted]

Tel: [Redacted]

Email: [Redacted]

WHAT APPLICATION DO YOU OBJECT TO?

Permit application no. PA 3141

Proposal: Bike trails to be introduced in Creswicks State Forest

Who has applied for the permit: HEPBORN SHIRE

WHAT ARE THE REASONS FOR YOUR OBJECTION?

1. As members of a Probus bush walking group whose members use this forest, we feel that this project is highly intrusive - especially to wildlife & long-time forest users.
2. The old Nature reserve NE of St. Georges Lake we value for its bio-diversity & bird-life which would be disturbed.
3. The Project proposal is said to be for informal recreation yet biking clubs plan events attracting huge crowds.
4. The proposed 1.5 m wide shared trail between St Georges Lake & Eaton's Dam would be seriously disrupted by bikers.
5. Over 80% of the proposed Stage 1 would be designated Bikers only - effectively excluding other legitimate users.

HOW WILL YOU BE AFFECTED BY THE GRANT OF A PERMIT?

The beauty of the forest with its peaceful atmosphere will be destroyed for our Probus walking group.

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If insufficient space, please attach separate sheet

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Signature *R.G. Whitten* Or Tick Box Date: *24/4/21*
R.G. Whitten

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From: [REDACTED]
Subject: PA3141 Objection Creswick bke trails
Date: Tuesday, 27 April 2021 4:01:57 PM

Dear Sir/ Madam

I am writing to object to the **proposed bike TRAIL through the Creswick Forest.**

The plan would be devastating for the forest completely destroying the ecosystem that has taken over 60 years to regrow and develop.

What about approaching a farmer to see if their land is more user friendly for the project.

I am not against bikes and being in the bush it just seems like a very bad idea to take 100klms

that weave through the forest the wild life that have made that forest home the plants.

Please reconsider the plan there must be another way to give bike users a taste of being in the

forest. **I OBJECT.**

Kind Regards

[REDACTED]



Virus-free. www.avast.com

Please use block letters

Planning & Environment Act 1987

WHO IS OBJECTING:

Name/s: [REDACTED]

Property address: [REDACTED]

Postal Address (if different to above): [REDACTED]

Tel: [REDACTED] Email: [REDACTED]

WHAT APPLICATION DO YOU OBJECT TO?

Permit application no. PA3141

Proposal: CRESWICK TRAILS PROJECT STAGE 1

Who has applied for the permit: HEPBURN SHIRE

WHAT ARE THE REASONS FOR YOUR OBJECTION?

USAGE RULES ARE NOT CLEARLY DEFINED ENOUGH

BARRING PUBLIC FROM ACCESSING CROWN/PARKS LAND IS NOT ACCEPTABLE

HOW WILL MOTOR TRAIL BIKE USERS BE STOPPED FROM USING IT, SIGNAGE ENOUGH.

COUNCIL HAVE PREVIOUSLY STATED A DESIRE TO PROMOTE THE TRAILS TO WORLDWIDE PROFESSIONAL MOUNTAIN BIKING RACING ORGS, THIS DOES NOT MEET ANY CRITERIA OF "INFORMAL", AS OUTLINED IN THE PROPOSAL.

WHO WILL FUND IT? RATEPAYERS WILL DERIVE LITTLE OR NO VALUE THEMSELVES OF THIS NICHE PROJECT IF RATES INCREASE OR FUNDS ARE DIVERTED TO OTHER AREAS.

HOW WILL YOU BE AFFECTED BY THE GRANT OF A PERMIT?

BARRED FROM ACCESSING SURROUNDING WALKING AREAS

NOISE AND INCONVENIENCE DUE TO EVENTS.

INCREASED ILLEGAL TRAIL MOTOR BIKE USAGE ACCESSING THE TRACKS VIA ROADS.

DETERRENT TO FURTHER IMPROVEMENT OF CRESWICK AND SURROUNDS FROM TREE CHANGER PURCHASES

.....

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Signature: Or Tick Box Date: **17/4/2021**

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WHO IS OBJECTING:

Name/s: [REDACTED]

Property address: [REDACTED]

Postal Address (if different to above): [REDACTED]

Tel: [REDACTED] Email: [REDACTED]

WHAT APPLICATION DO YOU OBJECT TO?

Permit application no. PA 3141

Proposal: Creswick Trails Project

Who has applied for the permit: Creswick Shire

WHAT ARE THE REASONS FOR YOUR OBJECTION?

The scope and scale of this project is highly intrusive - especially to wildlife habitat, environmental biodiversity, heritage and for the long time forest users. Creswick's Mining Water Race System is the most significant feature of the Creswick Goldfields. Its preservation is vital to the state's bid for UNESCO World Heritage status. Yet bike trails are planned to be built on many historic water races as well as through the Chinese gardens, negatively affecting the historic values and the aesthetics and a bid for World Heritage Status. I understand that Bike Clubs in the region expect to hold large events from time to time. I have seen the harm this causes in other areas when spectators trample through bush to see highlights of the rides. Bikes-only tracks offend me as a long time user of the Creswick forest as a walker and nature lover.

HOW WILL YOU BE AFFECTED BY THE GRANT OF A PERMIT?

I live in Ballarat and am a frequent visitor to Creswick Forest. I visit to enjoy the peace of the forest: to find wildflowers and fungi (my most exciting find was the flying duck orchid near Slaty Creek); I take friends from Melbourne and overseas to see and marvel at the heritage areas from the period of the goldrush - the water races, the Chinese gardens, Eaton's dam, the sites of the European and Chinese puddling machines; and I cycle on the roads through the forest. My favourite walk, shared with many friends and family, is the area between St George's Lake and Eaton's Dam. It has everything - wildflowers, birds, history, and solitude. I am alarmed at the density of the planned trails and the inevitable damage to the bush

..I was heartened some time ago when I read in the Ballarat Courier that the state was...
 considering a bid for UNESCO World Heritage Status for the Creswick Forest. The
 proposed trail infrastructure would I am sure damage that bid.
 In my travels I seek out UNESCO World Heritage areas being confident that they will...
 provide a rich historical or environmental experience. There are so many bike trails in...
 the state including near to Ballarat and Creswick. Please reconsider your plans.

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Signature: Or Tick Box Date: **30 April 2021**

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WHO IS OBJECTING:

Name/s: [REDACTED]

Property address: [REDACTED]

Postal Address (if different to above) [REDACTED]

Tel: Email: [REDACTED]

WHAT APPLICATION DO YOU OBJECT TO?

Permit application no. PA 3141

Proposal:

Who has applied for the permit:

WHAT ARE THE REASONS FOR YOUR OBJECTION?

I believe that very careful consideration be given to the probability that such a dense network of bicycle trails planned for this culturally significant area will jeopardise the forthcoming application for UNESCO World Heritage Status:

The economic benefit to the Hepburn Shire of the bike trails ought to be balanced against the loss of securing the UNESCO World Heritage Status.

I would support the construction of trails in areas of bushland that does not compromise existing passive recreational use by walkers. Making trails for the exclusive use of cyclists will most likely result in injury for both walkers and cyclists especially so if there are family groups present in the bush.

The development of facilities for touring cyclists within the Hepburn Shire would arguably result in significant economic benefit without the loss of existing cultural heritage. The excellent network of council gravel roads lends itself to organised or

HOW WILL YOU BE AFFECTED BY THE GRANT OF A PERMIT?

The cost of maintaining the extensive network of trails will presumably be borne by the ratepayers of the Hepburn Shire. I am certainly happy and willing to support the development of cycling within the Shire provided that it can be done in harmony with existing social activities and cultural assets.

.....

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Signature: Or Tick Box Date: 4/5/2021

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05/05/2021

Hepburn Shire Council

RE: Public Objection to Planning Permit Application PA 3141

I make the following public objection to the Planning Permit Application PA 3141 on the grounds that it will cause significant and detrimental loss to the public and public interest that is contrary to the intention of the planning scheme.

- I object to the application being for part of the whole proposal. Application for a stage 1 development deliberately avoids scrutiny of the overall impacts of the proposal. If developed, the stage 1 section will be used to erroneously justify the further development of stage 2, such actions are contrary to the valid use of the planning system because the council's intention (as stated on council's website and in documentation) is actually for the whole development to occur. The nature and extent of the impacts associated with the proposal must be considered in total and stage one should not be considered in isolation.

- The proposal as a whole or in part does not comply with government approved land use determinations for the affected land and seeks to change the land use without undertaking the full and independent land use planning process (ie through a VEAC investigation). The planning scheme is not the correct/adequate process for crown/public land land use planning decisions of this type.

- The entire process from concept development through to planning permit application has been biased and directed toward a pre-determined outcome. This is an improper and unjustified use of local government resources. Local government staff and councillors are required to make decisions in an equitable and accountable manner without preferencing the interests of a single user group above others. The entire CTP has been contrived to place the interests of one user group above the legitimate concerns of other groups. The initial stages of the 'concept' development were deliberately obscure to prevent scrutiny, while the later changes and delays in project timelines or grant conditions that occurred following closer community scrutiny have demonstrated the contrived and flawed planning process. At all stages of this project the planning/assessment has been 'fitted' around a predetermined outcome, essentially working backwards so that opportunity for any legitimate community consultation or input was circumvented.

- If developed the proposal will cause changes to land management that alienate or prevent the intention of the approved land use determinations being properly or fully enacted because the proposed land use (large formal recreation events carried out on permanent dedicated infrastructure) is incompatible. Furthermore, the existence of the 'concept plan' and CTP proposal over recent years (more than 5 years), has prevented or dissuaded land managers from undertaking proper enforcement and compliance to prevent off-road riding and illegal trail building in the public land areas affected. This has been further exacerbated because the proposal intends to incorporate

illegally developed trails into the plan. Justifications for the inclusion of such illegal trails on the basis that this activity will be 'managed' by establishing a formal network of trails is nonsense. Experience in Queensland and Western Australia demonstrates that rewarding illegal trail development by formalising the trails will further encourage this activity in either the surrounding or new areas. Extensive illegal trail development has preceded a number of other proposals around Victoria and has been used as a precursor to initiate such proposals. The willingness of local councils to become aligned with this activity through their assistance in promoting proposals to 'formalise' or 'rationalise' illegal trails into large scale 'trail networks' raises very serious concerns regarding integrity.

- The proposal misleadingly identifies the permit application as being for "informal recreation" which deliberately obscures the intended purpose of the development which is for large formal mountain bike events (any additional informal use is inconsequential to the actual intended purpose). Informal recreation can already occur on the existing legal roads within the area. Informal recreation does not require a formal single-trail network that is specifically designed for mountain bike racing. Many regional areas have developed 'rail-trails' to cater for a diverse range of legitimate informal users (eg families, horse riding, etc), such developments are not focused on one sub-set of the mountain bike audience who specifically seek designed 'single-trails'.

- The proposal will directly reduce and prevent other recreational uses in the area, including other *appropriate* and *informal or low impact (dispersed) activities* that have used the area for many years *without* causing excessive permanent impacts. The proposal will directly cause the loss of opportunity for public enjoyment of birdwatching, dispersed bushwalking, and navigational exercises which require substantial areas of *untracked* forest, experience or enjoyment of historic places/landscape in their current (un-developed) state. For example, the experience of a heritage water-race, mining relict, or un-tracked section of forest will be unavoidably degraded by being criss-crossed with mountain bike trails and high volumes of bike passes. For many visitors, the sight of a track crossing the forest environment, particularly where there was previously none (or very few), is distressing and offensive.

- The proposal is contrary to the determined recreational purpose of the area because the area already meets the criteria for 'large numbers of visitors'. The intention of recreational use of the area is for large numbers of visitors from a *diverse range* of compatible users. The intention is not for a single and specific user group to be prioritised, as this proposal intends. No consideration has been given to the concept of social carrying capacity. This concept is used in recreation ecology research to define the level at which competing uses become incompatible. The proposed density, extent, and nature of the trail network will exceed acceptable carrying capacity of the area to accommodate different user's needs and has not balanced these effectively. The only user needs that appear to have been considered are those of the main project 'partner' ie mountain bike club. The project documentation fails to adequately identify the needs of any other users, and appears to assume that no other users have valid concerns or interests in the area.

- The proposal is contrary to the determined recreational purpose of the area because it requires a purpose built, extensive and high impact permanent infrastructure that is preferentially designed for a single user group. By the nature of the proposal it will cause significant loss of recreational amenity and opportunity to other legitimate groups who require relatively large areas of untracked forest. The clearing of extensive new trails through previously natural areas will drastically alter the character, emotional experience, visual appeal and scene of remoteness of this landscape at either site specific locations, or as a whole. Given the large amount of access roads already present, the proposal for 60-100km of new additional trails is absolutely excessive. No proper assessment or

consideration has been provided to justify the change in trail density or the effects this will have on other users and the environment. No level of acceptable change has been determined, the proposed trail network has simply been *imposed* on the area and other users.

- Mountain bike activities already have access to the area's legally formed roads, as do all other users. All users have the same limitations on their access and are restricted to using legally formed roads or tracks. No user group should be preference above others or be granted special access to an extensive, dedicated, formalised (ie licenced), and purpose built network of 'single-trails'. For example: if a cross-country running event was proposed to use the area's roads, as a single event (ie perhaps a 24hr permit) it may cause some level of impacts/displacement on other user groups (ie road closures), however, this loss of recreation opportunity for others may be acceptable because it is not permanent or ongoing, and does not required the building of a dedicated infrastructure. If the proposal was for an ongoing series of many events, with new sections of trail specifically for use by the runners, it would be equally as inappropriate as the current proposal. The same implications apply to the proposed mountain bike use of the area. If the proposal is developed, would an additional horse riding trail network be considered, and a motor-cross trail network, or a dedicated 4wd network, so that other groups can have equally specific, special and prioritised access? The limitations imposed by land use determinations are in place to ensure the overall integrity and values of the land are not inadvertently abused by changes in recreational trends or increasing demands of specific users.

- The proposal duplicates in many parts the existing road network. This duplication results in a highly increased density of the access network. This increase is contrary to the appropriate management and protection of the area's natural values as determined by the planning zones and LCC land use determinations. Due to the winding and 'switch-back' features of the trail design, the footprint of spatial impact is much larger than recognised in the assessment documentation. The assessments have been limited to only a very narrow corridor of physical impact, whereas recreation ecology literature demonstrates the spatial impact of disturbance is much greater and affects adjacent habitat also. Where duplication of the existing road network occurs, the extent of impact from the new clearing and access into previously untracked habitat will be far more extensive than recognised. Because the area is already used by a wide variety of users, any increase in the access network is unjustified, and will unreasonably impact future conservation values. In fact, appropriate management of the area should be focused on reducing and removing excessive roads and other illegal trails. Furthermore, while the planning report claims the proposal does not affect areas of threatened EVC's or threatened species directly, this ignores the fact that the area is reserved to conserve and protect habitat for all species (including 'less threatened' ones) and represented EVCs.

- The proposal is inconsistent with management and protection of the area's natural values because it will cause significant increases in the fragmentation and disturbance of the areas habitat. Disturbance of wildlife (particularly birds) is a well-recognised impact of intensive (high frequency) recreation activities. The proposal will result in high frequency disturbance across a large proportion of the area, including along areas such as gullies and waterways where higher quality habitat occurs. The planning report (Hansen 2021) misleadingly implies that the impact will be only restricted to a narrow corridor. This overlooks the extent of the proposed impact from the perspective of recreation disturbance. The physical loss of habitat (vegetation) is one among other forms of impact that should be considered. The loss of habitat availability due to disturbance effects within a minimum 40m corridor (a demonstrated flight initiation distance) is another impact that is likely as a result of the proposed high frequency recreation use (ie regular and repeated passes by groups of cyclists along the trail). Species such as robins, thornbills, or treecreepers, who's home range/nesting

territory is impacted by the proposal (ie displaced), will not be able to simply relocate because adjacent habitats are likely already saturated/occupied. Recreation research identifies additional subtle impacts that affect conservation values, including the spread of weeds and pathogens by mountain bikes, and the increased encroachment of feral animals (foxes) along trails. Such impacts have not been considered and are contrary to the intention of the planning zones that recognise the significant natural values (above and beyond simply considering threatened species) of the affected forested areas.

- The impression given in the planning report (Hansen 2021) incorrectly implies that the proposal is for some form of nature based or educational recreation. This is contrary to the documented trends in mountain bike developments where they become increasingly intensive, and the majority of users are specifically motivated (interested in) extreme sport style 'adrenalin' experiences. Patterns of use at established mountain bike sites in Queensland and Western Australia have demonstrated that users become dissatisfied with trails over time and seek more extreme routes. This results in either a loss of demand where users move elsewhere (to other 'new' destinations) or the building of additional 'illegal' trails continues or even increases. An adverse consequence of the stage 1 development, if for example stage 2 was not later developed, would be to encourage and continue the illegal development of MTB trails within other areas of the surrounding public lands. The Hepburn Shire Council and Parks Victoria has demonstrated they are incapable of appropriately managing such outcomes due to their lack of management of existing illegally developed trails. The inability (and unwillingness) of land managers (PV, DELWP), or the proponent (Hepburn Shire Council), to acknowledge or effectively manage illegal trail development must be recognised. It is contradictory for the Hepburn Shire Council to claim it is not responsible for addressing the illegal trail clearing issue, and then to take a lead role in developing trails in reserved public land over which it has no direct responsibility. The cost for managing adverse outcomes of the proposal (encouraging further illegal trail development) have also not been appropriately considered.

- The proposal misleadingly implies that by having associated interpretative signage the *primary* recreational outcome/focus will be somehow nature based or educational. This is misleading because the *actual* nature of the intended activity (MTB racing and riding) has nothing directly to do with nature or education. Simply because it can take place in a natural environment does not make it a nature based activity. Extensive research on mountain bike experiences demonstrates the proposed style of trails (excepting a minor component) is almost completely focused primarily on physical exertion, 'high travel speed' and 'flow', riding skills, and competition elements alone (either formal competitions such as races, or informal 'virtual' competitions via social media platforms such as Strava). I encourage councillors to watch a few utube videos of mountain bike riding and racing – how much birdwatching or nature appreciation occurs while participants are tearing along a trail? The idea that mountain bike riding and racing is about the appreciation of, or education about nature/history is as absurd as saying rock-climbers are there to learn about geology, or fishermen are there to learn about aquatic invertebrates.

- The planning report (Hansen 2021) misleadingly implies that micro-sighting is an appropriate way to avoid impacts such as vegetation clearing. It is extremely concerning that the planning report suggests that overall off-setting of the impacts was reduced by the final micro-sighted alignment which was only slightly adjusted in ways that effectively 'side-stepped' values rather than truly avoided impacts. Furthermore, not only have impacts been side-stepped (rather than avoided) the proposed off-sets will not adequately account for actual losses because, for example, where planted vegetation is used to meet all or part of the off-set, it cannot be guaranteed to survive in perpetuity. The proposal seeks to justify the loss of existing permanently 'protected' remnant habitat with

planted vegetation that has no guarantee of long term survival (beyond the limited statutory requirement) and may not actually provide habitat for many native species (ie it's not necessarily part of a wider, or larger, habitat or ecosystem unit). This is concerning because the proposed loss of habitat is completely discretionary, ie the loss/impact could be completely avoided if the proposal is rejected (as it should be because it is completely unnecessary). While in cases where land owners have implied rights to develop their land, and off-sets attained elsewhere may be achieving a net gain by another land owner forgoing their rights (ie an addition to sum areas of permanent protection), the off-set for this proposal will not. The proposal will simply exchange the loss from an existing permanently protected site to another, or worse, to a revegetated site.

- The planning report (Hansen 2021) implies that the design and sighting of the proposal adequately avoids losses of native vegetation or other impacts such as loss of large trees. However, it is important to recognise that unlike private land where developments can occur as a right of ownership, the Hepburn Shire Council has no right to develop the public lands in question. This is important because under normal planning processes the avoid principle is constrained by the right of development to occur, ie it is not taken as literally preventing development. The Hepburn Shire Council has no such implied right, and therefore where the proposed development is entirely discretionary, the avoid principle should apply absolutely, and not simply as a 'side-stepping' procedure. The extent of the proposal which includes a large scale increase in trail density across the entire public land area also does not meet the 'minimise' component. The inclusion of 'existing' trails that have been developed illegally, further fails to appropriately apply the 'avoid' or 'minimise' principles. In fact, the proposal fails to address any relevant avoid or minimise strategies because there is no consideration of closing and revegetating any illegal trails and these impacts have also not been considered as part of the off-set.

- The proposal is a double loss where 'existing' illegally developed trails have not been included in off-setting. This is a double loss because the clearing has occurred within an existing permanently protected area, but the loss is not going to be recognised and will be made a permanent loss because the illegal trails will be formalised. If the proposal was not in place, land managers would be (are) obliged to manage such impacts and close illegal trails to protect natural values and control illegal activities/access. In this case, if land managers acted diligently as we should expect, the impact of illegal clearing would not be permanent. If the proposal is to be approved it must include off-setting of all illegally cleared sections, and include an equivalent length of trail/road closure within the same affected land parcels (public land reserves). This is because the area already contains a large number of roads/tracks and the overall density of roads/track/trail should not be extensively increased. The area already caters for a wide variety of access, additional access is both unnecessary and will be excessive. To balance this impact, a legitimate and balanced proposal would identify roads/tracks/trails that will be closed and these costs would be included up-front.

- The development proposal and planning application by Hepburn Shire Council (via Hansen Partners), is essentially an application to itself, over land to which it has no management responsibility, this is clearly a conflict of interest. Such a conflict raises concerns that consultation may be carried out in a biased way, objections may be overlooked or disregarded, liabilities such as off-sets will be unreasonably minimised. Indeed, this appears to have occurred. For example, where legitimate user groups were not consulted *before* the project was first adopted by the council; where the council consultation report fails to acknowledge various user groups legitimate concerns and overly focuses on specific 'positive' responses; and where micro-sighting is used to deliberately minimise off-setting liabilities. Given the Hepburn Shire Council's vested interest in a 'positive'

outcome of the planning process, it is conceivable that appropriate levels of scrutiny and consideration of all implications would not be able to be undertaken within the organisation.

- The planning report (Hansen 2021) misleadingly implies the proposal is a 'unique tourist attraction'. Many such developments have occurred elsewhere, and in a variety of cases such developments have led to negative impacts in communities or the environment. Due to the nature of the mountain bike tourism sector, interest quickly wains when new and more extreme developments are established elsewhere. In comparison to other established trail destinations, the landscape at Creswick will not support long term, ongoing, visitor interest. Most visitors are likely to be one-off, after which the majority of riders will look for more 'adventurous' alternatives, leading to a reducing economic value of the proposal. The purported economic value of the proposal fails to account for this loss of interest over time, especially where further development of more extreme trails may not be possible, feasible, or approved by land managers. To imply that the Creswick trails will 'compete' for visitor interest with trails located in high profile 'exotic' destination such as the Victorian Alps, or Tasmania, etc, is misleading. A development of this kind for low level local/regional interest alone, where other user groups will be significantly affected (if not excluded), is an unjustified change in land use.

- The proposal will have unacceptable impacts on heritage values within the public lands by creating trails that directly degrade the integrity of site features (such as trails along water races), or by degrading their visual amenity by passing nearby sites and features. The value of these heritage sites is drawn from their 'existing state', that is, that they have minimum trails or other such land disturbance. While these sites are not deliberately maintained in an active sense (as may be the case for a heritage building or artefact in a museum) and they are therefore slowly 'decaying' as they weather or erode, they should also not be deliberately damaged or degraded by inappropriate access trails simply so that they can be used to claim some pretence of 'educational' benefits. Because the majority of the heritage sites throughout the area have not been adequately surveyed, assessed, recorded and protected within the planning scheme, any development of trails through the area is premature.

- The planning report/application (Hansen 2021) misleadingly states the application is for "a mountain bike trail". This gives the impression the proposal is of a small scale or inconsequential nature. This is misleading because the proposal is actually a large scale extensive series of multiple different trails and sections that in effect change the land use to form a 'mountain bike park'. This is also a major change in land use because off-road riding (which is currently prohibited) will be sanctioned. Such changes in access will alienate legitimate users, which will in turn over time allow more exclusive use by mountain bikes. If off-road riding is sanctioned at the proposed scale, this will only encourage further illegal trail building within the area where it is out of public sight, and bike only trails will assist this process.

Please use block letters

Planning & Environment Act 1987

WHO IS OBJECTING:

Name/s: [REDACTED]

Property address: n/a

Postal Address (if different to above) [REDACTED]

Tel: [REDACTED] Email: [REDACTED]

WHAT APPLICATION DO YOU OBJECT TO?

Permit application no. PA3141

Proposal: Creswick Trails Project - Stage 1

Who has applied for the permit: Hepburn Shire Council

WHAT ARE THE REASONS FOR YOUR OBJECTION?

See attached document

HOW WILL YOU BE AFFECTED BY THE GRANT OF A PERMIT?

Loss of quiet enjoyment of natural spaces within Creswick Regional Park and State Forest, including much of the areas designated for mountain -bike trails.
Loss of safety in walking on trails currently used and destined to be shared with mountain-bikes if the project goes ahead.
General concern for the potential loss of biodiversity from construction and use of mountain-bike trail in the Forest/Regional Park through the planned removal of native vegetation.
Members will be denied access to many walking paths and trails which have been enjoyed in the past and will now be restricted to bikes only.

.....

If insufficient space, please attach separate sheet

Privacy Collection Notice

Your objection and the personal information on this form is collected by council for the purposes of the planning process as set out in the Planning and Environment Act 1987 (PE Act). If you do not provide your name and address, council will not be able to consider your objection. Your objection will be available at the council office for any person to inspect and copies may be made available on request to any person for the relevant period set out in the PE Act.

You must not submit any personal information or copyright material of third parties without their informed consent. By submitting the material, you agree that the use of the material as detailed above does not breach any third party's right to privacy and copyright. You can request access to your personal information by contacting Councils Governance Department.

Signature: Or Tick Box Date: **4/5/21**

IMPORTANT NOTES ABOUT OBJECTIONS TO PLANNING PERMIT APPLICATIONS

1. This form is to help you make an objection to an application in a way which complies with the Planning and Environment Act 1987, and which can be readily understood by the Responsible Authority. There is no requirement under the Act that you use any particular form.
2. Make sure you clearly understand what is proposed before you make an objection. You should inspect the application at the Responsible Authority's office.
3. To make an objection you should clearly complete the details on this form and lodge it with the Responsible Authority as shown on the Public Notice – Application for a Planning Permit.
4. An objection must:
 - state the reasons for your objection, and
 - state how you would be affected if a permit is granted.
5. The Responsible Authority may reject an application which it considers has been made primarily to secure or maintain a direct or indirect commercial advantage for the objector. In this case, the Act applies as if the objection had not been made.
6. Any person may inspect an objection during office hours.
7. If your objection related to an effect on property other than at your address as shown on this form, give details of that property and of your interest in it.
8. To ensure the Responsible Authority considers your objection, make sure that the Authority received it by the date shown in the notice you were sent, or which you saw in a newspaper, or on the site.
9. If you object before the Responsible Authority makes a decision, the Authority will tell you its decision.
10. If despite your objection the Responsible Authority decided to grant the permit, you can appeal against the decision. Details of the appeal procedures are set out on the back of the Notice of Decision which you will receive. An appeal must be made on a prescribed form (obtainable from the Victorian Civil and Administrative Tribunal) and accompanied by the prescribed fee. A copy must be given to the Responsible Authority. The closing date for appeals is 21 days of the Responsible Authority giving notice of its decision.
11. If the Responsible Authority refuses the application, the applicant can also appeal. The provisions are set out on the Refusal of Planning Application which will be issued at that time.

Please use block letters

Planning & Environment Act 1987

WHO IS OBJECTING:

Name/s [REDACTED]

Property address: [REDACTED]

Postal Address (if different to above [REDACTED])

[REDACTED] Email: [REDACTED]

WHAT APPLICATION DO YOU OBJECT TO?

Permit application no. Pa33141

Proposal: Cresswick trails project

Who has applied for the permit: Hepburn Shire

WHAT ARE THE REASONS FOR YOUR OBJECTION?

Concerns for my safety and that of others who walk in the forest areas.
Concerns that bike only trails will restrict the areas in which I can walk.
Concerns that motor bikes will use the cycle paths and cause even more degradation to soil and plant life.
Concerns about the loss of trees and flora causing negative impact on local fauna.
Concerns that large cycling events will cause irrevocable damage to habitat and biodiversity.

HOW WILL YOU BE AFFECTED BY THE GRANT OF A PERMIT?

Noise pollution from large events, increased road traffic and parking issues due to visitor numbers.
Access to quiet walking spaces denied.
Increased rates to finance the maintenance of trails I don't want.

.....

If insufficient space, please attach separate sheet

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Signature: Or Tick Box Date: 17/04/21

IMPORTANT NOTES ABOUT OBJECTIONS TO PLANNING PERMIT APPLICATIONS

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11. If the Responsible Authority refuses the application, the applicant can also appeal. The provisions are set out on the Refusal of Planning Application which will be issued at that time.

Public Objections To The Planning Permit Application No. 3141**“CRESWICK TRAILS PROJECT – STAGE 1”****From:** [REDACTED]**FNCB Membership and qualifications:**

The Field Naturalists Club of Ballarat is comprised mainly of residents of the Ballarat area with long experience of recreation, conservation activities and work within the Ballarat-Creswick public forests, which are contiguous and located much closer to Ballarat than to most of Hepburn Shire. [See map below]. Some members own property in Hepburn Shire, others have worked extensively in the area proposed for the Creswick Trails Project. Our expertise includes professionals qualified in ecology, agriculture, land-use, hydrology, education, law, art heritage and finance. We also run a junior Field Naturalists Group. Individual members tend to have special interests and expertise in particular areas – vegetation, birdlife, vertebrates, invertebrates, soils, and Indigenous and settlement heritage.

Our members have worked on conservation projects with Public Land managers over many years at sites in Victoria and other states. Professions include crown land management, nature journalism, academic research, and members have been advisors to Victorian Environmental Assessment Council (VEAC) and Catchment Management Authorities, and executive members of South East Australian Naturalist Association, Ballarat Environment Network, Birdlife Ballarat and other organisations

We are not opposed to mountain-biking in appropriate areas. Some members are keen bikers and ride legally in Ballarat-Creswick forests. We strongly oppose illegal trail-making and building of mountain-biking infrastructure in areas with high environmental, heritage, cultural and spiritual values. We strongly encourage the use of trails in our region that are well suited to speed and skill-based mountain-biking activities – such as Black Hill and La La Bar Gauwa/Harcourt Mountain-bike Park. Please view <https://lalarrbagauwa.harcourt.vic.au/mtb-trails/>

From: Vandeman 2014 (in the USA)

It is obvious that mountain biking is harmful to some wildlife and people. No one, even mountain bikers, tries to deny that. Bikes create V-shaped ruts in trails, throw dirt to the outside on turns, crush small plants and animals on and under the trail, facilitate increased levels of human access into wildlife habitat, and drive other trail users (many of whom are seeking the tranquility and primitiveness of natural surroundings) out of the parks.

GENERAL OBJECTIONS TO THE CRESWICK TRAILS PROJECT (CTP), INCLUDING STAGE 1.

A. Inappropriate proposed use of public land, especially Creswick Regional Park

The Government approved Land Conservation Council (LCC) Ballarat Study Area Land Use Determinations allow the use of **'only informal outdoor recreation'** in Creswick Regional Park, the land tenure in which most of the CTP is proposed to be built.

However, the 100 km mountain-bike trail network, constructed especially for mountain-bikes with berms, switch-backs, jumps, bridges, boardwalks, rock structures, raised banks of water races, signage, etc. would clearly be **'formal infrastructure'**. The CTP's use, especially in major organised events for mountain-bikes (e.g. *Iconic map marathon, stage race and gravity enduro event*) would be **'formal recreation'**. Local cycle clubs have already organised major formal events requiring permits, such as the 'Brackenbury' event which was promoted as a 'national' event in 2019 and which used some of the proposed CTP trails. Such events require major organisation and management often by commercial operators and could only be classified as **'formal recreation activity'**.

HSC should have been advised by DELWP to follow the proper Public Land Value and Land Use Planning Assessment processes and procedures and formats in assessing the CTP and the Public Land on which the CTP is proposed to be developed.

1. ***The proposed CTP (according to VEAC definition and LCC/VEAC Recommendations) constitutes "Formal Recreation", and is therefore not allowed in the Regional Park. Note that the LCC Ballarat Study Area Final Recommendations (and other Government approved VEAC studies' Final Recommendations) are the primary and definitive land use determinations for the Public Lands on which the CTP is proposed to be sited. Note also that Local government planning regulations cannot be used to over-ride the LCC/VEAC determinations.***

B. Concealment of the widely known intention (and high likelihood) that the CTP will be used for major mountain-biking racing and other speed events, and the damage these would bring.

The CTP was originally proposed by the VOGA and other local Cycle Clubs, which persuaded the Hepburn Shire to apply to Regional Development Victoria (RDV) for funding to plan and build the infrastructure. Usage of the CTP for major events was included as a purpose of the trails infrastructure, in obtaining substantial funding for the Project from RDV.

The planning for major events including competitive racing was always a major feature in planning and was outlined in the Trails Master Plan (pp. 103-177) <https://www.vogacycleclub.com.au/wp-content/uploads/2016/11/Trail-Master-Plan-Creswick-Victoria-180716.pdf> – which describes a range of racing event styles that could suit the CTP. It states, for example, that : *There is significant potential for new events within the existing and proposed new Creswick mountain bike trails. A particularly strong potential exists for the establishment of:*

Iconic map marathon, stage race and gravity enduro event.

A Cross Country Point-to-Point (XCP) - a format event utilising a point-to-point course of between 20-60km in length.

Super D (SD). A point-to-point event involving a predominantly descending course contested in a mass start, eliminator or time trial format.

Gravity Enduro Gravity enduro - newest and fastest growing mountain-bike event format.

Creswick mountain-bike groups have often promoted their intentions to use the proposed CTP to host national and international events, although reference to such 'purpose' of the CTP have been omitted from the PP Application and Reports - because the extra damage caused to environment and heritage from racing events is well known.

Local cycle clubs have already obtained permission somehow (from Land Agencies) to use some existing (legal and illegal) trails to run formal events in the Creswick area, such as the Brackenbury event – which was once a major running Marathon. In recent years it has been promoted as a 'national mountain-bike event' and is touted as a precursor to even larger formal 'international' events to be run on the CTP Network. Significantly, after the event the Brackenbury is widely advertised as a legal Mountain-bike route although this is not true, e.g.

<https://www.facebook.com/watch/?v=585339001958188>

Mountain-bike racing events involving fast riding and high traffic intensity are well known to be highly damaging to soils, vegetation, wildlife health and surrounding habitat. Yet the intention to use the CTP for this racing purpose has been concealed in the Planning Application. Hepburn Shire needs to spell out clearly whether or not the proposed CTP Network would be used for this purpose **before** any approval of the Project can be considered.

- 2. We submit that planning to build the CTP for the purpose of running major racing events contravenes Government approved regulations, which allow only Informal Recreation activities in Creswick Regional Park in the 'Ballarat area'. Any view that the CTP Planning Permit application and planning process would determine allowable use of Regional Park is incorrect. Hepburn Planning Scheme and zones are secondary and subsidiary to the LCC Ballarat (or other VEAC) Recommendations.**

C. Failure to specify the Terms of the License for the Shire's operation and use of the 200 ha (120 ha for Stage 1) corridor of public land and the proposed infrastructure.

We were told at a meeting at RDV offices in September 2019 that if the Project went ahead, the Shire would be issued with a licence to operate, maintain and manage a 20m wide corridor of land along the proposed 100 km CTP Network (i.e. 200 ha of public land/120 ha in the case of Stage 1) on the various land tenures along the route.

This is a very major consideration, the scale of which has never previously been granted for use of public land in the region, hence the precise Terms of the Licence are extremely important to us and the wider public in considering the PP Application.

- 3. We object to the fact that the PP Application makes no mention of Terms of any License/s or any timelines. It is unreasonable for the Hepburn Shire to submit a PP Application and expect the public to respond, without revealing the Licence Terms for use and management of such a large portion of public land.**

D. Improper Process in obtaining funding - deceptively and without engaging main public users and without field-based expert advice on the sustainability of scale or trail density of the Project.

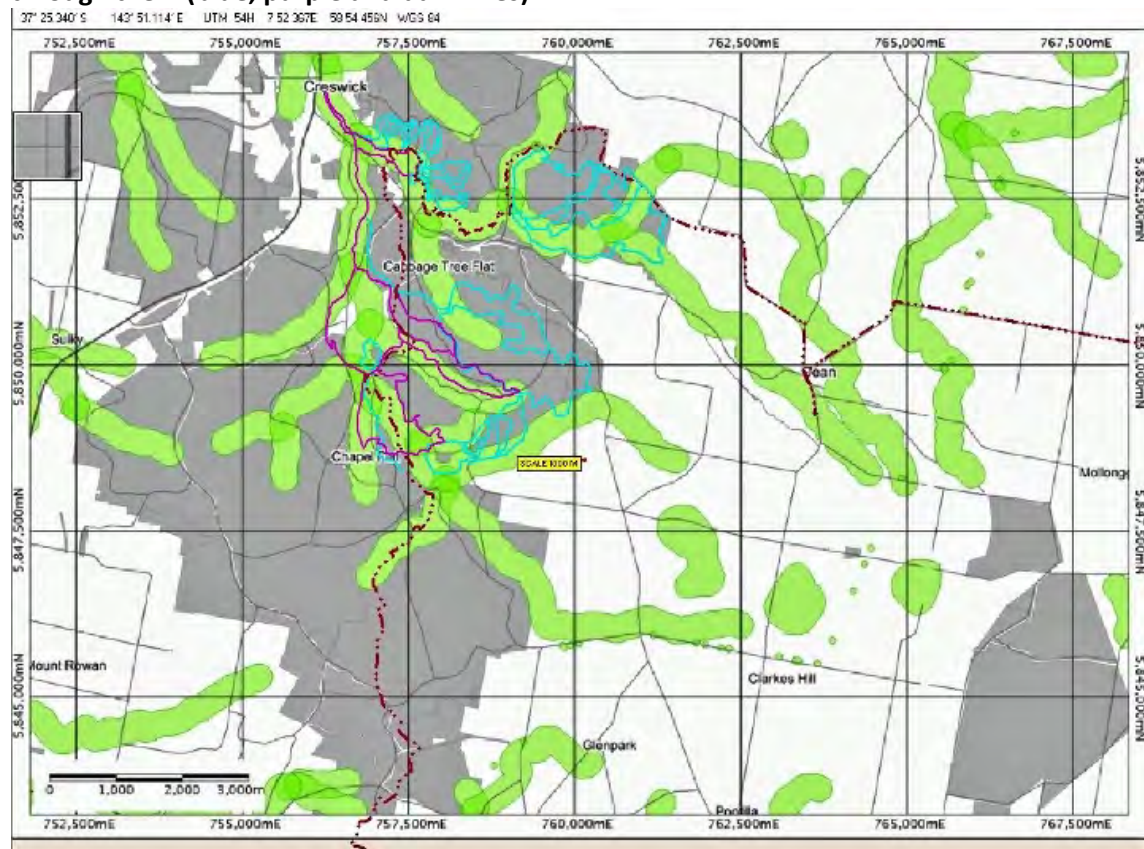
From the start of planning for the CTP sometime before 2014, a trail length of 100 km was 'decided' and accepted by the Shire – without any consultation with the general public about the acceptability of such a large project or the high density of trails proposed. **A proper stakeholder analysis was never conducted of main forest users in the intended Project area [Trails Master Plan – Creswick 2016]** <http://vogacycleclub.com.au/wp-content/uploads/2016/11/Trail-Master-Plan-Creswick-Victoria-180716.pdf>

No Feasibility Study was ever released to the public, even when sought under FOI regulations.

Also, no proper field-based environmental or heritage studies were conducted before late in 2019, when minor desk studies were published. So, planning for a massive 100 km trail network was started and funding sought (and obtained) without any evidence to the public that this scale and density of trails was sustainable. The public also had no information on the economic benefits of the proposal, or of the disbenefits in terms of losses in biodiversity, heritage or other values, habitat and wildlife health, or the rights of long-time passive forest users. There was never any effort to inform or engage members of the Ballarat community who constitute the main users of these public forests.

Although a letter of support for the Project was obtained from Dja Dja Wurrung CAC inspectors (in exchange for some funds and possible rights to employment), the final trail network is more invasive of natural ecosystems and heritage sites, and has become more intrusive into the Sensitive Cultural Heritage Zones, particularly in Stage 1. No proper surveys have been done of Aboriginal artifacts, and a documented cultural gathering site is planned to be surrounded by CTP bike trails. The latter site is not mentioned in the Reports pr PPA although it is well known to the local Shire councillor.

Geovic Map showing Sensitive Cultural Heritage Zones with many of the CTP alignments passing through them (blue, purple and dark lines)



- We submit that the procurement of public funding for this large-scale project on highly valued public forest land and through Goldfields Heritage structures and Sensitive Aboriginal Cultural Heritage Zones was not legitimate and ignored proper planning processes under policies of both RDV and Hepburn Shire. No information was provided to the public on viability (true costs and benefits), or the impacts of a 100 km network on natural and heritage values and our rights to continue passive use of the public forests where it was planned.***

E. A ‘creeping increase’ in the percentage of high conservation value public land (especially Regional Park) in the area proposed to be used for the Project

In early days of planning, we and the public were told in Creswick that the Project was proposed ‘mainly on Hancock’s Victoria Plantation (HVP) land and on forest fire tracks’. **This seemed a reasonable proposal to the public.** In the 2016 Master Plan document see **Trail Master Plan - Creswick 2016 (the only Project plan then) the project map shows predominant use of HVP plantation and State Forest land, although no precise percentages are given.**

<https://www.vogacycleclub.com.au/wp-content/uploads/2016/11/Trail-Master-Plan-Creswick-Victoria-180716.pdf>

At a CTP Reference Group meeting in May 2019, we were informed that the percentage of Plantation (HVP) land was about 35% of the 100 km network, with about 13% of trails planned on land of Central Highlands Water (CHW) and 30% in Regional Park and 25% in State Forest. By 2019 HVP had withdrawn its permission for use of most areas and only 8 km of trail was subsequently allowed. **Instead of reducing the length of the whole Trail, the Shire planned for about 28 km of trails from HVP land to be reallocated to high conservation Regional Park and some State Forest.**

In 2020, when CHW withdrew permission for all trails on their land, that portion of the 100 km network was **re-allocated to State Forest and Regional Park – where around 90% of trails are now proposed (although the exact percentage is not revealed in public information).** Part of this ‘creeping’ increase in proportion of the CTP network in Regional Park has been ‘achieved’ by planning some trail alignments outside Hepburn Shire on land of the City of Ballarat (see **Map 1 ‘Extent of the Study Area’** in **Historic Survey Report 2021**). **Yet the City of Ballarat involvement, consultation or permission does not appear in any Planning documentation. This is evidence of negligence and due diligence at the least.**

- 5. This creeping increase in proposed use of Regional Park (and State Forest) is unconscionable. It constitutes deception of the public - in portraying the Project proposal as less potentially harmful to environment and amenity and other values than is the case. Such deception contravenes the Shires Policy on Public Transparency and this has caused our organisation serious stress and the need to devote many hundreds of member-hours in efforts to protect public assets and values.** <https://www.hepburn.vic.gov.au/wp-content/uploads/2020/07/Attachment-3-Draft-Public-Transparency-Policy-1.pdf>

F. Failure of Shire to properly engage with community, especially main forest users in Ballarat

Although Project Reports claim ‘strong community engagement’ and also ‘widespread acceptance’ of the Project by the community, the facts refute these claims:

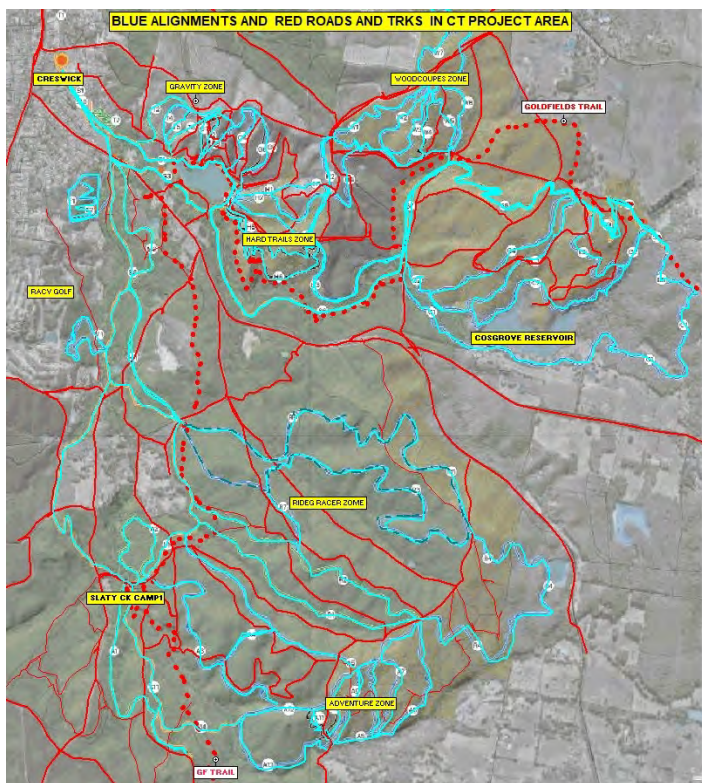
- No stakeholder analysis was ever conducted as a basis for designing engagement with the major groups and forest users who would be impacted by this large- scale Project conceived and designed mainly for a single user group.
- Contact with public has been predominantly (over 80%) with mountain bikers and in the Creswick area (over 90%).
- There was virtually no communication about the Project with the wider Ballarat community i.e. the main users of Creswick forests for over 60 years. The use of the Hepburn Shire website for engagement is clearly not effective for community engagement in Ballarat.
- Community groups express strong interests in mining heritage in both Ballarat and Creswick and state privately that they are strongly opposed to the planned Creswick Trails Project. However, they say they are much too intimidated by mountain bike groups and lobbies, to voice their objections publicly.

6. ***We submit that the Project’s so-called “engagement” process and reports have been largely a pretence, and the Shire’s claims of ‘wide public acceptance’ of the Project are false. Even data in the Engagement Reports show the main contact was with mountain bikers. No public meetings or information was ever provided in Ballarat where most users of Creswick Forests reside - until after the PP application was made in April 2021.***

G. Excessive scale and trail density, and failure to address ‘impacts of use’ after construction of proposed trail network

This Project would construct 100 km (60 km in Stage 1) of formal mountain-bike trail infrastructure over about 15 sq km of public forest, already heavily used by picnickers, campers, walkers, naturalists, fossickers, schools, historical and other community groups. The planned infrastructure includes some raised trails, stone banks, berms, bends, jumps, bridges, signage (‘Bikes Only’ signs on 75% of trails: 85% in Stage 1) and would require removal of 175 trees and 20 ha of ground flora and habitat. The area is already highly fragmented by over 100 km of roads and fire tracks plus trail bike tracks, and also by illegal trails (30-40 km) - built by mountain and trail bike riders since planning for this project started around 2014 (see Creswick **Trails Master-Plan 2014. Ref: p. 47**). These public forests need much better care if their future ecological health and contribution to carbon sequestration are to be realised.

The map below showing the high density and intrusiveness of proposed CTP trail alignments (100 km – light blue lines) superimposed approximately on most official roads (80km - red lines). The red dotted line is the iconic Goldfields Track, much of which would be subsumed into the CTP network. The 40 km of illegally built bike trails in the area are not shown here, but these add significantly to the density and fragmentation of important fauna habitat.



7. ***We submit that this large network and the high trail density is not sustainable in the area proposed. It would damage many highly valued public assets – especially habitat and tranquility for wildlife, biodiversity, heritage structures, bird observation sites, and spiritual values in the mapped Sensitive Aboriginal Cultural Zones along and between the many creek lines (Geovic Maps).***
8. ***The claims in expert reports that building the project would cause ‘no significant damage to environment or heritage’ are patently false and deceptive (based on local and global evidence, such as Vandeman 2014, and from experience in You Yangs in Victoria). The emphasis in expert reports on aiding and enabling the CTP suggests probable vested interests by consultants to paint the proposal in the best possible light. Also, the expert Reports focus on ‘construction’ and fail to mention the major impacts of use of the network after construction. Using the 100 km network by thousands of bikes doing 10-20 km per day would cause inevitable impacts for wildlife, vegetation, heritage and spiritual values (Vandeman 2014). These impacts would be vastly accentuated by use of the network for racing events (as has already been promoted).***
9. ***The ‘expert reports’ fail to discuss the increased pressure on forest assets from proposed high visitor numbers, and their use of at least 20 unofficial parking and ‘bike trail entry points’ in the forest. The inevitable impacts of increased visitor littering of the forest on wildlife and aesthetics (as seen in other bike parks) are not covered. No mention is made either of the real dangers from use of CTP mountain-bike trails by (motorised) trail bikes, as occurs every day of the year in this forest. The Reports fail to mention the rapid increase in use and impacts of electric bikes in Australia, or the dangers to soils and trails especially from ‘throttled E-Bike’s.***

H. Concealment and downplaying of fragility of ecosystems and heritage, and risks to highly valued public assets, from building a 100 km (60km for Stage 1) network intended for high bike traffic and racing.

Most of the trail alignments proposed for the CTP are in Regional Park - the highest conservation status land in the Creswick-Ballarat region. The surrounding Creswick State Forest provides a valuable protective buffer. This public forest has recovered slowly but remarkably from mining that caused ‘complete denudation of trees’ and land surface 100-150 years ago. The spectacular recovery in forests was achieved through work started by John Le Gerche and other forest bailiffs in the 1880s (Taylor 1998) and continued by Government agencies focussing on enhancing biodiversity. Many parts of the area are now ecologically diverse and the density and intactness of heritage sites and structures is remarkable (Davies et al 2014) - as mentioned also in the Expert Reports on Flora, and on History.

However, both the ecology and heritage assets are highly fragile and their condition and values would unquestionably be damaged by such a large and intrusive network of trails intended to facilitate intensive and fast moving traffic and activity.

The PPA and ‘expert reports’ conceal the fragility of the ecosystems and downplay the threat of loss of quality in ecology and heritage values that would inevitably result from the building of the 100 km mountain-bike trail network and its proposed intensive uses. The expert reports claim that building and intensive use of 100 km of mountain bike trails would not significantly harm flora or fauna or heritage value, while admitting that 18 ha of habitat ground flora and 175 trees will be removed (as offsets - to be planted in areas outside of these public forests

For example, false statements in the Permit Application and EMS Report claim that trail gradients are ‘generally less than 5%’. This is a gross misrepresentation of the Project plans, which show many alignments on much steeper slopes (especially in Stage 1 areas).

An example is the Northern Adventure Zone. Our advice in Assessment Reports of April 2020 appears to have been ignored by the Shire in deciding the final alignments in the (previously named) Hard Trails Zone. These fast riding trails (N2 and N3) would clearly impact on health and survival of the rare *Dipodium pardalinum* and also populations of the locally very rare *Lobelia gibbosa* and other important species on the slopes and rocky ridges. Other important species in this zone are *Bulbine glauca*, *Pelargonium rodneyanum* and fields of *Brunonia australis* and *Chrysocephalum semipapposum*, *Microseris walteri*, *Podolobium decumbens*, *Podolepis decipiens* and numerous other species. While the PP Application makes the claim that ‘micro-siting’ of trails would avert damage to floristics, micro-siting would have to be done only after proper observation of these slopes (and marking main colonies of orchids and other species) throughout the entire flowering period from September – January to ensure that siting of any trails does not endanger rare species on these slopes that are endangered, rare or locally rare in Creswick.

A major worry is the very steep trails planned to run down natural drainage lines and some to cross the drainage many times. A good example is Trail G8 which seems highly likely to cause erosion and also impact on the natural vegetation that should be established on the drainage line. Although natural drainage lines in the plantation are supposed to support natural vegetation in terms of the Codes of Practice of DELWP and HVP, in fact there is little no native vegetation now. Proper management would involve the establishment of native species along these minor water courses, but the bikes and traffic criss-crossing the drainage lines would make that much more difficult.

HVP Codes of Practice can be sought from <https://www.hvp.com.au/hvp-environment-conservation/>



As claimed in the above statement, HVP prides itself in conservation management. Their offer to allow bike trails on this property would test not only the Shire's building and management skills but the ability of HVP to adhere to their Codes of Practice while managing the complications of trails and traffic through their plantations. Their policies mention careful ‘monitoring’ and this would be a serious test and possible model for use by the CTP in monitoring the use, erosion trail widening and impacts in other zones, if and where approved.

The PPA also conceals the fact that major bike ‘flow trails’ are planned to be built by denuding and strengthening banks of delicate 150 year-old water race structures with high heritage values.

The PPA and Reports also conceal the reality that these trails are planned on weak-textured, very acidic and erodible slopes and soils. Claims of ‘inherent clay’ soils are made in the expert reports, yet no soil textural analyses are reported, and there is no mention of the variability in soil texture and the need therefore for location-specific testing and design.

10. We object to the numerous technical inaccuracies and omissions contained in the Stage 1 PP Application and the accompanying report as they reveal serious risks of failure and hidden high costs of future management and maintenance of the Project (from rate-payers money). The deficiencies and concealment of risks cause us serious concern about the future integrity of ecosystems and heritage assets if the proposed Project is built on public land.

I. The Project would lead to inevitable change in focus of management of Creswick public forests.

Approval of the 100 km of formal trails ‘purpose-built’ for mountain biking infrastructure would change the focus in the area from management for biodiversity and peaceful enjoyment by passive forest-users, to management predominantly for one group – mountain-bike riders (mainly seeking thrills, in the ‘Gravity’, ‘Adventure’, ‘Ridge Racer’ and other planned Zones). This is grossly unfair to other forest users and the wider community, and would undoubtedly harm wildlife health and diversity, soil erosion, vegetation and heritage – as has occurred in **many other mountain-bike parks built on inappropriate land globally**. For example, the YouYangs is now known as an unpleasant and unsafe Park for most visitors other than mountain bikers. Harcourt Mountain Bike Park was also ‘purpose-built’ - and is totally unsuited and unsafe for use by walkers and other passive users. Its management requires constant erosion control measures and attention to safety issues. All chance of the area becoming naturally revegetated and biodiverse is lost [See example of bike pressure on land at Harcourt Mountain Bike Park <https://lalarrbagauwa.harcourt.vic.au/mtb-trails/>]

The vast percentage of CTP trails would be purpose-built for mountain-biking. That means switch-backs, berms and jumps, and signage on most trails indicating ‘single direction’ and ‘bikes only’. These trails are in areas that have been used by walkers and naturalists and others for many generations – with no visible footprints or damage to vegetation or soils (Ref Map). The only trails designated by the Project for walkers would have to be shared with mountain-bikes and adaptive bikes, and these are mainly on the iconic Goldfields Track (originally built for walking only). Further, ‘Bikes only’ signs on 75% (85% in Stage 1) of Project trails would nullify any claims for injury by walking club and naturalist club member’s insurance against injury from bikers (but the signs would protect bikers against such claims by walkers). This is unreasonable and unconscionable.

Management for biodiversity in the project area is over-stretched already, but the proposed 100 km of trail infrastructure (60km in Stage 1) would bring a very major increase in management responsibility and work for the land management agencies – on top of their existing (often unachievable) work-load in the area. These agencies are clearly unable to control abusive activities of existing forest users – as evidenced by informal trail building by mountain and trail bikers, expansion of illegal 4WD tracks, illegal wood cutting and camping, and other abuse of the public land. [Extensive evidence of such activities and damage can be provided by FNCB on request, by means of photography and site visits.]

11. We submit that the future roles of land management agencies in protecting biodiversity and heritage and caring for other users would be seriously jeopardised by the extra work and focus of the CTP in servicing the needs of one particular user group – mountain bikers. This will have serious, deleterious consequences for nature, heritage and the long-held rights of all current and future passive users of these public forests.

J. Concerns over loss of integrity of Creswick-Ballarat goldfields heritage; and jeopardising the success of intended bid of UNESCO WORLD HERITAGE STAUS for Victorian Goldfields

The high heritage significance of Creswick’s Goldfields water derives largely from the intactness of the whole Creswick Water Distribution System, its unspoilt and aesthetic appearance and healthy and diverse vegetation cover. The advice (in the EMS and HS Reports) is to clear ground-vegetation

from water races, then build up and strengthen their banks and use stoneworks to build around the main large trees outside of the original line of the water race, so as to support trails and mountain-bike traffic on the bank. This advice goes entirely against the Project claims of 'avoiding' loss of heritage values (Hepburn Heritage Strategy 2018-2021).

Such practices would seriously change the appearance of races (see example in Figures below) and diminish the aesthetics of the races, which is a major part of their heritage value. The CTP plans to build over 10 km of trails in this way on historic water races, and (for example) to cross one heritage water race more than 20 times on wooden bridges, in the Stage 1 area alone.

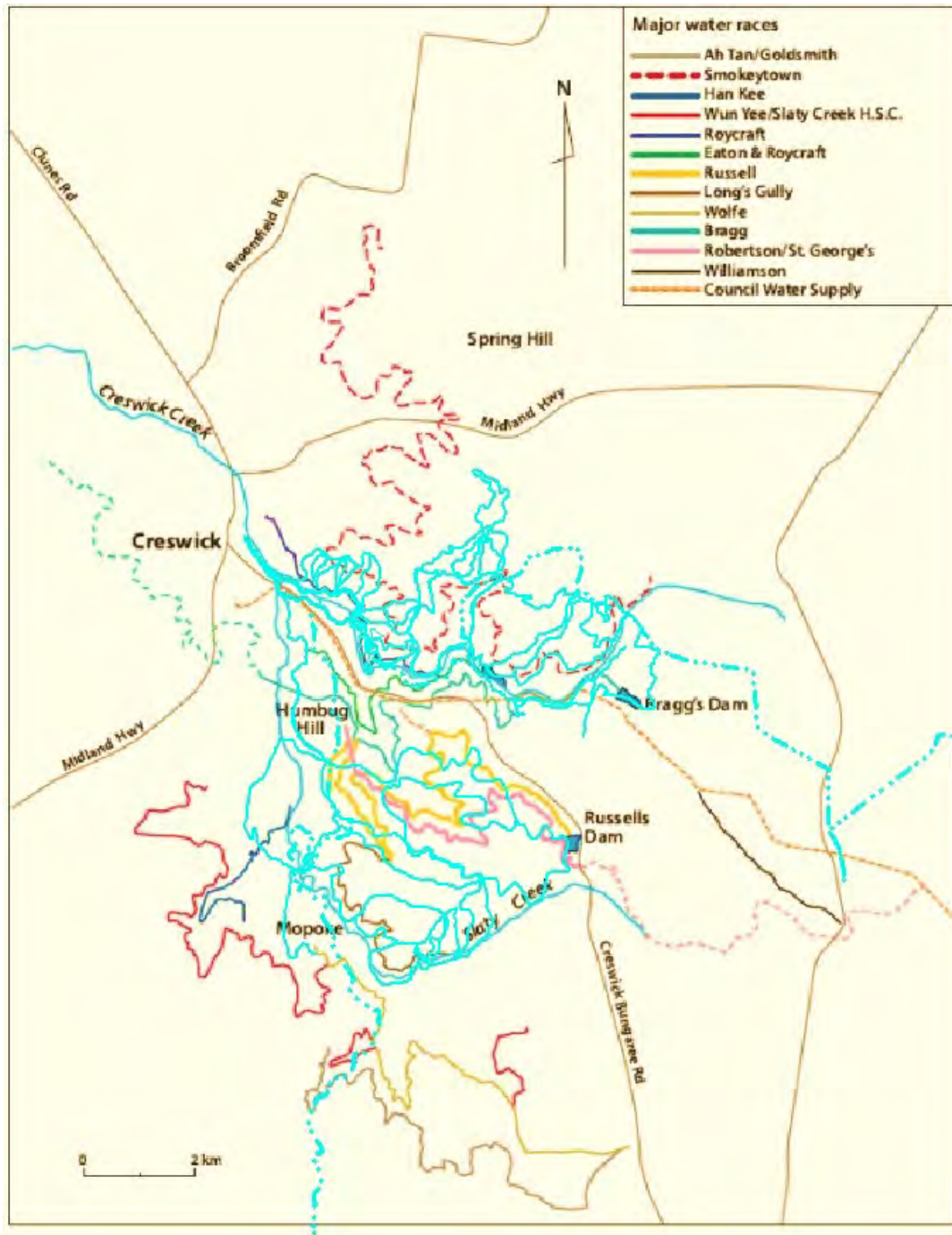
Wolfes Water Race pictured below is over 150 years old and an example of a heritage structure on which the Shire intends to build a major mountain-bike flow trail in the 'Southern Adventure Zone' of the Project. Ground flora would be removed from the lower banks, then the bank built up to support trail and bikes. Stone walls would be built around trees below the bank to support trails. This would destroy not only the technical and aesthetic features but also the heritage value of the race, as well as the integrity and heritage significance of the Creswick Water Distribution System that is unique in Australia for numerous reasons (Davies et al 2014).

Another feature of this race is the way the rich vegetation demonstrates the concepts of the internationally known Keyline System i.e. spreading water across the landscape, which was conceived by Yeomans in the 1920s from his work as a water engineer in the Creswick Goldfield (Yeomans 2008: Davies et al 2014). Keyline principles are well known in Permaculture and Regenerative Agriculture.



The impacts of building the 100 km mountain-bike trail network over the top of the extensive (150 km) heritage water race network (as advised in Historical and EMS Reports) would clearly destroy the integrity of Creswick's unique Water Distribution System - as depicted in the maps below:

The Map below shows proposed bike trails ('concepts'- light blue lines) superimposed, as intended by the CTP, on the major races of the Creswick Goldfields Water Race Network (see key). This virtual 'obliteration' of the race system raises major concerns to FNCA members and to other environmental and Heritage organisations (e.g. Ballarat Heritage Watch) about the major threats to the highly valued Creswick Water Distribution System, and jeopardising the prospects for the Victorian Goldfields achieving UNESCO World Heritage Status.

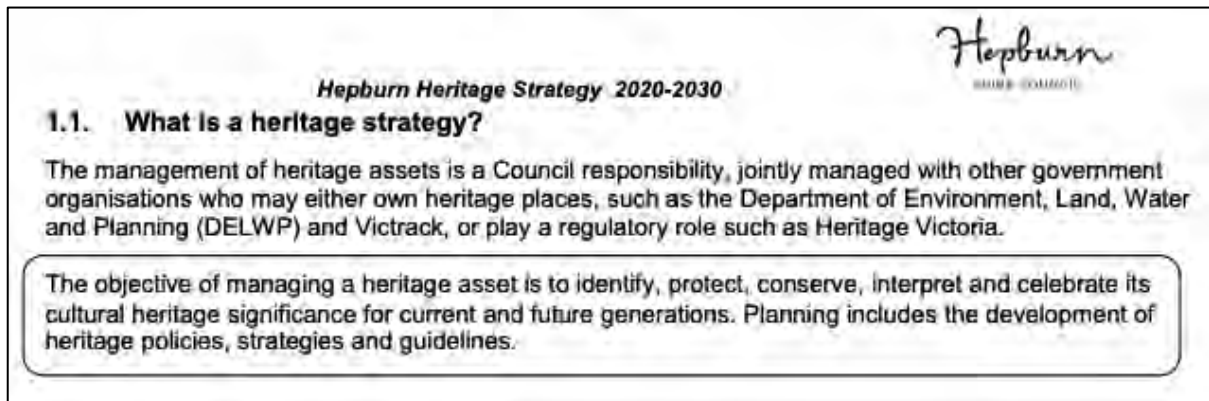


For information on heritage significance of Creswick Water Races, view the video by Professor Susan Lawrence (Archaeologist), La Trobe University: **Rivers of Gold. Creswick Forests Supply Water for Mining**, https://youtu.be/gj4_m4NT_Sk

The Project trail alignments are planned through at least two important heritage Chinese Garden Sites, with no regard for damage to heritage status (Slaty Ck Garden Lat. 37.472700 E Lat. 143.909650 and Ah Youngs Garden Lat. 37.449830 S Long. 143.906000 E). Trails are also planned through the only Aboriginal Cultural Heritage site recorded in European settlement history ('Camping/ Corroboree' site at Lat. 37.446230 E Long. 143.898300 S : and see Henderson DC 2012). Site cards have been prepared for the above sites with a view to achieving some future study and protection through Heritage Victoria.

- 12. We object on the CTP including Stage 1 on the grounds that there is a strong possibility that the threat to the fabric of important water races (and hence the uniquely intact 'Creswick Water Distribution System') would seriously threaten the success of Victoria's bid for World Heritage Status for the Victorian Goldfields. It also contravenes recent appeals by Hepburn Shire to make every effort to preserve heritage – to ensure the success of the State's bid for UNESCO WORLD HERITAGE status, and would also contravene Hepburn Shire's own Policies on Preserving mining and cultural heritage. [Figure below and Heritage Strategy at:**

<https://www.hepburn.vic.gov.au/wp-content/uploads/2020/06/Adopted-Hepburn-Heritage-Strategy-June-17-2020.pdf>



K. Incomplete information provided to the public for PP Application

We note that the Historic Survey Report is labelled 'DRAFT' which means the public are being asked to make decisions about planning permission based on incomplete data and this is unconscionable for such an important large project.

From our observations of extensive heritage in the planned Project area and the risks of damage, it is essential that proper field-based archaeological studies be conducted on the whole proposed CTP area before any consent to build trails be considered. Some of the sites are not listed at all and others that are heritage listed are incorrectly recorded or mapped in listings.

- 13. We object to being provided with inadequate and incomplete information on which to base any sound decisions and ask that more complete reports be furnished prior to Planning application.**

L. Deficiencies in approach and content of 'expert reports' produced for the Project and emphasis on building the infrastructure and neglect of management of network and traffic.

The Project 'expert reports' focus mainly on enabling the approval and building of the proposed 100 km Project (60 km in Stage 1), with virtually no consideration of the practicalities in its future management, or the major increase in traffic and pressures this will bring to soils, ecosystems, heritage and forest tranquillity. There is no mention of the existing pressure and future risks from motorised trail bikes in the forest, or the way they always invade new bike trails. Although brief mention is made of the need for 'monitoring' the reports do not specify designs for any programs – for example on soil erosion, trail widening, illegal expansion of the trails, traffic, litter impacts, fauna health and habitat, weed spread by bikes, or other very essential aspects of management of the trails. These and other issues and risks from mountain-bike traffic are dealt with by Vandeman

(2014), but are very evident in Creswick forests on informal mountain-bike trails after a few years use.

Figure below shows damage to Han Kees heritage water race on Tavistock Hill after a few years of minor bike traffic. The structure and floristics were destroyed very quickly, and trail bikes use the route now. Parks Victoria has tried to close this illegal trail to bikes many times since 2018.



Figure below shows illegal trail made up-slope from water race when fallen branches closed the route. Tavistock Hill Heritage area, Creswick Regional Park



The expert Reports never mention practical problems of illegal trail building that will surely continue if the CTP is built – especially in open, fragile forest ecosystems like those at Creswick.

The land management agencies are very clearly unable to control trail bike damage in the area and have no research or monitoring capacity, so a new 100 km (and even 60 km in Stage 1) trails and traffic would clearly be beyond their resources to monitor, let alone control ecosystem abuse. The need for better resourcing of land management agencies seems paramount yet is not mentioned in any Project documents.

Interpreting some expert Reports is difficult because of the last minute change to a Stage 1 PP Application. While most Reports cover the whole Project area, in many cases Reports failed to differentiate between Stage 1 and 'whole project' data. Some maps of Stage 1 area are very unclear, and the poor referencing and mapping of actual land parcels makes assessment impossible in sections.

The expert Reports have many omissions and inaccuracies – too numerous to cover here. Examples are the claims that the trail gradient would 'generally be less than 5%' – a major understatement, especially in Stage 1 and the Southern Adventure Zone. The claim that soils in the project area are mainly clay based are false and misleading and also dangerous as a basis for trail design.

No studies of arboreal fauna were conducted, and no attention given to studying and protecting the 'wildlife corridor' in the east of the area where fast trails are planned (and where observations of Koala, Growling Grass Frog and Wombat colonies have recently been made). Biodiversity hotspots in existing Nature Reserves areas ignored, especially in Stage 1. The expert team never contacted local environmental groups or specialists. [The Flora and fauna team has well-known vested interests in mountain-biking and in presenting biking trails in a positive light.]

A further deficiency in reporting has been the failure by the consultants to contact local environmental or heritage groups to seek local knowledge. Important information is therefore missing from the Flora and Fauna Report and Historical Survey Report, and even the Aboriginal Heritage Report. Many species known to exist in the area are missing from the Flora and Fauna Report, partly because it relied mostly on old (online) data and the field sampling was not done during critical flowering periods. This was corrected only recently with the Project Summary which accompanied the PP Application, but there is no evidence that the statement claiming micro-siting occurred in spring is accurate. There are no dates supplied, for example.

The Historical Report has some misleading background information and lacks local knowledge of heritage mining sites. Examples of errors and omission in the EMS Report are the (misleading) emphasis on 'inherent clay' soils of the area, and a failure to deal with weed control, which would be major issue in some areas especially in control and maintenance of Gorse on the 20 m wide trail corridors parallel Slaty Creek.

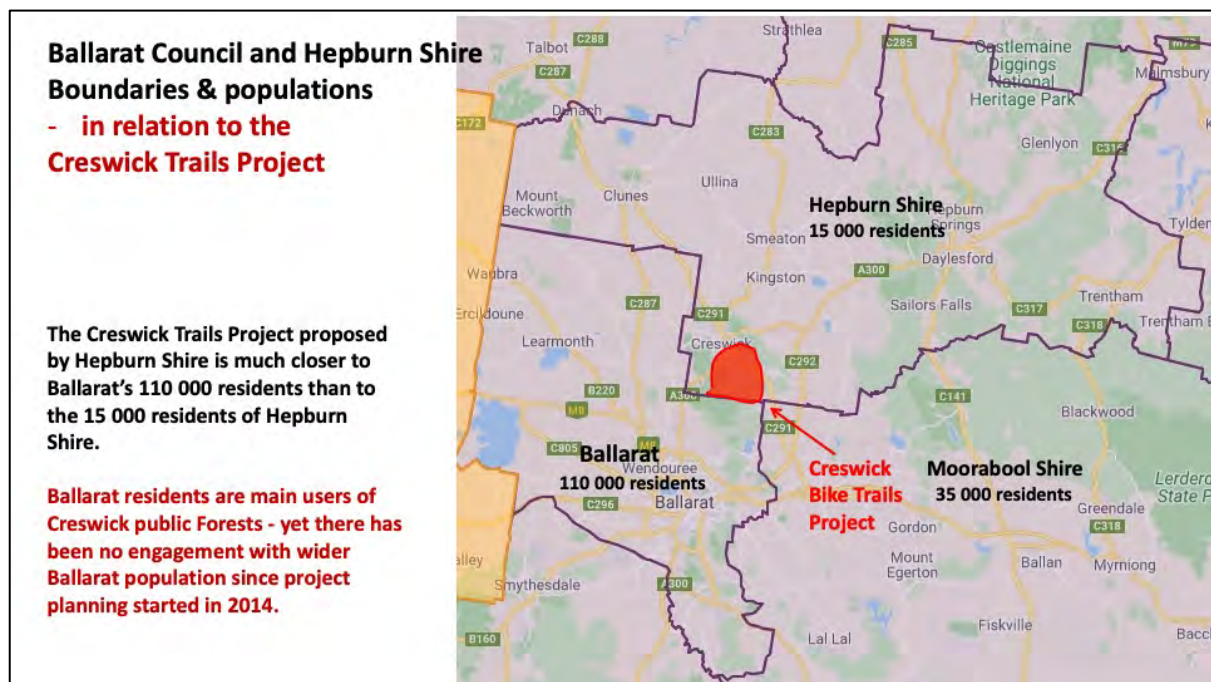
14. We submit that the environmental values and the fragility of the area have been seriously down-played and even concealed in the 'expert' reports and in the Planning application. Vegetation studies were not conducted in flowering season, and 'Habitat hectare' sampling was inappropriate for studying impacts of trail alignments that are linear in form. 'Final trail alignments' were unknown at the time of most studies. There is no mention of strategies for management of bike trails or traffic in ways to protect fauna especially the large numbers of kangaroos, wallabies and other large fauna in the forest (such as newly observed wombat colonies in the east of the Project area).

M. The Shire's very late announcement to introduce Stage 1 to Project planning is deceptive and unacceptable planning procedure, especially as most expert Reports cover the whole Project.

The original Project proposal was split into stages at the last minute (March 2021) just before PP Application was made in April 2021. This is a serious injustice for citizens, because the change averts public attention from the large scale and many dangers of the whole intended Project. Also, most of the expert Reports to inform the public cover the entire Project area and not specifically Stage 1. The lack of 'Stage 1 specific information' in CTP Reports (apart from the Summary document published with the Permit Application) makes proper assessment and comment on this area very difficult, or impossible in some cases. Assessment of Stage 1 cannot be soundly based on large amounts of data that is related to the whole CTP area.

We objected strongly to the Shire about the change to Stage 1 PP Application but received no sensible answer. We conclude that the Shire may have discovered serious flaws in their proposals for the south of the Project area, such as illegality of using the Regional Park, and the need for more detailed studies on ecology and heritage. Some of the trails proposed in the south are located in the Ballarat Shire, which represents a very major planning error. The Planning Permit should ethically have been submitted for the whole Project when all the studies have been properly made. The Staging seems to have been conducted so as to cover up the real impacts of this massive and highly invasive Project that will have major impacts on Creswick forests.

See Map below showing proposed CTP trail (red) – on (and extending over) Ballarat Boundary.



Proper Public Land Assessment should by law follow prescribed Public Land assessments and evaluations procedures, comprising detailed assessments and publication of clear expert reports on:

- Environment / Conservation values
- Cultural / Historic (Heritage) values
- Social / Community / Aboriginal values
- Recreation / Tourism values
- Resource Production / Utilization values

15. We submit that Hepburn Shire has not followed proper Public Land Value and Land Use Planning Assessment processes and formats in assessing the CTP and the Public Land on which it is proposed to be developed.

The change to Stage 1 Application and consequently confusing reporting is a significant flaw in planning and assessment by the Shire, including the failure to follow the LCC BALLARAT STUDY AREA 1982 - CRESWICK AREA PUBLIC LANDS VEACRECS25 / PLANS / BOUNDARIES / SURVEY REPORTS & PLANS

N. Failure to communicate important background information on planning, budget and finances.

Our interest in the financial viability of the Project led us to seek information first directly from the Shire, and then under FOI regulations, on pre-project Cost Benefit studies done before the granting of \$2.1 M by Regional Development and \$1.5M by Hepburn Shire towards planning (not building) the project. No such Project Feasibility Study was ever provided for the public (even through FOI procedures). No field-based studies were published, either on environmental or heritage values, before funding was obtained and expended. The long 800 pages of expert 'final' Reports (some draft) were produced only 3 weeks before the opening of submissions for Planning Permission.

We conclude that no estimates were ever made of losses from biodiversity and carbon sequestration, or from aesthetic and heritage values – that would result from constructing and using this major infrastructure on public land (at a likely total cost of over \$10M – never published by the Shire) and any feasibility study conducted was concealed from the public.

The Hepburn Shire made decisions to proceed with the large (100 km/60km in Stage 1) scale and high density of trails (7 km per square km) without information on the safe capacity of such density on the ecosystems, habitat or heritage or impacts on other users of the public land. (The first Environmental Report (Hepburn Shire 2019) mis-stated the density of the Project trails as '100 km in 30 sq km'" (double the actual proposed Project area). The Trail was said to be in Creswick Township with no clear mention of the high value public forest or the existence of over 100 km of roads and tracks in the area or the 120 km of water races and 30 km of illegal bike trails.

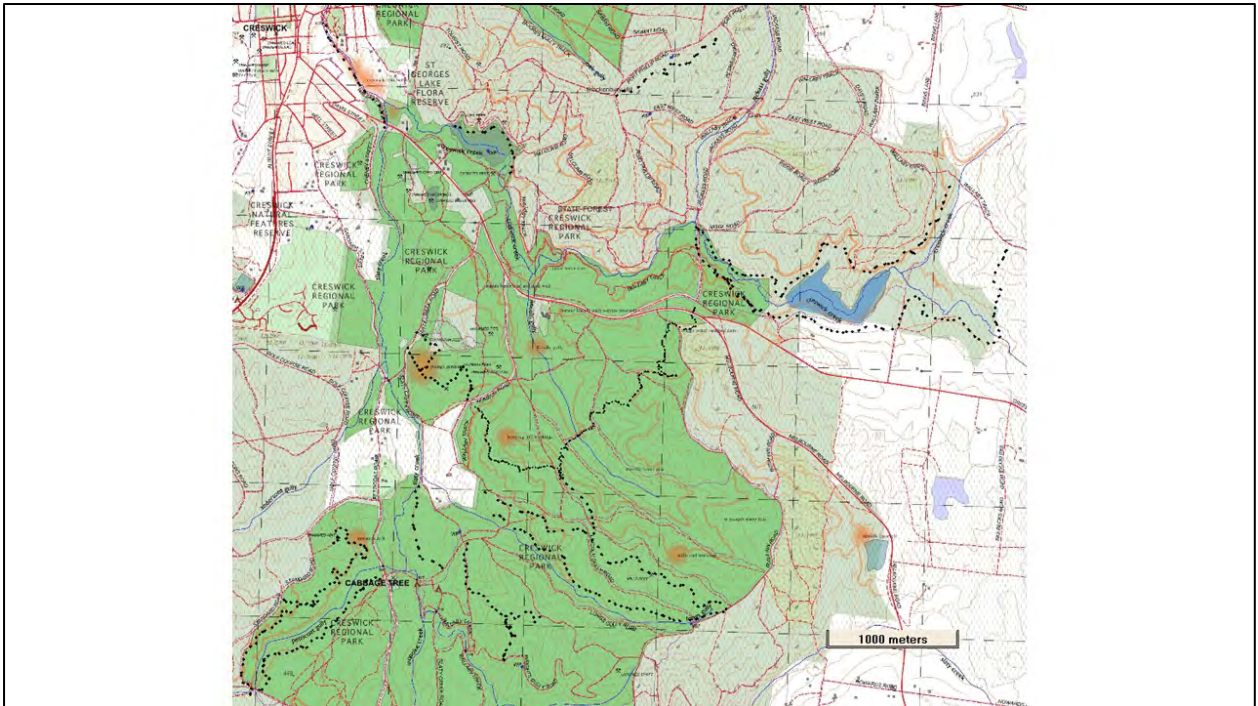
16. We submit that the use of public money on the Project without releasing a proper feasibility report or other expert studies was grossly negligent, as is the subsequent expenditure of tax-payer moneys granted on such a large project without informing the public. These failures seriously contravene the Shire's policies on Transparency and Accountability. <https://www.hepburn.vic.gov.au/wp-content/uploads/2020/07/Attachment-3-Draft-Public-Transparency-Policy-1.pdf>

O. The building of extensive Illegal mountain-bike trails by 'volunteers' associated with proposing this project to the Shire, and the proposed incorporation of these trails in the Project (See p47: Trail Master Plan - Creswick 2015 <https://www.vogacycleclub.com.au/wp-content/uploads/2016/11/Trail-Master-Plan-Creswick-Victoria-180716.pdf>)

Our concerns about the environmental dangers of this Project were aroused in 2015 when we found many illegal bike trails being made within Creswick forests. Land managers have been unable to effectively close these illegal trails, and many are planned for incorporation into the CTP trail network.

We have mapped and photographed over 30 km of illegal trails and these provide evidence of the damaging impacts of many poorly made trails and the risks of further illegal trail building if the Project were approved. After mountain-bike trails are made (often through the more pristine areas and often on heritage races or sites) and this leads to motorised trail bikes following bikers, and their damage is an even greater risk for the ecological integrity of public forest and heritage values.

Map showing 22 km of illegally made mountain-bike trails (black dashed lines) out of about 34 km known in the proposed CTP area. The green shaded area is Creswick Regional Park



Illegally made berms, jumps and bridges result in loss of ground flora and destroy habitat in the area



17. We object to the inclusion of illegally built trails in the CTP and request that the Shire and land managers ensure that all illegal trails are identified and removed and the disturbed ground be revegetated before this Project is approved.

P. Trail developments are proposed through long time nature reserves, known high diversity areas and long-used bird observation sites.

Parts of Stage 1, e.g. the old Flora Reserve north-east of St Georges Lake (SPI Y33 / PP2464) and a Natural Features Reserve (Eastern Hill Reserve) along and north of Creswick Creek between St Georges Lake and Hammond Park (P101808 & SPI 2014/ PP2464) have been valued for especially high floral biodiversity. For example, the range of orchids alone observed by a Government Botanist at the latter site included *Caladenia clavigera*, *Caladenia dilitata*, *Chalochilus robertsonii*, *Duiuris sulphurea*, *Microtis parviflora*, *Prasophyllum despectans*, *Thelmytra Aristida*, *Thelmytra carnea*. It appears that the CTP Project may be planning bike trails through this area, possibly as part of the intended CTP 'Skills Park'. However, the Application makes no mention of the status of this land parcel. VEAC (2011) refers directly to protection of riparian public land, that is be managed primarily for biodiversity and water quality (Recommendation 9).

The Flora reserve north-east of St Georges Lake (SPI Y33 / PP2464) has rare *Dipodium pardalinum* and *Spiranthes australis* and other valuable species, but the Project plans to build several mountain-bike trails through this area, including trail numbers L1, L2, L3, L4 and L11. Better mapping is required in order to ascertain exact alignments and their impacts on flora.

It is inexcusable that the Shire has planned trails through old Reserves without justifying this use of particular public land parcels, as these are known to locals and to Land Management agencies, and are traceable on land records. This is also contravenes the Shire's Biodiversity Strategy:

<https://www.hepburn.vic.gov.au/biodiversity/>

BIODIVERSITY Hepburn Shire (From <https://www.hepburn.vic.gov.au/biodiversity/> as at 30 April 2021).

One of Council's five objectives from the Council Plan 2017-2021 is a 'Sustainable Environment'.

A key activity of the Council to achieve this objective is to, 'Take proactive steps to protect, maintain and enhance biodiversity, including rare/endangered species and wildlife corridors, and reduction of weeds on Council land while minimising herbicide use. Partner with other stakeholders to achieve greater weed management outcomes shire-wide'.

Hepburn Shire Biodiversity Strategy 2018-21

The Hepburn Shire Biodiversity Strategy 2018-2021 has three broad aims,

- To protect and enhance biodiversity,
- To increase Hepburn Shire Council's capacity to protect and enhance biodiversity
- To support community (conservation) action and awareness

The strategy includes a four-year action plan with 13 strategic focus areas and 31 actions intended to provide on-ground protection and enhancement of biodiversity, support well informed decision making, increase community awareness and support partnerships to improve biodiversity for future generations.

Planning of trail alignments in Regional park should be conducted in accordance with DELWP's 'Protecting Victoria's Environment – Biodiversity 2037' - Victoria's plan to stop the decline of our native plants and animals and improve our natural environment – available at <https://www.environment.vic.gov.au/biodiversity/Implementing-Biodiversity-2037>

In addition to proposing trails through various conservation Reserves, the Shire appears to have placed trails through sites used by Ballarat and Creswick bird observers over many generations, and about which the Shire was informed in FNCR Assessment Reports in April 2020. Main bird observation sites in Stage 1 area are at the east end of St Georges lake and below Cosgrave Reservoir – both sites close to planned CTP trails.

The precise trail alignments need to be independently checked in flowering times in September to January, so as to align (or delete) trails) to avoid impacts on rare plant species and biodiversity hotspots, and to ensure no impacts on fauna health and breeding.

- 18. We object to the placement of trails in areas of high biodiversity and floristic rarity and at or near to sites that have been enjoyed by users other than mountain-bikers for many years. Trails through these areas will reduce both access and safety of walkers and other users.**

Q. Dangers to heritage and biodiversity from planned trails and high pressure of use – in Stage 1

Stage 1 trails would have some particular impacts on mining heritage. For example, the Project plans show the Smokeytown Water Race being ‘crossed’ 20 times by mountain bike trails (on wooden bridges) over an area of about 3 square kilometres of land. (Hence the heritage principle of ‘avoidance of damage’ has not been followed). Stage 1 plans would also certainly damage highly significant Eaton’s and Bragg’s water races - because a large multi-purpose trail is intended along the iconic Goldfields Track which follows these narrow, twisting, biodiverse and aesthetically attractive heritage structures. The walking experience on this 150 year-old miner’s walking route would also be compromised (Wettenhall 2015).

The Koala Park area through which the Goldfields Track passes has particularly high diversity and rare species close to the trail that would be seriously impacted on or destroyed by the planned widening and alterations to the Goldfields Track (Trails S3, S4, S5). Examples of rare species growing on the trails are *Grevillea micrantha*, *Dipodium pardalinum*, and *Bulbine glauca* nearby on the slopes.

As much of this section of the proposed large S3 trail is close to the Creswick Creek, the changes would have to be submitted to the North Central CMA for assessment and a ‘Works on Waterways’ permit and possibly other consents. The route passes close to an old Chinese Camp (Lat. 37441778 E Long. 143.917358) east of Koala Park, and close to the Back Creek Garden / Orchard site (Lat. 37.439967 E Long. 143.925943 S) west of Jackass Road. These historical sites are mentioned in the *Guide to the Goldfields Track* by Wettenhall 2015). This route was used by miners since the 1850s and hence that ‘use’ predates the building and modern use of the Goldfields Track by over 100 years and retains the historical links. The whole Goldfields Track and walking route through the proposed CTP area needs proper investigations to ensure no damage to heritage or environmental values occurs.

- 19. We object to the plan to superimpose a 1.5 – 2 m wide multipurpose trail on the numerous narrow water races described above because it clearly does not follow the ‘principle of avoidance’.**
- 20. We strongly object to the construction of trails and the subsequent use of the Goldfields Track which is very likely to diminish the environmental, aesthetic and heritage values of this important walking route. Our members have enjoyed peaceful use of that track for over 60 years, until 2019 mountain biking events disturbed that experience. In addition, there is much greater risk of accident or injury where mountain-bike traffic and pedestrian traffic is mixed, and there are plenty of proposed ‘bike only’ trails.**

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Victorian Environmental Assessment Council (2011) *Remnant Native Vegetation Investigation: Final Report*, East Melbourne

Victorian Environmental Assessment Council (2016) *Historic Places Investigation: Final Report*, East Melbourne

Please use block letters

Planning & Environment Act 1987

WHO IS OBJECTING:

Name/s: [REDACTED]

Property address: [REDACTED]

Postal Address (if different to above)

Tel: [REDACTED] Email: [REDACTED]

WHAT APPLICATION DO YOU OBJECT TO?

Permit application no. PA 3141 no 1

Proposal: Creswick Trails Project - stage 1.

Who has applied for the permit:

WHAT ARE THE REASONS FOR YOUR OBJECTION?

Loss of indigenous vegetation on public land

The proposed project is an inappropriate use of public land that should be managed for its flora and fauna.

At a time of population growth and biodiversity loss, it is important that all recreation in areas of conservation are low impact. Building trails for Mountain Bikes, that will potentially be used for large rallies, should not be considered. We need to restrain our activities to avoid destroying the last important areas of intact vegetation on which many indigenous fauna species rely.

HOW WILL YOU BE AFFECTED BY THE GRANT OF A PERMIT?

Wombat Forestcare Inc was established in 2006 to protect and enhance the ecological health of the Wombat State Forest and surrounding areas.

Wombat Forestcare aims to promote the conservation of native flora and fauna species and ecosystem function.

This project will destroy 18 ha of native vegetation (including the removal of more than 174 trees) in an area known for its high conservation values.

The Creswick Regional Park, which has most of the proposed trails, has a very high conservation status.

The projected trails will impact other forest users such as people walking to enjoy nature and birdwatchers. Over 80% of the proposed Stage 1 trails will be designated

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Digitally signed by Gayle Osborne
DN: cn=Gayle Osborne, o=cc,
email=info@womballoorestate.org.au,
c=US
Date: 2021.05.04 13:55:47 +1000

Or Tick Box Date:

IMPORTANT NOTES ABOUT OBJECTIONS TO PLANNING PERMIT APPLICATIONS

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Signature: Or Tick Box Date: 4/5/21

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I wish to object to the granting of a planning permit for the “use and development of a mountain bike trail (informal outdoor recreation) and the removal of native vegetation” as stated on HSC Planning Permit application #3141. I have listed the grounds for objection below. The cumulative effect of my objections gives the explanation of how the proposal will affect me. Such a large, intrusive and potential destructive development will alter the forest and bushland of Stage 1 to such an extent that I will no longer be able to enjoy the peace, tranquility and proximity to nature in much of the forest as I am used to. As an occasional visitor I have enjoyed the quiet and serenity of the bush environment while gaining pleasure from watching birds, mammals and insects go about their lives undisturbed. My fear is that this experience will be denied me and my family if this proposal goes ahead.

1. The Application document contains a number of errors.
 - a. The applicant is named as Alison Breach, yet the declaration on page 3 is signed by Gary Wisenden ‘on behalf of the applicant’. The form expressly states that the declaration must be signed by the applicant, and indeed the declaration is “I declare that I am the applicant...”. This is a serious error of administration and likely renders the application invalid.
 - b. Further, the section on Applicant and Owner Details, page 2, asks for at least one contact phone number and this has not been supplied. The options are for the ‘contact information for the applicant or the contact person below’, but both have been ignored which jeopardises the validity of the form.
 - c. The description of the proposal is for ‘use and development’, but these are surely in the wrong order – simple logic dictates that development comes first, then use.

I object on the grounds of serious administrative errors in the Application document itself.

2. The description of the Proposal states that the proposal is “informal outdoor recreation”, but that will depend on one’s definition of “informal”. As the application continues, the nature of the proposal becomes less and less informal. It involves construction of special structures and earthworks specifically for mountain-bike use. Where events of any size or type are contemplated, there will be crowds, traffic, rubbish, marshalls, drink stations, portable toilets, food/coffee vans, ambulance, seating, media... in other words, organised and managed which can only be described as Formal.

I disagree that the expected use of the trails network will be purely informal, by any definition, and will extend to definite formal uses at times. So, the description is invalid and misleading.

3. In the Planning Report that accompanies the Application, there is some discussion of the establishment of car parking which is a ‘new use’ of the land (pp.4, 5 and 24). This should also be included as a major part of the proposal along with removal of vegetation.

I question whether 36 spaces of car parking can be described as ‘adequate’ at the trail head and that to assume that there will be sufficient car parking in the public forest, particularly on weekends, is foolish. If even half the anticipated visitor numbers is realised (40,000 p.a.) each weekend could yield 750 extra visitors to the town and forest requiring 192 more car spaces, if 4 people travel in one vehicle.

4. The Planning Report asserts that the proposal is unique, which is demonstrably false. There are similar trail networks close to Creswick at Harcourt and the You Yangs.
I object to the use of such statements as 'unique proposal' and consider them false and misleading, making out this proposal to be more important or significant than it is.
5. The Planning Report mentions 'Buildings' in relation to the proposed works. This is misleading as it appears that no buildings as such form part of the construction of the trails. And if there are to be buildings, there is no mention of their type, size or purpose.
I object to the misleading nature of the word 'building'.
6. The site for the proposed trails is described (p.5) as a 'unique landscape'. If this is the case, then it requires protection, rather than development on the scale proposed. Something unique is one of a kind, not found anywhere else. This description is not accurate and seems to be designed simply to make the proposal sound acceptable and exciting.
I completely reject some of the terms used in much of the Planning Report as being more propaganda than factual and considered reporting.
7. Pages 6 and 7 of the Planning Report continue by stating that the proposal will result in a net community benefit. This extraordinary claim is not supported by any evidence or verified by figures from any source. Why should people just accept such a throw-away line as fact? What are the 'economic and tourism benefits'?
The Proponent has not been thorough in its dealings with the general public. If detailed calculations of the benefits of the project are available, these should have been made public to allow proper scrutiny by ratepayers and other stakeholders.
I object to the proposal on the grounds that insufficient financial and community benefit information has been made available on which to base a decision.
8. The section on Technical/Management Reports (p.6) states that the reports "will ensure appropriate management techniques are implemented during construction...". This is nonsense because the reports themselves will not ensure anything. It is the site managers, contracted builders, Council staff and people on the ground who are responsible for appropriate management techniques. The reports, including the Planning Report, do not guarantee that anything in the reports will be implemented correctly.
I object to the idea that a printed report will dictate the behaviour of people associated with this proposal. There is no guarantee that what a report may recommend will actually occur.
9. There are numerous paragraphs describing works that have been and perhaps will be carried out at Hammon Park in support of Stage 1 of the CTP (pp. 5, 7, 8, 11). It is far from clear whether any future works at Hammon Park are part of this current Planning Permit or not.
I object to the proposal because the Planning Report is ambiguous in relation to the use of Hammon Park and does not inform any details of what is proposed.

10. Page 11 of the Planning Report is unclear when it talks about ‘events’. Hammon Park will “contain a range of facilities... as well as the opportunity to hold events with start and finish lines”. This is misleading because the next sentence states that these facilities are not the subject of this application. It reads like any races or similar events will be restricted to Hammon Park, but that is not clear. In discussion with CTP staff recently, ‘events’ were described as anything from a fete to a picnic and the impression was that these could take place anywhere. Further, on page 21, while discussing the tourism benefits of the CTP, Stage 1, Hammon Park is promoted as having “the ability to attract and hold national and international mountain biking events”. This is unambiguous in contrast to previous information and threatens the claim of informality in other parts of the report.

I object to the proposal in its stated intentions related to races and other large, organised (i.e. formal) mountain-bike events in Stage 1, which have the potential to cause considerable damage to the environment generally.

11. The Planning Report gives a bare four lines to the subject of Aboriginal Cultural Heritage and the results of official investigations from Feb 2021 are not finalised, or yet to be approved by Aboriginal Victoria.

I object to the application because it has not considered all of the information that could be gathered and has not received key approvals, including from Aboriginal Victoria.

12. The subject of economic development and tourism is covered on pp. 20-21 and again talks about the *unique landscape and cultural qualities of the area*. I would argue that Queenstown in Tasmania has similar qualities but would anyone in Creswick like to see that degraded landscape duplicated here?

No one disputes the benefits of increased tourism for business generally, but why does it have to be at the expense of public forest that belongs to everyone?

I object to the proposal using large tracts of public land for the purposes of a single user group, and in many cases to the exclusion of other existing user groups and individuals. Public forest and Regional Park should not be used for such elite purposes.

13. Community Infrastructure (p.21) is promoted in this proposal as enhancing open space and “opportunities to connect with nature, peace and solitude”. It is hard to imagine how much connection to nature a rider will experience when travelling quickly along a trail that twists and turns repeatedly. All concentration will be on the ride and give little chance for riders to pause and take in the scenery. The idea of the proposed mountain-bike trail as ‘community’ infrastructure, when it only for one segment of the community, is a joke.

I object to much of the language used in the Planning Report which attempts to paint a much more positive picture of the mountain-bike trails by being wholly benign, idyllic and trouble-free. It is deceptive language. Such a report should stick to the facts.

14. Native Vegetation Removal is a critical part of this proposal. Under the Decision Guideline 1, the Planning Report states (p. 27) that “measures have been taken to avoid the removal of native vegetation as much as possible”. This is immediately contradicted by “the construction of the trail will involve remove of very narrow strips of understorey vegetation only”. This material is possibly the most important component of a forest in terms of biodiversity. The smaller, ground-hugging shrubs, grasses and forbs, plus the leaf litter and top few millimetres of soil contribute so much of the food, shelter, recycling and nutrient exchange that the entire ecosystem relies on. Removal of this vegetation impacts on the health of insects, fungi, microorganisms and other decomposers that perform vital ecological functions that benefit even the tallest of trees. Micro-siting is mentioned (p.26) as having taken place, but there is no further information to describe the process, where it occurred, nor by whom, nor any detail in terms of maps produced from the activity.

I object to the removal of understorey vegetation in the construction of trails as being detrimental to the biodiversity of the area, in breach of Shire’s planning policy to ensure protection of the environment, including biodiversity.

15. Finally, I wish to point out a number of small, but significant grammatical and typographical errors in the Planning Report which, although do not detract from the report’s contents, do point to a certain degree of slackness on the part of the authors and their sponsors. These errors occur on pp. 7, 8, 9, 20, 21, 25 and 28 and include missing words, misspellings, use of the incorrect word (Cosgrove Reservoir does not exist), incorrect terms (‘flagged ship’ for ‘flagship’, incorrect word use (reducing instead of reduce), incorrect use of plural in context of a single tree. In some cases, the error renders the sentence nonsensical.

I object to the proposal based on the lack of concern or attention to detail that is evident in the number of minor errors found throughout the text. These could indicate that the proposal has not been properly thought through and that no one is checking the details and making sure they are right. My fear is that the same attitude will be borne out in the construction, checking and ongoing maintenance and monitoring of Stage 1 CTP and beyond.

Submitted by

██████████ ██████████

Please use block letters

Planning & Environment Act 1987

WHO IS OBJECTING:

Name/s: [REDACTED]

Property address:

Postal Address (if different to above) [REDACTED]

Tel: Email: [REDACTED]

WHAT APPLICATION DO YOU OBJECT TO?

Permit application no. **PA 3141**

Proposal: **Creswick Trails**

Who has applied for the permit: **Creswick Trails Project**

WHAT ARE THE REASONS FOR YOUR OBJECTION?

The Wattle Flat Pootilla Landcare Group are a highly active community group working in the region of the Creswick Trails Project, including in the Creswick Regional Park.

The WFPLG Committee lodges an objection to this project on the grounds of environmental impacts. Our concerns for this project include:

- The impact on areas of high biodiversity value, particularly currently undisturbed areas.
- The amount of trails and riders causing rapid spread of weeds and potentially the phytophthora pathogen.
- The volume of trails and riders that would impact on the damage from existing and new illegal tracks.
- Erosion and its impact on water quality and catchments.
- Long term maintenance seems not to be well considered in the proposal.

HOW WILL YOU BE AFFECTED BY THE GRANT OF A PERMIT?

The WFPLG will be impacted by the increased environmental management issues and the potential to impact on projects (such as plantings and community education activities) in the the area.


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 Digitally signed by Mathew Dowler
Date: 2021.05.05 16:13:20 +10'00' Or Tick Box Date: 5.5.21

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From: [REDACTED]
Subject: Submission of Objections to P 3141 Planning Application : Creswick Trails Project Stage 1
Date: Tuesday, 4 May 2021 11:36:21 PM
Attachments: [Objections FNCB Final.pdf](#)

Dear Hepburn Shire - please see attached file

Please find attached my 'Public Objections' to the above Planning Permit Application.

How I would be affected.

I would be deeply affected by the Project if it was approved, as this would shatter my faith in proper planning process.

Mainly the public forests and heritage places that I and my family and groups of which i am a member have always enjoyed - would be seriously diminished in quality - at great loss to me - in amenity, education opportunities, tranquility and spiritual contentment.

There would also be serious losses to our rights and that of wildlife and my community to health and other benefits (like Carbon sequestration) - from damaged forest ecosystems.

Other losses and impacts are mentioned in the Objections Document attached.'

This project is 'discretionary' : it does not need to be imposed on peaceful forests by the Shire, on land owned by the public (not the Shire). It is planned on the far southern border (even crossing into Ballarat Council secretly) - well away from the Wombat Forest where the Hepburn public would never approve it.

Creswick forests would never be he same - especially with the ever increasing demands of mountain bike community.

Sincerely

[REDACTED]

Ballarat (See address on the Objections document attached)

[REDACTED]

Public Objections To The Planning Permit Application No. 3141**“CRESWICK TRAILS PROJECT – STAGE 1”****From:** [REDACTED]**FNCB Membership and qualifications:**

The Field Naturalists Club of Ballarat is comprised mainly of residents of the Ballarat area with long experience of recreation, conservation activities and work within the Ballarat-Creswick public forests, which are contiguous and located much closer to Ballarat than to most of Hepburn Shire. [See map below]. Some members own property in Hepburn Shire, others have worked extensively in the area proposed for the Creswick Trails Project. Our expertise includes professionals qualified in ecology, agriculture, land-use, hydrology, education, law, art heritage and finance. We also run a junior Field Naturalists Group. Individual members tend to have special interests and expertise in particular areas – vegetation, birdlife, vertebrates, invertebrates, soils, and Indigenous and settlement heritage.

Our members have worked on conservation projects with Public Land managers over many years at sites in Victoria and other states. Professions include crown land management, nature journalism, academic research, and members have been advisors to Victorian Environmental Assessment Council (VEAC) and Catchment Management Authorities, and executive members of South East Australian Naturalist Association, Ballarat Environment Network, Birdlife Ballarat and other organisations

We are not opposed to mountain-biking in appropriate areas. Some members are keen bikers and ride legally in Ballarat-Creswick forests. We strongly oppose illegal trail-making and building of mountain-biking infrastructure in areas with high environmental, heritage, cultural and spiritual values. We strongly encourage the use of trails in our region that are well suited to speed and skill-based mountain-biking activities – such as Black Hill and La La Bar Gauwa/Harcourt Mountain-bike Park. Please view <https://lalarrbagauwa.harcourt.vic.au/mtb-trails/>

From: Vandeman 2014 (in the USA)

It is obvious that mountain biking is harmful to some wildlife and people. No one, even mountain bikers, tries to deny that. Bikes create V-shaped ruts in trails, throw dirt to the outside on turns, crush small plants and animals on and under the trail, facilitate increased levels of human access into wildlife habitat, and drive other trail users (many of whom are seeking the tranquility and primitiveness of natural surroundings) out of the parks.

GENERAL OBJECTIONS TO THE CRESWICK TRAILS PROJECT (CTP), INCLUDING STAGE 1.

A. Inappropriate proposed use of public land, especially Creswick Regional Park

The Government approved Land Conservation Council (LCC) Ballarat Study Area Land Use Determinations allow the use of **'only informal outdoor recreation'** in Creswick Regional Park, the land tenure in which most of the CTP is proposed to be built.

However, the 100 km mountain-bike trail network, constructed especially for mountain-bikes with berms, switch-backs, jumps, bridges, boardwalks, rock structures, raised banks of water races, signage, etc. would clearly be **'formal infrastructure'**. The CTP's use, especially in major organised events for mountain-bikes (e.g. *Iconic map marathon, stage race and gravity enduro event*) would be **'formal recreation'**. Local cycle clubs have already organised major formal events requiring permits, such as the 'Brackenbury' event which was promoted as a 'national' event in 2019 and which used some of the proposed CTP trails. Such events require major organisation and management often by commercial operators and could only be classified as **'formal recreation activity'**.

HSC should have been advised by DELWP to follow the proper Public Land Value and Land Use Planning Assessment processes and procedures and formats in assessing the CTP and the Public Land on which the CTP is proposed to be developed.

1. ***The proposed CTP (according to VEAC definition and LCC/VEAC Recommendations) constitutes "Formal Recreation", and is therefore not allowed in the Regional Park. Note that the LCC Ballarat Study Area Final Recommendations (and other Government approved VEAC studies' Final Recommendations) are the primary and definitive land use determinations for the Public Lands on which the CTP is proposed to be sited. Note also that Local government planning regulations cannot be used to over-ride the LCC/VEAC determinations.***

B. Concealment of the widely known intention (and high likelihood) that the CTP will be used for major mountain-biking racing and other speed events, and the damage these would bring.

The CTP was originally proposed by the VOGA and other local Cycle Clubs, which persuaded the Hepburn Shire to apply to Regional Development Victoria (RDV) for funding to plan and build the infrastructure. Usage of the CTP for major events was included as a purpose of the trails infrastructure, in obtaining substantial funding for the Project from RDV.

The planning for major events including competitive racing was always a major feature in planning and was outlined in the Trails Master Plan (pp. 103-177) <https://www.vogacycleclub.com.au/wp-content/uploads/2016/11/Trail-Master-Plan-Creswick-Victoria-180716.pdf> – which describes a range of racing event styles that could suit the CTP. It states, for example, that : *There is significant potential for new events within the existing and proposed new Creswick mountain bike trails. A particularly strong potential exists for the establishment of:*

Iconic map marathon, stage race and gravity enduro event.

A Cross Country Point-to-Point (XCP) - a format event utilising a point-to-point course of between 20-60km in length.

Super D (SD). A point-to-point event involving a predominantly descending course contested in a mass start, eliminator or time trial format.

Gravity Enduro Gravity enduro - newest and fastest growing mountain-bike event format.

Creswick mountain-bike groups have often promoted their intentions to use the proposed CTP to host national and international events, although reference to such 'purpose' of the CTP have been omitted from the PP Application and Reports - because the extra damage caused to environment and heritage from racing events is well known.

Local cycle clubs have already obtained permission somehow (from Land Agencies) to use some existing (legal and illegal) trails to run formal events in the Creswick area, such as the Brackenbury event – which was once a major running Marathon. In recent years it has been promoted as a 'national mountain-bike event' and is touted as a precursor to even larger formal 'international' events to be run on the CTP Network. Significantly, after the event the Brackenbury is widely advertised as a legal Mountain-bike route although this is not true, e.g.

<https://www.facebook.com/watch/?v=585339001958188>

Mountain-bike racing events involving fast riding and high traffic intensity are well known to be highly damaging to soils, vegetation, wildlife health and surrounding habitat. Yet the intention to use the CTP for this racing purpose has been concealed in the Planning Application. Hepburn Shire needs to spell out clearly whether or not the proposed CTP Network would be used for this purpose **before** any approval of the Project can be considered.

- 2. We submit that planning to build the CTP for the purpose of running major racing events contravenes Government approved regulations, which allow only Informal Recreation activities in Creswick Regional Park in the 'Ballarat area'. Any view that the CTP Planning Permit application and planning process would determine allowable use of Regional Park is incorrect. Hepburn Planning Scheme and zones are secondary and subsidiary to the LCC Ballarat (or other VEAC) Recommendations.**

C. Failure to specify the Terms of the License for the Shire's operation and use of the 200 ha (120 ha for Stage 1) corridor of public land and the proposed infrastructure.

We were told at a meeting at RDV offices in September 2019 that if the Project went ahead, the Shire would be issued with a licence to operate, maintain and manage a 20m wide corridor of land along the proposed 100 km CTP Network (i.e. 200 ha of public land/120 ha in the case of Stage 1) on the various land tenures along the route.

This is a very major consideration, the scale of which has never previously been granted for use of public land in the region, hence the precise Terms of the Licence are extremely important to us and the wider public in considering the PP Application.

- 3. We object to the fact that the PP Application makes no mention of Terms of any License/s or any timelines. It is unreasonable for the Hepburn Shire to submit a PP Application and expect the public to respond, without revealing the Licence Terms for use and management of such a large portion of public land.**

D. Improper Process in obtaining funding - deceptively and without engaging main public users and without field-based expert advice on the sustainability of scale or trail density of the Project.

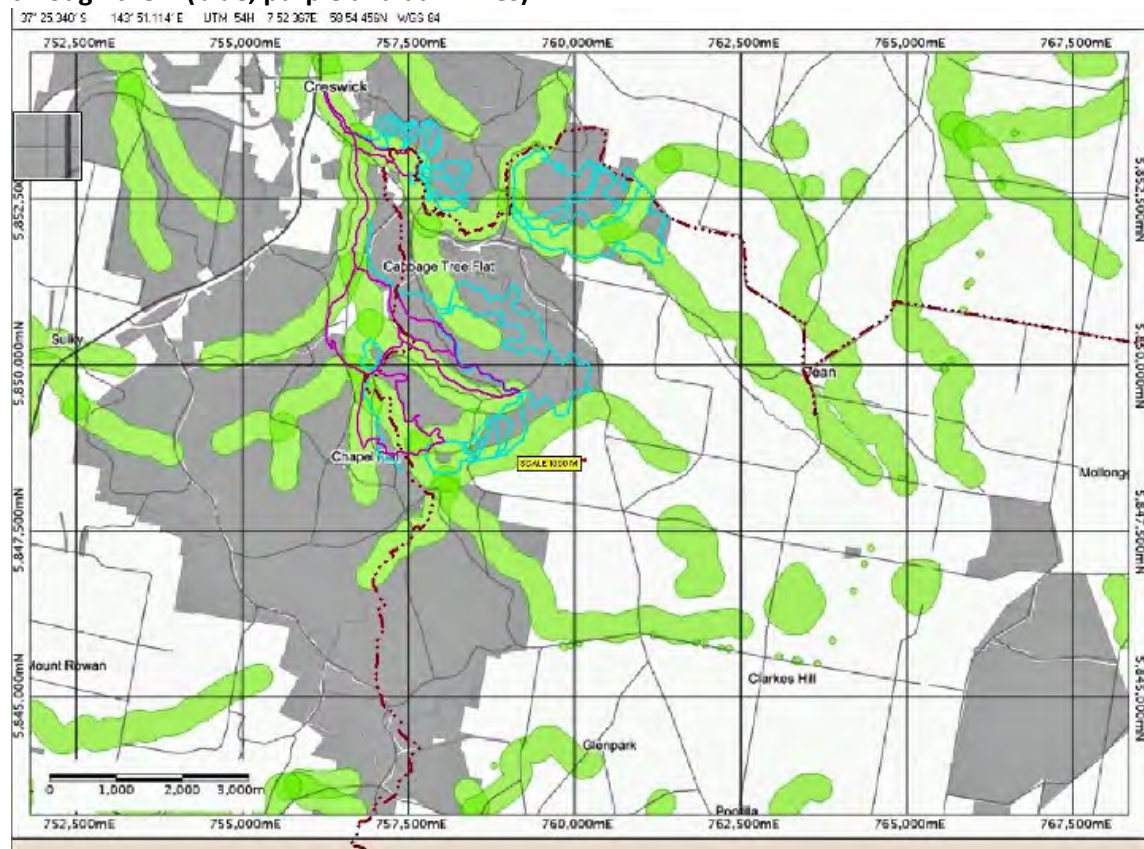
From the start of planning for the CTP sometime before 2014, a trail length of 100 km was 'decided' and accepted by the Shire – without any consultation with the general public about the acceptability of such a large project or the high density of trails proposed. **A proper stakeholder analysis was never conducted of main forest users in the intended Project area [Trails Master Plan – Creswick 2016]** <http://vogacycleclub.com.au/wp-content/uploads/2016/11/Trail-Master-Plan-Creswick-Victoria-180716.pdf>

No Feasibility Study was ever released to the public, even when sought under FOI regulations.

Also, no proper field-based environmental or heritage studies were conducted before late in 2019, when minor desk studies were published. So, planning for a massive 100 km trail network was started and funding sought (and obtained) without any evidence to the public that this scale and density of trails was sustainable. The public also had no information on the economic benefits of the proposal, or of the disbenefits in terms of losses in biodiversity, heritage or other values, habitat and wildlife health, or the rights of long-time passive forest users. There was never any effort to inform or engage members of the Ballarat community who constitute the main users of these public forests.

Although a letter of support for the Project was obtained from Dja Dja Wurrung CAC inspectors (in exchange for some funds and possible rights to employment), the final trail network is more invasive of natural ecosystems and heritage sites, and has become more intrusive into the Sensitive Cultural Heritage Zones, particularly in Stage 1. No proper surveys have been done of Aboriginal artifacts, and a documented cultural gathering site is planned to be surrounded by CTP bike trails. The latter site is not mentioned in the Reports pr PPA although it is well known to the local Shire councillor.

Geovic Map showing Sensitive Cultural Heritage Zones with many of the CTP alignments passing through them (blue, purple and dark lines)



- We submit that the procurement of public funding for this large-scale project on highly valued public forest land and through Goldfields Heritage structures and Sensitive Aboriginal Cultural Heritage Zones was not legitimate and ignored proper planning processes under policies of both RDV and Hepburn Shire. No information was provided to the public on viability (true costs and benefits), or the impacts of a 100 km network on natural and heritage values and our rights to continue passive use of the public forests where it was planned.***

E. A ‘creeping increase’ in the percentage of high conservation value public land (especially Regional Park) in the area proposed to be used for the Project

In early days of planning, we and the public were told in Creswick that the Project was proposed ‘mainly on Hancock’s Victoria Plantation (HVP) land and on forest fire tracks’. **This seemed a reasonable proposal to the public.** In the 2016 Master Plan document see **Trail Master Plan - Creswick 2016 (the only Project plan then) the project map shows predominant use of HVP plantation and State Forest land, although no precise percentages are given.**

<https://www.vogacycleclub.com.au/wp-content/uploads/2016/11/Trail-Master-Plan-Creswick-Victoria-180716.pdf>

At a CTP Reference Group meeting in May 2019, we were informed that the percentage of Plantation (HVP) land was about 35% of the 100 km network, with about 13% of trails planned on land of Central Highlands Water (CHW) and 30% in Regional Park and 25% in State Forest. By 2019 HVP had withdrawn its permission for use of most areas and only 8 km of trail was subsequently allowed. **Instead of reducing the length of the whole Trail, the Shire planned for about 28 km of trails from HVP land to be reallocated to high conservation Regional Park and some State Forest.**

In 2020, when CHW withdrew permission for all trails on their land, that portion of the 100 km network was **re-allocated to State Forest and Regional Park – where around 90% of trails are now proposed (although the exact percentage is not revealed in public information).** Part of this ‘creeping’ increase in proportion of the CTP network in Regional Park has been ‘achieved’ by planning some trail alignments outside Hepburn Shire on land of the City of Ballarat (see **Map 1 ‘Extent of the Study Area’** in **Historic Survey Report 2021**). **Yet the City of Ballarat involvement, consultation or permission does not appear in any Planning documentation. This is evidence of negligence and due diligence at the least.**

- 5. This creeping increase in proposed use of Regional Park (and State Forest) is unconscionable. It constitutes deception of the public - in portraying the Project proposal as less potentially harmful to environment and amenity and other values than is the case. Such deception contravenes the Shires Policy on Public Transparency and this has caused our organisation serious stress and the need to devote many hundreds of member-hours in efforts to protect public assets and values.** <https://www.hepburn.vic.gov.au/wp-content/uploads/2020/07/Attachment-3-Draft-Public-Transparency-Policy-1.pdf>

F. Failure of Shire to properly engage with community, especially main forest users in Ballarat

Although Project Reports claim ‘strong community engagement’ and also ‘widespread acceptance’ of the Project by the community, the facts refute these claims:

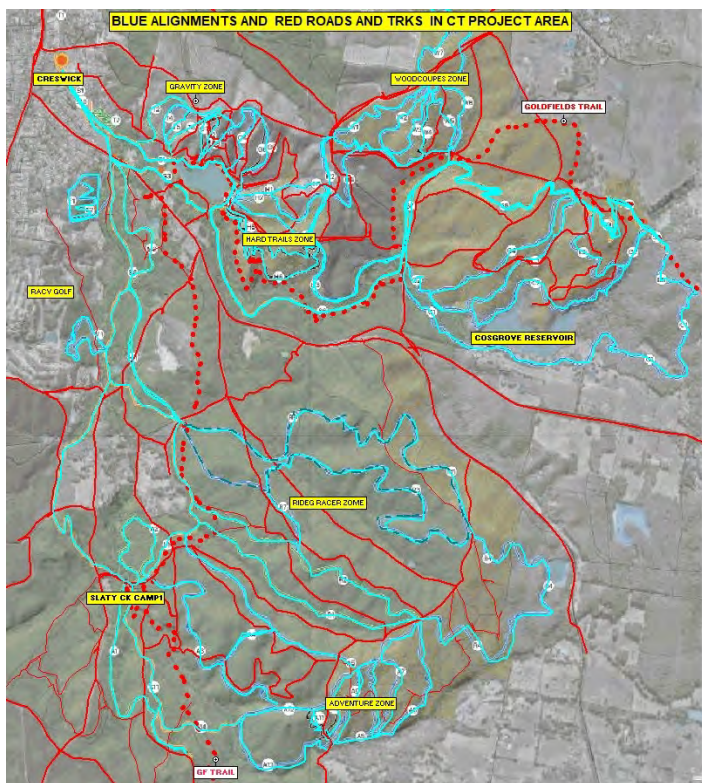
- No stakeholder analysis was ever conducted as a basis for designing engagement with the major groups and forest users who would be impacted by this large- scale Project conceived and designed mainly for a single user group.
- Contact with public has been predominantly (over 80%) with mountain bikers and in the Creswick area (over 90%).
- There was virtually no communication about the Project with the wider Ballarat community i.e. the main users of Creswick forests for over 60 years. The use of the Hepburn Shire website for engagement is clearly not effective for community engagement in Ballarat.
- Community groups express strong interests in mining heritage in both Ballarat and Creswick and state privately that they are strongly opposed to the planned Creswick Trails Project. However, they say they are much too intimidated by mountain bike groups and lobbies, to voice their objections publicly.

6. ***We submit that the Project’s so-called “engagement” process and reports have been largely a pretence, and the Shire’s claims of ‘wide public acceptance’ of the Project are false. Even data in the Engagement Reports show the main contact was with mountain bikers. No public meetings or information was ever provided in Ballarat where most users of Creswick Forests reside - until after the PP application was made in April 2021.***

G. Excessive scale and trail density, and failure to address ‘impacts of use’ after construction of proposed trail network

This Project would construct 100 km (60 km in Stage 1) of formal mountain-bike trail infrastructure over about 15 sq km of public forest, already heavily used by picnickers, campers, walkers, naturalists, fossickers, schools, historical and other community groups. The planned infrastructure includes some raised trails, stone banks, berms, bends, jumps, bridges, signage (‘Bikes Only’ signs on 75% of trails: 85% in Stage 1) and would require removal of 175 trees and 20 ha of ground flora and habitat. The area is already highly fragmented by over 100 km of roads and fire tracks plus trail bike tracks, and also by illegal trails (30-40 km) - built by mountain and trail bike riders since planning for this project started around 2014 (see Creswick **Trails Master-Plan 2014. Ref: p. 47**). These public forests need much better care if their future ecological health and contribution to carbon sequestration are to be realised.

The map below showing the high density and intrusiveness of proposed CTP trail alignments (100 km – light blue lines) superimposed approximately on most official roads (80km - red lines). The red dotted line is the iconic Goldfields Track, much of which would be subsumed into the CTP network. The 40 km of illegally built bike trails in the area are not shown here, but these add significantly to the density and fragmentation of important fauna habitat.



7. ***We submit that this large network and the high trail density is not sustainable in the area proposed. It would damage many highly valued public assets – especially habitat and tranquility for wildlife, biodiversity, heritage structures, bird observation sites, and spiritual values in the mapped Sensitive Aboriginal Cultural Zones along and between the many creek lines (Geovic Maps).***
8. ***The claims in expert reports that building the project would cause ‘no significant damage to environment or heritage’ are patently false and deceptive (based on local and global evidence, such as Vandeman 2014, and from experience in You Yangs in Victoria). The emphasis in expert reports on aiding and enabling the CTP suggests probable vested interests by consultants to paint the proposal in the best possible light. Also, the expert Reports focus on ‘construction’ and fail to mention the major impacts of use of the network after construction. Using the 100 km network by thousands of bikes doing 10-20 km per day would cause inevitable impacts for wildlife, vegetation, heritage and spiritual values (Vandeman 2014). These impacts would be vastly accentuated by use of the network for racing events (as has already been promoted).***
9. ***The ‘expert reports’ fail to discuss the increased pressure on forest assets from proposed high visitor numbers, and their use of at least 20 unofficial parking and ‘bike trail entry points’ in the forest. The inevitable impacts of increased visitor littering of the forest on wildlife and aesthetics (as seen in other bike parks) are not covered. No mention is made either of the real dangers from use of CTP mountain-bike trails by (motorised) trail bikes, as occurs every day of the year in this forest. The Reports fail to mention the rapid increase in use and impacts of electric bikes in Australia, or the dangers to soils and trails especially from ‘throttled E-Bike’s.***

H. Concealment and downplaying of fragility of ecosystems and heritage, and risks to highly valued public assets, from building a 100 km (60km for Stage 1) network intended for high bike traffic and racing.

Most of the trail alignments proposed for the CTP are in Regional Park - the highest conservation status land in the Creswick-Ballarat region. The surrounding Creswick State Forest provides a valuable protective buffer. This public forest has recovered slowly but remarkably from mining that caused ‘complete denudation of trees’ and land surface 100-150 years ago. The spectacular recovery in forests was achieved through work started by John Le Gerche and other forest bailiffs in the 1880s (Taylor 1998) and continued by Government agencies focussing on enhancing biodiversity. Many parts of the area are now ecologically diverse and the density and intactness of heritage sites and structures is remarkable (Davies et al 2014) - as mentioned also in the Expert Reports on Flora, and on History.

However, both the ecology and heritage assets are highly fragile and their condition and values would unquestionably be damaged by such a large and intrusive network of trails intended to facilitate intensive and fast moving traffic and activity.

The PPA and ‘expert reports’ conceal the fragility of the ecosystems and downplay the threat of loss of quality in ecology and heritage values that would inevitably result from the building of the 100 km mountain-bike trail network and its proposed intensive uses. The expert reports claim that building and intensive use of 100 km of mountain bike trails would not significantly harm flora or fauna or heritage value, while admitting that 18 ha of habitat ground flora and 175 trees will be removed (as offsets - to be planted in areas outside of these public forests

For example, false statements in the Permit Application and EMS Report claim that trail gradients are ‘generally less than 5%’. This is a gross misrepresentation of the Project plans, which show many alignments on much steeper slopes (especially in Stage 1 areas).

An example is the Northern Adventure Zone. Our advice in Assessment Reports of April 2020 appears to have been ignored by the Shire in deciding the final alignments in the (previously named) Hard Trails Zone. These fast riding trails (N2 and N3) would clearly impact on health and survival of the rare *Dipodium pardalinum* and also populations of the locally very rare *Lobelia gibbosa* and other important species on the slopes and rocky ridges. Other important species in this zone are *Bulbine glauca*, *Pelargonium rodneyanum* and fields of *Brunonia australis* and *Chrysocephalum semipapposum*, *Microseris walteri*, *Podolobium decumbens*, *Podolepis decipiens* and numerous other species. While the PP Application makes the claim that ‘micro-siting’ of trails would avert damage to floristics, micro-siting would have to be done only after proper observation of these slopes (and marking main colonies of orchids and other species) throughout the entire flowering period from September – January to ensure that siting of any trails does not endanger rare species on these slopes that are endangered, rare or locally rare in Creswick.

A major worry is the very steep trails planned to run down natural drainage lines and some to cross the drainage many times. A good example is Trail G8 which seems highly likely to cause erosion and also impact on the natural vegetation that should be established on the drainage line. Although natural drainage lines in the plantation are supposed to support natural vegetation in terms of the Codes of Practice of DELWP and HVP, in fact there is little no native vegetation now. Proper management would involve the establishment of native species along these minor water courses, but the bikes and traffic criss-crossing the drainage lines would make that much more difficult.

HVP Codes of Practice can be sought from <https://www.hvp.com.au/hvp-environment-conservation/>



As claimed in the above statement, HVP prides itself in conservation management. Their offer to allow bike trails on this property would test not only the Shire's building and management skills but the ability of HVP to adhere to their Codes of Practice while managing the complications of trails and traffic through their plantations. Their policies mention careful ‘monitoring’ and this would be a serious test and possible model for use by the CTP in monitoring the use, erosion trail widening and impacts in other zones, if and where approved.

The PPA also conceals the fact that major bike ‘flow trails’ are planned to be built by denuding and strengthening banks of delicate 150 year-old water race structures with high heritage values.

The PPA and Reports also conceal the reality that these trails are planned on weak-textured, very acidic and erodible slopes and soils. Claims of ‘inherent clay’ soils are made in the expert reports, yet no soil textural analyses are reported, and there is no mention of the variability in soil texture and the need therefore for location-specific testing and design.

10. We object to the numerous technical inaccuracies and omissions contained in the Stage 1 PP Application and the accompanying report as they reveal serious risks of failure and hidden high costs of future management and maintenance of the Project (from rate-payers money). The deficiencies and concealment of risks cause us serious concern about the future integrity of ecosystems and heritage assets if the proposed Project is built on public land.

I. The Project would lead to inevitable change in focus of management of Creswick public forests.

Approval of the 100 km of formal trails ‘purpose-built’ for mountain biking infrastructure would change the focus in the area from management for biodiversity and peaceful enjoyment by passive forest-users, to management predominantly for one group – mountain-bike riders (mainly seeking thrills, in the ‘Gravity’, ‘Adventure’, ‘Ridge Racer’ and other planned Zones). This is grossly unfair to other forest users and the wider community, and would undoubtedly harm wildlife health and diversity, soil erosion, vegetation and heritage – as has occurred in **many other mountain-bike parks built on inappropriate land globally**. For example, the YouYangs is now known as an unpleasant and unsafe Park for most visitors other than mountain bikers. Harcourt Mountain Bike Park was also ‘purpose-built’ - and is totally unsuited and unsafe for use by walkers and other passive users. Its management requires constant erosion control measures and attention to safety issues. All chance of the area becoming naturally revegetated and biodiverse is lost [See example of bike pressure on land at Harcourt Mountain Bike Park <https://lalarrbagauwa.harcourt.vic.au/mtb-trails/>]

The vast percentage of CTP trails would be purpose-built for mountain-biking. That means switch-backs, berms and jumps, and signage on most trails indicating ‘single direction’ and ‘bikes only’. These trails are in areas that have been used by walkers and naturalists and others for many generations – with no visible footprints or damage to vegetation or soils (Ref Map). The only trails designated by the Project for walkers would have to be shared with mountain-bikes and adaptive bikes, and these are mainly on the iconic Goldfields Track (originally built for walking only). Further, ‘Bikes only’ signs on 75% (85% in Stage 1) of Project trails would nullify any claims for injury by walking club and naturalist club member’s insurance against injury from bikers (but the signs would protect bikers against such claims by walkers). This is unreasonable and unconscionable.

Management for biodiversity in the project area is over-stretched already, but the proposed 100 km of trail infrastructure (60km in Stage 1) would bring a very major increase in management responsibility and work for the land management agencies – on top of their existing (often unachievable) work-load in the area. These agencies are clearly unable to control abusive activities of existing forest users – as evidenced by informal trail building by mountain and trail bikers, expansion of illegal 4WD tracks, illegal wood cutting and camping, and other abuse of the public land. [Extensive evidence of such activities and damage can be provided by FNCB on request, by means of photography and site visits.]

11. We submit that the future roles of land management agencies in protecting biodiversity and heritage and caring for other users would be seriously jeopardised by the extra work and focus of the CTP in servicing the needs of one particular user group – mountain bikers. This will have serious, deleterious consequences for nature, heritage and the long-held rights of all current and future passive users of these public forests.

J. Concerns over loss of integrity of Creswick-Ballarat goldfields heritage; and jeopardising the success of intended bid of UNESCO WORLD HERITAGE STAUS for Victorian Goldfields

The high heritage significance of Creswick’s Goldfields water derives largely from the intactness of the whole Creswick Water Distribution System, its unspoilt and aesthetic appearance and healthy and diverse vegetation cover. The advice (in the EMS and HS Reports) is to clear ground-vegetation

from water races, then build up and strengthen their banks and use stoneworks to build around the main large trees outside of the original line of the water race, so as to support trails and mountain-bike traffic on the bank. This advice goes entirely against the Project claims of 'avoiding' loss of heritage values (Hepburn Heritage Strategy 2018-2021).

Such practices would seriously change the appearance of races (see example in Figures below) and diminish the aesthetics of the races, which is a major part of their heritage value. The CTP plans to build over 10 km of trails in this way on historic water races, and (for example) to cross one heritage water race more than 20 times on wooden bridges, in the Stage 1 area alone.

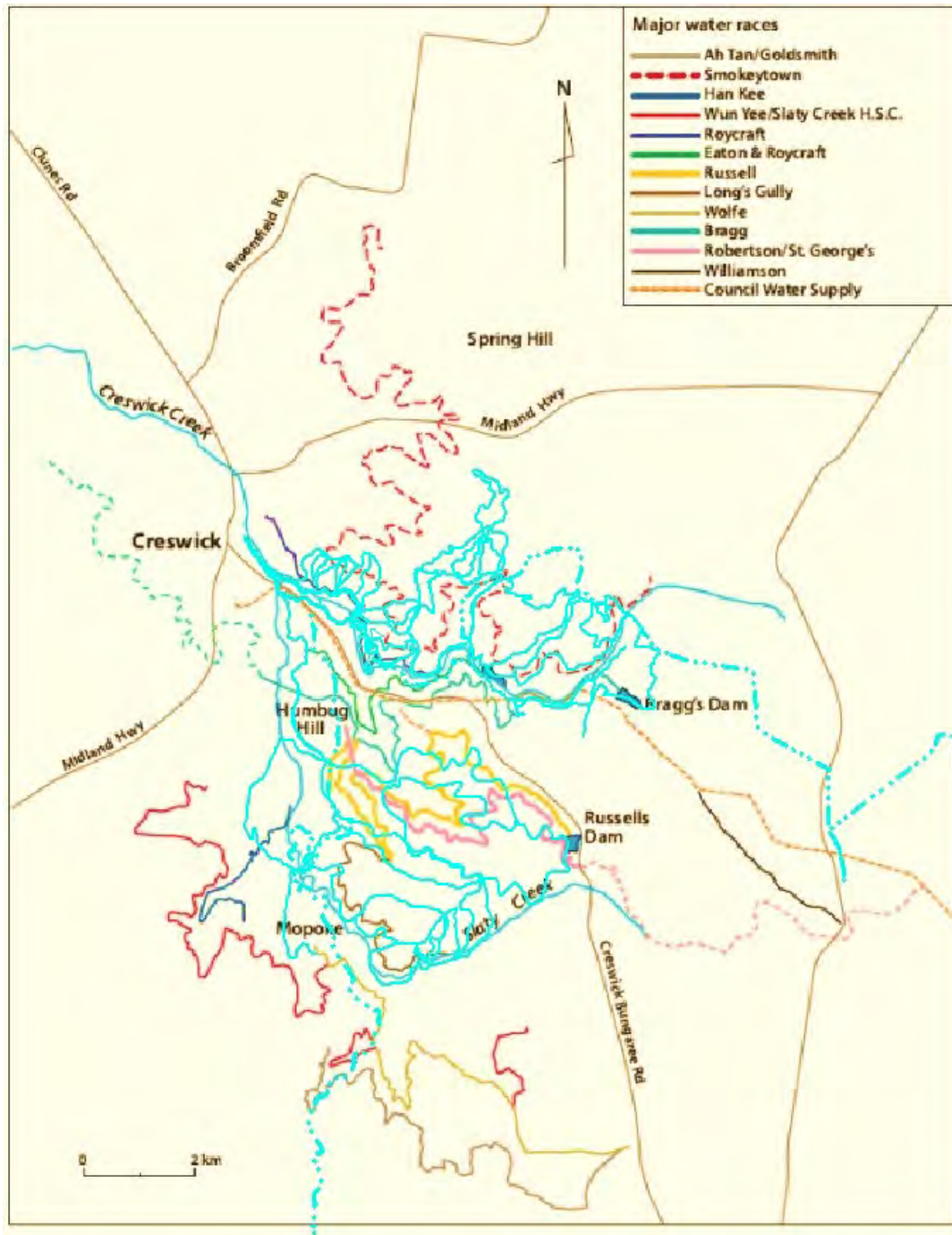
Wolfes Water Race pictured below is over 150 years old and an example of a heritage structure on which the Shire intends to build a major mountain-bike flow trail in the 'Southern Adventure Zone' of the Project. Ground flora would be removed from the lower banks, then the bank built up to support trail and bikes. Stone walls would be built around trees below the bank to support trails. This would destroy not only the technical and aesthetic features but also the heritage value of the race, as well as the integrity and heritage significance of the Creswick Water Distribution System that is unique in Australia for numerous reasons (Davies et al 2014).

Another feature of this race is the way the rich vegetation demonstrates the concepts of the internationally known Keyline System i.e. spreading water across the landscape, which was conceived by Yeomans in the 1920s from his work as a water engineer in the Creswick Goldfield (Yeomans 2008: Davies et al 2014). Keyline principles are well known in Permaculture and Regenerative Agriculture.



The impacts of building the 100 km mountain-bike trail network over the top of the extensive (150 km) heritage water race network (as advised in Historical and EMS Reports) would clearly destroy the integrity of Creswick's unique Water Distribution System - as depicted in the maps below:

The Map below shows proposed bike trails ('concepts'- light blue lines) superimposed, as intended by the CTP, on the major races of the Creswick Goldfields Water Race Network (see key). This virtual 'obliteration' of the race system raises major concerns to FNCA members and to other environmental and Heritage organisations (e.g. Ballarat Heritage Watch) about the major threats to the highly valued Creswick Water Distribution System, and jeopardising the prospects for the Victorian Goldfields achieving UNESCO World Heritage Status.

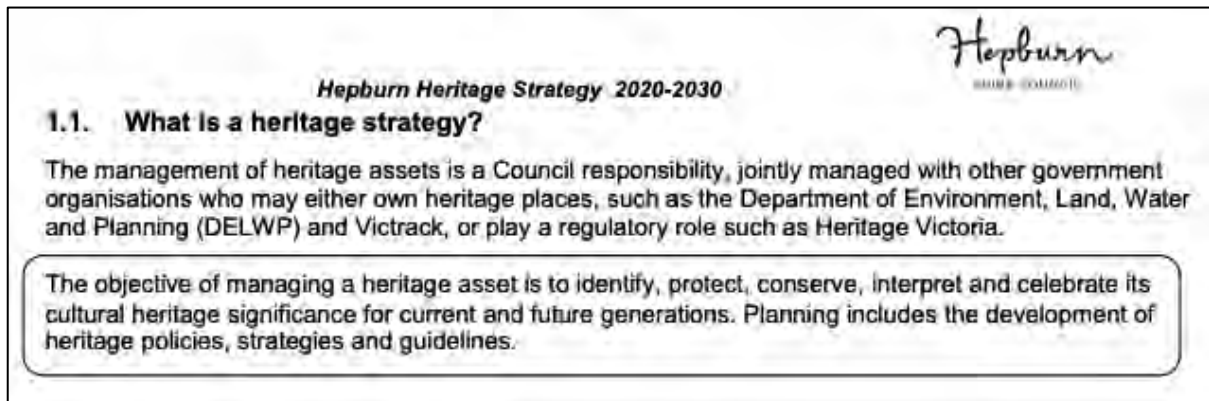


For information on heritage significance of Creswick Water Races, view the video by Professor Susan Lawrence (Archaeologist), La Trobe University: **Rivers of Gold. Creswick Forests Supply Water for Mining**, https://youtu.be/gj4_m4NT_Sk

The Project trail alignments are planned through at least two important heritage Chinese Garden Sites, with no regard for damage to heritage status (Slaty Ck Garden Lat. 37.472700 E Lat. 143.909650 and Ah Youngs Garden Lat. 37.449830 S Long. 143.906000 E). Trails are also planned through the only Aboriginal Cultural Heritage site recorded in European settlement history ('Camping/ Corroboree' site at Lat. 37.446230 E Long. 143.898300 S : and see Henderson DC 2012). Site cards have been prepared for the above sites with a view to achieving some future study and protection through Heritage Victoria.

- 12. We object on the CTP including Stage 1 on the grounds that there is a strong possibility that the threat to the fabric of important water races (and hence the uniquely intact 'Creswick Water Distribution System') would seriously threaten the success of Victoria's bid for World Heritage Status for the Victorian Goldfields. It also contravenes recent appeals by Hepburn Shire to make every effort to preserve heritage – to ensure the success of the State's bid for UNESCO WORLD HERITAGE status, and would also contravene Hepburn Shire's own Policies on Preserving mining and cultural heritage. [Figure below and Heritage Strategy at:**

<https://www.hepburn.vic.gov.au/wp-content/uploads/2020/06/Adopted-Hepburn-Heritage-Strategy-June-17-2020.pdf>



K. Incomplete information provided to the public for PP Application

We note that the Historic Survey Report is labelled 'DRAFT' which means the public are being asked to make decisions about planning permission based on incomplete data and this is unconscionable for such an important large project.

From our observations of extensive heritage in the planned Project area and the risks of damage, it is essential that proper field-based archaeological studies be conducted on the whole proposed CTP area before any consent to build trails be considered. Some of the sites are not listed at all and others that are heritage listed are incorrectly recorded or mapped in listings.

- 13. We object to being provided with inadequate and incomplete information on which to base any sound decisions and ask that more complete reports be furnished prior to Planning application.**

L. Deficiencies in approach and content of 'expert reports' produced for the Project and emphasis on building the infrastructure and neglect of management of network and traffic.

The Project 'expert reports' focus mainly on enabling the approval and building of the proposed 100 km Project (60 km in Stage 1), with virtually no consideration of the practicalities in its future management, or the major increase in traffic and pressures this will bring to soils, ecosystems, heritage and forest tranquillity. There is no mention of the existing pressure and future risks from motorised trail bikes in the forest, or the way they always invade new bike trails. Although brief mention is made of the need for 'monitoring' the reports do not specify designs for any programs – for example on soil erosion, trail widening, illegal expansion of the trails, traffic, litter impacts, fauna health and habitat, weed spread by bikes, or other very essential aspects of management of the trails. These and other issues and risks from mountain-bike traffic are dealt with by Vandeman

(2014), but are very evident in Creswick forests on informal mountain-bike trails after a few years use.

Figure below shows damage to Han Kees heritage water race on Tavistock Hill after a few years of minor bike traffic. The structure and floristics were destroyed very quickly, and trail bikes use the route now. Parks Victoria has tried to close this illegal trail to bikes many times since 2018.



Figure below shows illegal trail made up-slope from water race when fallen branches closed the route. Tavistock Hill Heritage area, Creswick Regional Park



The expert Reports never mention practical problems of illegal trail building that will surely continue if the CTP is built – especially in open, fragile forest ecosystems like those at Creswick.

The land management agencies are very clearly unable to control trail bike damage in the area and have no research or monitoring capacity, so a new 100 km (and even 60 km in Stage 1) trails and traffic would clearly be beyond their resources to monitor, let alone control ecosystem abuse. The need for better resourcing of land management agencies seems paramount yet is not mentioned in any Project documents.

Interpreting some expert Reports is difficult because of the last minute change to a Stage 1 PP Application. While most Reports cover the whole Project area, in many cases Reports failed to differentiate between Stage 1 and 'whole project' data. Some maps of Stage 1 area are very unclear, and the poor referencing and mapping of actual land parcels makes assessment impossible in sections.

The expert Reports have many omissions and inaccuracies – too numerous to cover here. Examples are the claims that the trail gradient would 'generally be less than 5%' – a major understatement, especially in Stage 1 and the Southern Adventure Zone. The claim that soils in the project area are mainly clay based are false and misleading and also dangerous as a basis for trail design.

No studies of arboreal fauna were conducted, and no attention given to studying and protecting the 'wildlife corridor' in the east of the area where fast trails are planned (and where observations of Koala, Growling Grass Frog and Wombat colonies have recently been made). Biodiversity hotspots in existing Nature Reserves areas ignored, especially in Stage 1. The expert team never contacted local environmental groups or specialists. [The Flora and fauna team has well-known vested interests in mountain-biking and in presenting biking trails in a positive light.]

A further deficiency in reporting has been the failure by the consultants to contact local environmental or heritage groups to seek local knowledge. Important information is therefore missing from the Flora and Fauna Report and Historical Survey Report, and even the Aboriginal Heritage Report. Many species known to exist in the area are missing from the Flora and Fauna Report, partly because it relied mostly on old (online) data and the field sampling was not done during critical flowering periods. This was corrected only recently with the Project Summary which accompanied the PP Application, but there is no evidence that the statement claiming micro-siting occurred in spring is accurate. There are no dates supplied, for example.

The Historical Report has some misleading background information and lacks local knowledge of heritage mining sites. Examples of errors and omission in the EMS Report are the (misleading) emphasis on 'inherent clay' soils of the area, and a failure to deal with weed control, which would be major issue in some areas especially in control and maintenance of Gorse on the 20 m wide trail corridors parallel Slaty Creek.

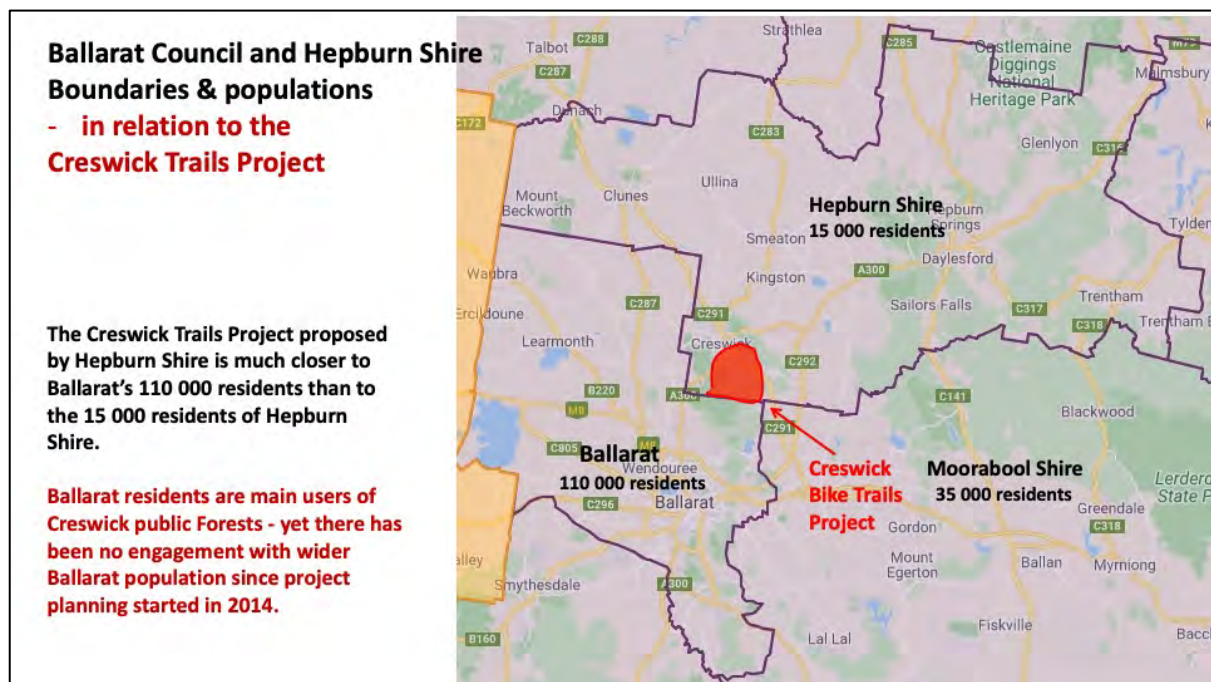
14. We submit that the environmental values and the fragility of the area have been seriously down-played and even concealed in the 'expert' reports and in the Planning application. Vegetation studies were not conducted in flowering season, and 'Habitat hectare' sampling was inappropriate for studying impacts of trail alignments that are linear in form. 'Final trail alignments' were unknown at the time of most studies. There is no mention of strategies for management of bike trails or traffic in ways to protect fauna especially the large numbers of kangaroos, wallabies and other large fauna in the forest (such as newly observed wombat colonies in the east of the Project area).

M. The Shire's very late announcement to introduce Stage 1 to Project planning is deceptive and unacceptable planning procedure, especially as most expert Reports cover the whole Project.

The original Project proposal was split into stages at the last minute (March 2021) just before PP Application was made in April 2021. This is a serious injustice for citizens, because the change averts public attention from the large scale and many dangers of the whole intended Project. Also, most of the expert Reports to inform the public cover the entire Project area and not specifically Stage 1. The lack of 'Stage 1 specific information' in CTP Reports (apart from the Summary document published with the Permit Application) makes proper assessment and comment on this area very difficult, or impossible in some cases. Assessment of Stage 1 cannot be soundly based on large amounts of data that is related to the whole CTP area.

We objected strongly to the Shire about the change to Stage 1 PP Application but received no sensible answer. We conclude that the Shire may have discovered serious flaws in their proposals for the south of the Project area, such as illegality of using the Regional Park, and the need for more detailed studies on ecology and heritage. Some of the trails proposed in the south are located in the Ballarat Shire, which represents a very major planning error. The Planning Permit should ethically have been submitted for the whole Project when all the studies have been properly made. The Staging seems to have been conducted so as to cover up the real impacts of this massive and highly invasive Project that will have major impacts on Creswick forests.

See Map below showing proposed CTP trail (red) – on (and extending over) Ballarat Boundary.



Proper Public Land Assessment should by law follow prescribed Public Land assessments and evaluations procedures, comprising detailed assessments and publication of clear expert reports on:

- Environment / Conservation values
- Cultural / Historic (Heritage) values
- Social / Community / Aboriginal values
- Recreation / Tourism values
- Resource Production / Utilization values

15. We submit that Hepburn Shire has not followed proper Public Land Value and Land Use Planning Assessment processes and formats in assessing the CTP and the Public Land on which it is proposed to be developed.

The change to Stage 1 Application and consequently confusing reporting is a significant flaw in planning and assessment by the Shire, including the failure to follow the LCC BALLARAT STUDY AREA 1982 - CRESWICK AREA PUBLIC LANDS VEACRECS25 / PLANS / BOUNDARIES / SURVEY REPORTS & PLANS

N. Failure to communicate important background information on planning, budget and finances.

Our interest in the financial viability of the Project led us to seek information first directly from the Shire, and then under FOI regulations, on pre-project Cost Benefit studies done before the granting of \$2.1 M by Regional Development and \$1.5M by Hepburn Shire towards planning (not building) the project. No such Project Feasibility Study was ever provided for the public (even through FOI procedures). No field-based studies were published, either on environmental or heritage values, before funding was obtained and expended. The long 800 pages of expert 'final' Reports (some draft) were produced only 3 weeks before the opening of submissions for Planning Permission.

We conclude that no estimates were ever made of losses from biodiversity and carbon sequestration, or from aesthetic and heritage values – that would result from constructing and using this major infrastructure on public land (at a likely total cost of over \$10M – never published by the Shire) and any feasibility study conducted was concealed from the public.

The Hepburn Shire made decisions to proceed with the large (100 km/60km in Stage 1) scale and high density of trails (7 km per square km) without information on the safe capacity of such density on the ecosystems, habitat or heritage or impacts on other users of the public land. (The first Environmental Report (Hepburn Shire 2019) mis-stated the density of the Project trails as '100 km in 30 sq km'" (double the actual proposed Project area). The Trail was said to be in Creswick Township with no clear mention of the high value public forest or the existence of over 100 km of roads and tracks in the area or the 120 km of water races and 30 km of illegal bike trails.

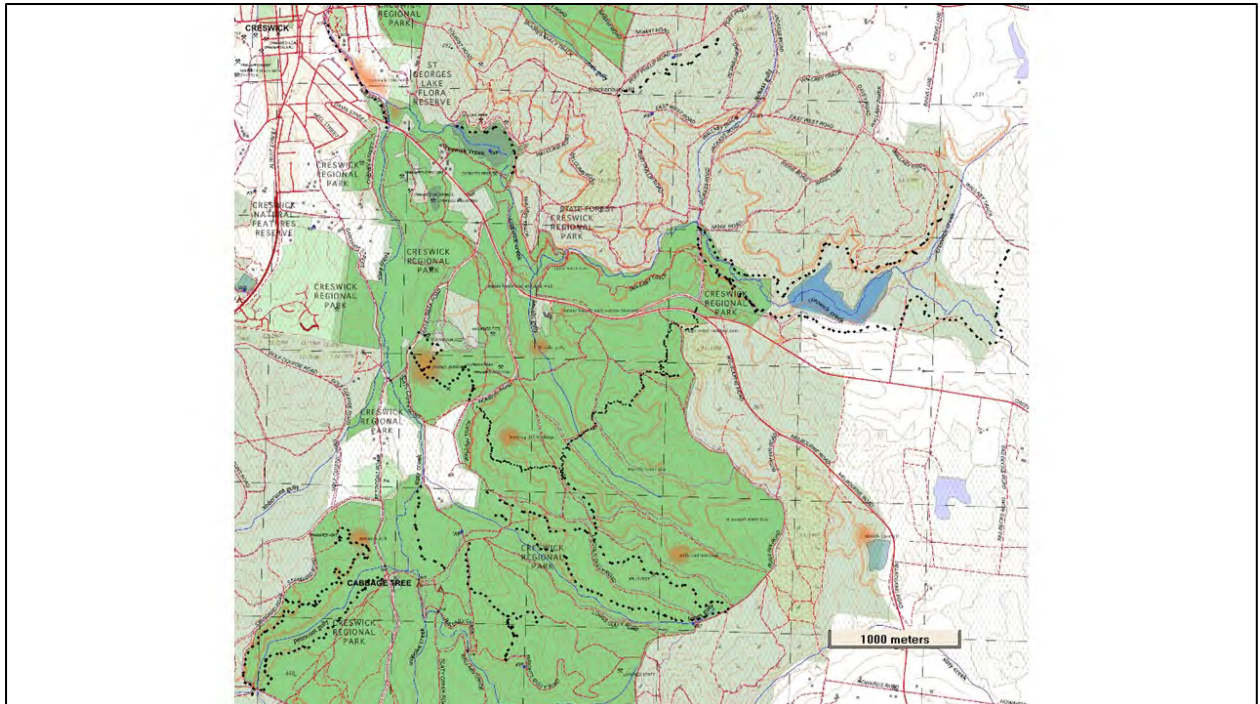
16. We submit that the use of public money on the Project without releasing a proper feasibility report or other expert studies was grossly negligent, as is the subsequent expenditure of tax-payer moneys granted on such a large project without informing the public. These failures seriously contravene the Shire's policies on Transparency and Accountability. <https://www.hepburn.vic.gov.au/wp-content/uploads/2020/07/Attachment-3-Draft-Public-Transparency-Policy-1.pdf>

O. The building of extensive Illegal mountain-bike trails by 'volunteers' associated with proposing this project to the Shire, and the proposed incorporation of these trails in the Project (See p47: Trail Master Plan - Creswick 2015 <https://www.vogacycleclub.com.au/wp-content/uploads/2016/11/Trail-Master-Plan-Creswick-Victoria-180716.pdf>)

Our concerns about the environmental dangers of this Project were aroused in 2015 when we found many illegal bike trails being made within Creswick forests. Land managers have been unable to effectively close these illegal trails, and many are planned for incorporation into the CTP trail network.

We have mapped and photographed over 30 km of illegal trails and these provide evidence of the damaging impacts of many poorly made trails and the risks of further illegal trail building if the Project were approved. After mountain-bike trails are made (often through the more pristine areas and often on heritage races or sites) and this leads to motorised trail bikes following bikers, and their damage is an even greater risk for the ecological integrity of public forest and heritage values.

Map showing 22 km of illegally made mountain-bike trails (black dashed lines) out of about 34 km known in the proposed CTP area. The green shaded area is Creswick Regional Park



Illegally made berms, jumps and bridges result in loss of ground flora and destroy habitat in the area



17. We object to the inclusion of illegally built trails in the CTP and request that the Shire and land managers ensure that all illegal trails are identified and removed and the disturbed ground be revegetated before this Project is approved.

P. Trail developments are proposed through long time nature reserves, known high diversity areas and long-used bird observation sites.

Parts of Stage 1, e.g. the old Flora Reserve north-east of St Georges Lake (SPI Y33 / PP2464) and a Natural Features Reserve (Eastern Hill Reserve) along and north of Creswick Creek between St Georges Lake and Hammond Park (P101808 & SPI 2014/ PP2464) have been valued for especially high floral biodiversity. For example, the range of orchids alone observed by a Government Botanist at the latter site included *Caladenia clavigera*, *Caladenia dilitata*, *Chalochilus robertsonii*, *Duiuris sulphurea*, *Microtis parviflora*, *Prasophyllum despectans*, *Thelmytra Aristida*, *Thelmytra carnea*. It appears that the CTP Project may be planning bike trails through this area, possibly as part of the intended CTP 'Skills Park'. However, the Application makes no mention of the status of this land parcel. VEAC (2011) refers directly to protection of riparian public land, that is be managed primarily for biodiversity and water quality (Recommendation 9).

The Flora reserve north-east of St Georges Lake (SPI Y33 / PP2464) has rare *Dipodium pardalinum* and *Spiranthes australis* and other valuable species, but the Project plans to build several mountain-bike trails through this area, including trail numbers L1, L2, L3, L4 and L11. Better mapping is required in order to ascertain exact alignments and their impacts on flora.

It is inexcusable that the Shire has planned trails through old Reserves without justifying this use of particular public land parcels, as these are known to locals and to Land Management agencies, and are traceable on land records. This is also contravenes the Shire's Biodiversity Strategy:

<https://www.hepburn.vic.gov.au/biodiversity/>

BIODIVERSITY Hepburn Shire (From <https://www.hepburn.vic.gov.au/biodiversity/> as at 30 April 2021).

One of Council's five objectives from the Council Plan 2017-2021 is a 'Sustainable Environment'.

A key activity of the Council to achieve this objective is to, 'Take proactive steps to protect, maintain and enhance biodiversity, including rare/endangered species and wildlife corridors, and reduction of weeds on Council land while minimising herbicide use. Partner with other stakeholders to achieve greater weed management outcomes shire-wide'.

Hepburn Shire Biodiversity Strategy 2018-21

The Hepburn Shire Biodiversity Strategy 2018-2021 has three broad aims,

- To protect and enhance biodiversity,
- To increase Hepburn Shire Council's capacity to protect and enhance biodiversity
- To support community (conservation) action and awareness

The strategy includes a four-year action plan with 13 strategic focus areas and 31 actions intended to provide on-ground protection and enhancement of biodiversity, support well informed decision making, increase community awareness and support partnerships to improve biodiversity for future generations.

Planning of trail alignments in Regional park should be conducted in accordance with DELWP's 'Protecting Victoria's Environment – Biodiversity 2037' - Victoria's plan to stop the decline of our native plants and animals and improve our natural environment – available at <https://www.environment.vic.gov.au/biodiversity/Implementing-Biodiversity-2037>

In addition to proposing trails through various conservation Reserves, the Shire appears to have placed trails through sites used by Ballarat and Creswick bird observers over many generations, and about which the Shire was informed in FNCR Assessment Reports in April 2020. Main bird observation sites in Stage 1 area are at the east end of St Georges lake and below Cosgrave Reservoir – both sites close to planned CTP trails.

The precise trail alignments need to be independently checked in flowering times in September to January, so as to align (or delete) trails) to avoid impacts on rare plant species and biodiversity hotspots, and to ensure no impacts on fauna health and breeding.

- 18. We object to the placement of trails in areas of high biodiversity and floristic rarity and at or near to sites that have been enjoyed by users other than mountain-bikers for many years. Trails through these areas will reduce both access and safety of walkers and other users.**

Q. Dangers to heritage and biodiversity from planned trails and high pressure of use – in Stage 1

Stage 1 trails would have some particular impacts on mining heritage. For example, the Project plans show the Smokeytown Water Race being ‘crossed’ 20 times by mountain bike trails (on wooden bridges) over an area of about 3 square kilometres of land. (Hence the heritage principle of ‘avoidance of damage’ has not been followed). Stage 1 plans would also certainly damage highly significant Eaton’s and Bragg’s water races - because a large multi-purpose trail is intended along the iconic Goldfields Track which follows these narrow, twisting, biodiverse and aesthetically attractive heritage structures. The walking experience on this 150 year-old miner’s walking route would also be compromised (Wettenhall 2015).

The Koala Park area through which the Goldfields Track passes has particularly high diversity and rare species close to the trail that would be seriously impacted on or destroyed by the planned widening and alterations to the Goldfields Track (Trails S3, S4, S5). Examples of rare species growing on the trails are *Grevillea micrantha*, *Dipodium pardalinum*, and *Bulbine glauca* nearby on the slopes.

As much of this section of the proposed large S3 trail is close to the Creswick Creek, the changes would have to be submitted to the North Central CMA for assessment and a ‘Works on Waterways’ permit and possibly other consents. The route passes close to an old Chinese Camp (Lat. 37441778 E Long. 143.917358) east of Koala Park, and close to the Back Creek Garden / Orchard site (Lat. 37.439967 E Long. 143.925943 S) west of Jackass Road. These historical sites are mentioned in the *Guide to the Goldfields Track* by Wettenhall 2015). This route was used by miners since the 1850s and hence that ‘use’ predates the building and modern use of the Goldfields Track by over 100 years and retains the historical links. The whole Goldfields Track and walking route through the proposed CTP area needs proper investigations to ensure no damage to heritage or environmental values occurs.

- 19. We object to the plan to superimpose a 1.5 – 2 m wide multipurpose trail on the numerous narrow water races described above because it clearly does not follow the ‘principle of avoidance’.**
- 20. We strongly object to the construction of trails and the subsequent use of the Goldfields Track which is very likely to diminish the environmental, aesthetic and heritage values of this important walking route. Our members have enjoyed peaceful use of that track for over 60 years, until 2019 mountain biking events disturbed that experience. In addition, there is much greater risk of accident or injury where mountain-bike traffic and pedestrian traffic is mixed, and there are plenty of proposed ‘bike only’ trails.**

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Vandeman MJ (2014) The Impacts of Mountain Biking on Wildlife and People: A Review. *ARPV Journal of Science and Technology*, Vol 4, No 7 <http://www.ejournalofscience.org> (2014), and 2004 version at: http://www.culturechange.org/mountain_biking_impacts.htm

Victorian Environmental Assessment Council (2011) *Remnant Native Vegetation Investigation: Final Report*, East Melbourne

Victorian Environmental Assessment Council (2016) *Historic Places Investigation: Final Report*, East Melbourne

From: [REDACTED]
Subject: Correct version: Petheram Objections to P 3141 Planning Application : Creswick Trails Project Stage 1
Date: Wednesday, 5 May 2021 10:35:53 PM
Attachments: [Petheram objections 3141 Final.pdf](#)

To: Hepburn Shire

Please find attached CORRECT VERSION of my 'Public Objections' to the above Planning Permit Application.

I may have sent the wrong attachment to my submission late last night. It was a copy of an Objection from Field Naturalists Club recently copied to me by their President. My sincere apologies. Please see the CORRECT VERSION ATTACHED. I hope it is not too late on 5 May.

How I would be affected.

I would be deeply affected by the Project if it was approved, as this would shatter my faith in proper planning process.

Mainly the public forests and heritage places that I and my family and groups of which I am a member have always enjoyed - would be seriously diminished in quality - at great loss to me - in amenity, education opportunities, tranquility and spiritual contentment.

There would also be serious losses to my rights and that of wildlife and my community to health and other benefits (like Carbon sequestration) - from damaged forest ecosystems.

Other losses and impacts are mentioned in the Objections Document attached.'

Sincerely

[REDACTED]

Ballarat (See address on the Objections document attached)

Phone [REDACTED]

Applicant for P3141: Hepburn Shire : shire@hepburn.vic.gov.au

**re. OBJECTIONS TO PLANNING PERMIT APPLICATION P3141
- CRESWICK TRAILS PROJECT (STAGE 1)**

Objector:

[REDACTED]

[REDACTED]

Phone [REDACTED] **email :** [REDACTED]

I am a Ballarat resident with long experience of recreation (walking, orienteering, Rogaining, nature observation, mountain-biking) and ecological and other work in the Creswick-Ballarat forests. As a Land Use researcher (PhD, UNE) and Ecologist (MSc, Wales) with work experience in four Australian States and internationally for CSIRO and FAO, I feel reasonably qualified to comment on this Project and its likely impacts on Creswick public forests, places and people.

In addition to positions as a senior research scientist (some in Creswick's University of Melbourne Campus), I have worked as instructor and manager of outdoor education programs in various parks and ecosystems. I hold voluntary positions with Bushwalking Victoria (Field Officer, NC Vic) and Field Naturalists Club of Ballarat and have served as community adviser to GH CMA and VEAC.

This submission touches on some of my more important objections to the Creswick Trail Project. For brevity I will limit reference material here, but if further references, photos or maps are needed, these can be provided on request. My Objections are to Stage 1, but also focus on important features concerning the whole Project proposal. It makes no sense to confine comments to Stage 1, because important information specific to Stage I is missing (or confusing) in the Application and 'expert reports. Anyway, implications of many of the 'whole Project concepts' are too important to be left unsaid (or hidden) because of Shire's last minute requirement for public to respond only to Stage 1.

1. Major risks of damage to Ballarat-Creswick Sensitive Forest Ecosystems

I object to the certain damage that would occur from the Project to vegetation and habitat, and hence inevitably impact on wildlife, priceless historic places, and many other features in Creswick's Forests that are valuable to my family and fellow citizens.

The damage caused already by 'informal' bike trails in the Creswick forests and the evidence of destruction of nature at many other 'mountain bike 'venues' leaves no doubt that serious losses would result from this the project, if allowed. **Not even mountain bikers can deny that losses would occur.** [See Harcourt Mtn Bike Park <https://lalarrbagauwa.harcourt.vic.au/mtb-trails/>]

We have no National Parks near Creswick or Ballarat - so Regional Park is extremely valuable, as the highest 'biodiversity' category of public land reserved enjoyment, conservation and observation of nature and heritage. These sensitive forest ecosystems are still recovering from almost complete denudation from mining 100-170 years ago. They have very erodible soils so need very special care: - NOT a 100 km long mountain bike trail with many intrusive structures and high bike traffic that will surely have many negative impacts.

The damage to vegetation alone would mean serious losses to habitat, and also in Carbon sequestration (50-100 tonnes CO₂ Eq annually) - at a time when Australia is struggling to reduce emissions, and to reach targets essential to global health and security. Studies of bike traffic on large fauna in other areas show serious effects on health and breeding through 'flight' disturbance (Vandeman 2014). The Hepburn Shire has turned blind eyes to such evidence and relied instead on reports by locally recruited 'experts' with obvious vested interests in stating in their reports that only 'no significant impacts' to environment or heritage would result. These claims are patently false,]

The Creswick forests are very unlike areas where 'successful' mountain biking areas like Forest in the Otways and Mt Wellington and Derby in Tasmania, which all have dense forest and high cover for soils. The dense forest makes illegal trail-making very difficult and unlikely. The ecology of the Creswick site is highly sensitive to disturbance and its thin, weak-textured acid soils (with high sodium subsoils) make it very vulnerable to run-off and wheel erosion, and to trail widening on corners and hence further habitat losses.

The Shire has made every effort to support this environmentally irresponsible Project, by using improper planning processes, failing to base decisions on proper expert studies, and by concealing vital information from the public. The expert reports fail to mention several rare species that need protection. The Application makes no mention of the terms of the Licences to be issued to the Shire for operating on public land. These are clear breaches of the Shire's policies on Transparency, Accountability and Environmental care - as clearly enunciated on the Hepburn Shire website.

In addition to the above breaches, planning of the project in this area is clearly not permissible in terms of VEAC and Land Council Commission recommendatons/regulations (LCC 1982) for the Ballarat Area that prohibit the use of Regional Park for formal recreation of the type intended here. **Failure to adhere to these State regulations is unconscionable on the part of the Shire (and the advising land management agency).**

As a citizen, these breaches of process and regulations are offensive (and possibly illegal), and have shattered public faith in Hepburn Council's abilities to protect the natural and historic features of Creswick Forests that I wish to see protected for our children, grandchildren and future generations.

The Shire claims that losses in vegetation destroyed by building the Project would be 'covered by offsets' paid. This is highly offensive to the caring public and shows no understanding of the high local values of floristics and habitat that has adapted on these sensitive soils over the centuries. Offset payments would in no way compensate for ecosystem losses or losses in C sequestration. Any offset plantings would not be located on Creswick public land, and the ability of replacement vegetation to sequester carbon would take many years to develop.

2. Shire's collusion with mountain biking groups in (improper) planning of the CTProject

I object to the Shire's close collusion with the mountain bike lobby, with its strong vested interests, to plan and obtain tax-payer funding for such a large unsustainable project, in highly valued public forest.

Early decisions on the large size of the project (100 km) were made by the Shire without seeking approval from the main user groups of the proposed public forest area, who reside in Ballarat not Creswick. Project planning then proceeded, assuming a 100 km trail network could be sustainable -

without any field based studies of impacts on environment or heritage values that considered the sustainable trail density of the area. No proper feasibility studies were made public, or estimates of losses to environment and heritage made, before funding was sought and obtained for the CTProject.

The Shire's senior management clearly has not understood the mountain biking community or its culture and their very limited view of the 'environment' - as a place mainly for thrills and adventure. This partnership has made no concessions towards the need for biodiversity conservation or biodiversity enhancement in the Project area. The Shire has been influenced strongly by their mountain biking 'partners' and their culture, which has become increasingly obsessed with speed and skill performance and using natural areas exclusively for their own pursuits, at expense of other's rights, see e.g. <https://www.adventure-journal.com/2018/05/culture-mountain-biking-gone-astray/>

The naming of the project riding zones by bikers shows clearly the intention of attracting riders who are driven by adventure, fast riding and often danger. **For example Gravity Zone, Ridge Racer Zone, North and South Adventure Zones** – show no care for environment or nature, or for value of the Goldfields heritage for which the area is most well-known.

As a mountain bike user for 12 years, I have ridden at several mountain bike venues and trails. I also have mountain biker friends and I know very well that most mountain bikers and their community and culture has little or no interest in ecology or enhancing environment. They are mainly driven by physical exercise, fast trails and thrills, and make greater demands for more extreme trails every year – regardless of environmental impacts. **Local Rider groups will never be content with a static network on Creswick and will 'demand' changes toward more extreme and nature damaging designs – as occurs in most mountain biking venues globally – with no regard for nature.**

About ten years ago I rode some easier trails on a new mountain bike area at Mt Stromlo – built on slopes that had been burned by Mt Stromlo fires. These very well built trails caused little damage on the denuded slopes and became a popular Mecca for riders nationally and globally. But within a few years, the biking community demanded more extreme trails that were also more harmful to nature. **A report from Canberra Times summaries what happened at Stromlo, as in many other biking areas, and will undoubtedly occur in Creswick, if the Shire continues bowing to wishes of biking groups – at the expense of future quality of Hepburn's rich heritage and natural areas.**

<https://www.canberratimes.com.au/story/6012370/mountain-bike-mecca-no-more-riders-concern-over-canberra-trails/>

'Mountain bike mecca' no more: Riders' concern over Canberra trails

It was once Australia's "mountain bike Mecca", but riders say Mount Stromlo has slowly fallen off the radar as a world-class facility since the world's best tackled its terrain.

Stromlo Forest Park was regarded as one of the world's premier mountain biking destinations when it hosted the prestigious Union Cycliste Internationale World Mountain Bike Championships, in 2009

Riders believe the reason it has failed to retain its status: barely any new trails were built in last 5 years.

Canberra mountain biker Josh Kentwell said people had "ridden the hell out of Stromlo".

While it remained popular, experienced riders had felt for the past three or four years they had reached the limits of what they could do at Stromlo.

"As more people come to the sport, they want different trails to advance skills," Mr Kentwell said.

"Stromlo used to be the pinnacle of mountain biking in Australia, but now it's fallen way behind."

generations. **The Shire plans to signpost 75% of project trails (85% in Stage 1) as “BIKES ONLY” and most will be single direction. This is all in areas where walkers, naturalists and others have always had open access to forest and nice places.** Many Project trails will also have twists and bends and berms, which make walking unpleasant. Switch backs and jumps on trails will lead to short cuts being made, which causes more bare soil and erosion

If Stage 1 is approved and built, the mountain bike lobby will certainly continue their demand that the CTProject soon take over the whole Creswick forest, impacting on wide its use by legitimate long-time and mainly passive users and family groups – as has happened in many mountain biking locations. The You Yangs Mountain Bike area is one local example that was once a very popular walking and family picnick venue: <https://www.youtube.com/watch?v=CGLkpiZpUc4>

The Hepburn Shire management clearly needs urgently to decide whether to keep on colluding with the mountain bike rider lobby and supporting their demands, or whether to follow their official Shire policies and on Transparency and Accountability, and on Environmental Care and protection of Golfields Heritage. In planning the CTProject to date all those policies and have been seriously breached in collusion with biker contact.

It appears also that the Shire’s close links to the mountain bike lobby resulted in complete refusal to accept major efforts by Ballarat forest users (Field Naturalists and Bushwalking Victoria) to collaborate with the Shire in efforts and Assessment Reports submitted in April 2020 to help design a CTProject that would be more friendly to nature, wildlife, heritage and the rights of other forest users.

‘Community engagement’ by the Shire for the CTProject has consequently been a complete failure - especially in terms of in facilitating community collaboration.

Poor quality, omission of information and biased approach in expert reporting

3. I object to the poor quality and the approach used in the ‘expert reports’ that are supposed to objectively inform the public in their assessment the Project application.

For example, the Flora and Fauna Report omits numerous important species and is contradictory. It states that vegetation is generally in good condition, yet contends that impacts of 100 km of mountain bike trails (and 1000s of riders) will have ‘no significant impacts’. The Historic Survey report has extensive maps but omits to mention numerous potential heritage sites that are reported in local literature and maps. The Flora and Fauna Report covers the whole CTProject area, so it is impossible to assess Stage 1 area alone, as the public was instructed to do by the Shire in making submissions. Various reports claim gradients of bike trails would be less than 5%: this clearly false and extremely misleading especially for Stage 1.

It is notable that none of the expert reporters contacted local experts or knowledgeable community groups with long experience in the Creswick area. Such contact should have been standard practice in any good field study, and mutually beneficial to both experts and local people.

Most reports read as though the primary focus is to ensure that the Project could be declared ‘harmless’ (e.g. to ecology or heritage), and also to advise the Shire on ways of minimising damage - to soil or forests or heritage or other resources. This is a highly biased and subjective approach that would be influenced also by strong vested interests of the consultant reporters.

All the Reports emphasised advice on ways of minimising in the siting and building of trails. There is virtually no advice on the dangers to nature or habitat or wildlife health or heritage – from traffic after building. This seems like a very short-sighted omission, as the dangers of damage and widening of trails or disrepair after building are surely extremely important. Apart from minor mention of the ‘need for monitoring’, this topic was very poorly covered. **Expert advice on setting up long term monitoring of trails and nature and habitat etc, would be essential for any sustainable project.**

Brief mention is made of errors and problems with certain reports under 4 and 5 below, but comment on other reports are omitted here for brevity and lack of time. The public was asked to read, assess and comment on over 800 pages of reports in only a few weeks to 5 May 2021.

D. Problems with Flora and Fauna Report

I object to the failure of the Flora and Fauna Report to list species known to be in the area, and its use of field sampling techniques and timing that would not enable monitoring, or precise siting of alignments - avoid damage to rare species or communities (plant or animal).

The report failed to recognise a number of places of special biodiversity richness, especially in Stage 1 area. This is not surprising as most data were obtained from desk studies and the limited field sampling (e.g Habitat Hectare) was not in the main flowering seasons. Field studies (and contact with local experts and proper study of land parcel data) should have revealed the existence of previous ‘Flora Reserves’ and other biodiversity hotspot. Examples are the Eastern Hill Flora Reserve north of Creswick Creek and south of Hammond Park, and an old Flora Reserve north west of St Georges Lake. Both of these areas have (or had) a range of valuable orchid species that would be severely threatened by CTPProject bike trails that are planned through them. Another area with high biodiversity is in the ‘North Adventure Zone’ north of the Koala Park – where fast and steep trails planned are a serious threat to rare orchids like *Dipodium pardalinum* and locally rare *Lobelia gibbosa*. The Koala Park itself has rare *Grevillea micrantha* which would be threatened by the widening of the Goldfields Trail plans by the Shire, if Stage 1 is approved.

These special places are mentioned in the Objections made by the Field Naturalist’s Club of Ballarat, - under headings of various proposed Stage 1 Zones. If Stage 1 is approved, it would be essential to conduct proper studies of these areas, and for the routes of trails to be studied carefully during flowering periods - from September to January - to enable precise ‘micro-siting’ and avoid destroying rare plants and colonies. Final siting of trails could not be responsibly achieved before that botanical work is completed.

Rare Hyacinth orchid *Dipodium pardalinum* growing on bank of an historic water race planned to be built over for a planned Project trail



Lobelia gibbosa – locally rare on slopes above Koala Park in the line of planned fast trails of the ‘North Adventure Zone’



Vombatus ursinus
Common Wombat – in a colony newly (2019) discovered by the Wattle Flat Landcare group in a part of Project (2019) area, through which numerous bike trails are proposed.

The Flora and Fauna report makes no mention of this first sighting of Wombats in the area in approximately 100 years, or of any measures to protect fauna or habitat in the Special Wildlife Corridor that runs from Ballarat south towards Cosgrave Reservoir. There have been recent Koala sightings in that eastern corridor too. No mention is made for minimising impacts of trails or traffic on large marsupials or birdlife either.

Another comment that has been made on the Flora and Fauna Report is the lack of any studies of populations of fauna or invertebrates. Our observations show high variation in numbers of arboreal fauna across the area. But unless there are proper baseline studies, it will never be possible to assess changes in populations, or impacts over time of any trails built.

Minor studies done of invertebrates discovered an un-named Collembola and several aquatic invertebrate genera never reported for Creswick on the Victorian Biodiversity Atlas in the past (P Greenslade 2021). Again, proper studies of invertebrates are badly needed as indicators of change, and to monitor impacts of trails if building of the CTP Project is ever to be considered. Otherwise, management and assessment will always be in the dark – which is not the responsible way for the Hepburn Shire to plan or propose a many-million dollar Project.

If the project is approved, the bike trail network would be easily accessible by cars at more than 35 informal points in the area (15 in Stage 1). However, the obvious problems of vastly increased car traffic on roads and of pressure on vegetation from 35 informal roadside parking places or vast amounts of litter in the Creswick Forest are hardly mentioned in any expert reports. Many of these informal parking / trail-entry places are in areas mapped as Sensitive Aboriginal Cultural Heritage Zones. Will surveys be done for artifacts at these carpark areas?

4. The Historical Survey Report raises serious risks to the future safety of the integrity of Creswick's unique mining heritage landscape/ and water race network

I object to the proposal to build mountain bike trails on water race structures, and through Chinese gardens. This would jeopardise Victoria's bid for UNESCO World Heritage Status.

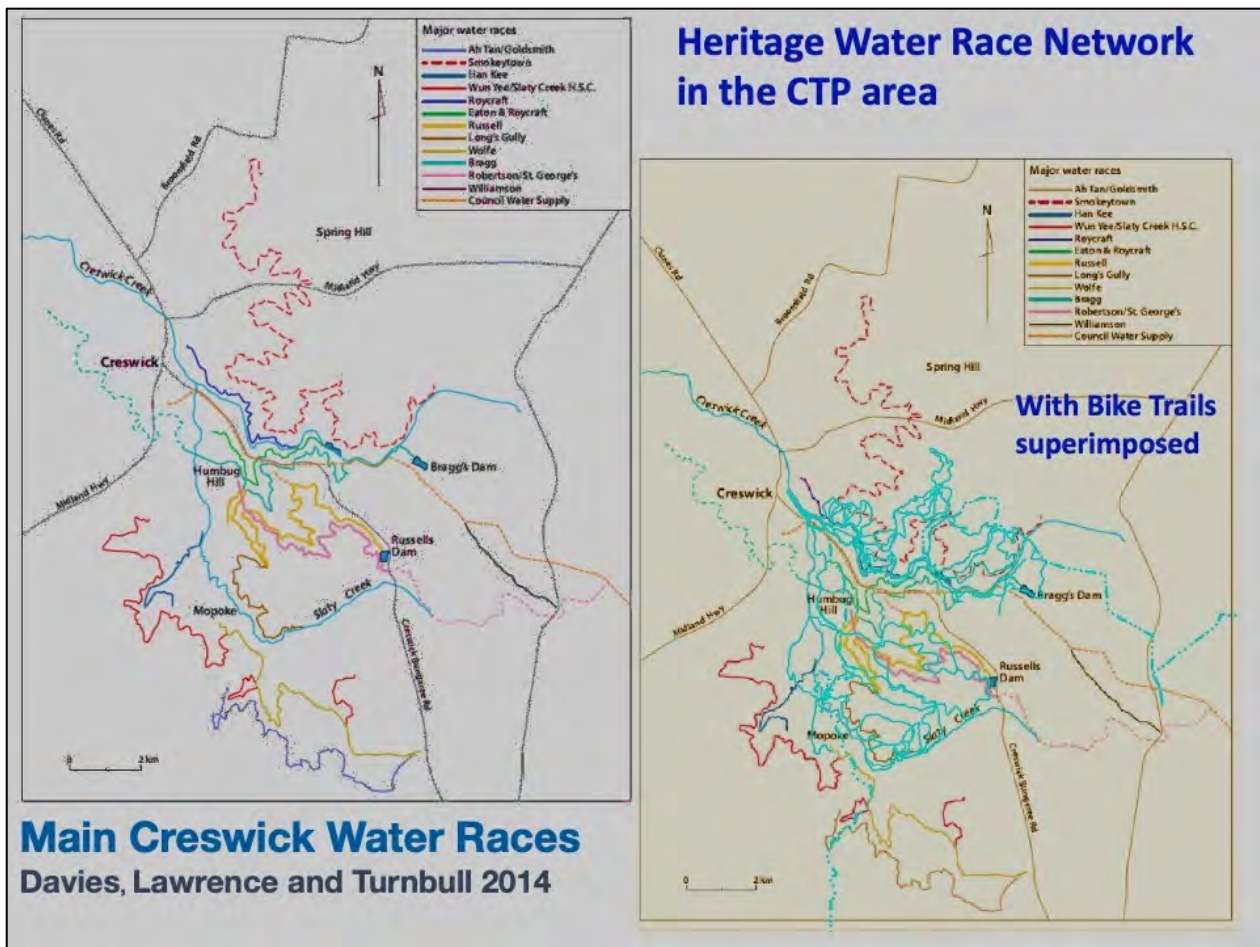
The Historic Survey (Draft) Report and the EMS Report acknowledge the high heritage significance of Creswick's unique mining water race system, but then proceed to advise the Shire on how to build bike trails on water races to - by denuding race banks of ground flora, then building up race banks to support trails and traffic. They also advise rock wall structures around the many trees on races to reduce damage and support trails outside the race line. This would clearly destroy the aesthetics of the races, and consequently threaten the integrity and heritage significance of the whole Creswick Water Distribution network.

The photo below shows a walking group exploring the 4 km long 160 year old Wolfe's Water Race that is proposed as the base for a main bike 'flow trail'. These structures are rich in flora and fauna and are used occasionally as highly scenic walking routes. A trail with bike traffic on this race would seriously damage its integrity and aesthetic appearance. This would impact on the heritage significance of Creswick Water Race Network and could spoil the States chances of attaining UNESCO World Heritage status for the Victorian Goldfields.



The risks to Creswick's heritage mining landscape including over 120 km of water races and numerous other historic mining and garden sites - from building a 100 km mountain bike trail network on erosive soils are very high - as depicted in the Figure below.

The map on the left shows the major water races, and on the right shows the same races with the 100 km CTProject network superimposed. The trail network would effectively obliterate the integrity of the water the race network!

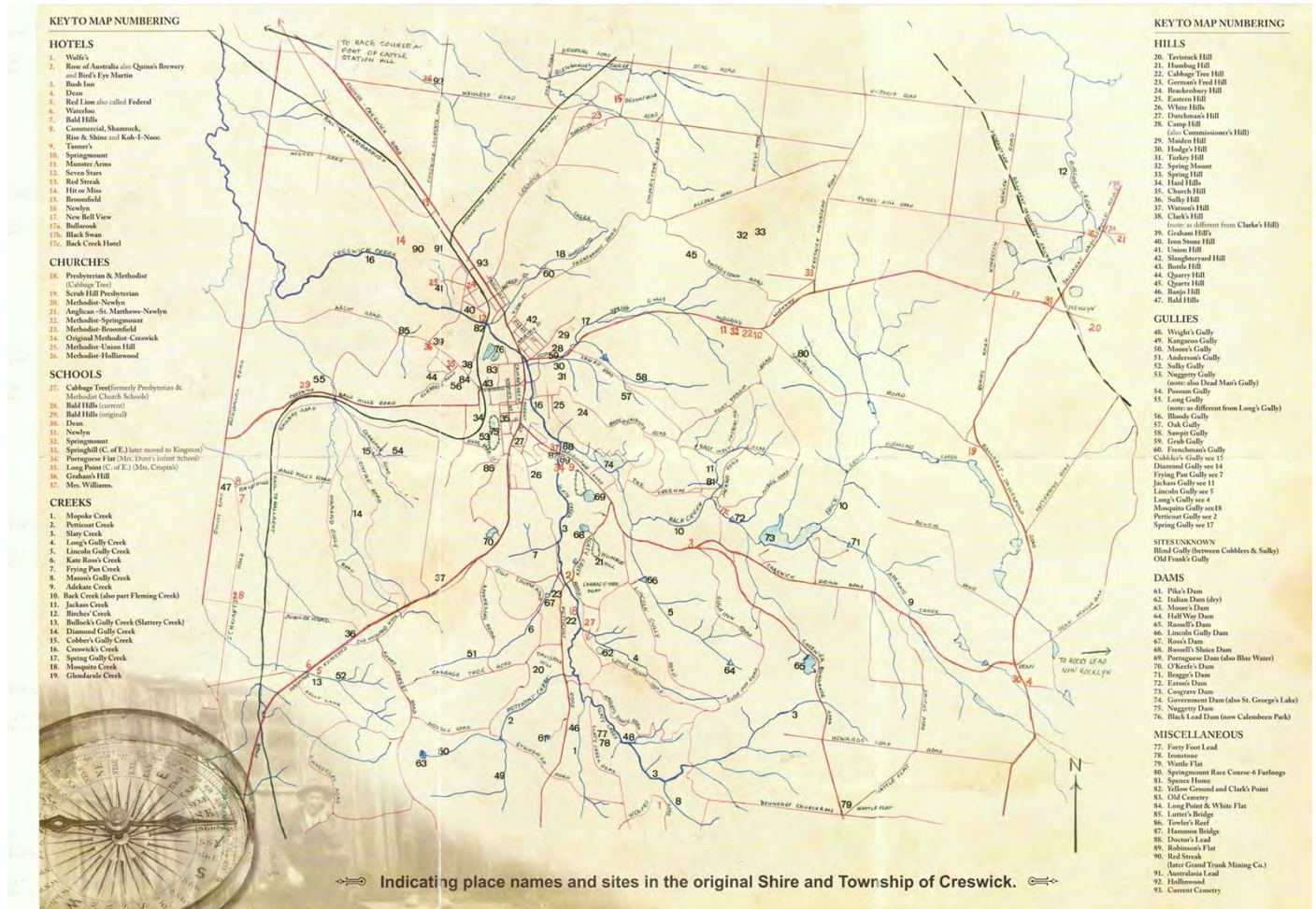


In addition to the Hepburn Shire's disregard for the high heritage values of the water race system in their planning of bike trails alignment and construction on races, the Planning Application hides other serious risks to heritage sites. Bike trails are planned to go through at least two market garden sites (Slaty Creek Chinese and Philipino/Manilla Men Garden) that are reported in literature to have been very important in the mining era.

A further concern is the failure of the Planning permit or Reports to mention or protect in any way the only Aboriginal Cultural Heritage site known from European settlement history in this area (Henderson 2012). On the contrary this cultural site (well known to a local Shire Councillor) already has mountain bike trails through it and CTProject trails are planned around it – as part of 'Link Zone' trails to the RAVC Forest Resort. Some of these large bike trails built by the RACV (a CTProject Partner) appear to be sited illegally in Creswick Regional Park land, and no vegetation removal permits are known to exist for the trails.

It is very clear that the high number of historic sites known to exist in the proposed Project area demand much more detailed study by archaeologists before approval of any part of the CTProject – both to avoid damage to sites and to record and assess their value properly in the field. The 'busy context' of a large number of houses and business sites in the 1860s-1900 - as

reported in local history, maps and informal reports is not well reflected in the Historic Survey Report. Examples of sources that show this rich Goldfields context are Henderson’s 2012 booklet ‘Sites and people of an earlier Cabbage Tree’ (2012) and also the David Henderson ‘Henderson Map’ (2009) – see version of sheet 2 only of the map below.



6. The terms of the Licence/s to be issued to the Shire for operating on public land are missing

I object strongly to being asked to comment on this PP Application for a Shire manage a 200 hectare corridor of public forest land – without knowledge of the Terms or time scale or entitlements or other conditions of the Licences to be issued to use that land.

It is insulting to ask the public to read 800 pages of reports and comment on the Project application without having information on the Licence that will dictate what the Shire can and cannot do on this public forest land, and the limitations. **To respond properly I have to know the Terms of the Licence/s.**

For instance, will the Shire have rights to allow Racing on the trails, and what kinds, and if so which trails? What will be the restrictions on use of the trails in wet weather? Will the Shire be required to keep all motorised bikes and vehicles off the network? What are the rules in terms of clearing weeds

and the maintaining the corridor weed free? What penalties will apply to breaches of the Terms? What will be the \$ amount of the Bond to be held against the poor management of land or maintenance of trails, or their abandonment? What would be the requirements for wheel treatment (and foot treatment) for preventing spread of weeds and plant disease across the forest on trails? What length of bike trail is allowed per metre length of corridor? [With bends and turns bike trails are often 50% longer than the linear distance from A to B.]

References cited:

Davies P, Lawrence S and Turnbull J (2014), *Water and Gold: Interpreting the Landscape of Creswick Creek*. Messmate Press.

Henderson DC (2010) *Sites and People of an earlier Cabbage Tree, Creswick and District Historical Society, Creswick, Victoria*.

Henderson DC (2012) *Gold in Slaty Creek Creek and Nearby. Creswick and District Historical Association, Creswick, Victoria*.

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[Ballarat Area \(LCC, 1982\) - VEAC | Victorian Environmental ...](http://www.veac.vic.gov.au)
<http://www.veac.vic.gov.au> > investigation > ballarat-ar...

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VEAC Remnant Native Vegetation Final Report (2011). <https://www.veac.vic.gov.au/investigations-assessments/previous-investigations/investigation/remnant-native-vegetation-investigation-veac-2011>



Please use block letters

Planning & Environment Act 1987

WHO IS OBJECTING:

Name/s [REDACTED]

Property address: [REDACTED]

Postal Address (if different to above) [REDACTED]

Tel: [REDACTED] Email: [REDACTED]

WHAT APPLICATION DO YOU OBJECT TO?

Permit application no. PA3141

Proposal: USE AND DEVELOPMENT OF A MOUNTAIN BIKE TRAIL (INFORMAL OUTDOOR RECREATION) AND THE REMOVAL OF NATIVE VEGETATION

Who has applied for the permit: HEPBURN SHIRE COUNCIL

WHAT ARE THE REASONS FOR YOUR OBJECTION?

AS PER ATTACHED WRITTEN SUBMISSION

[Dotted lines for text entry]

HOW WILL YOU BE AFFECTED BY THE GRANT OF A PERMIT?

AS PER ATTACHED WRITTEN SUBMISSION

[Dotted lines for text entry]



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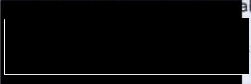
If insufficient space, please attach separate sheet

Privacy Collection Notice

Your objection and the personal information on this form is collected by council for the purposes of the planning process as set out in the Planning and Environment Act 1987 (PE Act). If you do not provide your name and address, council will not be able to consider your objection. Your objection will be available at the council office for any person to inspect and copies may be made available on request to any person for the relevant period set out in the PE Act.

You must not submit any personal information or copyright material of third parties without their informed consent. By submitting the material, you agree that the use of the material as detailed above does not breach any third party's right to privacy and copyright. You can request that your personal information be destroyed by contacting Councils Governance Department.

Signature:



Tick Box



Date: 4 MAY 2021

IMPORTANT NOTES ABOUT OBJECTIONS TO PLANNING PERMIT APPLICATIONS

1. This form is to help you make an objection to an application in a way which complies with the Planning and Environment Act 1987, and which can be readily understood by the Responsible Authority. There is no requirement under the Act that you use any particular form.
2. Make sure you clearly understand what is proposed before you make an objection. You should inspect the application at the Responsible Authority's office.
3. To make an objection you should clearly complete the details on this form and lodge it with the Responsible Authority as shown on the Public Notice – Application for a Planning Permit.
4. An objection must:
 - state the reasons for your objection, and
 - state how you would be affected if a permit is granted.
5. The Responsible Authority may reject an application which it considers has been made primarily to secure or maintain a direct or indirect commercial advantage for the objector. In this case, the Act applies as if the objection had not been made.
6. Any person may inspect an objection during office hours.
7. If your objection related to an effect on property other than at your address as shown on this form, give details of that property and of your interest in it.
8. To ensure the Responsible Authority considers your objection, make sure that the Authority received it by the date shown in the notice you were sent, or which you saw in a newspaper, or on the site.
9. If you object before the Responsible Authority makes a decision, the Authority will tell you its decision.
10. If despite your objection the Responsible Authority decided to grant the permit, you can appeal against the decision. Details of the appeal procedures are set out on the back of the Notice of Decision which you will receive. An appeal must be made on a prescribed form (obtainable from the Victorian Civil and Administrative Tribunal) and accompanied by the prescribed fee. A copy must be given to the Responsible Authority. The closing date for appeals is 21 days of the Responsible Authority giving notice of its decision.
11. If the Responsible Authority refuses the application, the applicant can also appeal. The provisions are set out on the Refusal of Planning Application which will be issued at that time.

PUBLIC OBJECTION SUBMISSION:
CRESWICK TRAILS PROJECT
INCLUDING HEPBURN SHIRE COUNCIL PLANNING PERMIT APPLICATION NUMBER PA3141

SUBMISSION TO:

1. Hepburn Shire Council
& CEO
& All Councillors
P.O. Box 21, DAYLESFORD 3460
Email: shire@hepburn.vic.gov.au
[Councillors:
 - Councillor Lesley Hewitt (Mayor) – Birch Ward. (Email: lhewitt@hepburn.vic.gov.au).
 - Councillor Brian Hood (Deputy Mayor) – Coliban Ward. (Email: bhood@hepburn.vic.gov.au).
 - Councillor Jen Bray – Birch Ward. (Email: jbray@hepburn.vic.gov.au)
 - Councillor Tessa Halliday – Cameron Ward. (Email: thalliday@hepburn.vic.gov.au).
 - Councillor Juliet Simpson – Holcombe Ward. (Email: jsimpson@hepburn.vic.gov.au).
 - Councillor Tim Drylie – Creswick Ward. (Email: tdrylie@hepburn.vic.gov.au).
 - Councillor Don Henderson – Creswick Ward. (Email: dhenderson@hepburn.vic.gov.au).]

2. Parks Victoria
Mr Matthew Jackson
CEO Parks Victoria
Level 10
535 Bourke Street
MELBOURNE VIC 3000.
Email:

3. Department of Environment Land Water & Planning
Mr John Bradley
Secretary DELWP
PO Box 500
EAST MELBOURNE VIC 8002.
Email: customer.service@delwp.vic.gov.au

Copies to:

Minister Energy, Environment and Climate Change, The Hon. Lily D’Ambrosio.
Minister Planning, The Hon. Richard Wynne.

SUBMISSION BY:

Name:

[REDACTED]

Address:

[REDACTED]

Email:



DATE OF SUBMISSION: 4 May 2021.

I declare that this submission be treated as a PUBLIC DOCUMENT.

Signature:



SUBMISSION & OBJECTION ON:

- 1. HEPBURN SHIRE COUNCIL PLANNING PERMIT APPLICATION – CRESWICK TRAILS PROJECT (CTP “STAGE 1”) – NUMBER PA3141; AND**
- 2. HEPBURN SHIRE COUNCIL (ENTIRE) CRESWICK TRAILS PROJECT (ALL STAGES).**

SUBMITTER QUALIFICATIONS / ACCREDITATIONS / APPOINTMENTS / EXPERIENCE:

My qualifications, accreditations, appointments, experience include:

- Bachelor Applied Science Degree (Environmental Assessment and Land Use Policy).
- Certificate Applied Science (Conservation and Resource Development).
- DSE Certificate of Competency – Vegetation Quality Assessments (Habitat Hectares).
- Former Authorised Officer, Heritage Act 1995.
- Former Authorised Officer (Warden), former Aboriginal and Archaeological Relics Preservation Act 1972.
- Former Authorised Officer (Bailliff of Crown Lands), Land Act 1958.
- Former Authorised Officer, Conservation, Forests and Lands Act 1987
- Former Authorised Officer (Inspector), former Vermin and Noxious Weeds Act 1958.
- Former Authorised Officer, Catchment and Land Protection Act 1994.
- Former Authorised Officer, Land Conservation (Vehicle Control) Act 1972.
- Former Authorised Officer, Litter Act 1987.
- Former Appointed Commissioner for Taking Affidavits, Evidence Act 1958.
- 36 years environmental and land use planning work experience, including:
 - * work in areas including environmental assessment / land use planning / flora and fauna conservation / cultural heritage / catchment and land protection / Public Land management.
 - * past employment with Department of Environment Land Water and Planning / Department of Environment and Primary Industries / Dept of Sustainability and Environment / Dept of Primary Industries / Dept of Natural Resources and Environment / Dept of Conservation and Natural Resources / Dept Conservation, Forests and Lands / Dept of Crown Lands and Survey.

Abbreviations used in this submission:

- CHW = Central Highlands Water
- CNR = (Former) Department of Conservation and Natural Resources
- CTP = Creswick Trails Project
- CTP Trail Master Plan = Trail Master Plan, Creswick (Dirt Art, for Hepburn Shire Council, 2015/2016).
- DELWP = Department of Environment Land Water & Planning
- DJPR = Department Jobs Precincts and Regions
- ECC = (Former) Environment Conservation Council
- EPBC Act = Environment Protection & Biodiversity Conservation Act
- FFG Act = Flora and Fauna Guarantee Act
- HSC = Hepburn Shire Council
- HV = Heritage Victoria
- LCC = Land Conservation Council
- NCCMA = North Central Catchment Management Authority
- NRE = (Former) Department of Natural Resources and Environment
- PPA = Planning Permit Application

- PV = Parks Victoria
- RDV = Regional Development Victoria
- RTIF = Regional Tourism and Infrastructure
- VEAC = Victorian Environmental Assessment Council

1. INTRODUCTION.

I hereby make and submit my formal public objection on:

- (a) Hepburn Shire Council Planning Permit Application No. PA3141 – “Creswick Trails Project Stage 1” (use and development of a mountain bike trail (informal outdoor recreation) and the removal of native vegetation – various land / Crown land parcels Creswick); and
- (b) Hepburn Shire Council (entire) Creswick Trails Project (all stages).

I advise that I am a citizen member of the Victorian public, and I act for myself and for and on behalf of other members of the public, in the public interest. This submission is made on the Creswick Trails Project, a project proposed to be developed on land comprising (largely or entirely) of Crown land (Public Land) at Creswick. As a member of the Victorian public, I have an intrinsic right, as do all Victorian citizens, to generally access and to use and to enjoy this Public Land, including its public land values and for its’ amenity. In regards to specific circumstances, I regularly visit these Public Lands for access and use and enjoyment including recreation, nature observation and appreciation, environmental experience, heritage appreciation, landscape value and photography purposes. The proposed Creswick Trails Project and its development and use will significantly impede and impact my access to and use and enjoyment of these values and experiences and amenity.

Hepburn Shire Council (HSC) is the proponent of the Creswick Trails Project (CTP), being a proposed 100km long dedicated formal mountain bike track, largely or entirely situated on Public Lands near Creswick. There are many aspects of the proposed CTP that are of significant public concern to me, including the Public Land and public land value significant impacts and loss of amenity that will occur if the CTP is developed, and in HSC’s apparent inadequate administration of, and assessment and planning for, the CTP.

Many of these issues have been previously publicly outlined in my previous correspondence sent to HSC. Many of the issues I have previously publicly raised are also still extant. HSC has also largely failed and or refused to provide substantive responses to and proper address of my public submissions and concerns, including failing to publicly provide or release crucial information, to fully inform the public. These aspects will be able to be substantially demonstrated if and as required.

The CTP (or CTP Stage 1), if developed, will significantly impinge on the public’s amenity, including on access, use, enjoyment and rights. There will be significant impacts to and degradation of the land’s public land and other values. The general public and general users will be “displaced” to various extents by a small single user group. This potentially applies to all Victoria citizens.

I submit my public objection on the following broad grounds, and detail later in this submission:

- (c) Hepburn Shire Council's failure to undertake proper, adequate and appropriate Public land and public land values assessment and planning procedures and processes, to appropriate and or prescribed statutory and Government Policy and other standards and requirements.
- (d) Hepburn Shire Council's failure to undertake proper, adequate and appropriate Public land public consultation, to appropriate and required and or prescribed Government Policy (including Public Land Policy) and other standards.
- (e) Hepburn Shire Council's failure to consider and or comply with Government approved Land Conservation Council (LCC) and Victorian Environmental Assessment Council (VEAC) Land Use Determinations.
- (f) Loss of (Public Land and other) amenity for non-bike user groups and the general public.
- (g) Inappropriate, excessive and significant detrimental impacts to environmental / biodiversity values, including native vegetation removal and habitat loss, and losses of associated public amenity.
- (h) Inappropriate, excessive and significant detrimental impacts to historic and cultural heritage values, including degradation of sites, values and landscapes, and losses of associated public amenity.
- (i) Inappropriate Government tolerance and or apparent endorsement of, and lack of enforcement and compliance on, illegal activities that are causing significant environmental / biodiversity and historic / heritage and other including Public Land impacts.
- (j) Items (c) to (i) are attributed to Hepburn Shire Council in the Creswick Trails Project and Planning Permit CTP Stage 1, but may also apply to the Public Land Managers including DELWP and Parks Victoria.

2. DISCUSSION / OVERVIEW / GENERAL.

The Creswick Trails Project (“CTP”) is a Hepburn Shire Council (“HSC”) proposed 100km long dedicated formal “mega” and supposed “world class” mountain bike track, proposed to be developed largely or entirely on **Public Lands** including the higher level Creswick Regional Park, situated near and generally to the south of Creswick township.

HSC has no current jurisdiction over most of this land. The main Public Land Managers are DELWP and Parks Victoria. HSC has recently declared that Central Highlands Water (“CHW”) managed land will now no longer be proposed to be used for any parts of the proposed CTP.

HSC apparently *autonomously* determined that the CTP could, and *would*, be developed on this Public Land, in close connection with local a mountain bike club. HSC and the mountain bike club had no current jurisdiction over most of this land.

It is understood that the HSC’s CTP Trail Master Plan was also one of the principal documents used by HSC in procuring and securing a Regional Development Victoria grant (of \$2.56M) of public money.

HSC apparently regarded its’ Trail Master Plan Creswick (Dirt Art for HSC, 2015/2016) (“CTP Trail Master Plan”) to be the main assessment and planning document for the CTP. The CTP Trail Master Plan was also apparently used as a basis for securing \$4.06M of funding for the CTP (\$2.56M Regional Tourism and Infrastructure (RTIF) Grant and \$1.5M of HSC ratepayers money.

The Trail Master Plan - Creswick document is grossly inadequate as an assessment and approvals instrument for *assessing Public Land*, including high level Public Land such as the Creswick Regional Park, and in assessing and evaluating a major project with significant impacts. Further, it appears that the Public Land Managers were also *not* consulted or involved, or not properly and adequately consulted or involved, at that time. All public requests to HSC for provision of its RTIF grant application documents, including economic analyses and feasibility studies, have been continually declined and refused by HSC. In fact, many other and virtually all requests to HSC for public provision of other critical information, including via FOI processes, have also nearly all be thwarted and denied by HSC.

The CTP proposal was also NEVER put to the public at the project’s conception, to determine if it could or should proceed, or not. HSC has also since apparently tried to “pass-off” that there has been adequate “public engagement”, but this is only and entirely HSC “engaging” the public on *where* to put the CTP track, and NOT what the public and public land value impacts will be, whether these are publicly acceptable or not, and *whether the CTP should be developed, or not*. In effect, the CTP proposal and process constitutes *gross subversion* of proper and adequate and prescribed Crown Land / Public Land assessments and planning and process, and subversion of protection of significant public land values, and subversion of proper and adequate and true public consultation, and is therefore detrimental and causes injury to public interests.

This situation is further exacerbated by the Public Land Managers, who once involved in the CTP proposal process, clearly apparently side-stepped their own legal and or Government policy and public duty obligations, which otherwise requires them to properly assess and evaluate such proposals, as well as to engage in proper public consultation. Whilst the Public Land Managers appear to have apparently required HSC *as the proponent* to undertake the CTP assessment and evaluation, they nevertheless have their *own internal formal processes*, involving *critical base parameter evaluations*, which should have been, and *need to be*, applied, but *were apparently not*. Indeed, all public requests to all Public Land Managers to publicly provide copies of their internal assessments and evaluations to inform the public of these internal and due diligence obligatory process documents have all largely been declined. It is postulated (with reasonable certainty) that the Public Land Managers have NOT undertaken their own required adequate due diligence assessments and evaluations of the CTP, or of this Public Land and its values, or of the impacts of the CTP, being detrimental to the public interest.

The Public Land Managers have apparently devolved most or all responsibility over to HSC as the project proponent to undertake all assessment and planning works. HSC however, in undertaking this work, disregarded the critical extant Government approved VEAC / LCC Land Use Determinations for the CTP, including for Planning Permit Application CTP Stage 1 area. In the Planning Permit Application documents, HSC otherwise only refers to “Public Land Managers” and “Tenure” and “Land Management”, with *no mention* of Land (Reserve) Status or of the Government approved VEAC / LCC Land Use Determinations. This is grossly inadequate, and against the public interest.

HSC states in its Planning Permit Application that the Planning Permit is for the (CTP) “use and development of a mountain bike trail (informal outdoor recreation)”. However HSC conversely states in its’ Trail Master Plan Creswick (“CTP Trail Master Plan”) that the CTP is a “**formal public trail network**”. There is significant *incongruity* in HSC’s uses and definitions of formal verses informal recreation in different HSC documents. HSC however does NOT define nor clarify these incongruities in these documents. Hepburn Planning Scheme provides a definition for Informal Outdoor Recreation, but not for Formal (Outdoor) Recreation. The Victorian Environmental Assessment Council (VEAC) / Land Conservation Council (LCC) Government approved Land Use Determinations provide a different definition again of formal verses informal recreation.

The VEAC / LCC Land Use Determinations are *primary in order* in determining Public Land status and Land use outcomes over the *secondary in order* Planning Scheme. That is, given that the Minister or the Public Land Managers legally MUST implement the VEAC / LCC determinations as intended (Section 26A VEAC Act), then this occurs *first*, and *before* the Public Land Managers give their *consent* to proceed to planning permit application or thereafter for implementation of works. Given the priority order enactment of the VEAC / LCC Land Use Determinations, the VEAC / LCC determinations would prevail, if there is any disparity between the VEAC / LCC Determinations and the Planning Scheme or planning permit process.

The Public Lands are subject to the *fully determinate* Government approved VEAC / LCC Land Use Determinations. In this case the extant primary VEAC / LCC Ballarat Study Area 1982 determinations apply. Other general Government approved VEAC / LCC Land Use Determinations also variously

apply e.g. VEAC Statewide Assessment of Public Land 2017; LCC Rivers and Streams Special Investigation 1991. HSC apparently seems to incorrectly consider that the Hepburn Planning Scheme is the ultimate definitive and *only* determinant of land use of this Public Land in this case. To this end, HSC has failed in its Planning Permit documents to recognize, include and consider the pre-determinant VEAC / LCC Land Use Determinations. This is a significant and possibly fatal flaw in the CTP and in the Planning Permit Application CTP Stage 1 processes. The CTP is *non-compliant* to various of the VEAC / LCC Land Use Determinations. Public requests to HSC and to the Public Land Managers for detailed reporting on this matter and informing the public on whether and how the CTP is compliant to the extant VEAC / LCC Land Use Determinations resulted in grossly inadequate responses.

The Minister or the responsible Government Departments or Agencies (Public Land Managers) ***must ensure implementation of the VEAC / LCC Land Use Determinations to the extent that they are intended.*** Section 26A of the VEAC Act applies. The Public Land Managers may have breached Section 26A by way of providing their consents to proceed to Planning Permit Application or to conditional consent to undertake works.

Should proposed land uses (such as the CTP) be allowed pursuant and compliant to Government approved VEAC / LCC Final Land Status / Land Use Determinations, Hepburn Planning Scheme and Planning Permit process requirements and determinations *may then* apply, however these will be *subservient* to the primary VEAC / LCC determinations. This also would be, or *should be*, *only after* the responsible Public Land Managers have themselves *confirmed* VEAC / LCC determinations compliance, usually by initially and diligently undertaking their own internal assessments of the Public Land, of the lands' public land values, and of the impacts from the proposed land use, and whether these are appropriate and or acceptable including to legal, policy, protection and public interest outcomes. This complies and conforms to their Public Land Manager responsibilities including Public Land Government Policy.

It appears the Public Land Managers may have been derelict in their proper devolvement of the assessment and planning requirements to HSC, including in ignoring or disregarding the VEAC / LCC determinations. Similarly HSC appears to overlooked or disregarded them. HSC's assessment and planning of the CTP and the land on which the CTP is proposed to be developed falls significantly short of the standard and veracity required for the assessment of Public Land. There is substantial evidence in support and substantiation of this premise and situation.

HSC determined the CTP without any initial public consultation. Subsequent and ongoing public requests for important information to be disclosed and provided to the public have been refused by HSC. HSC purports that it has been undertaking "community engagement", but this is not to the standards required for Public Land issues.

The CTP has a budget of \$4.06M, of \$2.56M grant from Regional Development Victoria and \$1.5M of Hepburn ratepayers' public money. There appears to have been serious HSC budget miscalculations and or serious cost blow-outs. Where the original funding of the \$4.02M was to deliver 100km of mountain bike track, this has recently been revised to the CTP now only being delivered to the extent of 60km (CTP Stage 1) – but with the budget remaining at \$4.02M. This is publicly

concerning. HSC also apparently sought significant *grant variations* with RDV, on two occasions. Of the \$1.5M of HSC ratepayers' money so far been committed, now for only 60% of the CTP development, the remaining 40% of the proposed CTP apparently remains unfunded. Further, there will be significant amounts of further money required every year for continuing administration and management and maintenance costs for the CTP, ongoing into the future. This could be in the vicinity of up to \$200,000 per year of ratepayers' money. This aspect appears not to have been publicly discussed or revealed. The appropriateness of this ongoing cost, and whether it is wise and best use of Hepburn ratepayer monies, is significantly questioned, including in value outputs, and whether this money could be much better spent on other community projects with (much) better community value and benefits.

HSC has also just progressed the CTP to formal Planning Permit Application stage – but for *PART ONLY* (i.e. HSC's "Stage 1") of the CTP. Apparently there are "issues" with the planning and assessment of the balance of the CTP (i.e. HSC's "Stage 2"). HSC has been asked to publicly elaborate on these issues, but has refused to do so. HSC only putting part of the CTP to formal Planning Permit process and to the public, instead of the entire CTP, indicates, or suggests, *potential subversion of proper assessment and planning process*. The *entire CTP's* impacts *in totality* will therefore not be properly "tested", but will otherwise be broken into smaller parts, to be treated separately. HSC might then argue that, for each Planning Permit *part*, the impacts are "low" (e.g. appearing to be *lesser* than would have been the case if the entire CTP had been subject to one Planning Permit application and tested in totality). There is no legitimate reason why HSC could not have, and should not have, gone to Planning Permit application for the *entire* CTP. If approved, the CTP could then have been built in stages, as HSC currently proposes. It is including for this reason that I recently objected to HSC for this staged and multiple Planning Permit approach – but was effectively ignored. I submit, in the public interest, and in terms of proper planning and Public land matters, that (i) the values of the *entire* Public Land area, and (ii) the total potential impacts from the development of the *entire* CTP, must be taken into account in the planning and assessment for *any parts of the CTP* and for *any part Planning Permit applications*.

The Public Land Managers responsible for the subject Public Land (principally DELWP and Parks Victoria) are *ultimately responsible* for assessing the respective Public Land areas under their control, and assessing the proposed CTP development and use and impacts, *before* considering granting final Planning Permit and development consent or approval. They also have to assess whether the proposed CTP Tenure (Licence) should be also granted. A necessary part of this is the Public Land Managers' prescribed Crown Land Assessment and associated processes i.e. of the Public Land and its public land values and significances, of the potential impacts and appropriateness of the proposed CTP development / land use. These are mandatory responsibilities and requirements. Instead, DELWP and Parks Victoria have apparently largely or entirely transferred most or all of these responsibilities to HSC. This is grossly inappropriate, and suggests, or indicates, dereliction of public duty and public responsibility. This matter is further exacerbated in that the Public Land Managers have also already provided consents to HSC to proceed to Planning Permit Application (CTP Stage 1), and or for (conditional) CTP (CTP Stage 1) development, but irrespective and regardless of the inadequacies of any proper Crown Land Assessment or other considerations, including adequate public consultation. This is inappropriate and suggests unconscionable conduct,

and possibly a premeditated and determined intention to approve the project. There are various evidences supporting this premise.

The Public Land Managers have also largely ignored public protestations made to them on the CTP and its impacts, and have otherwise indicated their “endorsement” of the CTP, including to the extent of signing MOU Governance Agreements “*ensuring delivery*” of the CTP. They have apparently ignored their responsibilities for the proper assessment and planning of Public Land. They have also apparently given scant to no regard to the VEAC / LCC Land Use Determinations. The Public Land Managers also apparently disregarded the lack of proper public consultation in the CTP process. They have also indicated that they would be (otherwise) guided by the public responses to HSC’s Planning Permit application. This appears to be a false premise.

HSC proposes to apply for a Tenure Licence to occupy a corridor along the CTP trail route. This is proposed to be 10 metres either side of the trail. If the trail footprint is about 2 metres wide, this equates to a corridor of 22 metres. For the entire CTP of 100km length, this equates to 220 hectares of Licensed land. (For Planning Permit Stage 1 of 60km length, this equates to 132 hectares of Licensed land.) The larger these occupation and tenure areas the greater proportionately will be the potential public land value impacts, including general public “displacement”. HSC has also NOT provided any proposed Licence or licence conditions to the public, either as part of the Planning Permit incorporated documents, or in regards to public requests for this information. This Licence information is *crucial* for full public consideration to the impacts to Public Land uses and impacts to general public users of this land.

As required by Hepburn Planning Scheme relevant zone clauses, an “... *application for a permit by a person other than the relevant public land manager must be accompanied by the written consent of the public land manager, indicating that the public land manager consents generally or conditionally either: To the application for permit being made. To the application for permit being made and to the proposed use or development.*” The relevant Public Land Managers for the CTP Planning Permit “Stage 1” include Parks Victoria and DELWP.

Parks Victoria provided a written consent (letter dated 15 February 2021) to HSC formally consenting to the permit application being made, but subject to conditions. These conditions however were all, and only, related to prescribing requirements “*prior to works commencing*”. They do not identify and outline any other issues. They do not identify and outline any issues with the extant Government approved VEAC / LCC Land Status and Land Use Determinations. Including to these ends, Parks Victoria’s written consent is, or appears to be, significantly flawed and inadequate.

DELWP has provided a written consent (letter dated 1 March 2021) to HSC formally consenting to the permit application being made. DELWP also provides that consent *will* be provided as land owner for construction to commence once all requirements as set out in DELWP’s letter of “6 August 2019” have been met. This incorrectly refers to a letter of “6 August 2019” which I suspect does not exist. A DELWP letter of 8 August 2019 however does (apparently) exist. A PART (*first page only*) copy only of the DELWP letter of 8 August 2019 was provided with the HSC Planning Permit application documents. This only PARTLY provided and informed on the requirements required by

DELWP in providing consent for construction to commence. Including to these ends, DELWP's written consents are, or appear to be, significantly flawed and inadequate.

There are also issues about illegal activities that require address. HSC proposes to incorporate existing unsanctioned / illegally developed mountain bike tracks and use of them into the CTP. This is improper and unconscionable and unethical Government conduct. There may also be legal issues in regards to "aiding and abetting". The Public Land Managers have also failed to undertake adequate enforcement and compliance of *illegal mountain bike track building* and *illegal off-road mountain bike use*, despite public complaints. DELWP has almost completely failed to take *any* action. At least Parks Victoria has taken some actions, although its' attempts to close some tracks have failed over time, with illegal tracks being opened up again.

The Public Land Managers, however, apparently *endorse* HSC's position proposal for the incorporation of existing illegal mountain bike tracks into the CTP. This is of further significant public concern. HSC also purports that the development (and therefore the impacts) of a 100km of CTP trail will "alleviate" the current illegal tracks and impacts (say maybe 10km). This is *nonsensical*. Of further concern is that these existing illegal mountain bike tracks and illegal off-road mountain bike use have impacted, and are continuing to impact, the heritage sites and the environment including native vegetation removal. In regards to requirements for offsets for native vegetation removal, if somehow the CTP is approved for development and over areas comprising of existing illegal tracks, the illegal mountain bike track areas must *not* be assessed as (legally) "existing" sites, but must be calculated as if the illegally removed vegetation was still intact. Other Public Land native vegetation removal and offset issues also apply.

The CTP will cause significant and extensive impacts to the Public Lands' natural environment. There are rare and threatened flora and fauna species present which will be affected. Nesting birds and other fauna will be significantly disrupted. The 100km long CTP trail will comprise about 20ha of actual native vegetation removal (for a 2m wide mountain bike track footprint). For Stage 1 only (60km), this will be about 12ha of native vegetation removal. The disruption and impacts to fauna species along the corridor will be larger, and will vary from species to species. HSC's CTP "Flora and Fauna Assessment" report and "Environmental Management Plan" reports are specific documents commissioned to *specifically progress and enable the CTP development*, and are *not* the primary formal assessment and planning instruments that should have been required – including for *Public Land assessment and planning*. The Public Land Managers also appear to be remaining largely "publicly silent" on proper environmental assessment and planning and impacts, and as such are negligent to the proper and diligent execution of their public responsibilities and obligations.

If the CTP is developed, the general public, including bushwalkers, nature lovers, bird observers, orienteers, etc., *will be adversely impacted and affected*, to various degrees, including effective "*displacement*". This will be displacement of *all* Public Land users and *for and in favour of a small minority single user group*. This is of significant public concern, and is essentially contrary to Public Land policy.

HSC has advised that the CTP mountain bike track and land tenure will be authorised by way of a (Crown Land) Licence. The CTP Licence has significant impact implications to and for the general public. However HSC (and the Public Land Managers) have to date NOT informed the public on the

proposed Licence *details* (including Licence *terms and conditions*). This is of significant public concern. HSC's Planning Permit Application CTP Stage 1 also did not provide any proposed Licence information. Public requests for public provision of proposed Licence information have been effectively ignored. The proposed Tenure (Licence) should have been one of HSC's Planning Permit Application incorporated documents.

The CTP proposed Licensed area will comprise about 220 hectares of land for the CTP tenure corridor (2m wide track footprint + 10m either side of corridor X 100km), or about 132 hectares for Planning Permit CTP Stage 1 (2m wide track footprint + 10m either side of corridor X 100km). These *very large* areas of proposed Licensed land correspond *proportionately* with the (then) *very large impacts and displacement* of the general public, and for and in favour of a single user group. In regards to Planning Permit Application CTP Stage 1 area, the total Public Land (affected parcels) area is 790ha, with a proposed Licence area of 132ha. This equates to nearly **17% of the total Public Land area** to be "taken over" by a single small user group.

There are further issues related to the proposed CTP Tenure, also of significant public concern. Crown land Licences are usually "short term" tenure instruments (e.g. 1 year or 3 years, up to 10 years), for short-term (non-permanent) low impact land use, for "small scale" land uses, and may be cancelled at relatively short notice. The CTP is NOT short term, NOT low impact, WILL cause significant detriment or impact to Public Land and or its public values, is of major size, and is clearly of "PERMANENT" nature. Further, a tenure type with cancellation facility at short notice is impractical and unsuitable for application to the CTP. Crown Land Leases alternatively allow or provide for longer term tenure (e.g. 21 years), for longer term or "permanent" land use and infrastructure, and comprise facility for bonds. However Leases usually confer the rights of "exclusive possession". The appropriateness of authorizing long term occupation and permanent land use and comprising a *major development* (CTP is a \$4.02M project) via a Crown land LICENCE tenure is significantly questioned. Further, the *Public Land Managers* need to assess the Public Land and its values and the impacts of the CTP to determine IF a tenure authority can and should be issued, and of what form and conditions it should take, having full regards to the Public Land and public land values and public interests, and of the impacts of the CTP. It is a falsehood and dereliction of Public Land processes, and against the public interest, if HSC and or the Public Land Managers think otherwise. In regards to bonds, I submit that HSC MUST be required to put up a bond for the CTP, as a condition of any tenure occupation, if the CTP is approved and developed. There is a danger that HSC might develop the CTP, and then simply walk away at some time in the future. The Crown must not be liable for remediation and site rehabilitation costs.

There are also significant VEAC/LCC Land Use Determination implications.

- The CTP is non-compliant to some of the primary LCC Ballarat Study Area Land Use Determinations.
- The CTP is inconsistent with or contrary or non-compliant to other VEAC/LCC reports.
- The CTP proposal for the 100km long CTP permanent trail (or 60km for CTP Stage 1), comprising of 20ha development permanent footprint (or 12ha for CTP Stage 1) and for 220ha of CTP long term tenure area (or 132ha for CTP Stage 1) is demonstrably a CHANGED PRIMARY OR MAJOR LAND USE. It is NOT a "*minor* land use change or variation". As such, a revocation or variation of VEAC / LCC recommendations may therefore be required.

The proposed CTP works are capable of having a significant effect on the environment.

Public submissions to the Planning Permit will in effect not only be submissions to HSC but also submissions in effect to the Public Land Managers.

3. CRESWICK TRAILS PROJECT / PLANNING PERMIT PA3141 – ADDITIONAL OBJECTION DETAILS.

I formally publicly object to the Hepburn Shire Council (HSC) proposed Creswick Trails Project (CTP) and to Planning Permit Application PA3141 (CTP Stage 1). My objection includes the following list of public concerns and objection elements. Some of these elements are discussed in further detail in other sections of this submission.

3.1 CTP Initial Concept and Delivery.

HSC apparently autonomously devised the CTP proposal, and apparently closely aligned with a local small Creswick Mountain Bike Club. HSC determined the CTP was to be largely or entirely **developed on Public Land**, but apparently without considering the Public Land implications and impacts to its public land values, and without properly canvassing any alternative options e.g. in terms of project appropriateness, suitability, viability, etc. The CTP objective was clearly focused on the (claimed) “economic benefit” that would result from the proposed development i.e. primarily benefiting local businesses. This is inappropriate and back-door “commandeering” of Public Land, and apparently in effect for (albeit indirect) private commercial benefit. HSC then procured and secured a Regional Tourism and Infrastructure (RTIF) grant of about \$2.56M of **public money** from Regional Development Victoria (RDV) / Department of Jobs Precincts and Regions (DJPR), for the CTP development. HSC also committed a further \$1.5M of Hepburn **ratepayers public money** to the CTP. HSCs RTIF grant application documents were however *significantly inadequate and deficient* to the *required processes and procedures and standards and levels of assessment required for Public Land assessment and planning and land use determination*. The HSC RTIF grant documentation also supposedly included a CTP feasibility report and financial report. These reports are important documents for evaluating the CTP project’s appropriateness, validity, efficacy etc. Public requests to HSC for public release of copies of HSC’s grant application documents have also been continuously declined and refused by HSC. (Some of these documents have otherwise been obtained through FOI from RDV / DJPR). HSC apparently also failed at the time to undertake any substantial or adequate engagement with the relevant Public Land Managers. HSC failed to undertake any required Public Land assessments and planning and other evaluations to prescribed formats *required* pursuant to Victorian Government Public Land policies and procedures. HSC failed to assess the Public Land for its public land values and CTP impacts and for statutory and Government Policy compliance, both initially, and *to date*. HSC failed to undertake, or failed to undertake proper and true, public consultation to help determine the CTP, to Government Public Land Policy standards and requirements.

How the HSC RTIF grant application and RDV / DJPR grant approval were able to be approved and the \$2.56M of public money allocated is of significant and continuing public concern. There is further concern in that HSC has since apparently twice requested significant changes to the grant’s terms and conditions and milestones. A relevant reference is the Victorian Auditor General Office report “Outcomes of Investing in Regional Victoria” (May 2019).

There issues in relation native vegetation removal from the CTP development, and Public Land matters, and offsets.

Public Concerns and Objections – apparent (include):

- (a) HSC failure to undertake proper and adequate and due diligence assessment and planning.
- (b) HSC failure to adhere to Government Public Land Policies and Procedures.
- (c) HSC failure to recognize Public Land for its elevated public values.
- (d) HSC failure to conserve and protect Public Land and its values.
- (e) HSC procurement and or appropriation and or allocation of \$4.02M (\$2.56M RTIF grant & \$1.5M HSC ratepayers' funds) of public money on these inadequate bases.
- (f) HSC (ongoing) failures of transparency and accountability.

3.2 HSC Decision to Proceed to Planning Permit for Part Only CTP "Stage 1".

I refer and direct HSC to my letter dated 24 March 2021 on this matter, sent to HSC, to HSC CEO, to all HSC Councillors, and to various Ministers and the Local Member of Parliament.

3.3 Planning Permit Application CTP Stage 1 PA 3141 – Documents.

The Planning Permit Application (PPA) and time frame for public submissions is of concern. It is **impossible** for the public to be able to properly and fully consider the entire Public Land area of the proposed development and all of its' values, the entire 60km of CTP Stage 1 track route and all of its' potential impacts, and all of HSC PPA documents, and the myriad of other associated matters. Indeed, HSC has taken **over 6 years** to develop the CTP proposal to this Planning Permit Application stage. Further, the standard of "surveying" and provision of locational data for the proposed CTP track route is inadequate, including for Public Land processes. Such a major project as the CTP, on Public Land over various status and different management and boundaries, including higher level Creswick Regional Park, and with the presence of significant public land values including heritage values and sites potentially to State or National (or higher) significance, and other significant values, a full Survey Report and Survey Feature Plan is (absolutely) REQUIRED. This would fully inform the Public Land Managers to critical matters, as well as properly informing the public, including on the Planning Permit Application Stage 1. HSC was asked to provide such full Survey Report and Survey Feature Plan, but stated that they "aren't required". To these ends, I include this issue as part of my objection.

The PPA documents publicly provided are in part inadequate, including incorrect or absent information in some parts. Public requests and demands to HSC for corrected information and documents, or for provision of further critical information not provided, to adequately and fully inform the public on the CTP and on the PPA, have been essentially declined. HSC has also apparently improperly disregarded *critical Public Land related information* as being required or of being of any consequence in the Planning Permit Application process.

Brief summary of inadequate PPA documentation (includes):

- (a) **PPA form document:** There is no Planning Permit Application number on the PPA prescribed form to identify the PPA.

(b) PPA form document: Under The Proposal, and use: “Use and development of a mountain bike trail (Informal outdoor recreation) and the removal of native vegetation.”

- The term “informal outdoor recreation” is contested in definition. Two defining critical instruments have different meanings, being the (first order / primary) Land Conservation Council (LCC) Ballarat Study Area Final Recommendations Government approved land use determinations, and the (second order / secondary) Hepburn Planning Scheme. (Refer to Appendices).

(c) PPA form document: Under Existing Conditions, describe how the land is used and developed now: “State and Regional Park and pine plantation.”

- This statement is partially incorrect and or inadequate and or misleading.
- The land is **Crown Land / Public Land**.
- The legal **land status** comprises of Crown Land being reserved or proclaimed for various purposes and land uses, including Regional Park, and State Forest (Hardwood Production), and State Forest (Softwood Production), and Natural Features Reserve (Public Land Water Frontage), with relevant statutes including Forests Act 1958, Crown Land (Reserves) Act 1978, Land Act 1958.
- The legal **land use** comprises various permitted land uses in accordance with Government approved investigations, including LCC Ballarat Study Area 1982, LCC Rivers and Streams Special Investigation 1991, and VEAC Statewide Assessment of Public Land 2017.
- The land or any part thereof is NOT “State Park” as stated in the PPA.

(d) PPA form document: Under Title Information. “Provide full current copy of title for each individual parcel of land forming the subject site.” Includes title diagram, instruments such as restrictive covenants, etc.

- As the land is Crown land it has no title.
- However the (intended) “equivalent” Crown land information would or should comprise Crown Land Status information / pages including parcel diagram / dimensions, and effective “encumbrance instruments” such as the *reservation status and statute* and the *extant Government approved LCC / VEAC Land Use Determinations*.
- Such information comprises *crucial* information to the PPA, and that is absolutely required, including to properly and adequately and fully inform the public including for PPA public submissions purposes. Given the different parcels and their varying land status and land use determinations, this information is *essential*. HSC has largely to completely failed to recognise, and to acknowledge and outline, these parameters in *any* plans or in any form in the PPA.

(e) PPA document: Provided a table of Formal Land Description and the relevant Public Land Manager.

- The table does NOT provide critical information of land (reservation) status or of the extant Government approved Land Use Determinations.
- There are various errors in the land descriptions and Crown land parcel “P” numbers.

(f) Public Land Managers' consent letters – deficiencies:

- Parks Victoria letter dated 15 February 2021: Fails to identify / consider / advise that **non-compliance** issues apply, or may apply, to the CTP / Planning Permit Application, including in regards to LCC / VEAC Land Use Determinations, and in regards to Government Public Land assessment and planning Policies and procedures, and in regards to legal issues in relation to the proposed use of illegally developed tracks.
- DELWP letters dated 1 March 2021 and 8 August 2019: Fails to identify / consider / advise that **non-compliance** issues apply, or may apply, to the CTP / Planning Permit Application, including in regards to LCC / VEAC Land Use Determinations, and in regards to Government Public Land assessment and planning Policies and procedures, and in regards to legal issues in relation to the proposed use of illegally developed tracks. Further issues include: DELWP letter dated 1 March 2021 refers to DELWP letter dated "6 March 2019" as setting out the requirements for consent for construction to commence. No copy of the letter dated 6 March 2019 is provided, and may not exist. The DELWP letter dated 8 March 2019 (also) comprised requirements for consent for construction to commence. If no such DELWP letter dated 6 March 2019 exists, then the DELWP statement is invalid: "*DELWP's consent as land owner for construction to commence will be provided once all requirements as set out in our letter dated 6 August 2019 have been met to the satisfaction of the Regional Director DELWP Grampians Region.*" DELWP letter dated 8 August 2019 (Reference SP468458) was also only PARTIALLY PROVIDED in the HSC CTP Planning Permit documents. This letter is a crucial Planning Permit document and contains critical information to the Public Land Managers consent.
- I specifically object to the part only DELWP letter dated 8 August 2021 being publicly provided. I seek and demand that this letter be provided to the public in full.
- Etc.
- I reserve the right to provide further detailed comments on the DELWP and Parks Victoria letters at any future planning and legal and other forums.

(g) Creswick Trails Project Planning Report. (Hansen Partnership, April 2021).

I submit my concerns and objections on this Hansen report on various and numerous grounds, *including* (in brief):

- The Hansen report is largely or entirely a Planning Scheme planning report; HSC has NOT otherwise undertaken any required Public Land / Crown Land land use planning and assessment reports pursuant to Government Public Land Policy and procedures and to statutory requirements, and the Hansen report does NOT identify this deficiency; the report does NOT consider Public Land status or Government approved VEAC / LCC Land Use Determinations; the report has apparently been commissioned by HSC with the *purpose intent of ensuring development of the CTP* - there are indications of possible *favourable bias* in the Hansen report and its language used e.g. "*The Creswick Trails project will be a unique tourist attraction and community asset that will provide a first of its kind outdoor recreation experience*", "*Measures have been taken to **avoid** the removal of native vegetation **as much as possible**. The construction of the trail will involve the removal of very **narrow strips of understorey vegetation only***", etc.; the

Hansen report refers to other CTP reports for substantiation, however these other reports have flaws and deficiencies and inadequacies; the Hansen report continues HSC's apparent clear (and apparently arrogant) *position* and *intent* that the CTP will be developed and delivered – apparently treating the planning process with contempt, trying to influence public views, and making HSC's CTP "public engagement" a potential farce; the Hansen report makes subjective and questionable claims and assertions to matters such as native vegetation removal and heritage impact and CTP "avoidance and minimisation" – these and other Hansen claims and assertions and stated information are contested to their accuracy and veracity; I strongly contest Hansen's "conclusion", including Hansen's statement that "*The removal of native vegetation to support the proposal is considered to be appropriate in relation to ensuring net community benefit is achieved*".

- The report comprises yet another tool by which HSC continues to try to "rail road" through the CTP.
- Etc.
- I reserve the right to provide further detailed comments on the Hansen report at any future planning and legal and other forums.

(h) Creswick Mountain Bike Trails – Historic Survey Report Draft Report. (Biosis Gary Vines 21 February 2021).

I submit my concerns and objections on this Biosis report on various and numerous grounds, *including* (in brief):

- This is a DRAFT REPORT. It is NOT a final report and NOT FIT for the purposes of Planning Permit Application and public submissions processes.
- Further, Heritage Victoria had also NOT provided any Heritage Act approvals at the time of Planning Permit Application. Further, I understand that Heritage Victoria has concerns to various aspects and the standards and quality of the Biosis report. This report comprises yet another tool by which HSC continues to try to "rail road" through the CTP.
- I submit that the report is significantly inadequate, including in that it is designed specifically for the *enabling* of an impacting project, and is not an objective historic / heritage report for the purposes of assessing Public Land area for its historic / heritage values for their protection and conservation or in the public's interest; it failed to adequately identify all historic / heritage / archaeological sites and values and landscapes and issues; it therefore failed to adequately assess all historic / heritage / archaeological sites and values and landscapes and issues; the search and survey and assessment (field) effort is considered to have been grossly inadequate; it failed to demonstrate appropriate avoidance and minimization of impacts; it failed to appropriately and adequately consider all studies and matters; it failed to identify gaps in surveys and assessments and gaps in adequate protection of places.
- In consideration of the various heritage studies undertaken for Creswick / Creswick Goldfield area, most are quite early studies, and like many 1980s and 1990s studies, they have many gaps in place types assessed; there also hasn't been a Hepburn Shire wide consolidated heritage review.

- Biosis failed to identify and consider the proposed bid for World Heritage listing of the Central Victorian Goldfields, and the (significant) potential for the Creswick Goldfield to be a key part. **The World Heritage listing bid “*aims to share the extraordinary story of the Central Victorian Goldfields with the people from across the globe and create social, cultural and economic opportunities for every community and person across the region.*”** The CTP if developed on the Creswick Goldfields will KILL OFF the option for this area.
- HSC’s specific “targeting” of water races / linear historic heritage features is of significant public concern, and objection; this does NOT *avoid or minimize impacts* in any shape or form, and is in fact the *complete opposite*. Water races and other historic / heritage sites developed and used for the CTP will be subject to *ongoing continual and permanent* impact from this *permanent facility*. With HSC’s estimated *thousands* of mountain bike users the sites will be progressively further impacted and destroyed over time.
- Any HSC or Biosis arguments to (supposedly) avoid or minimize individual historic or heritage or archaeological sites is substantially to totally irrelevant in the historic / cultural LANDSCAPE context. To develop a 100km long (or 60km long for CTP Stage 1) dedicated mountain bike track within a given limited area will also have SIGNIFICANT LANDSCAPE INCLUDING AND VISUAL AND AMENITY IMPACTS. Further, the HSC purported use of such a track by literally thousands and thousands of bike users will destroy the landscape’s aesthetic and ambience values. Given that the CTP will be “permanent”, these impacts will also be “permanent”.
- HSC’s claim that the CTP development is consistent with promoting “historic / heritage appreciation” or the like is *nonsense*. Mountain bike users largely *do not care* about heritage. The actuality will be that people who do care about and appreciate heritage will be significantly impacted or displaced, and their enjoyment of the sites permanently impinged.
- HSC’s proposal to use and incorporate existing illegally developed mountain bike tracks on water races and other heritage areas into the CTP constitutes unconscionable and unethical conduct; there may also be issues related to potential “aiding and abetting” these illegal activities.
- All public requests to HSC for information provision including CTP early /draft reports to enable the public to be able to properly evaluate HSC’s claims to “avoidance and minimization” of impacts etc., have been denied by HSC. This is of significant and continuing public concern. Similarly public requests for information including FOI for HSCs terms of reference and directives to Biosis have also been denied. I again seek that HSC fully releases such crucial information to the public.
- There are many historic / heritage places on DELWP Historic Places Register, some of which are not on the Victorian Heritage Register or Victorian Heritage Inventory or under Heritage Overlay. It is unknown to the extent to which the DELWP information has been identified or considered. In any event, there are many local sites and places that have not been included in the Biosis report.
- It is the role of HSC essentially to record and *protect* places of value to the local community.
- Etc.

- I reserve the right to provide further detailed comments on this Biosis report at any future planning and legal and other forums.

(i) Creswick Mountain Bike Trail – Flora and fauna assessment. (Biosis 5 March 2021).

I submit my concerns and objections on this Biosis 14915 report on various and numerous grounds, *including* (in brief):

- I submit that the report is significantly inadequate, including in that it is designed specifically for the *enabling* of an impacting project, and is not an objective historic / heritage report for the purposes of assessing Public Land area for its historic / heritage values for their protection and conservation or in the public interest. It comprises yet another tool by which HSC continues to try to “rail road” through the CTP.
- All public requests to HSC for information provision including CTP early /draft reports (e.g. in this case, the “preliminary biodiversity constraints assessment” – Biosis 2019), to enable the public to be able to properly evaluate HSC’s claims to “avoidance and minimization” of impacts etc., have been denied by HSC. This is of significant and continuing public concern. Similarly public requests for information including FOI for HSCs terms of reference and directives to Biosis have also been denied. I again seek that HSC fully releases such crucial information to the public.
- The report “Preliminary biodiversity constraints assessment” (Biosis 2019) is referred to but the document has NOT BEEN PROVIDED AS PART OF THE PLANNING PERMIT APPLICATION DOCUMENTS. This is a critical flaw of the Planning Permit Application.
- The “key ecological values” identified either individually or certainly collectively indicate the folly of developing the CTP and the impacts the CTP will have. These aspects are of greater significance when taking into account the Public Land context. E.g. Areas of high quality habitat were found throughout the study area. Most habitat zones contained a high diversity of native herb and grass species with few weeds. Habitat zones near waterways ... typically contained higher numbers of large trees. The remnant vegetation forms part of a large wildlife corridor. 13 species listed EPBC Act or FFG Act (significant species). Creekline Herb-rich Woodland EVC Vulnerable. Creeks for Growling Grass Frog and Brown Toadlet. Etc.
- Did not consider or fully or properly consider DSE (DELWP) Advisory List of rare and threatened species, or of locally or regionally rare species, or notable and or declining species present such as Platypus and Koala.
- The Recommendations are all designed around (*only*) enabling the CTP development. They do NOT comprise of *real* recommendations for the *real protection* and *real conservation* of the environment or of biodiversity.
- There are concerns to the degrees of adequate surveying, including objectives, methodologies, seasonality, coverage, efficacy, accuracy, comprehensiveness, survey effort, interpretations, etc. For example, Biosis indicates that its fauna assessment was “*not intended to provide a comprehensive survey of all fauna*”; and that the flora and fauna assessment was conducted in Autumn, which “*is generally not an optimal time for survey as native orchids and other native plant species in the region generally have little flowering or fruiting*”. Etc.
- Etc.

- I reserve the right to provide further detailed comments on this Biosis report at any future planning and legal and other forums.

(j) Creswick Trails – Environmental Management Plan. (Biosis 8 April 2021).

I submit my concerns and objections on this Biosis report on various and numerous grounds, *including* (in brief):

- I submit that the report is significantly inadequate, including in that it is designed specifically for the *enabling* of an impacting project, including construction and supposed management. It comprises yet another tool by which HSC continues to try to “rail road” through the CTP.
- The report’s Objectives are *completely erroneous* and paradoxical. The report seeks to “protect” the very values that the CTP itself is actually going to *impact*. For example, it will “protect identified site environmental values”! It will “prevent *inadvertent* environmental damage”! It will “protect heritage values of the site”! And so on.
- The report outlines “Significant ecological values have been identified on site”. So why is the project still proposed for development, why is HSC still pushing it against Planning Scheme and Policies / Strategies for environmental protection, why have the Public Land Managers consented to go to Planning Permit application and/or conditional development, and why is it being *railroaded* through?
- Similarly “significant Aboriginal Cultural values have been identified on site.” Ditto as previous point. However – to avoid, minimise and offset impacts to Aboriginal cultural heritage, the report states the trails have been *DESIGNED to follow* “disturbed” gold mining areas (!) or “existing tracks” (!). What about the then targeted impacts to gold field European cultural heritage?! What about the unconscionable and unethical and potential “aiding and abetting” use of these “existing” tracks that have been *illegally developed*?! HSC and the Public Land Managers are subject to public complaints on such illegal activities.
- Etc.
- I reserve the right to provide further detailed comments on this Biosis report at any future planning and legal and other forums.

(k) All other CTP Planning Permit Application Incorporated / Background / Support Documents.

- I have various public issues and concerns in relation to these other reports / matters. Some of these issues and concerns are addressed in other parts of this submission.
- I reserve the right to provide further detailed comments on these reports at any future planning and legal and other forums.

3.4 [CTP / Planning Permit Application CTP Stage 1 – Hepburn Planning Scheme / Strategies / Policies / Studies etc.](#)

I submit that the CTP / Planning Permit Application CTP Stage 1 do not fully comply with the following:

- Hepburn Planning Scheme.
- Hepburn Shire Council Plan 2017-2021.

- Hepburn Heritage Strategy 2020-2030 (2020).
- Creswick Heritage Study (Tropman, 1990).
- Hepburn Heritage Conservation Policy – Policy No. 16 (2014).
- Hepburn Heritage Policy – Policy No. 16(C) (2015).

Refer to Appendix 14 for more detail.

Including on the above bases, I submit that the Planning Permit Application is flawed and or deficient in many and various respects, such that its **validity** is questioned.

In any case, I publicly object to the CTP and Planning Permit Application CTP Stage 1 including on the above grounds, and on all other grounds in this submission.

4.0 APPENDICES – INFORMATION DETAIL / VERIFICATION / EVIDENCE / FURTHER DETAIL DISCUSSION.

Appendix 1: Extant Government approved VEAC/LCC Land Use Determinations – LCC Ballarat Study Area 1982 – Creswick Trails Project Public Lands Area - General.

Appendix 2: Extant Government approved VEAC/LCC Land Use Determinations – LCC Ballarat Study Area 1982 – Specific Discussion for Creswick Regional Park.

Appendix 3: Extant Government approved VEAC Statewide Assessment of Public Land 2017 – Specific Discussion for Regional Parks.

Appendix 4: Definitions: “Formal Recreation” and “Informal Recreation”.

Appendix 5: Extant Government approved LCC Rivers and Streams Special Investigation June 1991 – Rapid Case Studies of two Crown Land Parcel P101808 & P101806 (Other Creswick Creek / Watercourse Parcels Proposed for CTP).

Appendix 6: Extant Government approved VEAC/LCC Land Use Determinations – LCC Ballarat Study Area 1982 - Various CTP area Crown land parcels.

Appendix 7: VEAC Act 2001 – Section 26A - Minister or Department / Public Authority must ensure implementation.

Appendix 8: Hepburn Shire Council – Planning Permit Application – Creswick Trails Project.

Appendix 9: Hepburn Shire Council – (CTP) TRAIL MASTER PLAN CRESWICK – (Dirt Art for HSC, 2015/2016).

Appendix 10: Hepburn Shire Council – CRESWICK TRAILS – TRAIL DEVELOPMENT PLAN – STAGE 1 WORKS – (Common Ground Trails for HSC, February 2021).

Appendix 11: Hepburn Shire Council – Hepburn Planning Scheme – CTP Area Zones.

Appendix 12: Public Requests to HSC for Information on the CTP and Likely impacts to Public Land and Public Land Values and the Public Interest. Largely Thwarted. Includes Lists of FOI Requests to HSC. Includes some Recent Public Requests for Information on CTP Planning Permit.

Appendix 13: Illegally Developed Mountain Bike Trails on Public Land – CTP Area.

Appendix 14: CTP / Planning Permit Application CTP Stage 1 – Hepburn Planning Scheme / Strategies / Policies / Studies etc.

Appendix 15: CROWN LAND ASSESSMENT – PUBLIC LAND VALUES – PROCESS.

Appendix 16: SOME KEY STIMSON LETTERS OF REFERRAL AND COMPLAINT TO HSC – CTP AND PLANNING PERMIT APPLICATION CTP “STAGE 1”.

Appendix 17: GENERAL SUMMARY OVERVIEW OF SOME KEY ASPECTS – CTP AND PLANNING PERMIT APPLICATION CTP “STAGE 1”.

Appendix 18: SOME HISTORIC / HERITAGE VALUES – CRESWICK GOLDFIELD PUBLIC LAND AREA – PROPOSED AREA CRESWICK TRAILS PROJECT.

Appendix 19: SOME FLORA AND FAUNA RECORDS – CRESWICK GOLDFIELD PUBLIC LAND AREA – PROPOSED AREA CRESWICK TRAILS PROJECT.

APPENDIX 1.
EXTANT GOVERNMENT APPROVED VEAC / LCC LAND USE DETERMINATIONS
LCC BALLARAT STUDY AREA 1982
CRESWICK TRAILS PROJECT PUBLIC LANDS AREA - GENERAL

Land Conservation Council (LCC) / Victorian Environmental Assessment Council (VEAC) recommendations including/comprising final recommendations approved by Governor in Council ARE BINDING ON GOVERNMENT. They MUST be considered wherever they apply to any parcel of Crown land being assessed e.g. for any proposed change in land status or land use. (Refer VEAC Act, Section 26A).

In the case of the CTP, the extant LCC / VEAC primary LCC Ballarat Study Area 1982 applies. Other LCC / VEAC reports also may apply including LCC Rivers and Streams Special Investigation 1991 and VEAC Statewide Assessment of Public Land 2017.

HSC is the project proponent for the CTP. However HSC has apparently *completely* failed to recognize and consider the LCC / VEAC recommendations, and effective Public Land status / land use determinations. This is a FATAL FLAW of the CTP proposal and of HSC's Planning Permit Application for CTP "Stage 1". This is an untenable situation of significant public concern. This issue is further exacerbated in that the Public Land Managers of the Public Lands of the proposed CTP area have themselves also apparently failed to consider and to ensure implementation of the LCC / VEAC recommendations / determinations. Public letters to HSC and to the Public Land Managers advising them of the LCC / VEAC recommendations / determinations, and advising that the CTP apparently does not comply and conform in various respects, and seeking full assessment and appraisal and public information, have largely to entirely been ignored. Responses appeared to comprise of attempts at obfuscation, including by simple statements such as mountain bikes being "allowed" including in Regional Parks. The Public Land Managers may have also breached their responsibilities and obligations by providing consents to HSC to proceed to Planning Permit application and or to conditionally progress to CTP development whilst *ignoring* the LCC / VEAC recommendations / land use determinations. The VEAC Act Section 26A legally requires the Minister or the Department or public authority having the responsibility for the land to which a LCC / VEAC recommendation action applies that they MUST ENSURE that the ACTION IS UNDERTAKEN TO IMPLEMENT THE RECOMMENDATION TO THE EXTENT THAT IT IS ACCEPTED. To this end, it appears that all of HSC and the respective Public Land Managers have breached, or (knowingly) intend to breach, Section 26A VEAC Act. This is an untenable situation.

In regards to HSC Planning Permit Application for CTP "Stage 1" and documentation, public concerns include:

- (a) HSC has only publicly outlined the Crown Land Parcel "P" numbers for the CTP "Stage 1" only, and not for the entire proposed CTP area.
- (b) HSC has completely failed to identify, recognize and consider the extant Government approved VEAC / LCC Land Use Determinations for all Crown land parcels proposed to be affected and or

impacted by the CTP, including failing to provide this information to *inform the public* – including as part of the Planning Permit Application process (for both CTP Stage 1 and for the entire CTP).

(c) HSC has also failed to identify, recognize and consider the extant Crown Land Status (e.g. Reservation / Proclamation) for all Crown land parcels proposed to be affected and or impacted by the CTP, including failing to provide this information to *inform the public* – including as part of the Planning Permit Application (for both CTP Stage 1 and for the entire CTP).

Items (a) to (c) are critical elements that MUST be considered as part of the CTP and Public Land assessment and planning and legal and other processes, including the Planning Permit Application. Similarly they are critical information that MUST be otherwise publicly provided to fully inform the public and to allow the public to make appropriately informed submissions.

Note: Public requests to HSC and to the Public Land Managers for provision of this information have been ignored or side-stepped.

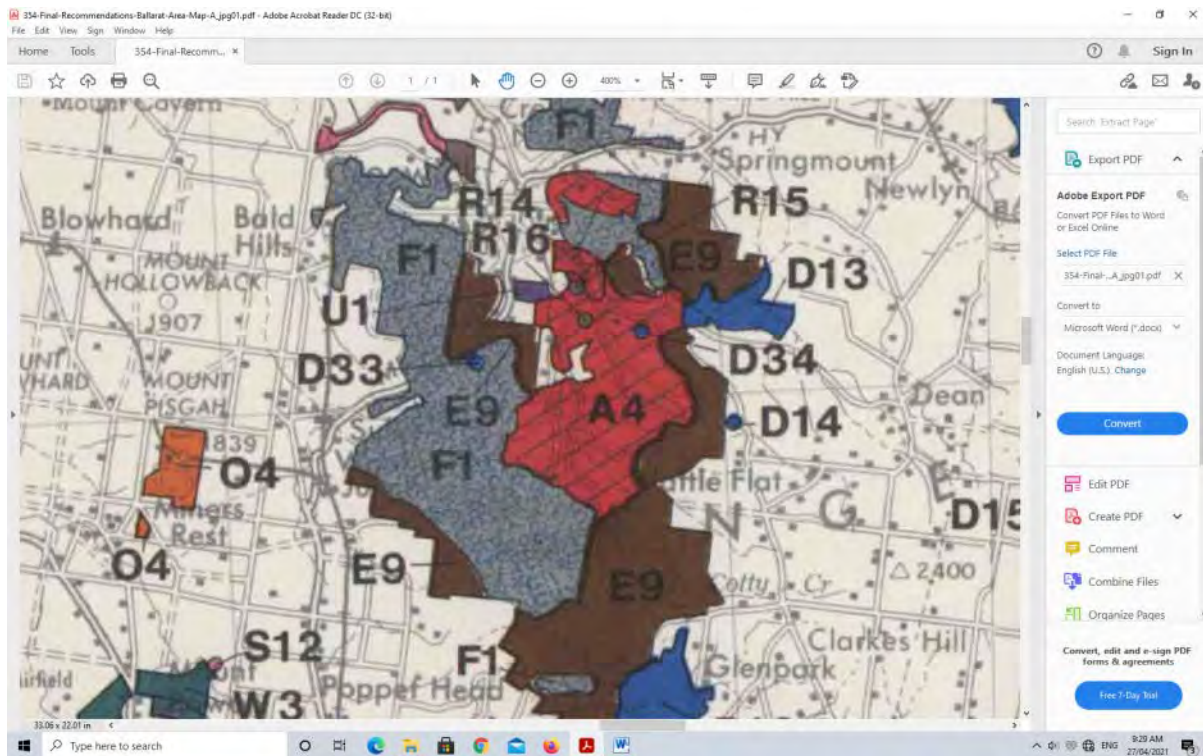
LCC / VEAC INVESTIGATIONS APPLICABLE AND OR RELEVANT FOR THE CTP AREA:

Include:

1. LCC BALLARAT STUDY AREA. (1982). (Primary).
2. LCC RIVERS AND STREAMS SPECIAL INVESTIGATION. (1991).
3. VEAC STATEWIDE ASSESSMENT OF PUBLIC LAND. (2017).
4. VEAC HISTORIC PLACES INVESTIGATION FINAL REPORT. (2016).
5. VEAC REMNANT NATIVE VEGETATION INVESTIGATION FINAL REPORT. (2011).

LCC BALLARAT STUDY AREA 1982 – SMALL SCALE FINAL RECOMMENDATIONS PLAN – CTP GENERAL AREA.

Note: Refer to contemporary (VEACRECS25) spatial data and plans for subsequent refinements and changes.



LCC BALLARAT STUDY AREA – FINAL RECOMMENDATIONS FOR CTP AREA.

HSC has *only* provided Crown land parcel numbers for CTP Stage 1, and *not* for the entire CTP area.

CTP Stage 1:

(From a rapid investigation – a more detailed formal investigation is required):

A4 – Ballarat Creswick Regional Park – Regional Park. (LCC Ballarat Study 1982).

E9 – Creswick Forest – Hardwood Production. (LCC Ballarat Study 1982).

F1 – Sawpit Gully Plantation – Softwood Production. (LCC Ballarat Study 1982).

W1 – Other Reserves and Public Land. (LCC Ballarat Study 1982).

But with the interplay of subsequent LCC / VEAC Investigations there are changes in terminology / status name – such as:

W1 – Other Reserves and Public Land. (LCC Ballarat Study 1982). Superseded to:

E1 – Public Land Water Frontage. (LCC Rivers and Streams Special Investigation 1991). Superseded to:

R1 – Water Frontage Beds and Banks Reserve. (VEAC Statewide Assessment Public Land).

Other Land Use Category areas in the entire CTP area may include:

D – Water Production. (Various e.g. D13 Cosgrove Reservoir, D14 Russels Reservoir, D33 Creswick Service Tank, D34 Lincoln Service Basin).

LCC / VEAC LAND USE DETERMINATION IMPLICATIONS FOR THE CTP:**1. Creswick Regional Park (LCC Ballarat A4):**

The LCC Ballarat 1982 Recommendations identify/describe the Creswick Regional Park (“Ballarat-Creswick Regional Park”) including as follows:

- Is situated in undulating forest and encompasses one of the major areas for open space recreation in the Ballarat and Creswick districts.
- Vegetation types include messmate stringybark, scent bark, peppermint, and candlebark, and contains important areas for orchids and wildflowers including at White Hills and along Slatey Creek.
- Is important for recreational pursuits for a wide range of recreational uses including nature study, walking, fossicking, horse riding, orienteering, cycling, picnicking, school groups for educational studies and recreation.
- Etc.

Recommendation A4:

That the area ... be used to:

- (a) Provide opportunities for informal recreation for large numbers of people;*
- (b) Conserve and protect ecosystems to the extent that this is consistent with (a) above;*
- (Etc.)*

Notes:

- 1. The softwood plantations along Creswick Creek and around St. Georges Lake are important landscape and recreational features and should be managed to protect these values.*
- 7. Some minor forest products could become available associated with management to improve park values. The orchid areas near Humberg Hill, along Slatey Creek Track, and at White Hills should be protected.*

[Refer to LCC “O Recreation” section, including for LCC Definitions of Formal and Informal Recreation – see also Appendix 4.

Formal Recreation: **Formal recreation** activities include all organized sports and other group activities, whilst activities such as picnicking, fishing and hiking are grouped as **informal**.]

I CONTEND AND SUBMIT:

The CTP (including Planning Permit Application CTP Stage 1) DOES NOT COMPLY with the LCC Ballarat 1982 A4 Recommendation and intent, for Creswick Regional Park.

[The CTP (including Planning Permit Application CTP Stage 1) also DOES NOT COMPLY with the VEAC Statewide Assessment of Public Land 2017 Recommendation and intent for Regional Parks.]

Reasons include:

1. The CTP (including Planning Permit Application CTP Stage 1) DOES NOT COMPLY with Rec A4(a), as it is *not* “informal recreation” but is “formal recreation”.
- Refer to LCC definitions for formal and informal recreation Appendix 4.

- The CTP will comprise a formal major (\$4.02M) dedicated permanent mountain bike track development facility of 100km distance (or 60km for Stage 1) and footprint of 20ha (or 12ha for Stage 1) and licensed major new / changed land use of 220ha (or 132ha for Stage 1) comprising of dedicated land use (mountain biking) catering to different skill and experience levels and event types including racing and which directs and corals users along defined routes.
- The proposed setting-aside and Licensing of 220ha (or 132ha) for single user group priority use, effecting directly or indirectly the displacement of all of other public users to certain extents, is contrary to the LCC Recommendation and intent.
- The CTP may constitute new permanent and major land use effective change, of 220ha Licensed area (or 132ha for Stage 1), and may require formal revocation or variation of the VEAC / LCC Recommendation.

2. The CTP (including Planning Permit Application CTP Stage 1) DOES NOT FULLY COMPLY with Rec A4(b), as it will demonstrably significantly impact and will not “conserve and protect ecosystems” as currently proposed, and that it is also a *discretionary* project.

- The CTP does not “avoid and minimize” impacts to this Creswick ecosystem, or the area’s native vegetation, habitat, species and communities. The CTP also seeks to largely not utilize existing vehicular and other legal tracks, but actively seeks to develop most of the trail through bushland.
- The CTP will remove 20ha (or 12ha for CTP Stage 1) of native vegetation

3. The CTP may impact identified areas and may not or does not comply with Notes 1. and 7.

4. See also Recommendation - O1 Recreation : The CTP development is not consistent with the aim that recreational use should not cause *irreversible change* or *significant conflict* with the primary purpose of the area, as the CTP is a *permanent mountain bike track* and is a *very large project with proportionate impacts*.

I reserve the right to provide further comment on this matter in any future avenues, forums or proceedings.

2. E9 – Creswick Forest.

The LCC Ballarat 1982 Recommendations identify/describe the Creswick Regional Park (“Ballarat-Creswick Regional Park”) including as follows:

Recommendation E1-E18: (E9)

That the areas ... be used to:

- (a) *Primarily to produce hardwood timber in a manner having due regard for landscape values as seen from the main roads outside the forest, that*
- (b) *Major secondary uses be to:*
 - (i) *Provide opportunities for open-space recreation and education*
 - (ii) *Conserve native plants and animals, and provide opportunities for the development of wildlife conservation techniques*
 - ...
- (c) *Water production values be recognised and protected.*

(d) *The special values located in portions of some of the hardwood areas listed below be protected. (These areas should be protected by the creation of reserves ... or by management prescriptions. Where faunal values are of importance the Fisheries and Wildlife Division should be consulted.)*

E9 Creswick. In accordance with (d) above, the orchid reserve north of "The Freeway" should be protected by management prescriptions.

I CONTEND AND SUBMIT:

The CTP (including Planning Permit Application CTP Stage 1) MAY NOT COMPLY or DOES NOT COMPLY with the LCC Ballarat 1982 E9 Recommendation and intent, for Creswick Forest (Hardwood Production).

Reasons include:

1. The *primary* land use is for Hardwood Production. The CTP may constitute new permanent and major land use effective change, of 220ha Licensed area (or 132ha for Stage 1), and may require formal revocation or variation of the VEAC / LCC Recommendation if it was able to proceed.
2. Whilst the CTP (and CTP Stage 1) may comply with Recs E9(a) & E9(b)(i), it MAY NOT COMPLY or DOES NOT COMPLY with E9(b)(ii) and its intent, as it will NOT conserve native plants and animals but in fact will significantly impact them, either directly or indirectly, including in substantial removal of habitat.
 - The CTP is a discretionary project.
 - The CTP does *not* "avoid and minimize" impacts to this Creswick Forest, or the area's native vegetation, habitat, species and communities. The CTP also seeks to largely not utilize existing vehicular and other legal tracks, but actively seeks to develop most of the trail through bushland.
3. The CTP (and CTP Stage 1) MAY NOT COMPLY with Rec E9(c). Further investigation is required.
4. The CTP (and CTP Stage 1) MAY NOT COMPLY with Rec E9(d). Further investigation is required to identify the "*orchid reserve north of the Freeway*" for protection by management prescriptions.
5. See also Recommendation - O1 Recreation : The CTP development is not consistent with the aim that recreational use should not cause *irreversible change* or *significant conflict* with the primary purpose of the area, as the CTP is a *permanent mountain bike track* and is a *very large project with proportionate impacts*.

I reserve the right to provide further comment on this matter in any future avenues, forums or proceedings.

3. F1 – Softwood Production. (Sawpit Gully Plantation – CTP Stage 1 Area)

The LCC Ballarat 1982 Recommendations identify/describe the Creswick Regional Park ("Ballarat-Creswick Regional Park") including as follows:

- The impact that large plantations of softwood have on the natural environment can be reduced by retaining selected areas of native vegetation, and by adhering to catchment prescriptions prepared by the relevant management authorities

Recommendation F1:

That the present plantations ... continue to be used for the production of softwoods, and the provision of other goods and services compatible with the primary use, as well as providing opportunities for recreation and other uses and that they remain or become reserved forest

Notes:

1. *The existing softwood plantations around Creswick include part of the Demonstration Forest of the Victorian School of Forestry.*

I CONTEND AND SUBMIT:

The CTP (including Planning Permit Application CTP Stage 1) MAY COMPLY or MAY NOT COMPLY with the LCC Ballarat 1982 F1 Recommendation and intent, for Creswick Softwood Production (possibly including or comprising Sawpit Gully Plantation).

Reasons include:

1. The primary use is for Softwood Production, although “opportunities for recreation” may be provided. However the CTP may constitute new permanent and major land use effective change, of 220ha Licensed area (or 132ha for Stage 1), and may require formal revocation or variation of the VEAC / LCC Recommendation.

2. Notes 1 - needs to be determined.

3. See also Recommendation - O1 Recreation : The CTP development is not consistent with the aim that recreational use should not cause *irreversible change* or *significant conflict* with the primary purpose of the area, as the CTP is a *permanent mountain bike track* and is a *very large project with proportionate impacts*.

I reserve the right to provide further comment on this matter in any future avenues, forums or proceedings.

4. W1 – Other Reserves and Public Land.

Not evaluated as part of this submission, due to time constraints.

I reserve the right to provide comment on this matter in any future avenues, forums or proceedings.

I reserve the right to provide further comment on this matter in any future avenues, forums or proceedings.

5. W1 – Other Reserves and Public Land.

Not fully evaluated as part of this submission, as HSC has publicly declared that the CTP including CTP Stage 1 will now no longer be located on Central Highlands Water land.

There are various LCC Ballarat Study Area Recommendations that apply or may apply to the general CTP area.

These include: D13 Cosgrove Reservoir; D14 Russells Reservoir; D33 Creswick Service Tank; D34 Lincoln Service Basin.

I reserve the right to provide further comment on this matter in any future avenues, forums or proceedings.

6. O – Recreation.

The LCC Ballarat 1982 Recommendations discuss Recreation including as follows:

- Special care will be required in the location and management of areas zoned for intensive recreation to prevent environmental damage. Thus, more stringent restrictions can be expected in areas where the vegetation and soils are sensitive to damage, ... where water quality might be affected and where the natural environment or special natural features are being preserved.
- Erosion-hazard areas may be proclaimed according to the provisions of the Land Conservation (Vehicle Control) Act 1972 and regulations, enabling strict control to be enforced.
- If the increased recreational use of roads is to be catered for, adequate funding should be provided for road maintenance, otherwise deterioration leading to erosion is inevitable.

Recommendation O1:

That public land continue to be available for a wide range of recreational uses where these can be accommodated without detriment to other values and that land management authorities aim at controlling the types, levels, and patterns of recreational use according to the capability of particular areas to sustain such use without irreversible change or significant conflict with the primary purpose of the area.

I CONTEND AND SUBMIT:

The CTP (including Planning Permit Application CTP Stage 1) DOES NOT COMPLY with the LCC Ballarat 1982 O1 Recommendation and intent.

Reasons include:

- The CTP comprises the proposed setting-aside and Licensing of 220ha (or 132ha) for single user group priority use, effecting directly or indirectly the displacement of all of other public users to certain extents, and is contrary to or inconsistent with the LCC Recommendation and intent for the land *“to be available for a wide range of recreational uses”*.
- The CTP will cause demonstrable significant detriment to the land’s environmental, native vegetation, habitat, species, cultural heritage, landscape values and impact or displace other public land users.
- The CTP development is not consistent with the aim that recreational use should not cause *irreversible change* or *significant conflict* with the primary purpose of the area, as the CTP is a *permanent mountain bike track* and is a *very large project with proportionate impacts*. (Refer to individual Land Use Categories.)

I reserve the right to provide further comment on this matter in any future avenues, forums or proceedings.

VEAC HISTORIC PLACES INVESTIGATION FINAL REPORT (2016).

The VEAC Historic Places Investigation is one example of the various VEAC / LCC reports that are relevant and or applicable to the CTP proposal.

- The VEAC Historic Places Investigation recognized the **importance of historic places to Victorians and the State's economy**, but that this is **not reflected in the management of those places on Public Land**.

- VEAC identified many problems including the **absence of system-wide long term planning**, and that **significant historic assets have deteriorated through neglect**. VEAC stated "*Most ordinary Victorians would be dismayed at the state of affairs*".

I contend and submit that the CTP (and the Planning Permit Application CTP Stage 1) is significantly inconsistent and or contrary to the aims and objectives and recommendations and intent of the VEAC Historic Places Investigation.

I reserve the right to provide further comment on this matter in any future avenues, forums or proceedings.

VEAC REMNANT NATIVE VEGETATION INVESTIGATION FINAL REPORT. (2011).

The VEAC Remnant Native Vegetation Investigation is another example of the various VEAC / LCC reports that are relevant and or applicable to the CTP proposal.

- The VEAC Remnant Native Vegetation Investigation recognized significant decline in biodiversity in Victoria.

- VEAC recognized that retaining existing habitat is the most cost-effective strategy.

- VEAC recognized that multiple government agencies and other organisations have a role in improving ecological resilience and connectivity.

I contend and submit that the CTP (and the Planning Permit Application CTP Stage 1) is significantly inconsistent and or contrary to the aims and objectives and recommendations and intent of the VEAC Remnant Native Vegetation Investigation.

I reserve the right to provide further comment on this matter in any future avenues, forums or proceedings.

CTP – PUBLIC LAND / VEAC LCC RECOMMENDATIONS - CHANGED PRIMARY OR MAJOR LAND USE:

There are apparent significant VEAC/LCC Land Use Determination implications in regard to the proposed new CTP major and effective permanent land use proposal. The proposal for the 100km long CTP permanent trail (or 60km for CTP Stage 1), comprising of 20ha development permanent footprint (or 12ha for CTP Stage 1) and for 220ha of CTP corridor long term tenure authority area (or 132ha for CTP Stage 1) is a clearly a CHANGED PRIMARY OR MAJOR LAND USE. It is NOT a "*minor land use change or variation*". As such, a **revocation or variation of VEAC / LCC recommendations** should, or will, be required. This is a defined formal process including Order in Council arrangements for revocations.

TABLE – FROM HSC PLANNING PERMIT APPLICATION:

HSC only provided “Formal Land Descriptions” and the “relevant Public Land Managers” (and Planning Scheme Zones) for all of the Crown land the subject of the Planning Permit Application i.e. for CTP Stage 1 only. CTP Stage 2 parcels were NOT provided. Extant Government Approved LCC / VEAC Land Status / Land Use Determinations were NOT provided. Extant Current Land Status was NOT provided. Areas of Parcels were NOT provided.

The following table identifies the Formal Land Description of the Crown land that is the subject of this planning permit application and the relevant Public Land Manager.

Crown Allotment	SPI	Parcel	PLM	Zone
Allot. 16 Sec. B	16°B\PP5211	P101810	Parks Victoria	PCRZ
Allot. 27 Sec. 72	27°72\PP5211	P101808 PART OF	Parks Victoria	PCRZ
Allot. 25 Sec. 51	25°51\PP5211	P101785	Parks Victoria	PCRZ
Allot. Y32	Y32\PP2464	P108588	Parks Victoria	PCRZ
Allot. Y29H	Y29H\PP2464	68875 PART OF	Parks Victoria	PCRZ
Allot. 2015	2015\PP2464	P373753	Parks Victoria	FZ
Allot. 26 Sec. 51	26°51\PP5211	P101786	Parks Victoria	PCRZ
Allot. Y31	Y31\PP2464	P108669	Parks Victoria	PCRZ
Allot. 26 Sec. 72	26°72\PP5211	P101806	Parks Victoria	PPRZ
Allot. Y29	Y29\PP2464	P108189	DELWP	PCRZ
Allot. Y29H	Y29H\PP2464	P368875	DELWP	PCRZ
Allot. 2012	2012\PP2464	P372884	DELWP	PCRZ
Allot. 27 Sec. 72	27°72\PP5211	P101808 PART OF	DELWP	PCRZ
Allot. Y29D	Y29D\PP2464	P368949	HVP	FZ
Allot. Y29F	Y29F\PP2464	P368952	HVP	FZ

**SUBMITTED REVISED TABLE – SHOWING CRUCIAL EXTANT GOVT APPROVED
LCC LAND STATUS / LAND USE DETERMINATIONS – FOR HSC CTP “STAGE 1” PLANNING PERMIT
APPLICATION:**

	CROWN LAND PARCEL NUMBER (HSC identified)	HSC CLAIMED PUBLIC LAND MANAGER	EXTANT GOVT APPROVED LCC REC.	LCC (VEAC) LAND UNIT NAME	EXTANT GOVERNMENT APPROVED LCC PUBLIC LAND USE CATEGORY	HSC PS ZONE	AREA (HA)	
1	P101810	PARKS VICTORIA	A4	BALLARAT-CRESWICK REGIONAL PARK	REGIONAL PARK (PARKS VICTORIA IMPLIED MANAGEMENT)	PCRZ	7.97	PROPERTY REPORT YES
2	P101808 PART OF ?? PARCEL PROPOSED TO BE SPLIT, BUT HASN'T HAPPENED YET SEE BELOW	PARKS VICTORIA OR DELWP ?	A4	SHOWN AS BALLARAT- CRESWICK REGIONAL PARK ON VEAC LIST BUT ACTUAL: CURRENT WATER FRONTAGE BED & BANKS RESERVE	REGIONAL PARK (PARKS VICTORIA IMPLIED MANAGEMENT) OR DELWP	PCRZ	12.26	PROPERTY REPORT YES
3	P101785	PARKS VICTORIA	A4	BALLARAT-CRESWICK REGIONAL PARK	REGIONAL PARK (PARKS VICTORIA IMPLIED MANAGEMENT)	PCRZ	4.80	POSSIBLY BUILDINGS OLD SITE? PROPERTY REPORT YES
4	P108588	PARKS VICTORIA	A4	BALLARAT-CRESWICK REGIONAL PARK	REGIONAL PARK (PARKS VICTORIA IMPLIED MANAGEMENT)	PCRZ	50.14	PROPERTY REPORT YES
5	68875 PART OF ?? SHOULD BE P368875	PARKS VICTORIA	A4	BALLARAT-CRESWICK REGIONAL PARK	REGIONAL PARK (PARKS VICTORIA IMPLIED MANAGEMENT)	PCRZ	68.63	PROPERTY REPORT YES
6	P373753	PARKS VICTORIA	A4	BALLARAT-CRESWICK REGIONAL PARK	REGIONAL PARK (PARKS VICTORIA IMPLIED MANAGEMENT)	FZ	0.6870	PROPERTY REPORT YES
7	P101786	PARKS VICTORIA	A4	BALLARAT-CRESWICK REGIONAL PARK	REGIONAL PARK (PARKS VICTORIA IMPLIED MANAGEMENT)	PCRZ	2.91	PROPERTY REPORT YES
8	P108669	PARKS VICTORIA	A4	BALLARAT-CRESWICK REGIONAL PARK	A4 BALLARAT- CRESWICK REGIONAL	PCRZ	18.30	PROPERTY REPORT

ATTACHMENT 10.1.5

					PARK (PARKS VICTORIA IMPLIED MANAGEMENT)			YES
9	P101806 NOT ON VEAC LIST – BUT FOUND ON MAPSHARE SEE BELOW	PARKS VICTORIA	NOT ON VEAC LIST PRESUME W1 SEE BELOW	NOT ON VEAC LIST PRESUME OTHER RESERVES AND PUBLIC LAND SEE BELOW	NOT ON VEAC LIST PRESUME OTHER RESERVES AND PUBLIC LAND SEE BELOW	PPRZ	2.15	“POSSIBLY EASTERN HILL FLORA RESERVE” PROPERTY REPORT YES
10	P108189	DELWP	E9	CRESWICK FOREST	HARDWOOD PRODUCTION	PCRZ	345.54	PROPERTY REPORT YES
11	P368875	DELWP	E9	CRESWICK FOREST	HARDWOOD PRODUCTION	PCRZ	68.63	PROPERTY REPORT YES
12	P372884 NOT ON VEAC LIST – BUT FOUND ON MAPSHARE SEE BELOW	DELWP	NOT ON VEAC LIST PRESUME E9 SEE BELOW	NOT ON VEAC LIST PRESUME CRESWICK FOREST SEE BELOW	NOT ON VEAC LIST PRESUME HARDWOOD PRODUCTION SEE BELOW	PCRZ	2.29	PROPERTY REPORT YES
13	P101808 PART OF ?? PARCEL PROPOSED TO BE SPLIT, BUT HASN'T HAPPENED YET SEE BELOW	PARKS VICTORIA OR DELWP ?	A4	SHOWN AS BALLARAT-CRESWICK REGIONAL PARK ON VEAC LIST BUT ACTUAL: CURRENT WATER FRONTAGE BED & BANKS RESERVE	REGIONAL PARK (PARKS VICTORIA IMPLIED MANAGEMENT) OR DELWP	PCRZ	12.26	PROPERTY REPORT YES
14	P368949	HVP	F1	SAWPIT GULLY PLANTATION	SOFTWOOD PRODUCTION	FZ	179.97	PROPERTY REPORT YES
15	P368952	HVP	F1	SAWPIT GULLY PLANTATION	SOFTWOOD PRODUCTION	FZ	13.45	PROPERTY REPORT YES
					TOTAL		790.07	

The example parcels below demonstrate the possible complexities of Land Status and VEAC / LCC Land Use Determinations. They also help to demonstrate that HSC Planning Permit Application and documentation are inaccurate and or inadequate.

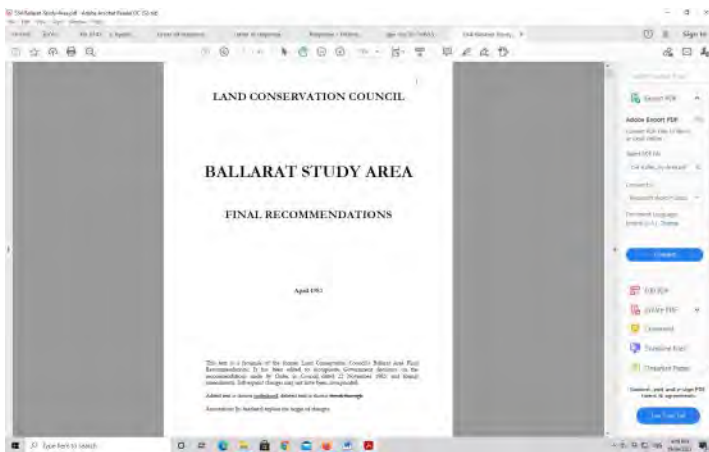
P372884 – ABSENT FROM VEACRECS25 DATABASE. PARCEL CREATED IN 2004 – FOR UNKNOWN REASONS TO VEAC. THE MOST PARSIMONIOUS REASONING AND CONCLUSION TO DRAW WOULD BE THAT P372884 WOULD HAVE THE SAME REC NUMBER, LAND UNIT NAME AND PUBLIC LAND USE CATEGORY AS P109189 – WHICH IS E9 CRESWICK FOREST AND HARDWOOD PRODUCTION (NOW STATE FOREST IN ACCORDANCE WITH RECOMMENDATION R1 OF VEAC'S 2017 STATEWIDE ASSESSMENT OF PUBLIC LAND FINAL REPORT.

P101806 – THIS PARCEL NOT INCLUDED ON VEAC LIST. ITS CURRENT REC NUMBER G4a IS NOT AN ACTUAL RECOMMENDATION OF THE LCC BALLARAT STUDY. THAT IS, IT IS AN INDICATIVE RECOMMENDATION NUMBER THAT BEST APPROXIMATES THE ACTUAL USE OF THE PARCEL WHICH IS NOT SHOWN ON MAP FOR THE BALLARAT STUDY; THEREFORE W1 FOR OTHER RESERVES AND PUBLIC LAND MIGHT APPLY. THERE IS NO FORMAL LAND UNIT NAME, BUT IT MAY HAVE BEEN KNOWN LOCALLY AT LEAST AS EASTERN HILL FLORA RESERVE.

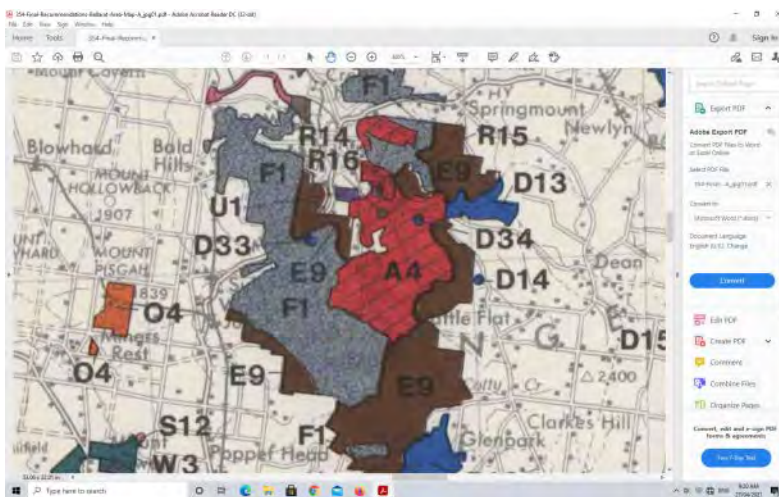
P101808 – THERE IS SOME CONFUSION WITH THIS PARCEL, SHOWN AS REGIONAL PARK ON VEAC LIST. HOWEVER THE PARCEL WAS MARKED FOR SPLITTING IN THE VEACRECS25 DATABASE (PART NATURAL FEATURES RESERVE, PART REGIONAL PARK), WITH INTERIM PARCEL NUMBERS PROPOSED. HOWEVER THIS PARCEL HAS NOT YET FORMALLY BEEN SPLIT AND SO THERE IS A MISMATCH IN THE INTERVENING PERIOD (I.E. AT THE MOMENT) – ESSENTIALLY A QUIRK OF TIMING. THIS PARCEL APPEARS NOT TO BE SHOWN ON MAP A FOR THE BALLARAT STUDY AREA FINAL RECOMMENATIONS AND SO W1 WOULD HAVE APPLIED UNTIL GOVERNMENT ACCEPTANCE OF THE 1991 RIVERS AND STREAMS SPECIAL INVESTIGATION, AT WHICH POINT IT WOULD HAVE BEEN SUPERSEDED BY RECOMMENDATION E1. ACCORDINGLY ITS REC NUMBER WOULD BE E1, ITS PUBLIC LAND USE CATEGORY WOULD BE PUBLIC LAND WATER FRONTAGE RESERVE (SUBSEQUENTLY NATURAL FEATURES RESERVE AND NOW WATER FRONTAGE BED AND BANKS RESERVE, IN ACCORDANCE WITH RECOMMENDATION R1 OF VEAC'S 2017 STATEWIDE ASSESSMENT OF PUBLIC LAND FINAL REPORT.

APPENDIX 2.
EXTANT GOVERNMENT APPROVED VEAC / LCC LAND USE DETERMINATIONS
LCC BALLARAT STUDY AREA 1982
SPECIFIC DISCUSSION FOR CRESWICK REGIONAL PARK

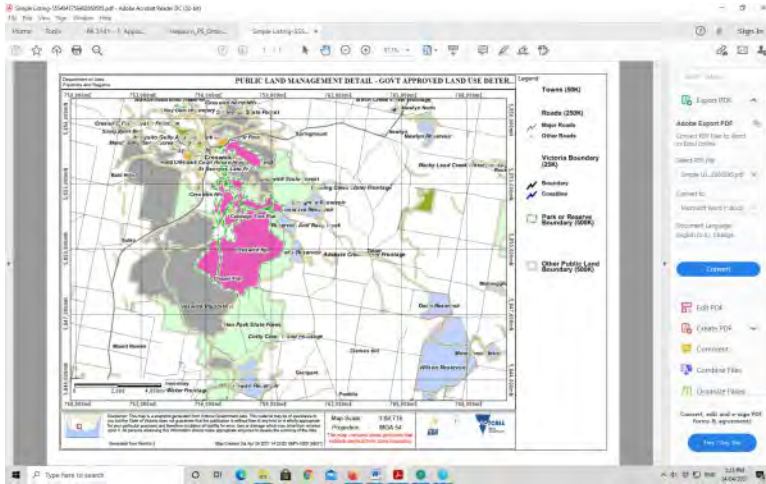
- A. LCC BALLARAT STUDY AREA 1982 EXTRACTS – CRESWICK REGIONAL PARK:
Government approved Final Land Use Determination: *“That the area (Ballarat-Creswick Regional Park) ... be used to: provide opportunities for **informal recreation** for large numbers of people”.*



LCC BALLARAT STUDY AREA

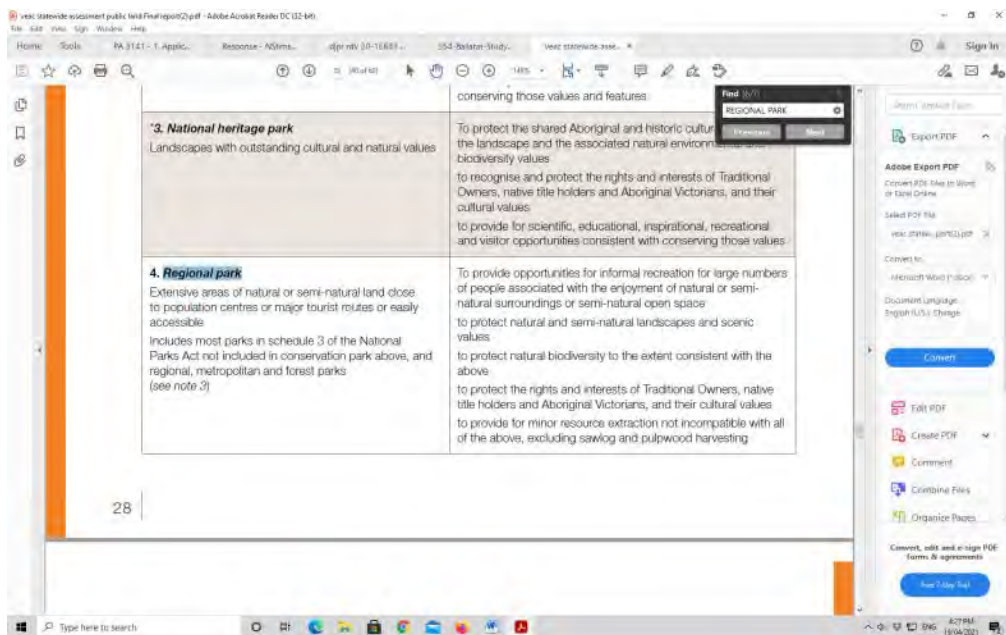
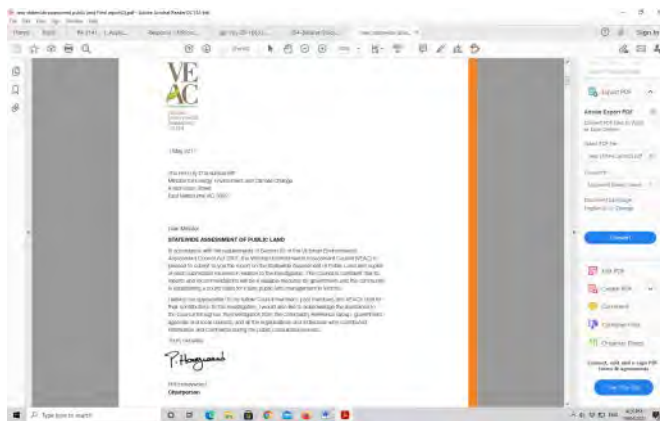


Creswick Regional Park Government approved Land Use Determinations shown as pink.



APPENDIX 3.
VEAC STATEWIDE ASSESSMENT OF PUBLIC LAND 2017
SPECIFIC DISCUSSION FOR REGIONAL PARKS

Government approved general recommendations for Regional Parks: *“To provide opportunities for informal recreation for large numbers of people associated with the enjoyment of natural or semi-natural surroundings or semi natural open space”.*



APPENDIX 4.

DEFINITIONS: FORMAL RECREATION AND INFORMAL RECREATION.

A. VEAC (LCC) DEFINITIONS AND INTERPRETATIONS: INFORMAL AND FORMAL RECREATION – LCC BALLARAT STUDY AREA 1982.

The Victorian Environment Assessment Council (VEAC) has, via its predecessor Land Conservation Council (LCC), provided clear definition and interpretation of “formal recreation” and “informal recreation” and related discussion, in LCC Ballarat Study Area 1982 report.

(These VEAC / LCC definitions are also largely or entirely used in other VEAC / LCC / ECC reports, including such as LCC Melbourne District 1 Review 1987, North East Study Area Districts 3, 4 and 5, North Central Study Area, and Corangamite Area.)

That is, under O Recreation in the LCC Ballarat Study Area 1982:

“Outdoor Recreation:

- **Formal recreation** activities include all *organized sports and other group activities*, whilst activities such as picnicking, fishing and hiking are grouped as **informal**.
- Passive recreation covers situations where the individual obtains his recreation through the sights, sounds and atmosphere of the surrounding environment while expending little physical effort. Examples are picnicking, nature observation, and strolling.
- Active recreation covers situations where the individual must expend considerable physical effort to obtain mastery of physical forces in order to satisfy his particular recreational needs. Examples are playing organized sport, bushwalking and water skiing.
- Open-space recreation includes all recreation activities that require spacious outdoor surroundings, whether the activities be active or passive, formal or informal.
- Intensive recreation includes large numbers of people per unit area.

The various recreation activities differ in their requirements for types of land, size of area and site location. They also differ on their impact on the land and on other activities (including other forms of recreation). Generally, any one activity pursued at a low level of intensity poses little threat to the environment and seldom conflicts with other activities. With increasing intensity, conflicts and problems can arise. There is always the problem of recreation damaging the environment it seeks to use.

(Land Conservation) Council therefore believes that the **land manager should aim at controlling the levels and patterns of recreational use according to the capability of the area to sustain such use without irreversible damage or significant conflict with the primary purposes of the area**, whilst at the same time avoiding unnecessary restrictions on usage. **Special care will be required in the location and management of areas zoned for intensive recreation, to prevent environmental damage.** Thus, **more stringent restrictions** can be expected in areas where the vegetation and soils are sensitive to damage (such as those occurring on granite soils), and where the natural environment or **special nature features are being preserved.**”

B. DICTIONARY DEFINITIONS OF "FORMAL"

UK OXFORD DICTIONARY:

- Officially sanctioned or recognized.
- Done in accordance with convention or etiquette; suitable for or constituting an official or important occasion.

COLLINS ENGLISH DICTIONARY:

- Something that is done, written, or studied in a formal way has a very ordered, organized method or style.
- SYNONYMS: Official; Reserved; Conventional; Exact; Precise; Punctilious; Express; Explicit; Authorized; Set; Legal; Fixed; Regular; Approved; Strict; Endorsed; Prescribed; Rigid; Certified; Lawful; Methodical; Arranged; Established.

C. DICTIONARY DEFINITIONS OF "INFORMAL":

UK OXFORD DICTIONARY:

- Having a relaxed, friendly, or unofficial style, manner, or nature.
- (Of economic activity) carried on by self-employed or independent people on a small scale, especially unofficially or illegally.

COLLINS ENGLISH DICTIONARY:

- SYNONYMS: Unofficial; Irregular; Unconstrained; Unceremonious; Loose.

OTHER:

- informal, loose (adj)
- not officially recognized or controlled.

D. HEPBURN PLANNING SCHEME DEFINITIONS:

Land Use Term: Informal outdoor recreation.
Definition: Land open to the public and used by non-playing persons for leisure or recreation, such as a cycle track, park, picnic or barbecue area, playground, plaza, and walking or jogging track.
Includes: (Nil)
Included in: Minor sports and recreation facility.

NO DEFINITION GIVEN FOR FORMAL OUTDOOR RECREATION.

Land Use Term: Outdoor Recreation Facility.
Definition: Land used for outdoor leisure, recreation or sport. It does not include an Open Sports ground or informal outdoor recreation.
Includes: Amusement Park; Golf course; Golf driving range; Paintball games facility; Zoo.
Included in: Minor sports and recreation facility.



Correct interpretation of the meaning of Informal Outdoor Recreation may require reference to and contextual consideration of other definitions, including:

- Leisure and Recreation.
- Major Sports and Recreation Facility.
- Minor Sports and Recreation Facility.
- Open Sports Ground.
- Outdoor Recreation Facility.

Also:
 73. Meaning of Terms.
 73.03. Land Use Terms.

APPENDIX 5.

EXTANT GOVERNMENT APPROVED LCC RIVERS AND STREAMS SPECIAL INVESTIGATION JUNE 1991
RAPID CASE STUDIES OF TWO CROWN LAND PARCELS P101808 & P101806
(CRESWICK CREEK / WATERCOURSE PARCELS PROPOSED FOR CTP)

LCC RIVERS AND STREAMS SPECIAL INVESTIGATION JUNE 1991. This report applies for general recommendations of river frontages beds and banks – Public Land Water Frontages (PLWF). In terms of the CTP, it applies in Recommendation E1 to PLWF parcels including and/or comprising Creswick Creek – comprising apparently various Crown land parcels including Crown land parcel P101808. HSC and the Public Land Managers have NOT identified all PLWFs for the CTP and for the Planning Permit Application for CTP “Stage 1”. This is a significant failing, and needs to be undertaken as part of any Planning Permit or other planning processes, including public consultation.

Recommendation E1: *That public land water frontages*

(a) be used to

- (i) conserve flora and fauna as part of an integrated system of habitat networks across the State*
- (ii) maintain or restore native vegetation*
- (iv) protect the character and scenic quality of the local landscape*
- (v) provide access to recreational activities and levels of use consistent with (i) to (v) above.*

HSC and the Public Land Managers have apparently NOT RECOGNIZED OR CONSIDERED, NOR have they apparently COMPLIED, NOR do they apparently INTEND TO COMPLY, with Recommendation E1, items (a) (i), (ii), (iv) and (v), in regards to the CTP and any Public Land Water Frontages (including P101808) within the CTP Public Lands area. The CTP *WILL* be contrary to these Recommendations. I object to the CTP and the Planning Permit including on these grounds.

EXAMPLE PARCEL LAND STATUS AND USE – P101808 & P101806:

As indicated, P101808 is *one example* of the PLWFs that will be affected by the CTP proposal. It is examined here in some greater detail, to simply and partially demonstrate the COMPLEXITY of parcels, and what SHOULD HAVE BEEN APPLIED IN THE PROPER ASSESSMENT OF ALL OF THE CTP AREA PUBLIC LAND.

P101808:

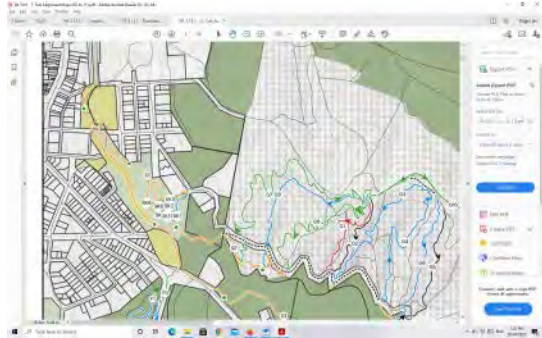
LAND STATUS AND LAND USE DETERMINATIONS:

THERE IS SOME CONFUSION WITH THIS PARCEL, SHOWN AS REGIONAL PARK ON VEAC LIST. HOWEVER THE PARCEL WAS MARKED FOR SPLITTING IN THE VEACRECS25 DATABASE (PART NATURAL FEATURES RESERVE, PART REGIONAL PARK), WITH INTERIM PARCEL NUMBERS PROPOSED. HOWEVER THIS PARCEL HAS NOT YET FORMALLY BEEN SPLIT AND SO THERE IS A MISMATCH IN THE INTERVENING PERIOD (I.E. AT THE MOMENT) – ESSENTIALLY A QUIRK OF TIMING. THIS PARCEL APPEARS NOT TO BE SHOWN ON MAP A FOR THE BALLARAT STUDY AREA FINAL RECOMMENATIONS AND SO W1 WOULD HAVE APPLIED UNTIL GOVERNMENT ACCEPTANCE OF THE 1991 RIVERS AND

STREAMS SPECIAL INVESTIGATION, AT WHICH POINT IT WOULD HAVE BEEN SUPERSEDED BY RECOMMENDATION E1. ACCORDINGLY ITS REC NUMBER WOULD BE E1, ITS PUBLIC LAND USE CATEGORY WOULD BE PUBLIC LAND WATER FRONTAGE RESERVE (SUBSEQUENTLY NATURAL FEATURES RESERVE AND NOW WATER FRONTAGE BED AND BANKS RESERVE, IN ACCORDANCE WITH RECOMMENDATION R1 OF VEAC'S 2017 STATEWIDE ASSESSMENT OF PUBLIC LAND FINAL REPORT.

P101808 CROWN LAND STATUS & MANAGEMENT ISSUES & LCC/VEAC IMPLEMENTATION ISSUES

PLAN SHOWING SUPPOSEDLY HSC MANAGED CROWN LAND AS COMMITTEE OF MANAGEMENT – SHOWN AS YELLOW. THIS PLAN IS FROM HSC CTP PP PLAN OF CROWN LAND “TENURE”.

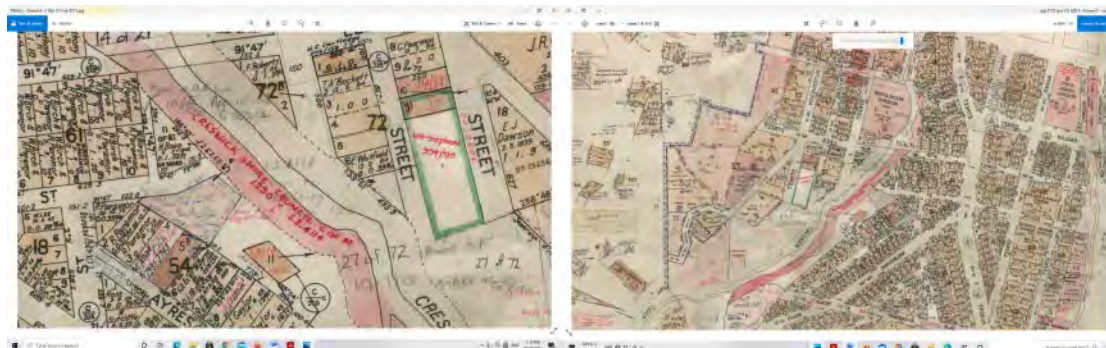


THERE ARE POSSIBLE ISSUES WITH COUNCIL MANAGING THE P101808 AREA AS C.O.M. THIS IS IN RELATION TO THE LCC RECS WHICH APPEAR CONFUSING. THE PARCEL IS PROPOSED TO BE SPLIT, BUT THIS SPLIT HAS NOT OCCURRED YET. HSC SHOWS CURRENT SPLIT OF MANAGEMENT BETWEEN PARKS VICTORIA AND DELWP BUT THE DELINEATION IS NOT GIVEN. IN ANY EVENT, THIS SPLIT HAS NOT YET OCCURRED ACCORDING TO VEAC.

FOR HSC TO BE APPOINTED C.O.M., THE LAND HAS TO BE FIRST RESERVED. DELWP ALSO APPOINTS THE C.O.M. IT APPEARS THAT DELWP MAY HAVE USED THE PERMANENT PUBLIC PURPOSES RESERVE TO CRESWICK CREEK AS AN EXISTING RESERVATION AND APPOINTED HSC OVER THIS RESERVED AREA, ALTHOUGH THIS IS NOT CLEAR.

PERMANENT PUBLIC PURPOSES RESERVE TO CRESWICK CREEK: (LIKELY TO HAVE BEEN AN 1881 RESERVATION).

THE BED AND 30.18 METRES FROM EACH BANK THROUGHOUT; EXCEPTING WHERE THERE IS NO DEFINED CHANNEL, THEN A STRIP 40.23 METRES WIDE FOLLOWING THE LOWEST LEVEL. DELWP WORKING PLAN BELOW. IT APPEARS THAT HSC WAS APPOINTED C.O.M. IN 1990 – REFERENCE L3.414. IT ALSO APPEARS THAT HSC PUT IN A WALKING TRACK ALONG THIS CREEK FRONTAGE IN 1985 REFERENCE L3-4114. THERE WAS ALSO SOME “CREEK CLEARING” REFERENCE 90-1236.





P101806 ABOVE – POSSIBLE “EASTEN HILL FLORA RESERVE”.

IT IS OF CONCERN IF HSC PROPOSES TO PUT THE CTP THROUGH THIS AREA, FROM A DESKTOP ASSESSMENT VIEWPOINT. (IT IS SIMPLY IMPOSSIBLE FOR THE PUBLIC TO BE ABLE TO INVESTIGATE AND FIELD INSPECT ETC EVERY PART OF THE ENTIRE CTP 100KM LENGTH OR THE 60KM CTP STAGE 1.).

JIM WILLIS DOCUMENT AND RECORDS:

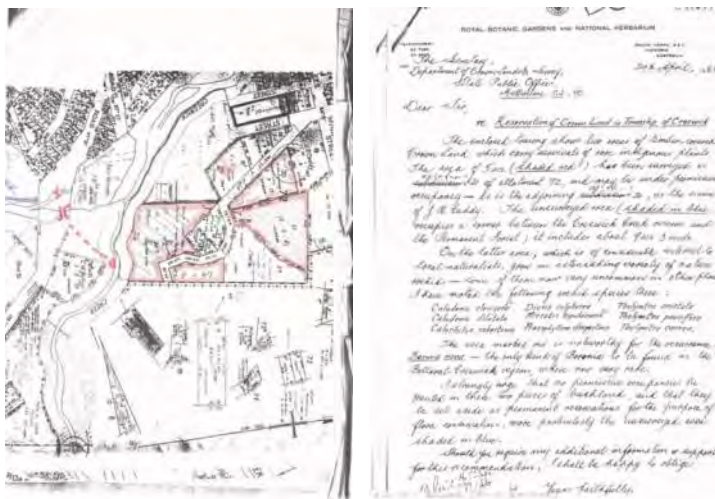
One orchid species listed on this land (possibly P101806) is *Caladenia dilatata*.

Caladenia dilatata s.s. ("in the strict sense") is listed as Poorly Known in DSE Advisory List of Rare or Threatened Plants in Victoria 2014.

This land needs proper flora surveying before the CTP can be considered further and what the CTP impacts will be.

Another species listed for this site is *Boronia nana*. However *Boronia nana* var. *pubescens* is listed as RARE in DSE Advisory List of Rare or Threatened Plants in Victoria 2014.

Any occurrences of *Boronia nana* in CTP Public Lands need to be checked to determine if they are fact *Boronia nana* var. *pubescens*, and what the impacts of the CTP might be on this species.

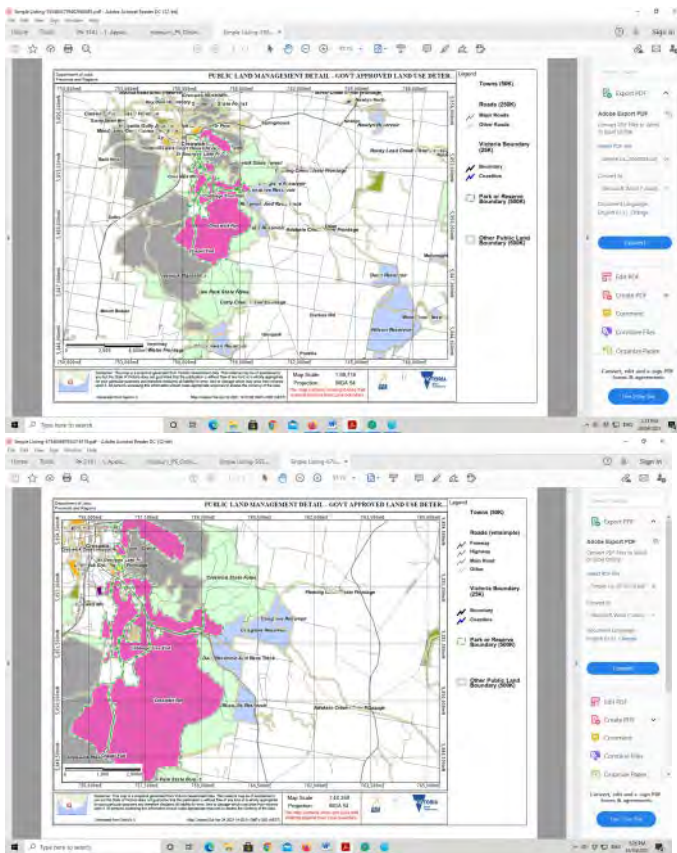


THE ABOVE EXAMPLES DEMONSTRATE THE COMPLEXITY OF ISSUES THAT MIGHT EXIST, THAT REQUIRE CAREFUL AND DETAILED ASSESSMENT AND PLANNING, IN ACCORDANCE WITH PRESCRIBED PUBLIC LAND PROCEDURES AND PROCESSES. THIS IS NOT WHAT HSC HAS DONE IN REGARDS TO THE CTP, NOR APPARENTLY THE PUBLIC LAND MANAGERS.

APPENDIX 6.
EXTANT GOVERNMENT APPROVED VEAC/LCC LAND USE DETERMINATIONS
LCC BALLARAT STUDY AREA 1982
VARIOUS CTP AREA CROWN LAND PARCELS

NOTE 1: HSC has failed to provide to the public a list of the Crown land parcels for the ENTIRE CTP area. Instead it has only provided a list for Stage 1 only. This is significant deprivation of public information in the CTP and planning permit processes matters. The current Crown Land *Land / Reserve Status* and more importantly the extant Government approved VEAC/LCC Land Use Determinations are CRITICAL INFORMATION NOT HAVING BEEN GIVEN TO THE PUBLIC, AND INDEED APPARENTLY NOT CONSIDERED BY HSC (AND OR APPARENTLY THE PUBLIC LAND MANAGERS!).

Government approved Land Use Determinations / Public Land Management Detail Plans:



REFER TO APPENDIX 2 FOR:
SUBMITTED REVISED TABLE – SHOWING CRUCIAL EXTANT GOVT APPROVED LCC LAND STATUS / LAND USE DETERMINATIONS – FOR HSC STATED CTP “STAGE 1” PLANNING PERMIT APPLICATION.

Note: Crown land parcel information for CTP Stage 2 has NOT been provided by HSC.

APPENDIX 7.

VEAC ACT 2001 – SECTION 26A

MINISTER OR DEPARTMENT / PUBLIC AUTHORITY MUST ENSURE IMPLEMENTATION.

Land Conservation Council (LCC) / Victorian Environmental Assessment Council (VEAC) recommendations including/comprising final recommendations approved by Governor in Council ARE BINDING ON GOVERNMENT. They MUST be considered wherever they apply to any parcel of Crown land being assessed e.g. for any proposed change in land status or land use. (Refer VEAC Act, Section 26A).

VICTORIAN ENVIRONMENTAL ASSESSMENT COUNCIL ACT 2001 - SECT 26A

Implementation of recommendations—Investigations

A Minister who, or Department or public authority that, is identified in a response prepared under section 25 or in a statement prepared under section 26 as having responsibility for undertaking a proposed action with respect to a recommendation of the Council must ensure that the action is undertaken to implement the recommendation to the extent that it is accepted in that response or statement, as the case may be.

Pt 3 Div. 2 (Heading and ss 26B–26I) inserted by No. 44/2016 s. 27.

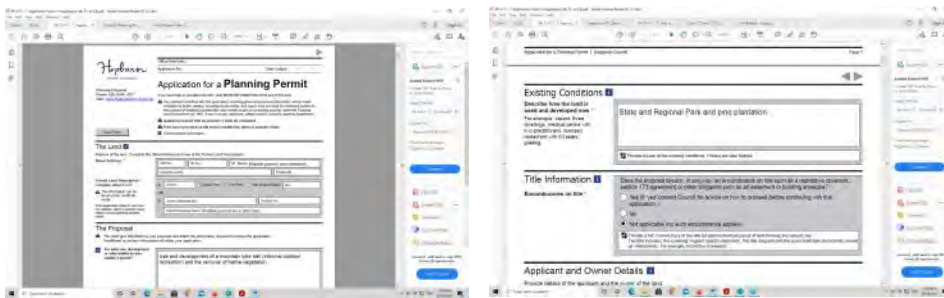
Division 2—Assessments and advice

S. 26B inserted by No. 44/2016 s. 27.

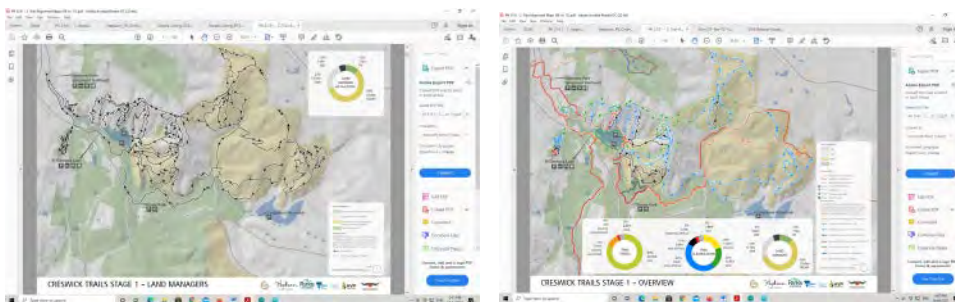
APPENDIX 8.
HEPBURN SHIRE COUNCIL
PLANNING PERMIT APPLICATION – CRESWICK TRAILS PROJECT.

Planning Permit application: Use / Development / Other Matter – *“Use and Development of a mountain bike trail (informal outdoor recreation) and the removal of native vegetation”*.
 Describe how the land is used and developed now – *“State and Regional Park and pine plantation”*.

NOTE 1: HSC’S CLAIM TO “INFORMAL OUTDOOR RECREATION” APPLYING TO THE CTP IS SIGNIFICANTLY CONTESTED.

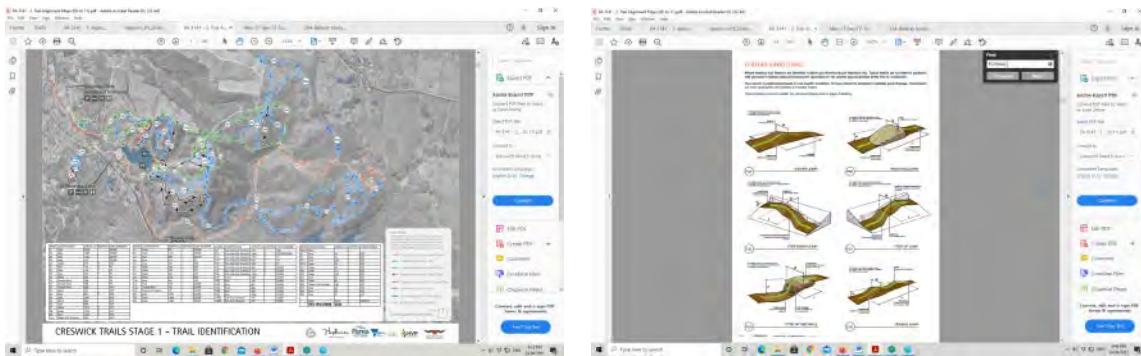


NOTE 2: THE CORRECT AND CURRENT **CROWN LAND RESERVATION STATUS** AND CURRENT **EXTANT GOVERNMENT APPROVED (LCC) LAND USE DETERMINATIONS** HAVE NOT BEEN IDENTIFIED NOR CONSIDERED IN THE PLANNING PERMIT DOCUMENTATION AND PROCESS, NOR HAS THIS CRITICAL INFORMATION BEEN ADVISED AND INFORMED TO THE PUBLIC. THIS INCLUDES A HSC FAILURE TO PROVIDE CROWN LAND PARCEL **LAND STATUS** PAGES COMPRISING OF INDIVIDUAL PARCEL LAND STATUS INFORMATION AND LAND PARCEL BOUNDARIES. INSTEAD HSC (ONLY) PROVIDED BROAD “LAND MANAGER” AND OR “LAND MANAGEMENT” PLANS, WHICH ARE INADEQUATE TO INFORM ON CRITICAL ISSUES.



NOTE 3: HSC has provided incorporated Plans in the Planning Permit application documentation, that clearly show and demonstrate that the CTP trail is FORMAL PUBLIC RECREATION FACILITY AND USE.

Refer to Creswick Trails Stage 1 – Trail Identification. The trail is broken up and **formalized** into CLASSIFIED TRAIL SECTIONS, into ADAPTIVE SECTIONS, into SINGLE OR DUAL DIRECTIONS, into DIFFICULTY LEVELS (EASY, MORE DIFFICULT, VERY DIFFICULT, EXTREMELY DIFFICULT), and into SHARED USE SECTIONS. The CTP track will have many specific mountain bike track features and turns. The CTP trail will be (obviously) “officially sanctioned and recognized” by HSC and or the Public Land Managers. The CTP trail is a recreational facility that is proposed to be developed, and its use managed and controlled, in a formal way in a very ordered and organized methodology and style. All users of the CTP trail will be controlled and organized into the use of defined track alignments comprising of specific mountain bike track features, including directional use and dual uses and other restricting aspects. The CTP is UNDOUBTEDLY a FORMAL PUBLIC RECREATION FACILITY and will comprise FORMAL PUBLIC RECREATION USES.



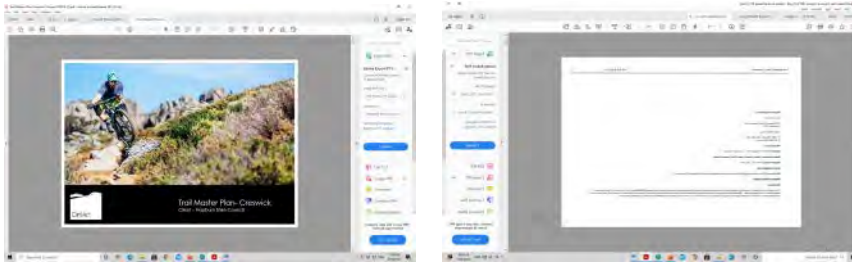
APPENDIX 9.
HEPBURN SHIRE COUNCIL
(CTP) TRAIL MASTER PLAN CRESWICK - (DIRT ART FOR HSC, 2015/2016).

Regarding the CTP and whether or not it comprises of “Formal Public Recreation” or “Informal Public Recreation”:

HSC outlines in its (CTP) Trail Master Plan Creswick the following.

1. *“There is a significant network of existing trails in the Creswick area, including a number of **formal and informal trails**”.* (Page 47).
2. *“A large volume of **informal trails** have been developed by volunteers with **varying levels of formality**.”* (Page 47).
3. *“A network of **informally developed trails** exists in the hills surrounding St George’s lake.”* (Page 51).
4. *“Steep exposed trail verges and neighbouring mine shafts may pose issues if **formalising this trail**.”* (Page 51).
5. *“Dirt Art suggests that an effort be made to **formalise this trail as an advanced mountain bike only trail**.”* (Page 51).
6. *“The notion of a **formal connection** to the Novatel would be somewhat contingent on the willingness of the resort to include their trails in the **formal public trail network**.”* (Page 52).
7. *“An important component of the TMP (Trail Master Plan) process involves the upgrade, rationalisation, closure and **formalisation of the existing trail network**.”* (Page 53).
8. *“Dirt Art suggest that the following key trails are investigated for upgrade: Don’t Look Down (**informal trail**)”.* (Page 53).
9. *“Infrastructure and support facilities ... consisting of **formal and/or semi-formal car parking areas** ...”.* (Page 80).
10. *“This trailhead may be developed ... to feature the following elements: **Formalised** car park; Structured trailhead with **formal entry trails** funnelling into the trail network.”* (Page 80).
11. *“The Creswick area has a long history of **informal and formal volunteer involvement in trail design and construction** ...”.* (Page 87).
12. *“All volunteers to undergo a **formal trail construction training program**.”* (Page 88).
13. *“All completed volunteer projects to be **formally assessed and signed off** prior to opening for public use (assessment by third party and/or land management agencies.”* (Page 88).
14. *“A professionally designed and constructed mountain bike facility will require very minimal ongoing maintenance. Despite this it is strongly recommended that a **formal maintenance program** be initiated prior to facility completion”* (Page 90).
15. *“It is suggested that a **formal structure is in place** to ensure trails are safety and sustainably maintained.”* (Page 90).
16. *“Local volunteers play a significant role in the **current maintenance program** ... in both a **formal and informal capacity**.”* (Page 91).
17. *“It is suggested that an effort be made to provide some **formality to the current volunteer efforts** ...”.*
18. *“Dirt Art recommend a **formal auditing program** be developed prior to completion of any new trail construction.”* (Page 91).

ATTACHMENT 10.1.5

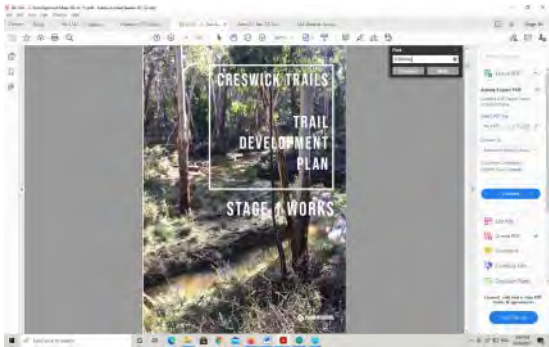


APPENDIX 10.
HEPBURN SHIRE COUNCIL
CRESWICK TRAILS – TRAIL DEVELOPMENT PLAN – STAGE 1 WORKS
(COMMON GROUND TRAILS FOR HSC, FEBRUARY 2021).

Regarding the CTP and whether or not it comprises of “Formal Public Recreation” or “Informal Public Recreation”:

HSC outlines in its Creswick Trails – Trail Development Plan – Stage 1 Works the following.

1. *“Detailed design and specification of signs will need to be undertaken in future stages of work once a **formal signage plan** is established.”*
2. *“The skills zone will include a range of trail and feature classification and also incorporate a dual slalom track for **informal and formal racing**.”*
3. *“Trail development around Cosgraves Reservoir will provide longer-form trail loop options which differ from the tailorable (decision rich) ride experiences on offer in the gravity and wood coupe zones. Much of the trail in the Cosgraves loop will be an upgrade of existing fire road / access track (C1) or **informal single track** (C1, C2).”*
4. *“Trail C1 is an **upgrade of an existing informal trail** running along the northern bank of Cosgraves reservoir.”*



APPENDIX 11.
HEPBURN SHIRE COUNCIL
HEPBURN PLANNING SCHEME – CTP AREA ZONES.

Various parts of the CTP fall within the following Hepburn Planning Scheme Zones:

1. PCRZ – Public Conservation and Resource Zone.

(Refer to Hepburn Planning Scheme definitions for Informal Outdoor Recreation. There are questions to exact interpretation, etc.)

(Refer also to other alternative definitions for Formal and Informal Recreation etc. used in other Government papers e.g. Land Conservation Council.)

Purpose:

(a) *To implement the Municipal Planning Strategy and the Planning Policy Framework.*

(b) *To protect and conserve the natural environment and natural processes for their historic, scientific, landscape, habitat or cultural values.*

(c) *To provide facilities which assist in public education and interpretation of the natural environment with minimal degradation of the natural environment or natural processes.*

(d) *To provide for appropriate resource based uses.*

I contend and submit that:

- Re Purpose Item (b): The CTP development will NOT protect and conserve the natural environment and natural processes for their historic, scientific, landscape, habitat or cultural values.

The CTP will in fact permanently impact many of these values. The CTP is proposed 100km in length (or 60km for Stage 1) of about a 2 metre wide track footprint. The total CTP development and CTP use footprint will comprise about **20ha** (or about **14ha** for CTP “Stage 1”) of **permanent native vegetation removal**. Habitat impacts will comprise and or include the same footprint area, but will in effect be greater in effect, via “edge effects” emanating out from the CTP trail. This will be proportionately exacerbated by the (purported very high) numbers of CTP users. The CTP will concentrate users to a prescribed and defined area (comprised of the developed CTP trail), increasing the overall impacts including habitat and edge effects. Confining 100km (or 60km for Stage 1) of CTP trail within a *limited land area* ensures that the length of trail to given area ratio increases the overall environmental impacts. For example, for CTP Stage 1, much of the entire subject land area is effectively “covered” by snaking mountain bike tracks. Minimizing impacts from any trail development can best or only be achieved with a *straighter* trail alignment and by extension a lesser trail length. However the very nature of mountain bike tracks (and the CTP) is to provide variety and challenging tracks and “snaking”. The CTP proposal proposes to also “target” and impact historic and heritage including particularly water races. This Creswick water races and water race system is potentially of State or possibly National heritage significance. This public land comprises a richness and wide array of different types of historic and heritage values, including from major themes of gold mining and water supply, to local values such as Chinese sites including camp sites and market gardens. Once heritage is impacted, it cannot be “put back”. The heritage impacts will be permanent, and substantial. The area also comprises significant historic and cultural heritage *landscape* values, including the historic Creswick Goldfield. Turning this land into a 100km long

dedicated “mega mountain bike track” will also significantly negatively and permanently impact landscape values. Drawing large numbers of people to specific areas, in this case mountain bikers, will create proportionate inevitable “straying” off defined tracks, causing more impacts and damage. The current Public Land Managers are currently not undertaking any, or any adequate, enforcement and compliance of illegal mountain bike development or illegal off-road mountain bike use, in the current situation. Bring in thousands of mountain bike users, and see what happens - ! HSC and the Public Land Managers have not provided any proper, adequate, legitimate and verifiable enforcement and compliance plan.

The CTP does NOT adhere and or comply and or conform to Purpose Item (b).

- Re Purpose Item (c): The CTP is NOT a facility that assists in public education and interpretation. Mountain bikers are largely or totally otherwise only interested in *riding the tracks*. Whilst the “bush” might create a variable or different environment for biking, this is in reality superficial. Mountain bikers will NOT visit the area *because* of its environmental or heritage values. They will largely if not entirely NOT stop to “interpret the heritage” that they are actually impacting. They will largely if not entirely NOT stop to “study the wildflowers” they are actually riding over. It is an *absolute nonsense* to suggest that the CTP trail and its use are consistent with this Zone purpose. Even so, and notwithstanding that the CTP is *not* a facility that assists in public education and interpretation, the CTP proposal will also certainly NOT comprise “minimal degradation of the natural environment or natural processes”. The CTP proposal is also a *discretionary and unnecessary* project proposed by HSC, nearly fully on grounds *other than public education and interpretation*. That is, it has largely been proposed on the (in this case improper) premise of economic benefit to the local community, as well as pandering to a local minority user group of mountain bikers wishes. The CTP does NOT adhere and or comply and or conform to Purpose Item (c).

- Re Purpose Item (d): The CTP is NOT an “appropriate” resource based use for this Public Land. The CTP does NOT adhere and or comply and or conform to Purpose Item (d).

Uses:

(a) *Permit is not required for Informal Outdoor Recreation.*

AND

(b) *must be ... a use conducted by or on behalf of a public land manager or Parks Victoria under the relevant provisions of (various Acts).*

(c) *A permit is required to construct a building or construct or carry out works.*

I contend and submit that:

- Re Use Item (a): Whilst a Permit is not required for Informal Outdoor Recreation, the CTP is NOT Informal Outdoor Recreation but is Formal Outdoor Recreation (despite HSC’s claim in the Planning Permit Application to the contrary). A permit would therefore otherwise be required under this clause.

- Re Use Item (b): The CTP is NOT a use conducted by or on behalf of a public land manager or Parks Victoria. It is a use by HSC. A permit would therefore be required under this clause.

- Re Use Item (c): A permit is required to construct or carry out works. A permit would therefore be required under this clause.

Decision Guidelines:

- (a) The Responsible Authority must consider the comments of any public land manager or any other relevant manager having responsibility for the care or management of the land or adjacent land.*
- (b) The Responsible Authority must consider whether the CTP development is appropriately located and designed, in accordance with any use, design or siting guidelines.*

I contend and submit that:

- Re Decision Guidelines (a): The public land managers have apparently provided false and or incorrect comments in regards to the CTP legal land use and the CTP area of Public Lands' land status and related legal Government approved Land Conservation Council Land Use Determinations. To this end, the public land managers are derelict of their obligations and or have breached or intend to breach Section 26A, Victorian Environmental Assessment Council Act 2001.

- Re Decision Guidelines (b): The CTP does NOT appropriately meet the range of applicable parameters.

Incorporated Plans:

The incorporated plans provided by HSC in the Planning Permit application are inadequate and or insufficient to meet planning and assessment and public requirements and expectations.

Further public comments on PCRZ – Public Conservation and Resource Zone may be submitted in further later dealings and or appropriate legal forums or proceedings.

2. PPRZ – Public Park and Recreation Zone.

(Refer to Hepburn Planning Scheme definitions for Informal Outdoor Recreation, and public recreation. There are questions to exact interpretations, etc.)

(Refer also to other alternative definitions for Formal and Informal Recreation etc. used in other Government papers e.g. Land Conservation Council.)

Purpose:

- (a) To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- (b) To recognise areas for public recreation and open space.*
- (c) To protect and conserve areas of significance where appropriate.*
- (d) To provide for commercial uses where appropriate.*

I contend and submit that:

- Re Purpose Item (c): Refer to and as for my contention and submission for PCRZ Re Purpose Item (b).

Uses:

- (a) Permit is not required for Informal Outdoor Recreation.*

(b) A permit is required to construct a building or construct or carry out works. This does not apply to ... trails.

I contend and submit that:

- Re Use Item (a): Whilst a Permit is not required for Informal Outdoor Recreation, the CTP is NOT Informal Outdoor Recreation but is Formal Outdoor Recreation (despite HSC's claim in the Planning Permit Application to the contrary). A permit would therefore be required under this clause.

- Re Use Item (b): Whilst this clause indicates that a permit is required to carry out works but that this does not apply to "trails", I submit that this is in the context of trails of informal outdoor recreation nature. That is, for example, walking trails. The CTP is a formal dedicated mountain bike track which will be used for organised group activities. A permit would therefore be required under this clause.

Decision Guidelines:

(a) The Responsible Authority must consider the comments of any public land manager or any other relevant manager having responsibility for the care or management of the land or adjacent land.

(b) The Responsible Authority must consider whether the CTP development is appropriately located and designed, in accordance with any use, design or siting guidelines.

I contend and submit that:

- Re Decision Guidelines (a): The public land managers have apparently provided false and or incorrect comments in regards to the CTP legal land use and the CTP area of Public Lands' land status and related legal Government approved Land Conservation Council Land Use Determinations. To this end, the public land managers are apparently derelict of their obligations, and or have breached or intend to breach Section 26A, Victorian Environmental Assessment Council Act 2001.

- Re Decision Guidelines (b): The CTP does NOT appropriately meet the range of applicable parameters.

Incorporated Plans:

The incorporated plans provided by HSC in the Planning Permit application are inadequate and or insufficient to meet planning and assessment and public requirements and expectations.

Further public comments on PPRZ – Public Park and Recreation Zone may be submitted in further later dealings and or appropriate legal forums or proceedings.

3. PUZ – Public Use Zone.

Purpose:

(a) *To implement the Municipal Planning Strategy and the Planning Policy Framework.*

(b) *To recognise public land use for public utility and community services and facilities.*

(c) To provide for associated uses that are consistent with the intent of the public land reservation or purpose.

Application requirements:

An application for a permit by a person other than the relevant public land manager must be accompanied by the written consent of the public land manager

The proposed CTP and Planning Permit CTP Stage 1 do not appropriately recognize or comply or propose to comply to Government approved LCC Ballarat Study Area 1982 and or VEAC Statewide Assessment of Public Land 2017 and or LCC Rivers and Streams Special Investigation 1991 Land Use Determinations.

The proposed CTP and Planning Permit CTP Stage 1 to not fully comply to the Hepburn Heritage Strategy 2020-2030.

The public land managers have apparently provided false and or incorrect comments to HSC in regards to the CTP legal land use and the CTP area of Public Lands' land status and related legal Government approved Land Conservation Council Land Use Determinations, and therefore, by extension, false or incorrect written consents to apply for a permit. To this end, the public land managers are apparently derelict of their obligations, and or have breached or intend to breach Section 26A, Victorian Environmental Assessment Council Act 2001.

Further public comments on PUZ – Public Use Zone may be submitted in further later dealings and or appropriate legal forums or proceedings.

4. FZ – Farming Zone.

Public comments on FZ – Farming Zone may be submitted in further later dealings and or at appropriate legal forums or proceedings.

APPENDIX 12.
PUBLIC REQUESTS TO HSC FOR INFORMATION ON THE CTP / PLANNING PERMIT AND LIKELY
IMPACTS TO PUBLIC LAND AND PUBLIC LAND VALUES AND THE PUBLIC INTEREST
LARGELY THWARTED
INCLUDES LIST OF FOI REQUESTS TO HSC
INCLUDES SOME RECENT PUBLIC REQUESTS FOR INFORMATION ON CTP PLANNING PERMIT

I and the public have made many public requests to HSC for crucial information on the CTP and its impacts and processes of implementation. A large proportion of these public requests have been denied by HSC. For example, the public sought early drafts of CTP background reports on environment and heritage, and impacts. The public envisaged to compare these early reports to the respective final reports to ascertain the veracity of HSC's claims to effecting, and of actual, "avoidance and minimisation" of value impacts, including in vegetation removal and in impacts to heritage sites. HSC has refused to provide these early reports. The public then sought information through FOI requests, only to again be largely or virtually totally thwarted by HSC. The list below outlines the thwarted FOI requests made to HSC. Much of the information requested is considered important information crucial for informing the public to significant matters, and impacts to Public Land and public land values, and therefore on the CTP's appropriateness. Given that the CTP is proposed to be developed on Public Land, including high level Public Land Regional Park, this situation constitutes potentially significant injury, or potential injury, to the public interest. It also indicates a significant lack of public openness and transparency exhibited by HSC, if not in fact deliberate attempts to keep information from the public. It also makes a mockery of HSC's claimed "public engagement" processes in the CTP. This aspect is also particularly referred to DELWP and Parks Victoria whom are apparently relying on HSC's flawed "public engagement" process to supposedly satisfy Public Land required public consultation requirements / expectations.

1. LIST OF FOI REQUESTS TO HSC. (ALL LARGELY OR ENTIRELY THWARTED).

SUMMARY FOI REQUESTS TO HSC – ALL OF WHICH HAVE BEEN OR ARE BEING THWARTED BY HSC – INCLUDING LARGELY OR ENTIRELY BY WAY OF CLAIMED SPURIOUS "CLARIFICATIONS" – TO THE EXTENT THAT EFFECTIVELY HSC HAS ANY FOI DOCUMENTS:

1. HSC FOI APPLIC hsc ctp initial potential sites asst and evaluation reports docs 13 JAN 2020.
2. HSC FOI APPLIC hsc ctp correspondence & dealings with VOGA ETC 13 JAN 2020
3. HSC FOI APPLIC unsanctioned illegal tracks docs 7 JAN 2020
4. HSC FOI APPLIC rtif grant docs 7 JAN 2020
5. HSC FOI APPLIC racv resort planning permit docs 7 JAN 2020
6. HSC FOI APPLIC mou project governance agreement 7 JAN 2020
7. HSC FOI APPLIC ctp master plan docs 7 JAN 2020
8. HSC FOI APPLIC ctp background reports docs 7 JAN 2020

9. HSC FOI APPLIC delwp lcc veac correspondence docs 7 JAN 2020

10. HSC FOI RE CURRENT AND OR FINAL CRESWICK TRAIL PROJECT BACKGROUND REPORTS FOI APPLIC 2 FEB 2021

11. FOI HSC RE RDV DJPR DEALINGS FOI APPLIC 2 FEB 2021 and follow up letters COPY COMPLAINT.

12. HSC FOI RE FINANCIAL STATEMENT AND FINANCIAL DETAILS DOCUMENTS FOR THE CRESWICK TRAILS PROJECT FOI APPLIC 2 FEB 2021 ovic C 21 00883.

2. EXAMPLES - RECENT PUBLIC REQUESTS FOR INFORMATION ON CTP PLANNING PERMIT. (ALL LARGELY OR ENTIRELY THWARTED).

Email: [REDACTED]

27 April 2021

HEPBURN SHIRE COUNCIL & CEO & COUNCILLORS.
PO BOX 21
DAYLESFORD VIC 3460.
Email: shire@hepburn.vic.gov.au

Dear Hepburn Shire Council & CEO & Councillors.

RE HEPBURN SHIRE COUNCIL (HSC) – CRESWICK TRAILS PROJECT (CTP) – PUBLIC REQUEST AND DEMAND FOR INFORMATION, TO INFORM THE PUBLIC INCLUDING ON PUBLIC INTEREST MATTERS, PROPOSED PLANNING PERMIT AND LEGAL AND OTHER ISSUES – PLANNING PERMIT APPLICATION DOCUMENTS – DELWP LETTER COPY DATED 8 AUGUST 2019 SP468458 (INCOMPLETE LETTER)

I am a member of the Victorian public and act for and on behalf of other Victorian citizens in the public interest. I refer to previous correspondence with HSC in relation to the CTP and assessment and planning and related matters including Planning Permit(s).

I write in relation to the CTP and HSC Planning Permit Application PA3141 CTP "Stage 1". I advise that the Planning Permit Application documents publicly provided by HSC are *incomplete*, including in particular Public Land Manager DELWP letter of consent dated 8 August 2019 Reference SP468458. Only the first page of this letter has been incompletely publicly provided. This is a critical document, comprising of crucial information including to the public interest.

I hereby publicly request and demand that this document (Public Land Manager DELWP letter of consent dated 8 August 2019 Reference SP468458) be RELEASED AND PROVIDED TO THE PUBLIC IN FULL. I also demand that this complete document be immediately emailed to me at the following email address [REDACTED]

I also publicly demand that HSC ceases and desists from spuriously treating my letters as "public complaints" and improperly diverting them through HSC's "complaint handling policy" process and procedures, as it did with my (other) letter dated 18 April 2021.

I reserve the right to submit this matter and related correspondence to any legal or other proceedings or forums as evidence of HSC's failure to properly inform the public and to meet the public's requests and demands for information.

I publicly demand that HSC fully complies with my public requests and demands and provides the specifically requested information by no later than 4.00pm Wednesday 28 April 2021.

[REDACTED]

[REDACTED]

[REDACTED]

OTHER RECENT PUBLIC LETTERS OF REQUEST TO HSC FOR INFORMATION TO INFORM ON THE PLANNING PERMIT APPLICATION CTP "STAGE 1" INCLUDE:

1. [REDACTED] LETTER DATED 27 APRIL 2021:
2. [REDACTED] LETTER DATED 27 APRIL 2021:
3. [REDACTED] LETTER DATED 27 APRIL 2021:
4. [REDACTED] LETTER DATED 27 APRIL 2021:
5. [REDACTED] LETTER DATED 27 APRIL 2021:
6. [REDACTED] LETTER DATED 19 APRIL 2021:
7. [REDACTED] LETTER DATED 19 APRIL 2021:
8. [REDACTED] LETTER DATED 19 APRIL 2021:
9. [REDACTED] LETTER DATED 18 APRIL 2021:
10. [REDACTED] LETTER DATED 15 APRIL 2021:

All of these letters have effectively been denied / thwarted.

APPENDIX 13.

ILLEGALLY DEVELOPED MOUNTAIN BIKE TRAILS ON PUBLIC LAND –CTP AREA

There are many kilometres of *informally and illegally developed mountain bike tracks* within the CTP area, including on Public Land including the high level Creswick Regional Park. The Trail Master Plan – Creswick, Victoria (Dirt Art Pty Ltd, 2015/2016) - Council's own commissioned report – *actually identifies* the presence of these illegally developed trails: "*A large volume of informal trails has been developed by volunteers with varying levels of formality.*" HSC has also proposed, in the CTP Master Plan and other documents, to *incorporate illegally developed tracks into the CTP trail*. Further, it appears that HSC procured and secured \$2.56M of public money from Regional Development Victoria / Department of Jobs Precincts and Regions in a Regional Tourism and Infrastructure Fund (RTIF) grant. I understand that the CTP Master Plan formed a key component document in the RTIF grant application and in the grant's procurement / securement. This is of significant public concern.

I have previously strongly publicly objected and made formal public complaints to HSC and to the Public Land Managers on these illegal track developments, and including those apparently (allegedly) by VOGA Cycle Club members or others associated with the Creswick Trails Project. I again reiterate same in this Planning Permit Application submission. There have been significant impacts from these illegal activities to the subject Public Land and to its' public land values, including in illegal native vegetation removal, potential negative impacts to FFG Act and EPBC Act listed and protected threatened species and their habitats, illegal impacts to cultural heritage sites, etc. – constituting apparent offences under various statutes. The CTP Master Plan document also did not (at least publicly) provide any plans or identification or delineation or assessment of these illegal tracks. I have previously written to HSC requesting this information be advised to inform the public on the CTP / Planning Permit Application, however HSC has continuously declined and refused to do so.

I again publicly object to HSC and to the Public Land Managers to any proposals and any actions in the Master Plan and or via any CTP Planning Permit and or by HSC and or by the Public Land Managers to retrospectively "condone" or "approve" or "legitimize" these illegal tracks, or to "turn a blind eye", and or to attempt to otherwise pass them off as "existing tracks". I similarly publicly object to any illegal off-road mountain bike ("vehicle") use on this Public Land area, pursuant to the *Land Conservation (Vehicle Control) Act*. Such proposing, condoning, approval, legitimization, disregarding, or passing off, or other, constitutes at least unconscionable and unethical conduct, and is contrary and detrimental to the public interest. There may also be other possible legal issues, in or related to "aiding and abetting" (see Section 181, Crimes Act 1958).

I again publicly seek HSC to provide the following information to adequately and fully inform the public on this matter, including informing on the Planning Permit Application:

(a) Council's acknowledgement of its awareness of these illegal tracks; Council's advice as to whether it approved, or condoned or was involved in these illegal tracks in any way; Council's advice as to why these illegal tracks have been otherwise "recognised" in Council's commissioned Master Plan and other documents; Council's public assurances that Council will not attempt to unconscionably retrospectively "approve" or "condone" these illegal tracks; and Council's full public

advices as to what enforcement or compliance actions it has taken to date (e.g. under the Planning and Environment Act).

(b) Council's full public advices as to what enforcement and compliance actions it will now take to address these illegal tracks, including with a view to full environmental rehabilitation and restoration (e.g. under the Planning and Environment Act).

(b) Council to publicly provide full identification and delineation and assessment and plans of all these illegally developed tracks, to inform on the Planning Permit Application CTP Stage 1.

Indicative Example Plan – some illegal trails shown yellow:



PHOTO 1: Creswick Public Lands, illegal mountain bike track development and illegal timber cutting and native vegetation removal.



PHOTO 2: Creswick Public Lands, illegal mountain bike track development, through gold mining historic / heritage area.



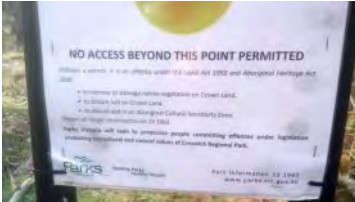
PHOTO 3: Creswick Public Lands, illegal mountain bike track development, along historic / heritage water race.



PHOTO 4: Creswick Public Lands, illegal off-road mountain bike use on illegally developed mountain bike track.



PHOTO 5: Creswick Public Lands, Parks Victoria notice, Creswick Regional Park, warning against illegal off-road mountain bike use and illegal mountain bike track development.



APPENDIX 14.

CTP / Planning Permit Application CTP Stage 1
Hepburn Planning Scheme / Strategies / Policies / Studies etc.

HEPBURN HERITAGE STRATEGY 2020-2030. (Adopted by Hepburn Shire Council June 2020).

Some aspects of possible or apparent Hepburn Heritage Strategy conflict or non-compliance in HSC's CTP proposal and Planning Permit Application CTP Stage 1 include the following extracts:

CTP related issues / aspects:

Some important and/or key statements:

1. *"Council is committed to ensuring that its heritage places continue to be protected according to best practice and international heritage standards."*
2. *"This Strategy recognizes that there are other potential heritage places and memories that are important to the community which should be identified, assessed and given protection."*
3. *"The objective of managing a heritage place is to identify, protect, conserve, interpret, and celebrate its cultural heritage significance for current and future generations. Planning includes the development of heritage policies, strategies and guidelines."*
4. *"Working to best value principles, the Heritage Strategy identifies and manages our heritage into the future. It sets out specific objectives and approaches and proposed future actions for the long term management of heritage."*
5. Outlines that the Hepburn Planning Scheme local policy: Heritage (as a forthcoming amendment).

Section 1.2 Hepburn community's commitment to heritage.

"Hepburn Shire's heritage places are highly valued by the community. They contribute to our social capital, economic wealth and acclaimed tourist assets within the Shire."

HEPBURN SHIRE COUNCIL PLAN 2017-2021

"Hepburn Shire Council will maintain, promote, enhance and protect the district's unique social, cultural, environmental and heritage characteristics. This will be achieved through effective, caring management and responsible governance."

Heritage Action Plan:

- *"Undertake a comprehensive thematic environmental history to assist prioritising gaps for potential heritage studies."*
- *"Undertake heritage 'gaps' studies to provide heritage (and potentially landscape) protection."*

IDENTIFIED HERITAGE GAPS:

Historic Landscapes: (include)

- *Chinese mining sites and labour activities.*
- *Larger cultural landscapes e.g. early 19th Century forestry plantations, nurseries.*

Infrastructure: (include)

- *Public water systems.*

Dja Dja Wurrung: (include)

Sites of aboriginal significance.

Crown land: (include)

- *Forests.*

- *Regional Parks.*

- *Mining Landscapes.*

- *Archaeological sites.*

Note: These gaps should include: 1. proposed nomination of water race system to VHR; 2. Creswick Goldfields area and sites nomination to Hepburn Planning Scheme / Heritage or Landscape Overlay; 3. Creswick Goldfield as part of UNESCO World Heritage bid; all of items 1 to 3 may require a detailed survey / assessment of all goldfield sites and recording and significance ranking and protection requirements. In any case, these all indicate that the CTP and any Planning Permits including Planning Permit CTP Stage 1, and Public Land Manager consents, should not be approved and or developed before these studies (and any required protections) have been undertaken / determined.

I submit and contend that the CTP does not fully comply with the Hepburn Heritage Strategy 2020-2030.

HEPBURN PLANNING SCHEME – HERITAGE AND ENVIRONMENT:

Some aspects of possible or apparent Planning Scheme conflicts or non-compliance in HSC's CTP proposal and Planning Permit Application CTP Stage 1 include the following extracts:

Appears not yet to have a Local Policy: Heritage (forthcoming amendment – as per Hepburn Heritage Strategy June 2020).

11.03-3S. Peri-urban areas. Strategy: *"Identify and protect areas that are strategically important for the environment, biodiversity, landscape, open space, water, ..., recreation, tourism, environment, cultural heritage, ... and other natural resources."*

15. Built Environment and Heritage. *"Planning should protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value."*

15.03. Heritage. 15.03-1S. Heritage conservation. (See screen grabs below).

15.03. Heritage. 15.03-2S. Aboriginal cultural heritage. (See screen grabs below).

21.01-3. Municipal Overview. Formative history. Key issues and attributes. Landscapes. Settlement. People. (See screen grabs below).

21.01-9. Environment and heritage. Catchments. Landscapes. Vegetation. Cultural Heritage.

Landscapes:

- *"The Hepburn Shire contains spectacular bushland, cultural and natural landscapes. These make the area attractive for residents and visitors and establish the Shire's special character."*

Vegetation:

- *"Vegetation is important for habitat, landscape values and as a land and water management source. Significant areas of public ... land remain forested Areas of remnant vegetation and the fringes of these, provide habitat for a range of native fauna. The need to promote habitat replacement is an important land use planning issue and development management objective in these areas."*

Cultural heritage:

- *"These settlements represent an important aspect of the community in Hepburn for contemporary and historical reasons."*

- *"... European settlement in Hepburn Shire is strongly linked to the development of goldfields and pastoral development in the early nineteenth century."*

- *"Further investigations should be taken by the Shire to determine the significance of these cultures on the modified landscape and settlement patterns across the Shire."*

- *"Assessment work should also be undertaken on further identification of pre-contact places and to identify significant aboriginal places and sites that preceded white settlement in the Shire."*

- *"Many of these ... sites need to be protected in the planning scheme within a Heritage Overlay."*

- ***"The ongoing identification, documentation, protection and maintenance of significant heritage assets in the Shire, including pre-contact places and cultural landscapes will ensure continued appreciation and enjoyment by local people, visitors and tourists."***

21.02. KEY INFLUENCES.

“The preparation and development of the planning scheme has been guided by Council’s assessment and response to a range of critical land use planning and natural resource management issues.”

Economic Development (21.07):

- “Tourism is a significant economic contributor to the local economy but requires development standards and guidelines.”

Environment and heritage (21.09):

- “The Shire contains significant landscape features, forest areas, and views that should be protected from inappropriate development.”

- “Heritage assets including pre-contact places and cultural landscapes require identification, documentation and protection.”

- “Tourist developments need to be built with appropriate location and design standards and guidelines to maintain the integrity of the environment, residential amenity and rural lifestyle.”

Hepburn Planning Scheme. 15.03. Heritage. 15.03-1S. Heritage Conservation.

21.03 VISION AND STRATEGIC FRAMEWORK.

21.03-1 Hepburn Shire Corporate Plan 1999-2002.

- *“Maintain and enhance the unique social, cultural, environmental and heritage characteristics of the Shire.”*

21.03-2 Key Land Use Themes.

“The Shire has an outstanding cultural and natural heritage”

- *“This vision (Hepburn’s vision for future land use planning and development) will be achieved by pursuing: Development of sustainable strategies that support the Shire’s natural resource assets. ... Improvement to the quality of the Shire’s physical environment including watercourses”*

- *“Specific Actions will include: Protect and conserve the natural and built heritage of the Shire’s rural and urban areas from inappropriate development. Ensure that future development is compatible with the quality, character, amenity and lifestyle of rural and urban communities and the development of the Shire’s tourism and recreational product.”*

- *“Specific actions will include: Identification and protection of Shire’s built heritage assets and significant cultural landscapes by listing individual buildings and significant places.”*

Also many other aspects in Hepburn Planning Scheme:

15.03 Heritage.

15.03-1S Heritage conservation.

15.03-2S. Aboriginal cultural heritage.

21.01-3. Municipal Overview. Formative history. Key issues and attributes. Landscapes. Settlement. People.

I submit and contend that the CTP does not fully comply with the Hepburn Planning Scheme.

HEPBURN HERITAGE POLICY:

POLICY No. 16(C)

DATE ADOPTED: 17 November 2015.

DATE NEXT REVIEW: 17 November 2019.

Some aspects of possible or apparent Policy conflicts or non-compliance in HSC's CTP proposal and Planning Permit Application CTP Stage 1 include the following extracts:

- *"Policy purpose: To provide guidance to Council, developers, public agencies and the general community on – the value and role of heritage preservation in maintaining and enhancing the unique character of the varied localities within the Shire".*
- *"Guiding principles: Encourage the conservation and enhancement of all of the Shire's heritage assets having due regard to economic, employment and social considerations."*
- *"Guiding Principle: **Ensure that in the development of heritage places, the authentic heritage remain the dominant publicly visible feature of the site, and that new elements do not overwhelm them by bulk or character.**"*
- *"Guiding Principle: In dealing with heritage places that demonstrate development over their history, respect each significant phase of the development of the place."*
- *"Council awareness: **Seek to comprehensive survey and analyse the heritage assets of the Shire and to include in the schedule to the Heritage Overlay**".*
- *"Council awareness: Where necessary, to take steps to protect heritage places, such as the imposition of Interim Demolition Controls".*
- *"Council awareness: Make nominations where appropriate for places to be included on the Victorian Heritage Register."*
- *"Statutory Planning: Refer Planning Applications in the Heritage Overlay to the Heritage Advisor for comment for input into the assessment of the application in association with other relevant planning issues."*
- *"Statutory Planning: In certain circumstances require bonds or bank guarantees to be lodged against the proper conduct of proposed works."*
- *"Education: Enhance community awareness of heritage matters and the responsibilities of owners as custodians of heritage places".*

HSC has apparently NOT referred to or considered this Policy in regards to the CTP e.g. in referring to Council for Council approval to proceed to Planning Permit Application, and in regards to the Planning Permit Application and its background studies.

It appears that the scheduled Hepburn Heritage Policy Review proposed for 17 Nov 2019 may not have occurred, and therefore is (well) "overdue".

I submit and contend that the CTP does not fully comply with Hepburn Heritage Policy.

HEPBURN HERITAGE CONSERVATION POLICY:

POLICY No. 16.

DATE ADOPTED: 17 June 2014.

Some aspects of possible or apparent Policy conflicts or non-compliance in HSC's CTP proposal and Planning Permit Application CTP Stage 1 include the following extracts:

- *"Guiding Principle: **Ensure that in the development of heritage places, the authentic heritage remain the dominant publicly visible feature of the site, and that new elements do not overwhelm them by bulk or character.**"*
- *"Guiding Principle: In dealing with heritage places that demonstrate development over their history, respect each significant phase of the development of the place."*
- *"Council awareness: **Seek to comprehensive survey and analyse the heritage assets of the Shire and to include in the schedule to the Heritage Overlay**".*
- *"Council awareness: Where necessary, to take steps to protect heritage places, such as the imposition of Interim Demolition Controls".*
- *"Council awareness: Make nominations where appropriate for places to be included on the Victorian Heritage Register."*
- *"Statutory Planning: Refer Planning Applications in the Heritage Overlay to the Heritage Advisor for comment for input into the assessment of the application in association with other relevant planning issues."*
- *"Statutory Planning: In certain circumstances require bonds or bank guarantees to be lodged against the proper conduct of proposed works."*
- *"Education: Enhance community awareness of heritage matters and the responsibilities of owners as custodians of heritage places".*

HSC has apparently NOT referred to or considered this Policy in regards to the CTP e.g. in referring to Council for Council approval to proceed to Planning Permit Application, and in regards to the Planning Permit Application and background studies.

HSC has apparently NOT referred to or considered this Policy in regards to the CTP.

I submit and contend that the CTP does not fully comply with Hepburn Heritage Conservation Policy.

CRESWICK HERITAGE STUDY (TROPMAN) 1990:

This Creswick Shire commissioned report first or primarily undertook a detailed analysis of the built heritage of Creswick Township, followed by an assessment of the Landscape heritage of Creswick and appropriate Landscape Planning Guidelines to conserve this. Of the Landscape heritage, it looked mainly at forest and goldmining and rural. The water races and water system does not feature. This is likely to be a significant failing.

Whilst the Creswick Heritage Study 1990 gives a history of the Creswick Goldfield, it does not appear to systematically or thoroughly identify and assess and record and document all of the Goldfield's extant sites and or elements, or their significance (apart from Precinct 6 Australasian Mine Disaster Site – proposed heritage precincts (built heritage)).

There appears to be an associated report Creswick Conservation Study 1991 (Lester Tropman and Associates), however this report has not yet been sourced or analysed.

There appears to be an associated report Creswick Conservation Study 1991 (Lester Tropman and Associates), however this report has not yet been sourced or analysed.

Some important and/or key statements in relation to HSC's CTP proposal and Planning Permit Application CTP Stage 1 include the following extracts:

Some important and/or key statements:

"The landscape planning guidelines should respect the rural and past mining activities and be concerned with the siting of buildings or earthworks, the design of works, the relationship to existing buildings of landscape elements, building elements, landscape works"

"That Development Controls be developed for particular individual townships or areas for the continuation and retention of their special landscape characteristics."

"It is recommended that a heritage advisor be appointed to advise Council on building and landscape development control in sensitive areas of heritage significance."

*"The character of Creswick bears the marks of a history extending from the arrival of the first pastoralists, through the various stages of mining and small farming to the link between towns and the embryonic Australian forestry industry. **This is a varied and rich landscape, one worthy of protection so that its essential character is not lost in the future.**"*

"Finally, the thick forests enclosing Creswick itself are all consequences of the shire's central role in the history of Australian forestry – at a practical level in regenerating growth of old mining areas, in decorative use of exotic trees and in the scientific and educative enterprise of botanists and foresters, Creswick has an important place in environmental history of Victoria."

"Creswick has a central place in Australian economic history as much for its forestry as for its mining. In Creswick there occurred the first tentative steps toward forest conservation and management."

"The Shire of Creswick and its towns, farms and landscapes have an identifiable character that sets them apart from other country areas in Victoria and Australia. This is a combination of its landform,

vegetation, buildings and mining relics. This character is the heritage of the people who live and work in Creswick and is part of the heritage of Victoria and Australia. Creswick is one of the chain of country towns in this region that was part of the gold mining experience that changed the face of Victoria and Australia in the nineteenth century. The management of this heritage is in the main the responsibility of the local government authority. It is the challenge that the Shire faces to manage these assets."

"Landscape Planning Principles: 'Landscape' ... includes ... natural areas, scientific and geological sites, wildlife habitats, modified/cultural landscapes, aboriginal sites, scenic rural areas, and ornamental parks and gardens." "Acknowledging an area's landscape qualities requires planning guidelines that protect and develop areas sympathetically."

Rural Areas:

Policy 1. *"That all culturally significant and visually sensitive landforms be retained without any further building or construction works being placed upon them."* (Rationale – Cultural landscape character of Creswick as an early mining and rural Shire – retention of landscape types are they are critical to any future history of the town.)

Policy 2. *"That natural forests be retained."* (Rationale – Forests surrounding Creswick are strong historical reminders of history of Australian forestry and future development should be controlled in such a way that minimises its impact in these areas.)

Policy 6. *"That all significant mining remnants be secured and stabilized from erosion and retained in context."* (Rationale – These mining relics are one of major historical features of the Creswick Shire and this policy aims to ensure they are retained for future interpretation.)

Policy 8. *"That all significant natural habitats of flora and fauna be conserved."*

SOME OTHER POTENTIALLY RELEVANT FORMAL HERITAGE STUDIES:

HEPBURN SIGNIFICANT TREE REGISTER NOMINATIONS 2011 – STATEMENTS OF SIGNIFICANCE REPORT, WITH PLANNING SCHEME AMENDMENT – NOVEMBER 2015.

CRESWICK CONSERVATION STUDY 1991 – Lester Tropman and Associates.

CULTURAL LANDSCAPES STUDY OF CRESWICK GOLDFIELDS – McConville, C., and Oliver, C., 1991.

CRESWICK SHIRE HERITAGE STUDY : CRESWICK SHIRE, VICTORIA : A STUDY OF THE BUILT AND ENVIRONMENTAL HERITAGE OF CRESWICK SHIRE – Lester Tropman & Associates (and three others).

APPENDIX 15.
CROWN LAND ASSESSMENT - PUBLIC LAND VALUES - PROCESS

Generally: DELWP has primary or lead responsibility for the management of Crown land in Victoria, with the major priorities:

- to ensure conservation of public land values.
- to ensure long term sustainable utilisation of the associated resources
- where appropriate to “outsource” management either by
 - * delegation (other Government Agencies, Committees of Management, Vesting, Trusteeship) or by
 - * privatisation (lease, licence, or sale).

Crown Land Assessments are undertaken for various purposes, including for proposed major land use changes. This involves the identification of the land’s Public Land Values and their significance levels. **Public Land Values** are defined as:

Land Values which should be preserved and maintained for the benefit of present and future generations because of their environmental, historic, recreation, tourism, natural resource, social or cultural significance (including special significance to the Aboriginal community), or because of some special strategic value such as access for management purposes, Reserve linkages, etc.).

The relevant appropriate management strategy for land with one or more of these values will be dependent on:

- (a) the particular values present;
- (b) the level of significance of the value(s); and
- (c) which management strategy will result in the best effective protection of value(s).

CROWN LAND ASSESSMENT CRITERIA:

(BROAD CATEGORIES ONLY SHOWN)

1. ENVIRONMENT / CONSERVATION VALUES

(Environmental Significance for Present and Future Generations.)

2. CULTURAL / HISTORICAL VALUES

(Cultural Significance for Present and Future Generations.)

3. SOCIAL / COMMUNITY / ABORIGINAL VALUES

(Social or Cultural Significance for the Wider Community.)

4. RECREATION / TOURISM VALUES

(Recreation or Tourism Significance for Present and Future Generations.)

5. RESOURCE PRODUCTION / UTILISATION VALUES

(The Land has Natural Resource Production / Utilisation Potential for Present and Future Generations (e.g. land for timber production, water catchment, stone and gravel or apiary use.)

6. STRATEGIC / OTHER VALUES

(Special or Strategic Values for the Wider Community.)

IN TERMS OF THE CTP AND PLANNING PERMIT APPLICATION CTP STAGE 1:

1. HSC has failed to undertake the required Public Land Crown Land Assessment of the CTP Public Lands.
2. The Public Land Managers have also failed to undertake the required Public Land Crown Land Assessment, and failed to appropriately advise HSC (if they have transferred all assessment responsibilities).

3. All of the CTP and Planning Permit Application CTP Stage 1 background / support / incorporated documents are NOT to required or prescribed form or type or standard for **Public Land Assessment and Planning**.

APPENDIX 16:
SOME KEY [REDACTED] LETTERS OF REFERRAL AND COMPLAINT TO HSC – CTP AND PLANNING
PERMIT APPLICATION CTP “STAGE 1”.

This referral and complaint letter was submitted to HSC on 24 March 2021, and was subjected to HSC’s “complaint handling process”. HSC’s eventual response however is considered substantially inadequate. As such, the letter is now again submitted as part of my public submission to the HSC Planning Permit Application.

Email: [REDACTED]

24 March 2021

TO:

1. HEPBURN SHIRE COUNCIL
 2. CEO, HEPBURN SHIRE COUNCIL
 3. ALL COUNCILLORS, HEPBURN SHIRE COUNCIL
- Councillor Lesley Hewitt (Mayor) – Birch Ward. (Email: lhewitt@hepburn.vic.gov.au).
 - Councillor Brian Hood (Deputy Mayor) – Coliban Ward. (Email: bhood@hepburn.vic.gov.au).
 - Councillor Jen Bray – Birch Ward. (Email: jbray@hepburn.vic.gov.au).
 - Councillor Tessa Halliday – Cameron Ward. (Email: thalliday@hepburn.vic.gov.au).
 - Councillor Juliet Simpson – Holcombe Ward. (Email: jsimpson@hepburn.vic.gov.au).
 - Councillor Tim Drylie – Creswick Ward. (Email: tdrylie@hepburn.vic.gov.au).
 - Councillor Don Henderson – Creswick Ward. (Email: dhenderson@hepburn.vic.gov.au).

PO BOX 21

DAYLESFORD VIC 3460.

Email: shire@hepburn.vic.gov.au

Copies:

- Minister Local Government, The Hon. Shaun Leane.
- Minister Planning, The Hon. Richard Wynne.
- Minister Regional Development, The Hon. Mary-Anne Thomas.
- Minister Energy, Environment and Climate Change, The Hon. Lily D’Ambrosio.
- Member for Ripon, Ms Louise Staley.

Dear Hepburn Shire Council / CEO / Councillors.

RE HEPBURN SHIRE COUNCIL (HSC) – CRESWICK TRAILS PROJECT (CTP) – PROPOSED PLANNING PERMIT / LEGAL AND MORAL ISSUES - FORMAL PUBLIC SUBMISSION AND OBJECTION AND COMPLAINT & FORMAL PUBLIC REQUEST FOR INFORMATION TO INFORM THE PUBLIC – MATTERS OF SIGNIFICANT PUBLIC INTEREST.

I am a member of the Victorian public and act for and on behalf of other Victorian citizens in the public interest. I advise my qualifications B.App.Sci. (Environmental Assessment and Land Use Policy), Cert.App.Sci. (Conservation and Resource Development).

I hereby make **formal public submission and objection and complaint** on Hepburn Shire Council’s (HSC) dealings on, and administration and management of, the Creswick Trails Project (CTP) – including in particular in relation to Planning Permit and other legal processes.

HSC is the proponent of the CTP, apparently being a proposed 100km long dedicated formal mountain bike track, largely or entirely situated on Public Lands near Creswick. There are many aspects of the proposed CTP that are of significant public concern, including the *significant Public Land and public land value impacts* that will likely occur if the CTP is developed, and in *HSC’s administration and development of, and its’ assessment and planning for, the CTP*. Many of these issues have been previously outlined in previous public correspondence sent to HSC (for example, refer to my letter to HSC dated 10 September 2019 - copy Appendix 3). Many of the issues I have previously publicly raised are still extant. HSC has also largely failed and or refused to provide substantive responses to and proper address of my public submissions and concerns, including failing to publicly provide or release crucial information, to fully inform the public. These aspects will be able to be substantially demonstrated if and as required.

I now advise and submit on new matters of further significant public concern. Council has recently approved changes to the proposed CTP "delivery method", and divided the CTP into "two stages", described as "Stage One" and "Stage Two". Council has also *approved* the progression of the CTP "Stage One" to planning permit application.

The HSC and Council approved progression to a planning permit application was however for *part only* of the CTP (i.e. for "Stage One" only). I submit that this is highly inappropriate, including that it will effectively *undermine* proper planning and assessment process, and will cause injury to the public interest. The *full impacts* from, and of, the (*entire*) CTP, including of public land values and public interest impacts, will then *not* be evaluated or considered, or be legally tested, other than *only* those pertaining to part (Stage One) of the CTP. If the CTP is to be progressed, the *entire* CTP should be and needs to be subject to full Planning Permit process, to *ensure* that the *full and total impacts* of the CTP are properly and adequately evaluated and are subject to full legal assessment and planning processes. As the CTP is also proposed to be developed on *Public Land, owned by all Victorian citizens*, and that there will be apparently *substantial impacts to this Public Land and to the land's significant public land values*, the public also has an inherent right for proper and full legal planning and other legal processes to apply, and without any subversions. Proceeding to a Planning Permit for only part of the CTP will effectively deny the public the right to fully and properly comment and submit on the entire CTP proposal.

HSC has recently released information as part of its planning permit progression for *Stage 1*. This information comprises maps (i.e. for *Stage One area only*) and Specialist Reports (e.g. written for the *entire CTP area*). The maps are low resolution and or difficult to properly interpret. It is also particularly difficult for the public to effectively scrutinize and decipher the important, key and crucial aspects and information from the Specialist reports from these differing area sets of data. In many cases it is *virtually impossible* to differentiate and decipher and apply and reconcile the values and attributes (e.g. for species, distributions, natural and heritage or natural values, tree numbers, offset areas, etc.) in the Specialist Reports with HSC's recently concocted Stage One and Stage Two areas. The Specialist Reports have apparently also been developed over time, and apply to and were written for the entire CTP, and were likely not envisaged to have to be interpreted for subset areas (such as HSC's recently determined Stage One area). *HSC's proposal to proceed to Planning Permit, only for Stage One, is therefore grossly inadequate in this respect, and particularly denies the public its rights and the ability to be able to exercise adequate and proper public assessment and public scrutiny.* HSC claims or implies that to progress to development of only Stage One at this time requires a planning permit for Stage One. This is incorrect. A planning permit for the entire CTP can be progressed, and if approved then development can then still occur in stages, in accordance with any constraints that might apply.

1. I hereby formally submit significant public concerns on this matter, and make formal public objection to HSC against progression to a Planning Permit application for part only (e.g. for "Stage One") of the CTP.

HSC indicated (Council Officer Report to Council 22 December 2020) reasons put to Council, and of Council's approval decision, for the changed "delivery method" and for progression to Planning Permit *for Stage One only*. These comprised or included:

- (a) That there is a "...higher degree of land manager scrutiny and public concern about trails located in the Regional Park"; and
- (b) That "... the emerging costs for vegetation offsets and other permits for a bulk of 100 kilometres of trails are more than originally estimated putting a strain on the projects budget."

It appears that items (a) and (b) comments comprise a degree of covertness and hide apparent CTP aspects that might actually *prove fatal* to the overall project. In relation to item (a), it appears that the Government approved LCC / VEAC Land Use Determinations for at least the Creswick Regional Park, if not for other Public Lands, may *legally preclude* the CTP's land use and development on certain particular land status areas. This aspect has previously been publicly put to HSC and to the Public Land Managers, but all have essentially failed and refuse to provide any appropriate and adequate responses. In relation to item (b), it appears that HSC has grossly miscalculated the full costs of the entire CTP, and that much, or a significant amount, of the proposed CTP may now be effectively regarded as "unfunded". It can be postulated that, using HSC's figures, the CTP might be up to 40% under-budgeted and or underfunded. There are therefore serious public questions to financial aspects of the CTP. We are also aware that HSC has applied *on several occasions* to Regional Development Victoria to alter the Regional Tourism and Infrastructure Fund (RTIF) grant secured by HSC for the CTP (of some \$2.56M). All public requests to HSC to provide information to the public to these ends have been refused. The public has made FOI applications but HSC appears to be thwarting these. We also have serious concerns to other financial aspects of the CTP, including the ongoing annual costs to HSC in future CTP management and maintenance, how long HSC will commit its' ratepayers funds to the CTP, and the need for a significant Public Land bond for full rehabilitation of the CTP trail should HSC withdraw from holding responsibility for the CTP.

- 2. I hereby formally submit significant public concerns on these matters, and make formal public submission and request for HSC to provide the following written responses and or provide the following information to the public:**
- (a) That HSC publicly provides its full reasons and full justification for Council's approval decision to progress to Planning Permit application for CTP "Stage One" *only*.
 - (b) That HSC publicly provides its full account of how progression to Planning Permit application for CTP "Stage One" *only* will not undermine and subvert proper and legal planning and assessment and other processes and will not impact or adversely affect or comprise injury to the public interest.
 - (c) That HSC publicly provides a full current and projected future financial statement for the CTP.
 - (d) That HSC publicly provides a full account of the issues of and around land manager scrutiny and public concern about trails located in the Regional Park.

HSC (Council Officer Report to Council 22 December 2020) has failed to properly and adequately outline and quantify and qualify the presence and extents of significant public land values including environment / biodiversity and historic / heritage and other values. HSC

also fails to do same for the impacts and impact extents that will likely occur to the Public Land and public land values from the CTP. In fact, it appears that HSC has deliberately glossed over or intentionally ignored these aspects. I submit that this causes, or has the potential to cause, significant injury to, and is against, the public interest.

3. **I hereby formally submit significant public concerns on this matter, and make formal public submission and request for HSC to publicly provide a full report outlining and evaluating all significant public land values present on the proposed CTP Public Lands, and their extents, and the full significant public land value impacts that may or will result from the CTP development.**

HSC (Council Officer Report to Council 22 December 2020) has failed to properly and adequately outline and recognize and evaluate legal Government approved Land Use Determinations and other legal constraints, or at least has not conveyed this information to the public. I submit that this causes, or has the potential to cause, significant injury to, and is against, the public interest.

4. **I hereby formally submit significant public concerns on this matter, and I make formal public submission and request to HSC, for HSC to publicly provide a full report outlining and evaluating the Government approved Land Use Determinations for each and all of the various differing Land Status Public Land areas that the CTP is proposed to be developed on, including formal and or legal determinations as to whether the CTP can be developed respectively on each Land Status area or not.**

There are significant public concerns to the many current illegally developed mountain bike tracks and current illegal off-road mountain bike use on the Public Lands at Creswick, including on Public Lands within the CTP proposed area. It is of significant public concern that HSC has formally proposed, in the CTP, to retrospectively incorporate and formalize and legalize some of these illegal tracks into the CTP trail. I submit that this may be considered to comprise unconscionable and unethical conduct. I have corresponded with HSC to this end, including seeking to know if HSC undertook any enforcement or compliance actions and or referred these illegal tracks to the responsible Authorities / Public Land Managers. HSC failed to adequately respond, instead advising that it was a matter for the Public Land Managers to address. I take it that HSC did *not* take any enforcement and compliance actions, and made *no* referrals, and effectively "*turned a blind eye*". I also sought HSC, as part of the CTP and its claimed public engagement, to identify and inform the public to the locations and extents of all illegally developed mountain bike tracks (including delineation of those that HSC proposes to incorporate into the CTP), but HSC has failed or refused to do so.

5. **I hereby formally submit significant public concerns on this matter, and I (again) make formal public submission and request to HSC, for HSC to publicly provide its full account of all illegal (or "unsanctioned") mountain bike tracks that HSC proposes to incorporate into the CTP trail.**

As part of HSC's recent determination and Council's approval to progress to a Planning Permit for "Stage One" of the CTP, HSC has recently "released" some information including plans of the CTP route but only for the proposed "Stage 1" CTP part, via the CTP website. These released plans are low resolution and are also substantially inadequate to enable the public any proper scrutiny and or to make accurate assessments or appraisals and evaluations. They also do not cover the entire CTP. As the CTP is located largely or entirely on Public Land, owned by all Victorian citizens, and that the CTP will likely cause significant impact to public land values and the public interest, the public has an inherent public interest right to be adequately informed, including to be fully informed to enable thorough planning permit public submissions to be made. To this end, I wrote and specifically asked HSC to publicly provide plans and survey plans and reports and land descriptions (refer to my letter dated 19 March 2020 – Appendix 2). HSC has failed to action my request. I again submit this request.

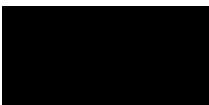
I advise that this matter is of significant public interest. I also advise that it is also of some apparent urgency, given that HSC apparently proposes to soon execute Council's approval decision to proceed to planning permit for HSC's concocted "Stage 1" of the CTP.

I hereby submit that HSC fully and urgently considers this public submission, and considers a full review of its CTP position.

I seek HSC to immediately confirm receipt of this submission, and to provide its full written responses in full address of all of the stated matters, as soon as is practically possible, in the public interest.

Thank you.

Yours sincerely




SUMMARY AND RAPID ADDRESS: HEPBURN SHIRE COUNCIL COUNCIL OFFICER REPORT AND COUNCIL APPROVAL (HSC COUNCIL MEETING 22 DECEMBER 2020) RE 1. CHANGE TO CRESWICK TRAILS PROJECT "DELIVERY METHODOLOGY" AND 2. PROGRESSION OF (ONLY) CTP "STAGE 1" TO COMMUNITY ENGAGEMENT AND PLANNING PERMIT APPLICATION .

[The Council Officer Report and subsequent HSC Council decision were apparently not first put to the public for public input, comment or submission. They were also put and determined in circumstances generally and largely "unknown" to the greater public at the time, three days before Christmas 2020.]

Council Meeting Minutes 22 December 2020 – Item 12.2 Creswick Trails – Project Progress Update Director Infrastructure and Development Services (Officer Report).

The Officer Report:

1. Declares to Council / Councillors that:

- (a) *"The detailed Design Alignments, proposed path, for the Creswick Trails as well as the suite of background reports and assessments are complete."*; and
- (b) Proposes *"... a change in delivery methodology in order to respond to key risks in the project"*, and that there is a *"... need for a new delivery methodology that responds to the timelines, complexity and the community's input."*; and
- (c) Proposes the delivery method to *"divide the project's 100 kilometres of trail into two stages" comprising "Stage One – 60 kilometres of trail north of Melbourne Road which is ready to progress to planning permit application, and Stage Two – 40 kilometres of trail south of Melbourne Road which requires more design, engagement and investigation before it proceeds"*; and
- (d) *"The recommended approach will achieve the original objectives of the project and is not expected to impact the project's external funding."*; and
- (e) *"OFFICER'S RECOMMENDATION. That Council: ... 3. Supports the progression of Stage One of the Creswick Trails to community engagement and a planning permit application pending an approved RDV variation."*; a Motion to this effect was made to Council and carried.

Submit: The HSC Officer Report's recommendations and Council's subsequent approval of a change of delivery of the CTP to a two-staged approach and that (only) Stage 1 progress to Planning Permit application are flawed and unconscionable, and undermine proper planning and assessment processes, and are against the public interest.

(Refer to "Rapid Appraisal of the HSC Council Officer Report" below for reasons to the above submit.)

2. Outlines and declares to Council / Councillors on the CTP's Background, and Key Issues, and Policy and Statutory Implications, and Governance Issues, and Sustainability Implications, and Financial Implications, and Risk Implications, and Community and Stakeholder Engagement.

Submit: The HSC Officer Report was demonstrably misrepresentative of many aspects of the CTP. The HSC Officer Report failed to provide a balanced account of the CTP, with apparent embellished accounts in favour of the CTP proposed development, and diminished or suppressed and inadequate accounts of the impacts that will occur to the Public Land on which the CTP is proposed and to significant public land values, and to the overall public interest. The HSC Officer Report failed to identify and consider significant and crucial matters. It is therefore considered that the HSC Officer Report is inadequately constructed, and (partly) misleading.

(Refer to "Rapid Appraisal of the HSC Council Officer Report" below for reasons to the above submit.)

Rapid Appraisal of the HSC Council Officer Report:

HSC Council Officer Report: Background:

- Outlines the background to the CTP. Essentially partly *confirms* (probably inadvertently) of various issues which are of public concern, and which comprise or will result in injury to the public interest. These issues include, in general terms: inappropriate autonomous HSC decision making, inappropriate objectives and directions, subversion of Government and Public Land policy and procedures and processes, inadequate or no application of required Public Land and public land values assessment and evaluation and planning standards and processes, inappropriate "railroading" through of the project, distinct lack of adequate and appropriate and true public consultation.

HSC Council Officer Report: Key Issues / Policy and Statutory Implications / Governance Issues / Sustainability Implications / Financial Implications / Risk Implications / Community and Stakeholder Engagement:

Discusses the CTP's formulated objectives, and outlines and emphasizes and highlights the CTPs claimed "benefits", whilst avoiding or downplaying the CTPs impacts. Only briefly mentions, and downplays, the "impacts" that HSC states "may" occur, and does *not* delineate and quantify and qualify these impacts. Continues to misrepresent the matter including further downplaying of impacts by claiming the trail alignments design *"has been fine tuned to avoid and minimise the impact"*, but then highlights claimed benefits by stating the trail will offer *"an exciting recreation asset for the Shire and the region"*. Appears to potentially misrepresent or mislead on the situation of "community engagement". Appears to have used a concoction of the figures for advantage, and used colourful language to paint a potentially "false positive" picture, such as including *"... the response was overwhelmingly positive, with a high degree of excitement for the project"*. Outlines the development of a suite of Background Reports and Draft Detailed Design Alignments, required as a mandatory

part of the planning permit application. The HSC Officer Report did not mention that HSC has however largely *refused* previous public requests for public provision of these final *and the earlier draft* reports and of other crucial information, including demonstrably thwarting public FOI requests. This inappropriately denies the public access to crucial information and inhibits the public's ability to be able to make fully informed submissions on any CTP planning permit. The HSC Officer Report outlines that the Planning Permit application will comprise of various reports, which are specified. It also purports that all of these reports will be publicly available in the next phase of community engagement – this appears not to be the case, with apparently not all of the specified documents being made publicly available. A public FOI request has also been made for these documents, which HSC appears to also be thwarting. The HSC Officer Report states and declares that mountain bike trails are “*an appropriate use*” of all of the “*land types*” (stated as mainly “*State Forest and pine plantation*” and “*Regional Park*”). HSC does not provide any elaboration on its claim of legal mountain bike trail development and use, including compliance to Government approved Land Use Determinations – which apparently preclude same. HSC also apparently confuses and has no apparent proper understanding of “*land status*” with HSC’s otherwise stated “*land tenure*” and “*land types*” – and by extension has to confuse and has no understanding of the associated Government approved Land Use Determinations. HSCs comments indicate apparent ignorance and are particularly of significant public concern. The HSC Officer Report states that two distinct sections of trail have “*emerged*”, as the basis for the now new “*staged delivery*” of the CTP – put to and approved by Council at Council’s meeting 22 December 2020. It appears that the HSC stated *reasons* for this include that: (a) there is a “*higher degree of land manager scrutiny and public concern about trails located in the Regional Park*”; and (b) “*... the emerging costs for vegetation offsets and other permits for a bulk of 100 kilometres of trails are more than originally estimated putting a strain on the projects budget.*” It appears that these items (a) and (b) comments are improperly of covert nature, and otherwise hide apparent CTP aspects that might *prove fatal* to the project. In relation to item (a), it appears that the Government approved LCC / VEAC Land Use Determinations for at least the Creswick Regional Park, if not for other Public Lands, may *preclude* the CTP land use and development. In relation to item (b), it appears that HSC has grossly miscalculated the full costs of the entire CTP, and that much, or a significant amount, of the proposed CTP may be described as effectively “*unfunded*”. HSCs proposal (and Council’s approval) of a “*staged*” approach, in both CTP development and in planning permit processes, appears to be a contrived and improper, and unconscionable, proposal and a deliberate effort to get at least part of the CTP developed. HSC states or implies that as only the development of Stage 1 is now proposed for the shorter term, then a Planning Permit is (thereby) only required for Stage 1. This is a false and misleading assertion. The *entire* CTP should be, and must be, put to Planning Permit and public processes, to test the entire CTP. If HSC wishes to develop any part of a CTP that is covered by an approved planning permit, such as a “*Stage 1*” part, then it would be free to do so. HSCs staged approach, apparently comprising also of a staged planning permit progression, will *subvert* proper and responsible and legal planning and assessment processes, will undermine the proper assessment of the entire CTP including the entire impacts that will occur, and is against the public interest. HSCs comments related to “*Stage 1*” as a tourism draw are irrelevant to legal planning and legal assessment and other, including other legal, issues. HSC claims that any costs for offsets, negotiations and permits “*will be included in the projects budget*” and that “*these processes are active and ongoing*”. The public has sought budgetary and financial information and status from HSC but HSC has refused same. The public then has made FOI request to HSC for same, but HSC has failed to process the FOI request within the statutory time frame, and appears to be thwarting the FOI request. It is unknown if Council (Councillors) have been fully briefed on the financial particulars of the CTP. There are also significant other financial aspects to the CTP which HSC has apparently not addressed, and is apparently avoiding including not having responded to public inquiries and referrals. These include the ongoing annual costs to HSC in future management and maintenance of the CTP, how long HSC will commit its’ ratepayers funds to the CTP, the need for a significant Public Land bond for full rehabilitation of the CTP should HSC withdraw from holding CTP responsibility. The HSC Officer Report on “*Financial Implications*” fails to outline and address the full nature of all financial aspects in relation to the CTP, including on current and future ratepayer imposts. The HSC Officer Report has significantly, and likely deliberately, failed to outline and address all HSC Policy and Statutory implications. The HSC Officer Report on “*Sustainability Implications*” appears to be from substantially inadequate, and contrived. It does not properly nor adequately quantify and qualify the environmental and heritage and other impacts. HSC states that its HSC “*detailed risk assessment*” of the CTP is “*currently a working document*”. I suspect that this is a deliberate statement of claim, to not provide this report to the public and to stymie any public FOI requests. It is totally improper and against the public interest for HSC to propose a project on Public Land, using public monies, and to go to planning permit process, whilst keeping the project’s risks “*secret*” and actively denying the provision of this information to the public. Regarding Community and Stakeholder Engagement, the CTP was autonomously determined at its beginning by HSC. The concept was never initially put to the public. Since then, HSC has been “*railroading*” through the CTP. All subsequent “*community engagement*”, to which HSC spouts, has been entirely confined to “*how the CTP will be developed*”. HSC has recently released information as part of its Planning Permit progression for *Stage 1*. This information comprises maps (i.e. for *Stage One area only*) and Specialist Reports (e.g. written for the *entire CTP area*). The maps are low resolution and or otherwise difficult to properly interpret. It is also particularly difficult for the public to effectively scrutinize and decipher the important, key and crucial aspects and information from the Specialist reports for these differing area sets of data. In many cases it is *virtually impossible* to differentiate and decipher and apply and reconcile the values and attributes (e.g. for species, distributions, natural and heritage or natural values, tree numbers, offset areas, etc.) in the Specialist Reports with HSC’s recently concocted Stage One and Stage Two areas. The Specialist Reports have apparently also been developed over time, and apply to and were written for the entire CTP, and were likely not envisaged to have to be interpreted for subset areas (such as HSC’s recently determined Stage One area). *HSC’s proposal to proceed to planning permit, only for Stage One, is therefore grossly inadequate in this respect, and particularly denies the public its rights and the ability to be able to exercise adequate and proper public assessment and public scrutiny.*

EMAIL: 

10 September 2019

CEO & ALL COUNCILLORS
 HEPBURN SHIRE COUNCIL
 PO BOX 21
 DAYLESFORD VIC 3460
shire@hepburn.vic.gov.au

Dear Sirs / Madams.

RE CRESWICK TRAILS PROJECT – MOUNTAIN BIKES

I am a member of the Victorian public and act for and on behalf of other Victoria citizens in the public interest. I am writing to publicly inform, and to publicly seek information from, the Hepburn Shire Council in relation to the Creswick Trails Project, to which Council is apparently the (primary or sole) proponent. The land on which the Creswick Trails Project is proposed includes high level and significant Public Land including the Creswick Regional Park.

I publicly advise Council of many public concerns to the Creswick Trails Project, both in terms of the Project itself and its potential impacts, and in the processes of the Project's procurement and development. In particular, I advise Council to the following aspects and seek Council's full written public advice responses and full public provision of requested information. I also register my interim formal public objections and complaints to these matters. I currently believe that proper land use planning and processes appear clearly not to have been followed, that adequate public information provision and consultation appears substantially inadequate to non-existent, and that there have been, and apparently will be further, significant and unconscionable, and intolerable, environmental and other public land value impacts if this Project proceeds.

1. Victorian Government / Regional Development Victoria (RDV) funding (Regional Tourism and Infrastructure Fund (RTIF)) – 2.56 million dollars.

I understand that Hepburn Shire Council has apparently procured about \$2.56M in funding or grant money from the Victorian Government via RDV, for the Creswick Trails Project. I publicly seek Council to acknowledge and confirm this.

I further publicly seek:

- (a)** Complete copies of Council's (or others') Project Proposal documents, including
- Council's/Council Officers' internal Project Proposal evaluation and decision reports;
 - RDV funding/grant application/procurement documents;
 - Council's projected inputs documents of its own (ratepayer) funds;
 - project budget documents including projected costs/expenditure and returns;
 - project feasibility/assessment/evaluation/constraints reports;
 - RDV Project delivery objectives, evaluation, products/outputs, timeframes, and funding/grant acquittals documents.

2. Creswick Trails Master Plan.

I understand that Hepburn Shire Council commissioned the development of a Creswick Trails Master Plan - entitled "*Trail Master Plan – Creswick, Victoria (Dirt Art Pty Ltd, 2015/2016)*". I also understand that some members of the public have since been told that this Master Plan version has been "scrapped", and that another updated version is being, or has been, developed – although I have not seen anything on websites to indicate or verify this. I publicly seek Council to acknowledge and confirm this.

I further publicly seek:

(a) Council's full public advices and clarification and confirmation as to whether the Master Plan version "*Trail Master Plan – Creswick, Victoria (Dirt Art Pty Ltd, 2015/2016)*" is still current, or whether it has been scrapped, either entirely or in part; if scrapped, in whole or in part, I publicly seek Council to publicly advise and clarify same, and to publicly provide any updated versions or parts thereof.

(b) Council's full provision of any and all background reports to the Master Plan (including but not limited to: land use planning, environmental assessment, flora and fauna, Aboriginal and non-Aboriginal cultural heritage, public recreation, and public land value assessment/evaluation/impact reports).

(c) Council's full provision of the tender/contract documents to Dirt Art Pty Ltd for the Master Plan, including all of Council's terms of reference, objectives, and directives.

(d) Council's provision of the full costs of the Master Plan, and identification of funding and break down, including an account of Council contributed ratepayers money (for both the Master Plan document and in administrative costs).

(e) Council's public advice as to, and Council's public provision of, any and all plans and reports of proposed routes or re-defined routes that Council staff have purportedly further developed outside the Master Plan that are apparently claimed "*would avoid all those areas known to be ecologically and historically significant*" to inform a proposed Planning Permit so that "*the planning permit will be nothing more than a formality*".

(f) Council's public advice as to, and Council's public provision of, any and all environmental and flora and fauna and cultural heritage and other reports that are purportedly currently being, or have recently been, developed to inform the Master Plan and/or any Planning Permits and/or any other planning processes, including all of Council's terms of references, objectives, and directives for these reports.

3. Creswick Trails Project Governance Agreement (circa 2018).

I understand that a Project "Governance Agreement" was supposedly developed and "signed by all six land owners" in circa 2018. I publicly seek Council to acknowledge and confirm this.

I further publicly seek:

(a) Council's public provision of a copy of this agreement, and any amendments that may have subsequently occurred.

4. Illegally Developed Mountain Bike Trails.

I understand there are many kilometres of *informally and illegally developed mountain bike tracks* within the Master Plan area, including apparently on Public Land including the high level Creswick Regional Park. The Trail Master Plan – Creswick, Victoria (Dirt Art Pty Ltd, 2015/2016) - Council's own commissioned report – *actually identifies* the presence of these illegally developed trails: "*A large volume of informal trails has been developed by volunteers with varying levels of formality.*" I strongly publicly object and make formal public complaint on these illegal track developments, and particularly those apparently by VOGA Cycle Club members or others associated with the Creswick Trails Project. There has been illegal native vegetation removal, potential negative impacts to FFG Act and EPBC Act listed and protected threatened species and their habitats, impacts to cultural heritage sites, etc. The Master Plan document also did not provide any plans or identification or delineation or assessment of these illegal tracks. I also publicly object to any proposals in the Master Plan to retrospectively "condone" or "approve" or "legitimize" these illegal tracks, or to attempt to otherwise pass them off as "existing tracks". Such condoning, approval, legitimization or passing off constitutes unconscionable conduct and contrary and detrimental to the public interest. I publicly seek Council to acknowledge and confirm this.

I further publicly seek:

(a) Council's acknowledgement of its awareness of these illegal tracks; Council's advice as to whether it was involved in, approved, or condoned these illegal tracks in any way; Council's advice as to why these illegal tracks have been otherwise "recognised" in Council's commissioned Master Plan; Council's public assurances that Council will not attempt to unconscionably retrospectively "approve" or "condone" these illegal tracks; and Council's full public advices as to what enforcement or compliance actions it has taken to date (e.g. under the Planning and Environment Act).

(b) Council's full public advices as to what enforcement and compliance actions it will now take to address these illegal tracks, including with a view to full environmental rehabilitation and restoration (e.g. under the Planning and Environment Act).

(c) Council to publicly provide full identification and delineation and assessment and plans of all these illegally developed tracks, and to enable and enact full restoration and rehabilitation with timeframes.

5. Tender – Creswick Trails Project – Trail Development Plan (TDP) for 100km Mountain Bike Trail Network (Tender No.383533). Issued by Hepburn Shire Council.

I understand that Council recently offered this tender, which closed on 10 May 2019. I publicly seek Council to acknowledge and confirm this.

I further publicly seek:

(a) Council to fully advise and verify how a tender for the TDP can be let *before*:

- formal and legal planning and statutory approvals and processes have been determined.
- formal and adequate public consultation has taken place, particularly for high level Public Land.

(b) Council's full provision of the tender/contract documents for Tender 383533, including all of Council's terms of reference, objectives, and directives.

6. Tender – Creswick Trails Project – Bushfire Management Statement (Tender No.386990). Issued by Hepburn Shire Council.

I understand that Council recently offered this tender, which closed on 13 June 2019. I publicly seek Council to acknowledge and confirm this.

I further publicly seek:

(a) Council to fully advise and verify how a tender for a Bushfire Management Statement can be let *before*:

- formal planning and statutory approvals and processes have been determined.
- formal and adequate public consultation has taken place, particularly for high level Public Land.

(b) Council's full provision of the tender/contract documents for Tender 386990, including all of Council's terms of reference, objectives, and directives.

7. RACV Goldfields Resort Creswick– Resort Mountain Bike Constructed Infrastructure – Statutory Planning / Approvals: Planning Permit and Other Statutory Requirements.

I understand that the RACV Goldfields Resort at Creswick has recently developed mountain bike trails on its freehold land. I publicly seek Council to acknowledge and confirm this.

I further publicly seek:

(a) Complete copies of Council's issued Planning Permit including required Planning and Environment Act and other statutory referrals, native vegetation removal offsets and other statutory requirements, including all consents and approvals, which legally allowed this development.

(b) If there are no documents as per 7(a), I seek Council's full explanation to this situation – including the legal / illegal status of the trail development, and how Council will publicly address this matter in terms of enforcement and compliance.

I seek Council to register my name and contact details and to inform me immediately if and when a Planning Permit or any other planning processes for the Creswick Trails Project may be applied for and publicly advertised. I publicly seek Council to acknowledge and confirm this. I seek Council to acknowledge receipt of this submission/referral/complaint letter within 7 days and to fully respond within 21 days from the date of this letter. Digital responses and documents are preferred, and can be sent to my email address at the head of this letter. Otherwise, hardcopy material may be sent by post to the above postal address.

Thank you.

Yours sincerely

██████████

EMAIL: [REDACTED]

30 September 2020.

[REDACTED]

Dear [REDACTED]

RE: "CRESWICK TRAILS PROJECT" (CTP)– MOUNTAIN BIKES: CRESWICK AREA PUBLIC LAND (INCLUDING CRESWICK REGIONAL PARK) – CONTINUING PUBLIC SUBMISSION AND COMPLAINT.

I refer to previous correspondence in relation to the proposed Creswick Trails Project (CTP), a Hepburn Shire Council (HSC) devised and led proposal, and including in relation to unauthorised / illegal mountain bike track construction and mountain bike use, on Creswick Public Lands. In particular I refer to:

- (a) my letter dated 11 December 2019 to Mr Bradley, and Mr Bradley's response letter dated 22 January 2020 (DELWP Ref: SEC014505).
- (b) my letter dated 3 February 2020 to Mr Bradley, and the response letter from Ms Alison McFarlane Regional Director Grampians dated 6 March 2020 (DELWP Ref: SEC014564).

I advise that Ms McFarlane's response letter of 6 March 2020 was substantially inadequate in address of the matters I have (continually) raised and of public questions I have asked and information I have sought in my previous letters, and I hereby now make a further formal public complaint. Ms McFarlane otherwise advised that she was "*satisfied that many of the matters you raise have been answered in previous DELWP correspondence*". I substantially disagree with that view. In effect, DELWP is substantially failing and or refusing to provide information to the public on this *very significant public interest matter*. There appears to be very little or limited DELWP public transparency and accountability, with tones of a "cover up".

I also refer you to the "*DELWP community charter – Our promise to you*". I particularly refer to the sections of the charter of "Accessibility" and "Honesty and transparency" and "Clarity and purposefulness". I put it to you that DELWP has failed to comply to its' own charter in relation to properly and adequately advising and informing the public on the CTP. I also advise that we the public were subsequently forced to submit FOI applications to DELWP to try to obtain information that should have otherwise been provided, but was not. However DELWP has apparently then proceeded to thwart our FOI applications.

I again publicly submit and again make public complaint to DELWP's apparent disregard for its statutory and public duties and other obligations, including apparent inadequate actions in the proper and adequate and diligent administration and management and protection of Creswick area Public Lands and their significant public land values, and which is against the public interest.

I *again* submit previous (and some new) submissions and public complaints, and now (or again) seek DELWP's *full and complete public advices* to and *full public provision* of requested information on all of the following (including, where appropriate, the provision of key documents) – in the public interest:

1. I seek DELWP provision of and advices on: DELWP's full assessment(s) of all of the CTP area Creswick Public Lands, including all of these Creswick Public Lands' identified public land values and significance levels. (Complete information outlining what assessments have been undertaken by DELWP and when / dates, including provision of the digital or hard copies of such DELWP assessments, are required; if DELWP has not undertaken any such assessments, I seek DELWP to then otherwise confirm that it has not done so).
2. I seek DELWP provision of and advices on:
 - (a) DELWP's full assessment of the CTP itself, including the full identification and evaluation of the public land values impacts and other public impacts that may occur if the CTP is developed; and
 - (b) DELWP's documents comprising its decision making, reasoning and evaluation, and "interim approval" (in DELWP signing the Hepburn Shire Council (HSC) CTP MOU Governance Agreement), which allowed HSC to proceed and to progress the CTP to a Planning Permit stage or process.

3. I seek DELWP's advices including documents comprising its key consents and approvals and requirements and directives (and dates of same) provided to HSC for the CTP, including:

- (a) for HSC to have been able to initially apply to Regional Development Victoria for a Regional Tourism and Infrastructure Fund Grant for the CTP on Creswick Public Lands; and
- (b) for HSC to develop the CTP planning and background reports (including Environmental / Flora and Fauna / Heritage etc.);

and

- (c) for HSC to undertake CTP public consultation and the standards of same; and
- (d) for HSC to apply to itself for a Planning Permit for the CTP.

4. I seek DELWP provision of and advices on: DELWP's *unequivocal position* on illegally developed mountain bike tracks and illegal off-road mountain bike use in Creswick Public Lands, including in relation to the proposed CTP. HSC has proposed, and apparently DELWP supports, the *inclusion of existing illegally developed mountain bike tracks into the CTP trail network*. This is improper, unethical and unconscionable, and is against the public interest. To the matter of illegal mountain bike track development and illegal off-road mountain bike use, I hereby publicly seek and demand DELWP written responses to the following:

(a) That DELWP fully acknowledges and concurs that the proposed incorporation of illegally developed mountain bike tracks into the CTP is *improper, unethical and unconscionable*, and is *against the public interest*. If DELWP disagrees, I seek DELWP to publicly provide its full reasons and justifications why it so disagrees.

(b) That DELWP fully advises the public as to what actions DELWP actually took, and what material outcomes were achieved (including which illegal mountain bike tracks have been closed), in response to my letter of 11 December 2019 (which included provision to DELWP of evidence), and Mr Bradley's response letter dated 21 January 2020, in relation to DELWP's address of illegal mountain bike track development and illegal off-road mountain bike use in the proposed CTP area of Public Lands.

(c) Further to items (a) and (b), I now also provide further evidence to DELWP's apparent lack of enforcement and compliance against illegal mountain bike track development and illegal mountain bike off-road use in the CTP area of Public Lands. This new evidence comprises of the TrailForks website (<https://www.trailforks.com/region/creswick/>), which includes the detailing and effective "advertising and promotion" of illegal mountain bike tracks and use on Public Lands in the Creswick area. (I attach an "overview" plan of many of the illegal tracks outlined on the TrailForks website). TrailForks provides greater detail on all of these illegal tracks, including that they are being regularly used including rider logs. TrailForks also clearly details that most of these tracks are *illegal* – "*This trail is unsanctioned, use at your own risk!*" - ! TrailForks also advises in some instances that there are *safety concerns* – such as the need to look out for mine shafts etc. - ! I hereby submit a formal public referral and complaint, including submitting that DELWP must immediately address and enact appropriate enforcement and compliance, including in stopping environmental and other impacts and in terms of public safety, on *all* of these TrailForks outlined illegal mountain bike tracks and illegal mountain bike use to which DELWP has responsibility. I also seek DELWP to fully advise the public in writing to what actions it will undertake in this respect, together with timelines. I also again seek DELWP to fully advise the public to the extent of all illegal mountain bike tracks on Public Lands in the Creswick area under DELWP responsibility (including but not limited to the TrailForks identified illegal tracks) e.g. including in plan form.

5. In regards to my public FOI applications that have been submitted to DELWP in 2020 on this CTP matter, and to which DELWP has partly apparently thwarted and or denied, I seek that DELWP reviews its position and decisions on all of these FOI applications, and now provides all of the requested information, in *good faith*. I seek DELWP's confirmation and full advices to this end.

I publicly seek DELWP's full written response within 14 days from the date of this letter, or its advice if further time is required. As previously advised, this matter is of **very high public concern and interest**, and I seek DELWP's acknowledgement to same. I also advise that if DELWP continues to fail to undertake adequate actions and to provide adequate public responses, I will refer the matter as a public complaint to the Victorian Government Ombudsman.

Thank you.

Yours sincerely



EMAIL: [REDACTED]

11 September 2019

MS [REDACTED]
 REGIONAL DIRECTOR
 DELWP
 402 MAIR STREET
 BALLARAT VIC 3350.
 [REDACTED]

Dear Ms Ferguson.

RE CRESWICK TRAILS PROJECT – MOUNTAIN BIKES: CRESWICK AREA PUBLIC LAND

I am a member of the Victorian public and act for and on behalf of other Victoria citizens in the public interest. I am writing to publicly inform, and to publicly seek information from, DELWP in relation to the Creswick Trails Project, to which the Hepburn Shire Council is apparently the (primary or sole) proponent. The land on which the Creswick Trails Project is proposed includes high level and significant Public Land including the Creswick Regional Park and other Crown land areas.

I publicly advise DELWP of many public concerns to the Creswick Trails Project, both in terms of the Project itself and its potential impacts, and in the processes of the Project's procurement and development. I have separately already publicly advised and complained to Hepburn Shire Council to many of these aspects, and have sought Council's written public advice responses and public provision of requested information. (Refer to the attached copy of my letter to Council dated 10 September 2019).

I now hereby advise and register my formal public concerns on these matters to DELWP. I currently believe that proper land use planning and processes appear clearly not to have been followed, that adequate public information provision and consultation appears substantially inadequate to non-existent, and that there have been, and apparently will be further, significant and unconscionable, and intolerable, environmental and other public land value impacts to Public Land under DELWP management or interests if this Project proceeds.

I also seek DELWP's detailed comments and responses to (and public provision of any relevant background advices and information on) the following:

1. My letter sent to Hepburn Shire Council dated 11 September 2019, and the identified public issues and concerns therein.
2. What DELWP's current position is on the proposed Creswick Trails Project and the processes of procurement and development, including the Master Plan, any background assessment and evaluation reports, impacts to Public Land and to significant public land values, and community consultation. (I also seek to know whether DELWP is a signatory to the Hepburn Shire Council's "Creswick Trails Project Governance Agreement", or any other agreements or understandings Parks Victoria may have entered into; if so, I request copies if possible).
3. Whether and how the Creswick Trails Project complies with and conforms to Government approved Land Use Planning Determinations (e.g. LCC Melbourne District 1 Review 1987, ECC Statewide Assessment of Public Land Final Report 2017, etc.) and any other relevant Government and DELWP policies, plans and prescriptions. (I submit that the development of a formal dedicated extensive single or primary-purpose single or primary user group built permanent recreation facility including for organized groups or organized sporting activities (that is, this proposed mountain bike trail) is NOT "informal recreation" and is therefore **contrary** to Government approved Land Use Determinations and their intents for Regional Parks / Creswick Regional Park. I seek DELWP's position as to whether it agrees and concurs with this position, or, if otherwise, that DELWP states otherwise with full reasons.)
4. Whether DELWP is aware of the extent of the current informal and illegal mountain bike track development and use, the impacts to public land values that have occurred, and the potential breaches of various statutes (e.g. P&E Act, FFG Act, EPBC Act, Heritage Act, Aboriginal Heritage Act, Native Title Act, etc.). (It is also requested that DELWP provides any information it has at hand identifying the current extent of these illegal tracks, and the potential extent and significance of Public Land and public land value resultant impacts.)
5. What enforcement and compliance or other actions DELWP has undertaken to date on any illegal mountain bike track development and use or related activities in this area, and what future enforcement and compliance or other actions DELWP anticipates it will be undertaking (if possible specifying all statutes that have been or appear to have been breached, and which of these will be actioned).

I would appreciate DELWP's acknowledgement of receipt of this submission/referral within 7 days and its full response within 21 days from the date of this letter. I advise that digital responses are preferred and may be forwarded by email, or hardcopy material may otherwise be sent, by post to the addresses at the head of this letter.

Thank you.

Yours sincerely

A solid black rectangular box used to redact the signature of the sender.

EMAIL: [REDACTED]

31 October 2020

Mr [REDACTED]
 CEO Parks Victoria
 Level 10
 535 Bourke Street
 MELBOURNE VIC 3000.

Dear [REDACTED]

RE: "CRESWICK TRAILS PROJECT" (CTP)– MOUNTAIN BIKES: CRESWICK AREA PUBLIC LAND (INCLUDING CRESWICK REGIONAL PARK) – CONTINUING PUBLIC SUBMISSION AND COMPLAINT.

I refer to previous correspondence in relation to the proposed Creswick Trails Project (CTP), a Hepburn Shire Council (HSC) devised and led proposal, and including in relation to unauthorised / illegal mountain bike track construction and mountain bike use, on Creswick Public Lands. In particular I refer to my letter dated 1 March 2020 to the Minister The Hon. Lily D'Ambrosio, my letter dated 25 May to you, and your response letter dated .17 June 2020.

I advise that your response was substantially inadequate in addressing all of the matters I have (continually) raised and of public questions I have asked and information I have sought in my previous letters, and I hereby now make a further formal public complaint. To this end I also make particular complaint to the matter of the unsanctioned and illegal development of mountain bike tracks and off-road mountain bike use on Creswick Public Lands including the Creswick Regional Park.

I also refer to your "explanation" regarding Parks Victoria's failure to provide requested information to the public, including through FOI applications processes that the public have been forced to undertake. I substantially disagree with the view you have presented in response. I now also advise that further FOI applications to Parks Victoria have been made, yet these too have been thwarted and denied. In effect, Parks Victoria is failing and or refusing to provide any information to the public on this *very significant public interest matter*. There appears to be very little if any Parks Victoria public transparency and accountability, with tones of a potentially significant "cover up".

I also advise that we the public have been effectively forced to submit FOI applications to Parks Victoria to try to obtain information that *should have otherwise been publicly provided, but was not*. However Parks Victoria has apparently then proceeded to thwart our FOI applications.

I again publicly submit, and again make public complaint, to Parks Victoria's apparent disregard for its statutory and public duties and other obligations, including apparent inadequate actions in the proper and adequate and diligent administration and management and protection of Creswick area Public Lands and their significant public land values under Parks Victoria's control. I submit that this is against the public interest.

I *again* submit previous (and some new) submissions and public complaints, and now (or again) seek Parks Victoria's *full and complete public advices* to and *full public provision of requested information* on all of the following (including, where appropriate, the provision of key documents) – in the public interest:

1. I seek Parks Victoria's provision of and advices on: Parks Victoria's full assessment(s) of all of the CTP area Creswick Public Lands under Parks Victoria control, including all of these Creswick Public Lands' identified public land values and significance levels. (Complete information outlining what assessments have been undertaken by Parks Victoria and when / dates, including provision of the digital or hard copies of such Parks Victoria assessments, are required; if Parks Victoria has not undertaken any such assessments, I seek Parks Victoria to then otherwise confirm that it has not done so).
2. I seek Parks Victoria provision of and advices on:
 - (a) Parks Victoria's full assessment of the CTP itself, including the full identification and evaluation of the public land values impacts and other public impacts that may occur if the CTP is developed; and
 - (b) Parks Victoria's documents comprising its decision making, reasoning and evaluation, and "interim approval" (in Parks Victoria signing the Hepburn Shire Council (HSC) CTP MOU Governance Agreement), which allowed HSC to proceed and to progress the CTP to a Planning Permit stage or process.
3. I seek Parks Victoria's advices including documents comprising its key consents and approvals and requirements and directives (and dates of same) provided to HSC for the CTP, including:

(a) for HSC to have been able to initially apply to Regional Development Victoria for a Regional Tourism and Infrastructure Fund Grant for the CTP on Creswick Public Lands under Parks Victoria control; and

(b) for HSC to develop the CTP planning and background reports (including Environmental / Flora and Fauna / Heritage etc.); and

(c) for HSC to undertake CTP public consultation and the standards of same; and

(d) for HSC to apply to itself for a Planning Permit for the CTP.

4. I seek Parks Victoria provision of and advices on: Parks Victoria's *unequivocal position* on illegally developed mountain bike tracks and illegal off-road mountain bike use in Creswick Public Lands under Parks Victoria control (including the Creswick Regional Park), including in relation to the proposed CTP. HSC has proposed, and apparently Parks Victoria supports, the *inclusion of existing illegally developed mountain bike tracks into the CTP trail network*. This is improper, unethical and unconscionable, and is against the public interest. To the matter of illegal mountain bike track development and illegal off-road mountain bike use, I hereby publicly seek and demand Parks Victoria's written responses to the following:

(a) That Parks Victoria fully acknowledges and concurs that the proposed incorporation of illegally developed mountain bike tracks into the CTP is *improper, unethical and unconscionable*, and is *against the public interest*. If Parks Victoria disagrees, I seek Parks Victoria to publicly provide its full reasons and justifications why it so disagrees.

(b) That Parks Victoria fully advises the public as to what actions Parks Victoria actually took, and what material outcomes were achieved (including which illegal mountain bike tracks have been closed), in response to my previous letters and in relation to other public letters.

(c) Further to items (a) and (b), I now also provide further evidence to Parks Victoria's apparent lack of enforcement and compliance against illegal mountain bike track development and illegal mountain bike off-road use in the CTP area of Public Lands. This new evidence comprises of the TrailForks website (<https://www.trailforks.com/region/creswick/>), which includes the detailing and effective "advertising and promotion" of illegal mountain bike tracks and use on Public Lands in the Creswick area. (I attach an "overview" plan of many of the illegal tracks outlined on the TrailForks website). TrailForks provides greater detail on all of these illegal tracks, including that they are being regularly used including rider logs. TrailForks also clearly details that most of these tracks are *illegal* – "*This trail is unsanctioned, use at your own risk!*" - ! TrailForks also advises in some instances that there are *safety concerns* – such as the need to look out for mine shafts etc. - ! I hereby submit a formal public referral and complaint, including submitting that Parks Victoria must immediately address and enact appropriate enforcement and compliance on any lands under its control, including in stopping environmental and other impacts and in terms of public safety, on *all* of these TrailForks outlined illegal mountain bike tracks and illegal mountain bike use to which Parks Victoria has responsibility. I also seek Parks Victoria to fully advise the public in writing to what actions it will undertake in this respect, together with timelines. I also again seek Parks Victoria to fully advise the public to the extent of all illegal mountain bike tracks on Public Lands in the Creswick area under Parks Victoria responsibility (including but not limited to the TrailForks identified illegal tracks) e.g. including in plan form.

5. In regards to my public FOI applications that have been submitted to Parks Victoria in 2020 on this CTP matter, and to which Parks Victoria has apparently thwarted and or denied, I seek that Parks Victoria immediately reviews its position and decisions on all of these FOI applications, and now provides all of the requested information, in *good faith, in the public interest*. I seek Parks Victoria's confirmation and full advices to this end.

I publicly seek Parks Victoria's full written response within 14 days from the date of this letter, or its advice if further time is required. As previously advised, this matter is of **very high public concern and interest**, and I seek Parks Victoria's acknowledgement to same. I also advise that if Parks Victoria continues to fail to undertake adequate actions and to provide adequate public responses, I will refer the matter as a public complaint to the Victorian Government Ombudsman.

Thank you.

Yours sincerely



EMAIL: [REDACTED]

11 September 2019

MS [REDACTED]
 AREA CHIEF RANGER
 PARKS VICTORIA
 402 MAIR STREET
 BALLARAT VIC 3350.

Dear [REDACTED]

RE CRESWICK TRAILS PROJECT – MOUNTAIN BIKES

I am a member of the Victorian public and act for and on behalf of other Victoria citizens in the public interest. I am writing to publicly inform, and to publicly seek information from, Parks Victoria in relation to the Creswick Trails Project, to which Council is apparently the (primary or sole) proponent. The land on which the Creswick Trails Project is proposed includes high level and significant Public Land including the Creswick Regional Park.

I publicly advise Parks Victoria of many public concerns to the Creswick Trails Project, both in terms of the Project itself and its potential impacts, and in the processes of the Project's procurement and development. I have separately already publicly advised and complained to Hepburn Shire Council to many of these aspects, and have sought Council's written public advice responses and public provision of requested information. (Refer to the attached letter copy of my letter to Council dated 10 September 2019).

I also now advise and register my formal public concerns on these matters to Parks Victoria. I currently believe that proper land use planning and processes appear clearly not to have been followed, that adequate public information provision and consultation appears substantially inadequate to non-existent, and that there have been, and apparently will be further, significant and unconscionable, and intolerable, environmental and other public land value impacts to Public Land under Parks Victoria's management control if this Project proceeds.

I also seek Parks Victoria's detailed comments and responses to (and public provision of any relevant background information on) the following:

1. My letter dated 11 September 2019 and its' contents of identified public issues and concern, sent to Hepburn Shire Council.
2. What Parks Victoria's current position is on the proposed Creswick Trails Project and its processes of procurement and development, including the Master Plan, any background assessment and evaluation reports, impacts to Public Land and to significant public land values, and community consultation. (I also seek to know whether Parks Victoria is a signatory to the Hepburn Shire Council's "Creswick Trails Project Governance Agreement", or any other agreements or understandings Parks Victoria may have entered into; if so, I request copies if possible).
3. Whether and how the Creswick Trails Project complies with and conforms to Government approved Land Use Planning Determinations (e.g. LCC Melbourne District 1 Review 1987, ECC Statewide Assessment of Public Land Final Report 2017, etc.) and related Government and Parks Victoria policies and prescriptions. (I submit that the development of a formal dedicated extensive single or primary-purpose single or primary user group built recreation facility for organized groups or sporting activities (that is, this proposed mountain bike trail) NOT informal recreation and is therefore **contrary** to Government approved Land Use Determinations and their intents for Regional Parks / Creswick Regional Park. I seek Parks Victoria's position as to whether it concurs with this position, or if otherwise to state same with full reasons.)
4. Whether Parks Victoria is aware of the extent of the current informal and illegal mountain bike track development and use, the impacts to public land values that have occurred, and the potential breaches of various statutes (e.g. P&E Act, FFG Act, EPBC Act, Heritage Act, Aboriginal Heritage Act, Native Title Act, etc.). (It is also requested that Parks Victoria provides information it has at hand identifying the current extent of these illegal tracks, and the potential extent and significance of Public Land and public land value resultant impacts.)
5. What enforcement and compliance or other actions Parks Victoria has undertaken to date, and what future enforcement and compliance or other actions Parks Victoria anticipates it will be undertaking (specifying all statutes that have been breached, and which of these will be actioned).

ATTACHMENT 10.1.5

I would appreciate Parks Victoria acknowledging receipt of this submission/referral letter within 7 days and to fully respond within 21 days from the date of this letter. Digital responses may be forwarded by email or hardcopy material may be sent by post to the addresses at the head of this letter.

Thank you.

Yours sincerely

A solid black rectangular box used to redact the signature of the sender.

EMAIL: 

4 October 2019

Officer in Charge
Central Highlands Water
Ballarat Office
PO Box 152
BALLARAT VIC 3353.

Dear Sir/Madam.

RE CRESWICK TRAILS PROJECT – MOUNTAIN BIKES: CRESWICK AREA PUBLIC LAND

I am a member of the Victorian public and act for and on behalf of other Victoria citizens in the public interest. I am writing to publicly inform, and to publicly seek information from, Central Highlands Water in relation to the Creswick Trails Project, to which the Hepburn Shire Council (HSC) is apparently the (primary or sole) proponent. The land on which the Creswick Trails Project is proposed includes high level and significant Public Land including the Creswick Regional Park, and land that comes under the management control or interests of Central Highlands Water.

I publicly advise Central Highlands Water of many public concerns to the Creswick Trails Project, both in terms of the Project itself and its potential impacts and risks, and in the processes of the Project's procurement and development. I have separately already publicly advised and complained to HSC to many of these aspects, and have sought HSC's written public advice responses and public provision of requested information. (Refer to the attached copy of my letter to Council dated 10 September 2019). To date there has been no substantive response from HSC. I hereby make and register the same public complaint on and objection to the project with Central Highlands Water, to which I seek Central Highlands Water's written acknowledgement.

I now hereby advise and register my formal public concerns on these matters to Central Highlands Water. I currently believe that proper land use planning and processes appear clearly not to have been followed, that adequate public information provision and proper consultation appears substantially inadequate to non-existent, and that there have been, and apparently will be further, significant and unconscionable, and intolerable, environmental and other public land value impacts to Public Land and public risks including under Central Highlands Water's management control or interests if this Project proceeds.

I also seek Central Highlands Water's detailed comments and responses to (and public provision of any relevant advices and background information on) the following:

1. My letter sent to Hepburn Shire Council dated 11 September 2019, and the identified public issues and concerns therein.
2. What Central Highland Water's current position is on the proposed Creswick Trails Project and the processes of procurement and development, including the Master Plan, any background assessment and evaluation reports, impacts to Public Land and to significant public land values, public and other risks, and community consultation. (I also seek to know whether Central Highlands Water is a signatory to the HSC's "Creswick Trails Project Governance Agreement", or any other agreements or understandings Central Highlands Water may have entered into; if so, I request copies if possible).
3. Whether and how the Creswick Trails Project complies with and conforms to any and all Government approved Land Use Planning Determinations and any other relevant Government and Central Highland Water's policies, plans and prescriptions, including for public risk.
4. Whether Central Highlands Water is aware of the extent of the current informal and illegal mountain bike track development and use, the impacts to public land values that have occurred, and the potential breaches of various statutes (e.g. P&E Act, FFG Act, EPBC Act, Heritage Act, Aboriginal Heritage Act, Native Title Act, etc.). I also seek Central Highlands Water's advice as to the impacts to its operational, management, risk and other values and interests. I also request that Central Highlands Water provides any information it has at hand identifying the current extent of these illegal tracks, and the potential extent and significance of Public Land and public land value resultant impacts, and operational and management impacts and risks.
5. What enforcement and compliance or other actions Central Highlands Water has undertaken to date on any illegal mountain bike track development and use or related activities in this area on any lands under Central Highlands Water's management or control or interests, and what future enforcement and compliance or other actions Central Highlands Water anticipates it will be undertaking (if possible specifying all statutes or other controls that have been or appear to have been breached, and which of these will be actioned).

I would appreciate Central Highlands Water's acknowledgement of receipt of this public submission/referral within 7 days and its full response within 21 days from the date of this letter. I advise that digital responses are preferred and may be forwarded by email, or hardcopy material may otherwise be sent by post, to the addresses at the head of this letter. I also advise that all correspondence be treated as public documents.

Thank you.

Yours sincerely

A solid black rectangular redaction box covering the signature area.

APPENDIX 17:
GENERAL SUMMARY OVERVIEW OF SOME MAJOR / KEY ASPECTS – CTP AND PLANNING PERMIT
APPLICATION CTP “STAGE 1”.

HEPBURN SHIRE COUNCIL - PLANNING PERMIT APPLICATION PA3141.

- CRESWICK TRAILS PROJECT (CTP). A HEPBURN SHIRE COUNCIL PROPOSED “MEGA MOUNTAIN BIKE TRACK” DEVELOPMENT ON CRESWICK PUBLIC LANDS.
- HEPBURN SHIRE COUNCIL (HSC) HAS APPLIED (TO ITSELF) FOR A PLANNING PERMIT FOR THE CTP (“STAGE 1”).
- PUBLIC SUBMISSIONS CLOSE 5 MAY 2021.

ABSTRACT:

The CTP is a HSC proposed 100km long dedicated formal “mega” and supposed “world class” mountain bike track to be built on Public Land including the high level Creswick Regional Park near Creswick. HSC determined the project without any consultation with, and without first putting the proposed project to, the public. Ongoing public requests for important information to be disclosed and provided to the public have been refused by HSC. HSC purports that it has been undertaking “community engagement”, but this is not proper or adequate *community consultation* and particularly as required for Public Land issues. Large amounts of public money are being spent on the CTP, which will be much larger than the \$4.02M allocated to date. Some \$1.5M of HSC ratepayers money has so far been committed to the CTP development, however there will be significantly much more required every year, ongoing into the future. HSC has just progressed the CTP to formal Planning Permit application stage – but for *PART ONLY* (i.e. HSC’s “Stage 1”) of the CTP. Apparently there are “issues” with the planning and assessment of the balance of the CTP (i.e. HSC’s “Stage 2”). HSC only putting part of the CTP to formal Planning Permit process and to the public, deliberately subverting proper assessment and planning processes and detrimental to the public interest. It is considered prudent and essential that public submissions should address *both* the Stage 1 part, and Stage 2 and the entire CTP area. The Public Land Managers responsible for the subject Public Land (principally DELWP and Parks Victoria) have also ignored public protestations made to them on the CTP and its impacts, and have otherwise indicated their “endorsement” of the CTP “in principle”. The Public Land Managers have also indicated that they will otherwise be guided by the public response to HSC’s Planning Permit application. Therefore, any public submissions to the Planning Permit will in effect not only be submissions to HSC but submissions (indirectly) to the Public Land Managers.

SOME ISSUES OF ENVIRONMENTAL AND HERITAGE AND PUBLIC INTEREST CONCERN:

- The CTP trail is proposed to be 100km long (or 60km long for HSC’s Stage 1) of **permanent dedicated mountain bike track**, mostly if not entirely developed on **Public Land**. Significant parts of the CTP trail are proposed to be developed on high level Creswick Regional Park.
- The effective “*area coverage*” impacts of the *winding* CTP 100km long trail on the subject Crown land limited area will be *EXTENSIVE*. Effective impacts to environmental and public uses and other values will be effectively much greater than just the “footprint” of the CTP trail tracks.

- The Public Land area will be effectively largely “taken over” for primary “*single user group*” dominant and or priority (and or in some cases exclusive) purposes i.e. mountain bike track / mountain bike use. The Public Land will in effect be turned into a **large permanent “mega” mountain bike track / park**. HSC proposes that a Licence will be issued to HSC by the Public Land Managers, for the CTP trail – of 10m both sides of the 2m wide track (i.e. a 22m wide corridor). This equates to 220ha of Licensed Public Land being effectively “set aside” to a single user group for the major or principle purpose of a mountain bike track, where the Public Land should otherwise be used *equally* by *all* Public Land users.

- The CTP’s proposed development and land use is *contrary to some of the Government approved Land Use Determinations* for at least some of this Public Land.

- Bushwalkers, nature lovers, bird observers, orienteers and other general Public Land users will be effectively partially “displaced”. HSC has NOT advised and informed the public to the Licence’s detail including their terms and conditions, and therefore has not advised and informed the public to the details and extents of this general public displacement. This is critical public interest information that should have been disclosed as part of the Planning Permit application public proposes.

- There will be significant and extensive impacts to the natural environment. There are threatened flora and fauna species present which will be affected. Nesting birds and other fauna will be significantly disrupted. The 100km long CTP trail will comprise 20ha of actual native vegetation removal (for a 2m wide mountain bike track footprint). For Stage 1 only (60km), this will be 12ha of native vegetation removal. The disruption to fauna species along the corridor will also be much larger, and will vary from species to species. HSC’s CTP “Flora and Fauna Assessment” report and “Environmental Management Plan” reports are specific documents commissioned to *progress and enable the CTP development*, and are not the primary formal assessment and planning instruments that should have been required – including for Public Land assessment and planning. The Public Land Managers appear to be remaining largely “publicly silent” on environmental assessment and planning and impacts, and as such are likely to be negligent to the proper and diligent execution of their public responsibilities and obligations.

- There will be significant and extensive impacts to historic / heritage sites and landscape. Once historic / heritage sites and fabric including archaeological sites are disturbed, they cannot be “put back”. There are many varied significant historic / heritage sites, including water races, Chinese market garden sites, and gold mining sites, not to mention overall historic / heritage landscape values, which will be significantly impacted and disturbed by the CTP. The water races may likely comprise of historic / heritage values to State or National level significance. The Creswick Goldfields area is being currently considered for formal inclusion in a Central Victorian Goldfields nomination for UNESCO World Heritage Listing. There has apparently been no adequate formal historic / heritage assessment or planning study of this Public Land area. Most historic / heritage sites and landscape values of the area are therefore currently inadequately and dangerously “unprotected”. HSC’s CTP “Cultural Heritage Management Plan” is a specific document to *progress and enable the CTP development*, and is not the primary formal assessment and planning instrument that is (otherwise) required. The Public Land Managers (also) appear to be remaining largely “publicly

silent” on historic / heritage assessment and planning and impacts, and as such are likely to be negligent to the proper and diligent execution of their public responsibilities and obligations.

- HSC purports and or intimates that it has “avoided or minimized” native vegetation removal and impacts to environmental and historic / heritage and other values. This is highly questionable, and appears to be pretence. For example, it appears that HSC significantly “miscalculated” the original native vegetation removal off-sets required for the entire CTP. It is suspected that this is part of the reason why HSC recently determined to only proceed (improperly) with Planning Permit for “Stage 1” at this time. Further, all public requests to HSC for copies of early draft reports and information to demonstrate the claimed “avoidance and minimization” have been denied.

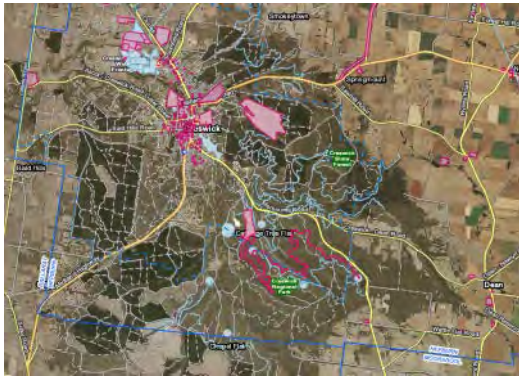
- If HSC’s predictions of thousands of mountain bike users is correct, this Public Land area’s environment and peace and tranquillity will be lost forever.

- HSC proposes to incorporate unsanctioned / illegally developed mountain bike tracks and use of them into the CTP. This is improper and unconscionable and unethical Government proposed conduct. There may also be legal issues in regards to “aiding and abetting”. The Public Land Managers have also failed to undertake adequate enforcement and compliance of *illegal mountain bike track building* and *illegal off-road mountain bike use*, despite public complaints. The Public Land Managers also apparently endorse HSC’s position. This is of further significant public concern. HSC also purports that the development (and therefore the impacts) of a 100km of CTP trail will “alleviate” the current illegal tracks and impacts (say maybe 10km). This is totally *nonsensical*.

- HSC’s CTP proposal and Planning Permit application do NOT fully and adequately adhere and or comply to the Hepburn Planning Scheme and to HSC’s full suite of policies and strategies.

APPENDIX 18:
SOME HISTORIC / HERITAGE VALUES
CRESWICK GOLDFIELD PUBLIC LAND AREA – PROPOSED AREA CRESWICK TRAILS PROJECT

CRESWICK GOLDFIELD.



Above: VicPlan showing heritage overlay, VHR and Heritage Inventory places layers in broad area of Creswick Goldfields (Hepburn Shire).



Above: Plan showing other known heritage sites.

There are many local places / sites that have NOT been identified, assessed or protected.

EXAMPLE THEME – CHINESE.

SOME CHINESE HISTORIC / HERITAGE SITES:

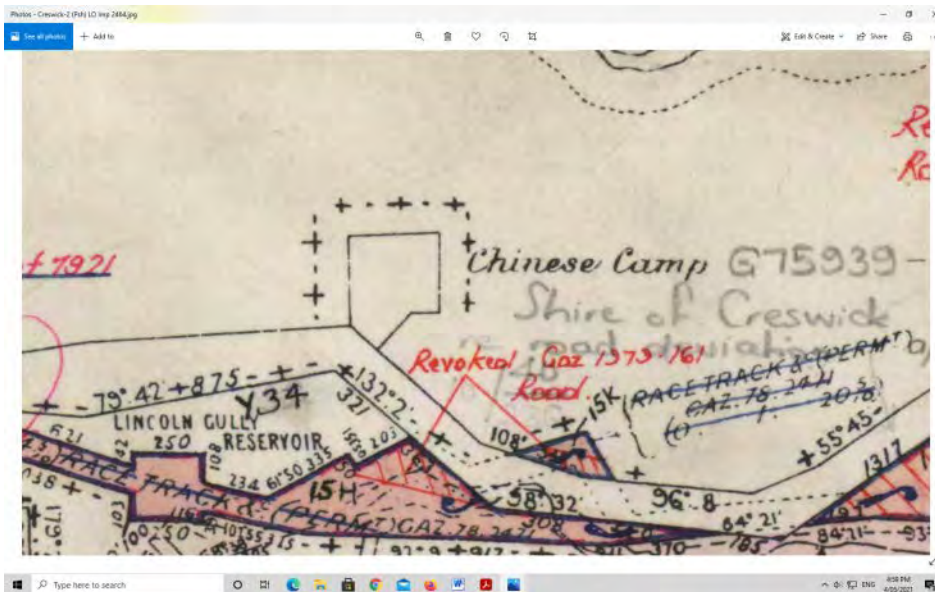
CHINESE PERSON-OPERATED PUDDLER:



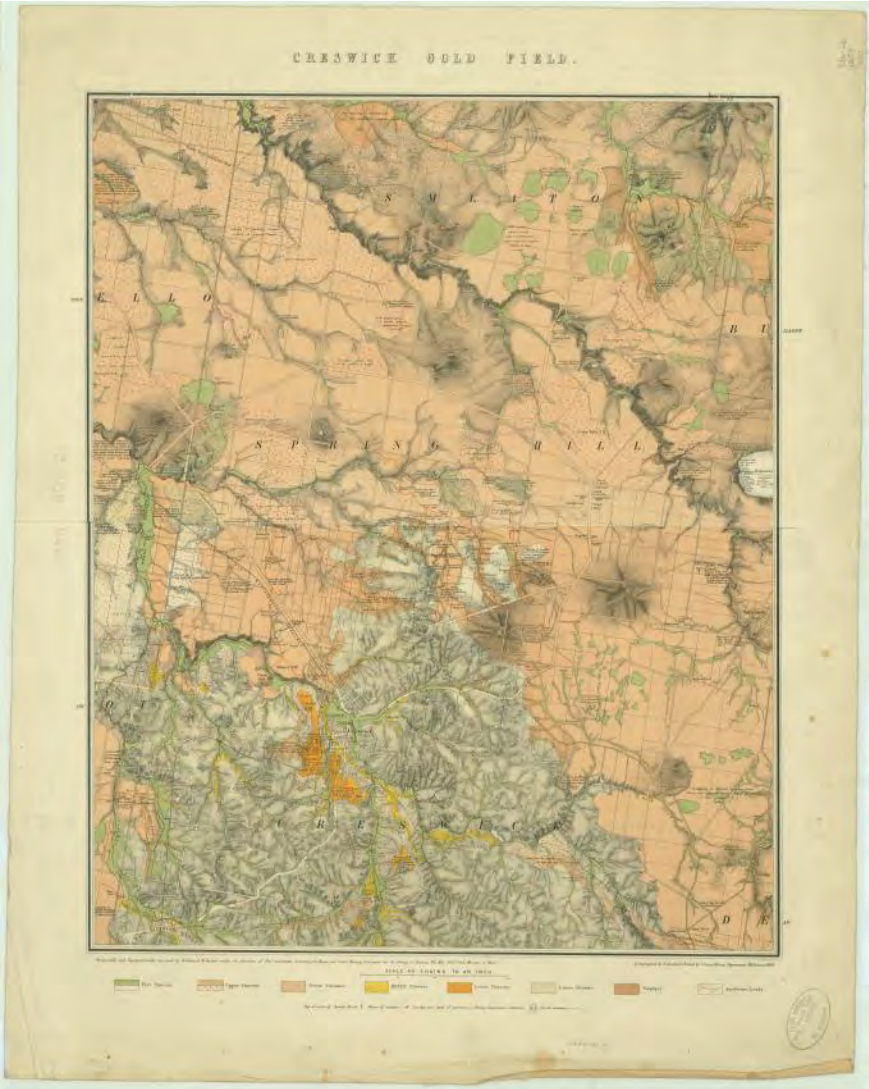
ONE EXAMPLE SHOWN. THERE MAY BE, OR HAVE BEEN, UP TO 7 OR MORE. SOME PUDDLERS MAY HAVE BEEN DESTROYED THROUGH PAST RECENT GOVT WORKS. THEIR PROXIMITY TO VEHICLE TRACK ALSO SUGGESTS HIGHER POSSIBILITY / LIKELIHOOD OF FURTHER DISTURBANCE / DESTRUCTION IF NO ACTIVE PROTECTION IS ENACTED. THERE MAY BE HUT SITES ALSO PRESENT. FURTHER DETAILED SITE RECORDING IS REQUIRED

THERE ARE NUMEROUS CHINESE MARKET GARDEN SITES.

PLAN - CHINESE CAMP SITE:



CRESWICK GOLDFIELD:

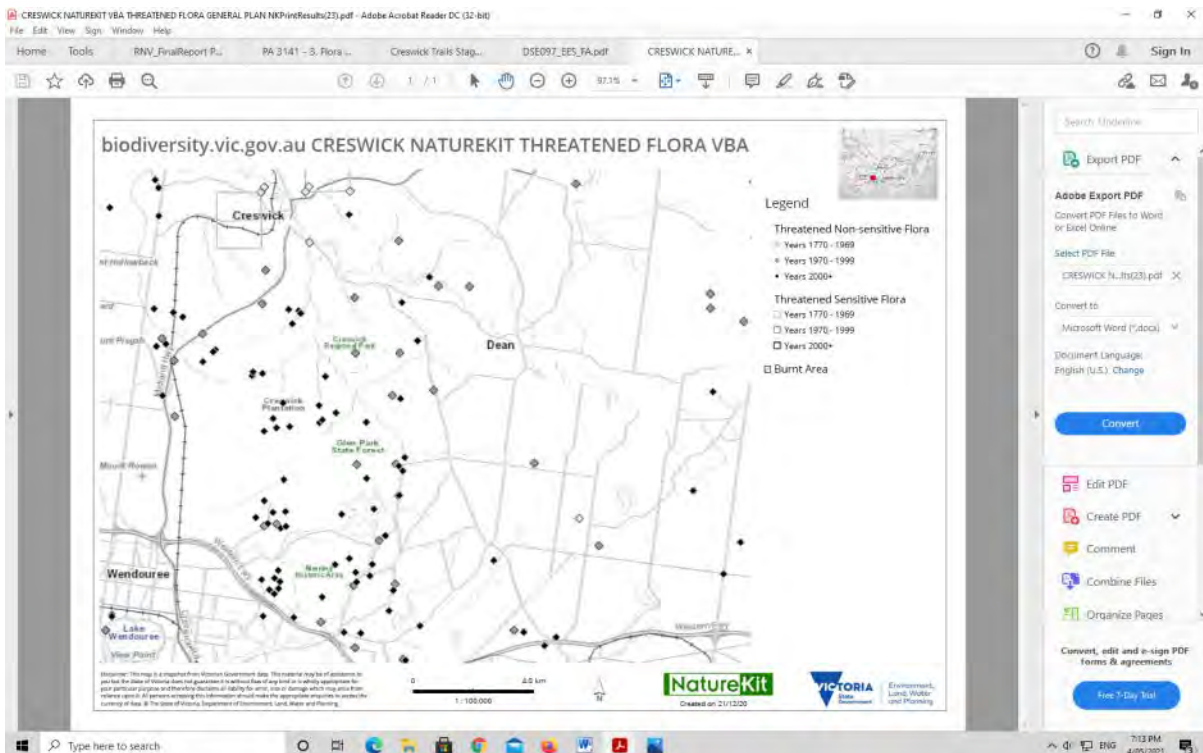


APPENDIX 19:
SOME FLORA AND FAUNA RECORDS
CRESWICK GOLDFIELD PUBLIC LAND AREA – PROPOSED AREA CRESWICK TRAILS PROJECT

Rare and Threatened and Notable (including locally rare) Flora and Fauna Species - present / records - include: (Includes Nature Kit records. Verification not undertaken.).

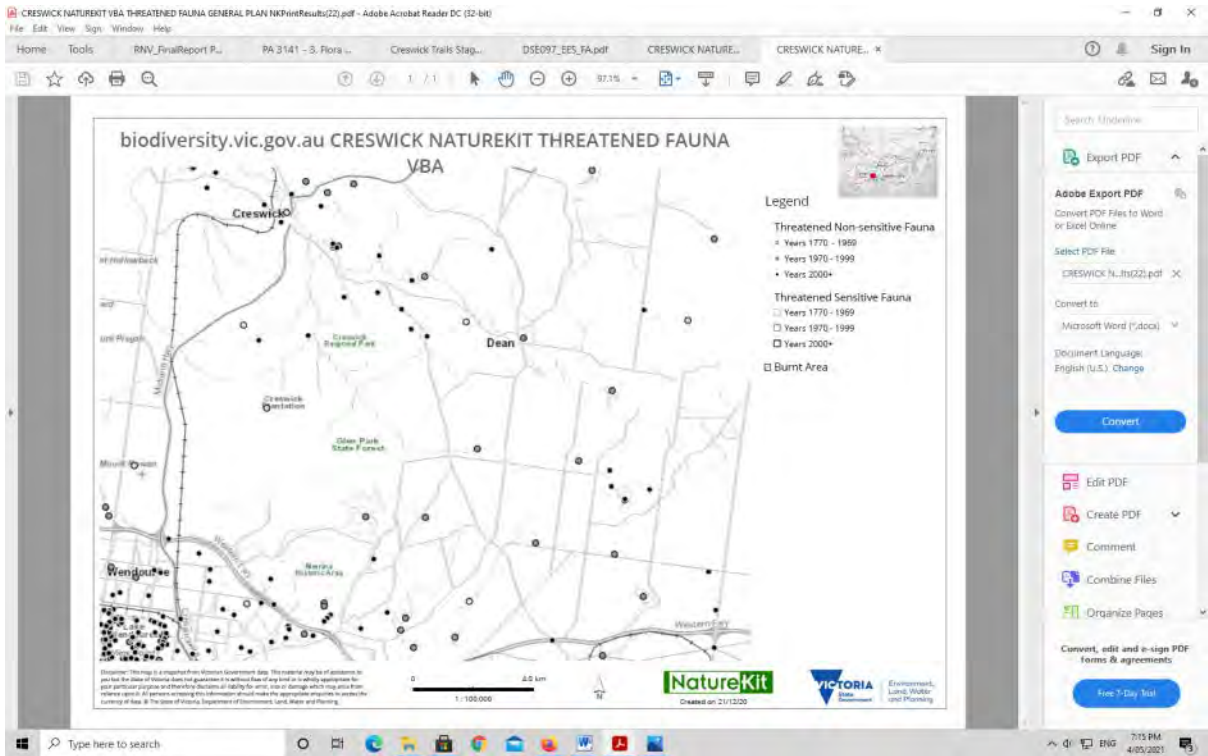
Platypus. Koala. Australian Anchor Plant. Blue Billed Duck. Brolga. Brookers Gum. Buxton Gum. Dwarf Silver Wattle. Elegant Parrot. Fat Tailed Dunnart. Floodplain Fireweed. Giant Honey Myrtle. Grampians Goodenia. Grey Goshawk. Growling Grass Frog. Hardhead. Lathams Snipe. Lewins Rail. Powerful Owl. Rosemary Grevillea. Slender Beard Orchid. Small Flower Grevillea. Small Milkwort. Snowy River Wattle. Southern Blue Gum. Spotted Hyacinth Orchid. Square Tailed Kyte. Spotted Quail Thrush. Sticky Wattle. White Throated Needletail. Wiry Bossiaea. Yarra Gum.

This is NOT a comprehensive recording of rare / threatened / notable flora and fauna species for the Creswick Goldfield area. The CTP proposes to disregard issues related to flora and fauna and protections, including: inadequate surveying, inadequate protection, removal of habitat, disregard to impacts to species (both direct impacts to habitat from the CTP development and indirect impacts to habitat by 1000s of mountain bikers), failure to properly and adequately assess impacts to specific species, etc.etc.



Above: Demonstrates the spread of threatened flora over the general area. The CTP proposal WILL impact threatened and non-threatened fauna.

Above: Demonstrates the spread of threatened flora over the general area.



Above: Demonstrates the spread of threatened fauna over the general area.
The CTP proposal WILL impact threatened and non-threatened fauna.

PHOTO 1: Creswick Public Lands, Brush Tail Possums.



PHOTO 2: Creswick Public Lands, Brush Tail Possum and hollow tree.



PHOTO 3: Creswick Public Lands, Sugar Glider and Silver Wattle.



PHOTO 4: Creswick Public Lands, Sugar Glider.



PHOTO 5: Creswick Public Lands, wildflower display.

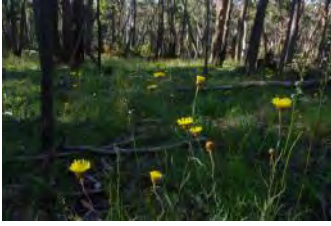


PHOTO 6: Creswick Public Lands, Common Bird Orchid.

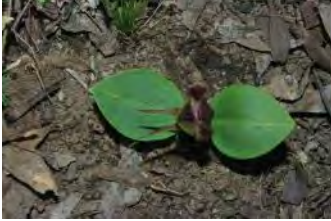



PHOTO 7: Creswick Public Lands, *Lobelia gibbosa* Koala Zone south slope.



PHOTO 8: Creswick Public Lands, Spotted Hyacinth Orchid



Version 2



Please use block letters

Planning & Environment Act 1987

WHO IS OBJECTING:

Name/s: [REDACTED]

Property address: [REDACTED]

Postal Address (if different to above) [REDACTED]

Tel: [REDACTED] Email: [REDACTED]

WHAT APPLICATION DO YOU OBJECT TO?

Permit application no. PA3141

Proposal: USE AND DEVELOPMENT OF A MOUNTAIN BIKE TRAIL (INFORMAL OUTDOOR RECREATION) AND THE REMOVAL OF NATIVE VEGETATION

Who has applied for the permit: HEPBURN SHIRE COUNCIL

WHAT ARE THE REASONS FOR YOUR OBJECTION?

AS PER ATTACHED WRITTEN SUBMISSION

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HOW WILL YOU BE AFFECTED BY THE GRANT OF A PERMIT?

AS PER ATTACHED WRITTEN SUBMISSION

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1



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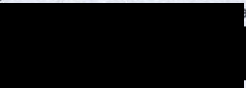
If insufficient space, please attach separate sheet

Privacy Collection Notice

Your objection and the personal information on this form is collected by council for the purposes of the planning process as set out in the Planning and Environment Act 1987 (PE Act). If you do not provide your name and address, council will not be able to consider your objection. Your objection will be available at the council office for any person to inspect and copies may be made available on request to any person for the relevant period set out in the PE Act.

You must not submit any personal information or copyright material of third parties without their informed consent. By submitting the material, you agree that the use of the material as detailed above does not breach any third party's right to privacy and copyright. You can request more information by contacting Councils Governance Department.

Signature:



Tick Box

Date:

4 MAY 2021

IMPORTANT NOTES ABOUT OBJECTIONS TO PLANNING PERMIT APPLICATIONS

1. This form is to help you make an objection to an application in a way which complies with the Planning and Environment Act 1987, and which can be readily understood by the Responsible Authority. There is no requirement under the Act that you use any particular form.
2. Make sure you clearly understand what is proposed before you make an objection. You should inspect the application at the Responsible Authority's office.
3. To make an objection you should clearly complete the details on this form and lodge it with the Responsible Authority as shown on the Public Notice – Application for a Planning Permit.
4. An objection must:
 - state the reasons for your objection, and
 - state how you would be affected if a permit is granted.
5. The Responsible Authority may reject an application which it considers has been made primarily to secure or maintain a direct or indirect commercial advantage for the objector. In this case, the Act applies as if the objection had not been made.
6. Any person may inspect an objection during office hours.
7. If your objection related to an effect on property other than at your address as shown on this form, give details of that property and of your interest in it.
8. To ensure the Responsible Authority considers your objection, make sure that the Authority received it by the date shown in the notice you were sent, or which you saw in a newspaper, or on the site.
9. If you object before the Responsible Authority makes a decision, the Authority will tell you its decision.
10. If despite your objection the Responsible Authority decided to grant the permit, you can appeal against the decision. Details of the appeal procedures are set out on the back of the Notice of Decision which you will receive. An appeal must be made on a prescribed form (obtainable from the Victorian Civil and Administrative Tribunal) and accompanied by the prescribed fee. A copy must be given to the Responsible Authority. The closing date for appeals is 21 days of the Responsible Authority giving notice of its decision.
11. If the Responsible Authority refuses the application, the applicant can also appeal. The provisions are set out on the Refusal of Planning Application which will be issued at that time.

PUBLIC OBJECTION SUBMISSION:
CRESWICK TRAILS PROJECT
INCLUDING HEPBURN SHIRE COUNCIL PLANNING PERMIT APPLICATION NUMBER PA3141

SUBMISSION TO:

1. Hepburn Shire Council
& CEO
& All Councillors
P.O. Box 21, DAYLESFORD 3460
Email: shire@hepburn.vic.gov.au
[Councillors:
 - Councillor Lesley Hewitt (Mayor) – Birch Ward. (Email: lhewitt@hepburn.vic.gov.au).
 - Councillor Brian Hood (Deputy Mayor) – Coliban Ward. (Email: bhood@hepburn.vic.gov.au).
 - Councillor Jen Bray – Birch Ward. (Email: jbray@hepburn.vic.gov.au)
 - Councillor Tessa Halliday – Cameron Ward. (Email: thalliday@hepburn.vic.gov.au).
 - Councillor Juliet Simpson – Holcombe Ward. (Email: jsimpson@hepburn.vic.gov.au).
 - Councillor Tim Drylie – Creswick Ward. (Email: tdrylie@hepburn.vic.gov.au).
 - Councillor Don Henderson – Creswick Ward. (Email: dhenderson@hepburn.vic.gov.au).]

2. Parks Victoria
Mr [REDACTED]
CEO Parks Victoria
Level 10
535 Bourke Street
MELBOURNE VIC 3000.
Email:

3. Department of Environment Land Water & Planning
Mr [REDACTED]
[REDACTED]
PO Box 500
EAST MELBOURNE VIC 8002.
Email: customer.service@delwp.vic.gov.au

Copies to:

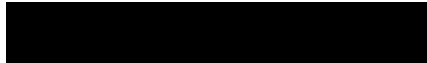
Minister Energy, Environment and Climate Change, The Hon. Lily D’Ambrosio.
Minister Planning, The Hon. Richard Wynne.

SUBMISSION BY:

Name: [REDACTED]

Address: [REDACTED]

Email:



DATE OF SUBMISSION: 4 May 2021.

I declare that this submission be treated as a PUBLIC DOCUMENT.

Signature:



SUBMISSION & OBJECTION ON:

- 1. HEPBURN SHIRE COUNCIL PLANNING PERMIT APPLICATION – CRESWICK TRAILS PROJECT (CTP “STAGE 1”) – NUMBER PA3141; AND**
- 2. HEPBURN SHIRE COUNCIL (ENTIRE) CRESWICK TRAILS PROJECT (ALL STAGES).**

SUBMITTER QUALIFICATIONS / ACCREDITATIONS / APPOINTMENTS / EXPERIENCE:

My qualifications, accreditations, appointments, experience include:

- Bachelor Applied Science Degree (Environmental Assessment and Land Use Policy).
- Certificate Applied Science (Conservation and Resource Development).
- DSE Certificate of Competency – Vegetation Quality Assessments (Habitat Hectares).
- Former Authorised Officer, Heritage Act 1995.
- Former Authorised Officer (Warden), former Aboriginal and Archaeological Relics Preservation Act 1972.
- Former Authorised Officer (Bailiff of Crown Lands), Land Act 1958.
- Former Authorised Officer, Conservation, Forests and Lands Act 1987
- Former Authorised Officer (Inspector), former Vermin and Noxious Weeds Act 1958.
- Former Authorised Officer, Catchment and Land Protection Act 1994.
- Former Authorised Officer, Land Conservation (Vehicle Control) Act 1972.
- Former Authorised Officer, Litter Act 1987.
- Former Appointed Commissioner for Taking Affidavits, Evidence Act 1958.
- 36 years environmental and land use planning work experience, including:
 - * work in areas including environmental assessment / land use planning / flora and fauna conservation / cultural heritage / catchment and land protection / Public Land management.
 - * past employment with Department of Environment Land Water and Planning / Department of Environment and Primary Industries / Dept of Sustainability and Environment / Dept of Primary Industries / Dept of Natural Resources and Environment / Dept of Conservation and Natural Resources / Dept Conservation, Forests and Lands / Dept of Crown Lands and Survey.

Abbreviations used in this submission:

- CHW = Central Highlands Water
- CNR = (Former) Department of Conservation and Natural Resources
- CTP = Creswick Trails Project
- CTP Trail Master Plan = Trail Master Plan, Creswick (Dirt Art, for Hepburn Shire Council, 2015/2016).
- DELWP = Department of Environment Land Water & Planning
- DJPR = Department Jobs Precincts and Regions
- ECC = (Former) Environment Conservation Council
- EPBC Act = Environment Protection & Biodiversity Conservation Act
- FFG Act = Flora and Fauna Guarantee Act
- HSC = Hepburn Shire Council
- HV = Heritage Victoria
- LCC = Land Conservation Council
- NCCMA = North Central Catchment Management Authority
- NRE = (Former) Department of Natural Resources and Environment
- PPA = Planning Permit Application

- PV = Parks Victoria
- RDV = Regional Development Victoria
- RTIF = Regional Tourism and Infrastructure
- VEAC = Victorian Environmental Assessment Council

1. INTRODUCTION.

I hereby make and submit my formal public objection on:

- (a) Hepburn Shire Council Planning Permit Application No. PA3141 – “Creswick Trails Project Stage 1” (use and development of a mountain bike trail (informal outdoor recreation) and the removal of native vegetation – various land / Crown land parcels Creswick); and
- (b) Hepburn Shire Council (entire) Creswick Trails Project (all stages).

I advise that I am a citizen member of the Victorian public, and I act for myself and for and on behalf of other members of the public, in the public interest. This submission is made on the Creswick Trails Project, a project proposed to be developed on land comprising (largely or entirely) of Crown land (Public Land) at Creswick. As a member of the Victorian public, I have an intrinsic right, as do all Victorian citizens, to generally access and to use and to enjoy this Public Land, including its public land values and for its’ amenity. In regards to specific circumstances, I regularly visit these Public Lands for access and use and enjoyment including recreation, nature observation and appreciation, environmental experience, heritage appreciation, landscape value and photography purposes. The proposed Creswick Trails Project and its development and use will significantly impede and impact my access to and use and enjoyment of these values and experiences and amenity.

Hepburn Shire Council (HSC) is the proponent of the Creswick Trails Project (CTP), being a proposed 100km long dedicated formal mountain bike track, largely or entirely situated on Public Lands near Creswick. There are many aspects of the proposed CTP that are of significant public concern to me, including the Public Land and public land value significant impacts and loss of amenity that will occur if the CTP is developed, and in HSC’s apparent inadequate administration of, and assessment and planning for, the CTP.

Many of these issues have been previously publicly outlined in my previous correspondence sent to HSC. Many of the issues I have previously publicly raised are also still extant. HSC has also largely failed and or refused to provide substantive responses to and proper address of my public submissions and concerns, including failing to publicly provide or release crucial information, to fully inform the public. These aspects will be able to be substantially demonstrated if and as required.

The CTP (or CTP Stage 1), if developed, will significantly impinge on the public’s amenity, including on access, use, enjoyment and rights. There will be significant impacts to and degradation of the land’s public land and other values. The general public and general users will be “displaced” to various extents by a small single user group. This potentially applies to all Victoria citizens.

I submit my public objection on the following broad grounds, and detail later in this submission:

- (c) Hepburn Shire Council's failure to undertake proper, adequate and appropriate Public land and public land values assessment and planning procedures and processes, to appropriate and or prescribed statutory and Government Policy and other standards and requirements.
- (d) Hepburn Shire Council's failure to undertake proper, adequate and appropriate Public land public consultation, to appropriate and required and or prescribed Government Policy (including Public Land Policy) and other standards.
- (e) Hepburn Shire Council's failure to consider and or comply with Government approved Land Conservation Council (LCC) and Victorian Environmental Assessment Council (VEAC) Land Use Determinations.
- (f) Loss of (Public Land and other) amenity for non-bike user groups and the general public.
- (g) Inappropriate, excessive and significant detrimental impacts to environmental / biodiversity values, including native vegetation removal and habitat loss, and losses of associated public amenity.
- (h) Inappropriate, excessive and significant detrimental impacts to historic and cultural heritage values, including degradation of sites, values and landscapes, and losses of associated public amenity.
- (i) Inappropriate Government tolerance and or apparent endorsement of, and lack of enforcement and compliance on, illegal activities that are causing significant environmental / biodiversity and historic / heritage and other including Public Land impacts.
- (j) Items (c) to (i) are attributed to Hepburn Shire Council in the Creswick Trails Project and Planning Permit CTP Stage 1, but may also apply to the Public Land Managers including DELWP and Parks Victoria.

2. DISCUSSION / OVERVIEW / GENERAL.

The Creswick Trails Project (“CTP”) is a Hepburn Shire Council (“HSC”) proposed 100km long dedicated formal “mega” and supposed “world class” mountain bike track, proposed to be developed largely or entirely on **Public Lands** including the higher level Creswick Regional Park, situated near and generally to the south of Creswick township.

HSC has no current jurisdiction over most of this land. The main Public Land Managers are DELWP and Parks Victoria. HSC has recently declared that Central Highlands Water (“CHW”) managed land will now no longer be proposed to be used for any parts of the proposed CTP.

HSC apparently *autonomously* determined that the CTP could, and *would*, be developed on this Public Land, in close connection with local a mountain bike club. HSC and the mountain bike club had no current jurisdiction over most of this land.

It is understood that the HSC’s CTP Trail Master Plan was also one of the principal documents used by HSC in procuring and securing a Regional Development Victoria grant (of \$2.56M) of public money.

HSC apparently regarded its’ Trail Master Plan Creswick (Dirt Art for HSC, 2015/2016) (“CTP Trail Master Plan”) to be the main assessment and planning document for the CTP. The CTP Trail Master Plan was also apparently used as a basis for securing \$4.06M of funding for the CTP (\$2.56M Regional Tourism and Infrastructure (RTIF) Grant and \$1.5M of HSC ratepayers money.

The Trail Master Plan - Creswick document is grossly inadequate as an assessment and approvals instrument for *assessing Public Land*, including high level Public Land such as the Creswick Regional Park, and in assessing and evaluating a major project with significant impacts. Further, it appears that the Public Land Managers were also *not* consulted or involved, or not properly and adequately consulted or involved, at that time. All public requests to HSC for provision of its RTIF grant application documents, including economic analyses and feasibility studies, have been continually declined and refused by HSC. In fact, many other and virtually all requests to HSC for public provision of other critical information, including via FOI processes, have also nearly all be thwarted and denied by HSC.

The CTP proposal was also NEVER put to the public at the project’s conception, to determine if it could or should proceed, or not. HSC has also since apparently tried to “pass-off” that there has been adequate “public engagement”, but this is only and entirely HSC “engaging” the public on *where* to put the CTP track, and NOT what the public and public land value impacts will be, whether these are publicly acceptable or not, and *whether the CTP should be developed, or not*. In effect, the CTP proposal and process constitutes *gross subversion* of proper and adequate and prescribed Crown Land / Public Land assessments and planning and process, and subversion of protection of significant public land values, and subversion of proper and adequate and true public consultation, and is therefore detrimental and causes injury to public interests.

This situation is further exacerbated by the Public Land Managers, who once involved in the CTP proposal process, clearly apparently side-stepped their own legal and or Government policy and public duty obligations, which otherwise requires them to properly assess and evaluate such proposals, as well as to engage in proper public consultation. Whilst the Public Land Managers appear to have apparently required HSC *as the proponent* to undertake the CTP assessment and evaluation, they nevertheless have their *own internal formal processes*, involving *critical base parameter evaluations*, which should have been, and *need to be*, applied, but *were apparently not*. Indeed, all public requests to all Public Land Managers to publicly provide copies of their internal assessments and evaluations to inform the public of these internal and due diligence obligatory process documents have all largely been declined. It is postulated (with reasonable certainty) that the Public Land Managers have NOT undertaken their own required adequate due diligence assessments and evaluations of the CTP, or of this Public Land and its values, or of the impacts of the CTP, being detrimental to the public interest.

The Public Land Managers have apparently devolved most or all responsibility over to HSC as the project proponent to undertake all assessment and planning works. HSC however, in undertaking this work, disregarded the critical extant Government approved VEAC / LCC Land Use Determinations for the CTP, including for Planning Permit Application CTP Stage 1 area. In the Planning Permit Application documents, HSC otherwise only refers to “Public Land Managers” and “Tenure” and “Land Management”, with *no mention* of Land (Reserve) Status or of the Government approved VEAC / LCC Land Use Determinations. This is grossly inadequate, and against the public interest.

HSC states in its Planning Permit Application that the Planning Permit is for the (CTP) “use and development of a mountain bike trail (informal outdoor recreation)”. However HSC conversely states in its’ Trail Master Plan Creswick (“CTP Trail Master Plan”) that the CTP is a “**formal public trail network**”. There is significant *incongruity* in HSC’s uses and definitions of formal verses informal recreation in different HSC documents. HSC however does NOT define nor clarify these incongruities in these documents. Hepburn Planning Scheme provides a definition for Informal Outdoor Recreation, but not for Formal (Outdoor) Recreation. The Victorian Environmental Assessment Council (VEAC) / Land Conservation Council (LCC) Government approved Land Use Determinations provide a different definition again of formal verses informal recreation.

The VEAC / LCC Land Use Determinations are *primary in order* in determining Public Land status and Land use outcomes over the *secondary in order* Planning Scheme. That is, given that the Minister or the Public Land Managers legally MUST implement the VEAC / LCC determinations as intended (Section 26A VEAC Act), then this occurs *first*, and *before* the Public Land Managers give their *consent* to proceed to planning permit application or thereafter for implementation of works. Given the priority order enactment of the VEAC / LCC Land Use Determinations, the VEAC / LCC determinations would prevail, if there is any disparity between the VEAC / LCC Determinations and the Planning Scheme or planning permit process.

The Public Lands are subject to the *fully determinate* Government approved VEAC / LCC Land Use Determinations. In this case the extant primary VEAC / LCC Ballarat Study Area 1982 determinations apply. Other general Government approved VEAC / LCC Land Use Determinations also variously

apply e.g. VEAC Statewide Assessment of Public Land 2017; LCC Rivers and Streams Special Investigation 1991. HSC apparently seems to incorrectly consider that the Hepburn Planning Scheme is the ultimate definitive and *only* determinant of land use of this Public Land in this case. To this end, HSC has failed in its Planning Permit documents to recognize, include and consider the pre-determinant VEAC / LCC Land Use Determinations. This is a significant and possibly fatal flaw in the CTP and in the Planning Permit Application CTP Stage 1 processes. The CTP is *non-compliant* to various of the VEAC / LCC Land Use Determinations. Public requests to HSC and to the Public Land Managers for detailed reporting on this matter and informing the public on whether and how the CTP is compliant to the extant VEAC / LCC Land Use Determinations resulted in grossly inadequate responses.

The Minister or the responsible Government Departments or Agencies (Public Land Managers) ***must ensure implementation of the VEAC / LCC Land Use Determinations to the extent that they are intended.*** Section 26A of the VEAC Act applies. The Public Land Managers may have breached Section 26A by way of providing their consents to proceed to Planning Permit Application or to conditional consent to undertake works.

Should proposed land uses (such as the CTP) be allowed pursuant and compliant to Government approved VEAC / LCC Final Land Status / Land Use Determinations, Hepburn Planning Scheme and Planning Permit process requirements and determinations *may then* apply, however these will be *subservient* to the primary VEAC / LCC determinations. This also would be, or *should be*, *only after* the responsible Public Land Managers have themselves *confirmed* VEAC / LCC determinations compliance, usually by initially and diligently undertaking their own internal assessments of the Public Land, of the lands' public land values, and of the impacts from the proposed land use, and whether these are appropriate and or acceptable including to legal, policy, protection and public interest outcomes. This complies and conforms to their Public Land Manager responsibilities including Public Land Government Policy.

It appears the Public Land Managers may have been derelict in their proper devolvement of the assessment and planning requirements to HSC, including in ignoring or disregarding the VEAC / LCC determinations. Similarly HSC appears to overlooked or disregarded them. HSC's assessment and planning of the CTP and the land on which the CTP is proposed to be developed falls significantly short of the standard and veracity required for the assessment of Public Land. There is substantial evidence in support and substantiation of this premise and situation.

HSC determined the CTP without any initial public consultation. Subsequent and ongoing public requests for important information to be disclosed and provided to the public have been refused by HSC. HSC purports that it has been undertaking "community engagement", but this is not to the standards required for Public Land issues.

The CTP has a budget of \$4.06M, of \$2.56M grant from Regional Development Victoria and \$1.5M of Hepburn ratepayers' public money. There appears to have been serious HSC budget miscalculations and or serious cost blow-outs. Where the original funding of the \$4.02M was to deliver 100km of mountain bike track, this has recently been revised to the CTP now only being delivered to the extent of 60km (CTP Stage 1) – but with the budget remaining at \$4.02M. This is publicly

concerning. HSC also apparently sought significant *grant variations* with RDV, on two occasions. Of the \$1.5M of HSC ratepayers' money so far been committed, now for only 60% of the CTP development, the remaining 40% of the proposed CTP apparently remains unfunded. Further, there will be significant amounts of further money required every year for continuing administration and management and maintenance costs for the CTP, ongoing into the future. This could be in the vicinity of up to \$200,000 per year of ratepayers' money. This aspect appears not to have been publicly discussed or revealed. The appropriateness of this ongoing cost, and whether it is wise and best use of Hepburn ratepayer monies, is significantly questioned, including in value outputs, and whether this money could be much better spent on other community projects with (much) better community value and benefits.

HSC has also just progressed the CTP to formal Planning Permit Application stage – but for *PART ONLY* (i.e. HSC's "Stage 1") of the CTP. Apparently there are "issues" with the planning and assessment of the balance of the CTP (i.e. HSC's "Stage 2"). HSC has been asked to publicly elaborate on these issues, but has refused to do so. HSC only putting part of the CTP to formal Planning Permit process and to the public, instead of the entire CTP, indicates, or suggests, *potential subversion of proper assessment and planning process*. The *entire CTP's* impacts *in totality* will therefore not be properly "tested", but will otherwise be broken into smaller parts, to be treated separately. HSC might then argue that, for each Planning Permit *part*, the impacts are "low" (e.g. appearing to be *lesser* than would have been the case if the entire CTP had been subject to one Planning Permit application and tested in totality). There is no legitimate reason why HSC could not have, and should not have, gone to Planning Permit application for the *entire* CTP. If approved, the CTP could then have been built in stages, as HSC currently proposes. It is including for this reason that I recently objected to HSC for this staged and multiple Planning Permit approach – but was effectively ignored. I submit, in the public interest, and in terms of proper planning and Public land matters, that (i) the values of the *entire* Public Land area, and (ii) the total potential impacts from the development of the *entire* CTP, must be taken into account in the planning and assessment for *any parts of the CTP* and for *any part Planning Permit applications*.

The Public Land Managers responsible for the subject Public Land (principally DELWP and Parks Victoria) are *ultimately responsible* for assessing the respective Public Land areas under their control, and assessing the proposed CTP development and use and impacts, *before* considering granting final Planning Permit and development consent or approval. They also have to assess whether the proposed CTP Tenure (Licence) should be also granted. A necessary part of this is the Public Land Managers' prescribed Crown Land Assessment and associated processes i.e. of the Public Land and its public land values and significances, of the potential impacts and appropriateness of the proposed CTP development / land use. These are mandatory responsibilities and requirements. Instead, DELWP and Parks Victoria have apparently largely or entirely transferred most or all of these responsibilities to HSC. This is grossly inappropriate, and suggests, or indicates, dereliction of public duty and public responsibility. This matter is further exacerbated in that the Public Land Managers have also already provided consents to HSC to proceed to Planning Permit Application (CTP Stage 1), and or for (conditional) CTP (CTP Stage 1) development, but irrespective and regardless of the inadequacies of any proper Crown Land Assessment or other considerations, including adequate public consultation. This is inappropriate and suggests unconscionable conduct,

and possibly a premeditated and determined intention to approve the project. There are various evidences supporting this premise.

The Public Land Managers have also largely ignored public protestations made to them on the CTP and its impacts, and have otherwise indicated their “endorsement” of the CTP, including to the extent of signing MOU Governance Agreements “*ensuring delivery*” of the CTP. They have apparently ignored their responsibilities for the proper assessment and planning of Public Land. They have also apparently given scant to no regard to the VEAC / LCC Land Use Determinations. The Public Land Managers also apparently disregarded the lack of proper public consultation in the CTP process. They have also indicated that they would be (otherwise) guided by the public responses to HSC’s Planning Permit application. This appears to be a false premise.

HSC proposes to apply for a Tenure Licence to occupy a corridor along the CTP trail route. This is proposed to be 10 metres either side of the trail. If the trail footprint is about 2 metres wide, this equates to a corridor of 22 metres. For the entire CTP of 100km length, this equates to 220 hectares of Licensed land. (For Planning Permit Stage 1 of 60km length, this equates to 132 hectares of Licensed land.) The larger these occupation and tenure areas the greater proportionately will be the potential public land value impacts, including general public “displacement”. HSC has also NOT provided any proposed Licence or licence conditions to the public, either as part of the Planning Permit incorporated documents, or in regards to public requests for this information. This Licence information is *crucial* for full public consideration to the impacts to Public Land uses and impacts to general public users of this land.

As required by Hepburn Planning Scheme relevant zone clauses, an “... *application for a permit by a person other than the relevant public land manager must be accompanied by the written consent of the public land manager, indicating that the public land manager consents generally or conditionally either: To the application for permit being made. To the application for permit being made and to the proposed use or development.*” The relevant Public Land Managers for the CTP Planning Permit “Stage 1” include Parks Victoria and DELWP.

Parks Victoria provided a written consent (letter dated 15 February 2021) to HSC formally consenting to the permit application being made, but subject to conditions. These conditions however were all, and only, related to prescribing requirements “*prior to works commencing*”. They do not identify and outline any other issues. They do not identify and outline any issues with the extant Government approved VEAC / LCC Land Status and Land Use Determinations. Including to these ends, Parks Victoria’s written consent is, or appears to be, significantly flawed and inadequate.

DELWP has provided a written consent (letter dated 1 March 2021) to HSC formally consenting to the permit application being made. DELWP also provides that consent *will* be provided as land owner for construction to commence once all requirements as set out in DELWP’s letter of “6 August 2019” have been met. This incorrectly refers to a letter of “6 August 2019” which I suspect does not exist. A DELWP letter of 8 August 2019 however does (apparently) exist. A PART (*first page only*) copy only of the DELWP letter of 8 August 2019 was provided with the HSC Planning Permit application documents. This only PARTLY provided and informed on the requirements required by

DELWP in providing consent for construction to commence. Including to these ends, DELWP's written consents are, or appear to be, significantly flawed and inadequate.

There are also issues about illegal activities that require address. HSC proposes to incorporate existing unsanctioned / illegally developed mountain bike tracks and use of them into the CTP. This is improper and unconscionable and unethical Government conduct. There may also be legal issues in regards to "aiding and abetting". The Public Land Managers have also failed to undertake adequate enforcement and compliance of *illegal mountain bike track building* and *illegal off-road mountain bike use*, despite public complaints. DELWP has almost completely failed to take *any* action. At least Parks Victoria has taken some actions, although its' attempts to close some tracks have failed over time, with illegal tracks being opened up again.

The Public Land Managers, however, apparently *endorse* HSC's position proposal for the incorporation of existing illegal mountain bike tracks into the CTP. This is of further significant public concern. HSC also purports that the development (and therefore the impacts) of a 100km of CTP trail will "alleviate" the current illegal tracks and impacts (say maybe 10km). This is *nonsensical*. Of further concern is that these existing illegal mountain bike tracks and illegal off-road mountain bike use have impacted, and are continuing to impact, the heritage sites and the environment including native vegetation removal. In regards to requirements for offsets for native vegetation removal, if somehow the CTP is approved for development and over areas comprising of existing illegal tracks, the illegal mountain bike track areas must *not* be assessed as (legally) "existing" sites, but must be calculated as if the illegally removed vegetation was still intact. Other Public Land native vegetation removal and offset issues also apply.

The CTP will cause significant and extensive impacts to the Public Lands' natural environment. There are rare and threatened flora and fauna species present which will be affected. Nesting birds and other fauna will be significantly disrupted. The 100km long CTP trail will comprise about 20ha of actual native vegetation removal (for a 2m wide mountain bike track footprint). For Stage 1 only (60km), this will be about 12ha of native vegetation removal. The disruption and impacts to fauna species along the corridor will be larger, and will vary from species to species. HSC's CTP "Flora and Fauna Assessment" report and "Environmental Management Plan" reports are specific documents commissioned to *specifically progress and enable the CTP development*, and are *not* the primary formal assessment and planning instruments that should have been required – including for Public Land assessment and planning. The Public Land Managers also appear to be remaining largely "publicly silent" on proper environmental assessment and planning and impacts, and as such are negligent to the proper and diligent execution of their public responsibilities and obligations.

If the CTP is developed, the general public, including bushwalkers, nature lovers, bird observers, orienteers, etc., *will be adversely impacted and affected*, to various degrees, including effective "displacement". This will be displacement of *all* Public Land users and *for and in favour of a small minority single user group*. This is of significant public concern, and is essentially contrary to Public Land policy.

HSC has advised that the CTP mountain bike track and land tenure will be authorised by way of a (Crown Land) Licence. The CTP Licence has significant impact implications to and for the general public. However HSC (and the Public Land Managers) have to date NOT informed the public on the

proposed Licence *details* (including Licence *terms and conditions*). This is of significant public concern. HSC's Planning Permit Application CTP Stage 1 also did not provide any proposed Licence information. Public requests for public provision of proposed Licence information have been effectively ignored. The proposed Tenure (Licence) should have been one of HSC's Planning Permit Application incorporated documents.

The CTP proposed Licensed area will comprise about 220 hectares of land for the CTP tenure corridor (2m wide track footprint + 10m either side of corridor X 100km), or about 132 hectares for Planning Permit CTP Stage 1 (2m wide track footprint + 10m either side of corridor X 100km). These *very large* areas of proposed Licensed land correspond *proportionately* with the (then) *very large impacts and displacement* of the general public, and for and in favour of a single user group. In regards to Planning Permit Application CTP Stage 1 area, the total Public Land (affected parcels) area is 790ha, with a proposed Licence area of 132ha. This equates to nearly **17% of the total Public Land area** to be "taken over" by a single small user group.

There are further issues related to the proposed CTP Tenure, also of significant public concern. Crown land Licences are usually "short term" tenure instruments (e.g. 1 year or 3 years, up to 10 years), for short-term (non-permanent) low impact land use, for "small scale" land uses, and may be cancelled at relatively short notice. The CTP is NOT short term, NOT low impact, WILL cause significant detriment or impact to Public Land and or its public values, is of major size, and is clearly of "PERMANENT" nature. Further, a tenure type with cancellation facility at short notice is impractical and unsuitable for application to the CTP. Crown Land Leases alternatively allow or provide for longer term tenure (e.g. 21 years), for longer term or "permanent" land use and infrastructure, and comprise facility for bonds. However Leases usually confer the rights of "exclusive possession". The appropriateness of authorizing long term occupation and permanent land use and comprising a *major development* (CTP is a \$4.02M project) via a Crown land LICENCE tenure is significantly questioned. Further, the *Public Land Managers* need to assess the Public Land and its values and the impacts of the CTP to determine IF a tenure authority can and should be issued, and of what form and conditions it should take, having full regards to the Public Land and public land values and public interests, and of the impacts of the CTP. It is a falsehood and dereliction of Public Land processes, and against the public interest, if HSC and or the Public Land Managers think otherwise. In regards to bonds, I submit that HSC MUST be required to put up a bond for the CTP, as a condition of any tenure occupation, if the CTP is approved and developed. There is a danger that HSC might develop the CTP, and then simply walk away at some time in the future. The Crown must not be liable for remediation and site rehabilitation costs.

There are also significant VEAC/LCC Land Use Determination implications.

- The CTP is non-compliant to some of the primary LCC Ballarat Study Area Land Use Determinations.
- The CTP is inconsistent with or contrary or non-compliant to other VEAC/LCC reports.
- The CTP proposal for the 100km long CTP permanent trail (or 60km for CTP Stage 1), comprising of 20ha development permanent footprint (or 12ha for CTP Stage 1) and for 220ha of CTP long term tenure area (or 132ha for CTP Stage 1) is demonstrably a CHANGED PRIMARY OR MAJOR LAND USE. It is NOT a "*minor* land use change or variation". As such, a revocation or variation of VEAC / LCC recommendations may therefore be required.

The proposed CTP works are capable of having a significant effect on the environment.

Public submissions to the Planning Permit will in effect not only be submissions to HSC but also submissions in effect to the Public Land Managers.

3. CRESWICK TRAILS PROJECT / PLANNING PERMIT PA3141 – ADDITIONAL OBJECTION DETAILS.

I formally publicly object to the Hepburn Shire Council (HSC) proposed Creswick Trails Project (CTP) and to Planning Permit Application PA3141 (CTP Stage 1). My objection includes the following list of public concerns and objection elements. Some of these elements are discussed in further detail in other sections of this submission.

3.1 CTP Initial Concept and Delivery.

HSC apparently autonomously devised the CTP proposal, and apparently closely aligned with a local small Creswick Mountain Bike Club. HSC determined the CTP was to be largely or entirely **developed on Public Land**, but apparently without considering the Public Land implications and impacts to its public land values, and without properly canvassing any alternative options e.g. in terms of project appropriateness, suitability, viability, etc. The CTP objective was clearly focused on the (claimed) “economic benefit” that would result from the proposed development i.e. primarily benefiting local businesses. This is inappropriate and back-door “commandeering” of Public Land, and apparently in effect for (albeit indirect) private commercial benefit. HSC then procured and secured a Regional Tourism and Infrastructure (RTIF) grant of about \$2.56M of **public money** from Regional Development Victoria (RDV) / Department of Jobs Precincts and Regions (DJPR), for the CTP development. HSC also committed a further \$1.5M of Hepburn **ratepayers public money** to the CTP. HSCs RTIF grant application documents were however *significantly inadequate and deficient* to the *required processes and procedures and standards and levels of assessment required for Public Land assessment and planning and land use determination*. The HSC RTIF grant documentation also supposedly included a CTP feasibility report and financial report. These reports are important documents for evaluating the CTP project’s appropriateness, validity, efficacy etc. Public requests to HSC for public release of copies of HSC’s grant application documents have also been continuously declined and refused by HSC. (Some of these documents have otherwise been obtained through FOI from RDV / DJPR). HSC apparently also failed at the time to undertake any substantial or adequate engagement with the relevant Public Land Managers. HSC failed to undertake any required Public Land assessments and planning and other evaluations to prescribed formats *required* pursuant to Victorian Government Public Land policies and procedures. HSC failed to assess the Public Land for its public land values and CTP impacts and for statutory and Government Policy compliance, both initially, and *to date*. HSC failed to undertake, or failed to undertake proper and true, public consultation to help determine the CTP, to Government Public Land Policy standards and requirements.

How the HSC RTIF grant application and RDV / DJPR grant approval were able to be approved and the \$2.56M of public money allocated is of significant and continuing public concern. There is further concern in that HSC has since apparently twice requested significant changes to the grant’s terms and conditions and milestones. A relevant reference is the Victorian Auditor General Office report “Outcomes of Investing in Regional Victoria” (May 2019).

There issues in relation native vegetation removal from the CTP development, and Public Land matters, and offsets.

Public Concerns and Objections – apparent (include):

- (a) HSC failure to undertake proper and adequate and due diligence assessment and planning.
- (b) HSC failure to adhere to Government Public Land Policies and Procedures.
- (c) HSC failure to recognize Public Land for its elevated public values.
- (d) HSC failure to conserve and protect Public Land and its values.
- (e) HSC procurement and or appropriation and or allocation of \$4.02M (\$2.56M RTIF grant & \$1.5M HSC ratepayers' funds) of public money on these inadequate bases.
- (f) HSC (ongoing) failures of transparency and accountability.

3.2 HSC Decision to Proceed to Planning Permit for Part Only CTP "Stage 1".

I refer and direct HSC to my letter dated 24 March 2021 on this matter, sent to HSC, to HSC CEO, to all HSC Councillors, and to various Ministers and the Local Member of Parliament.

3.3 Planning Permit Application CTP Stage 1 PA 3141 – Documents.

The Planning Permit Application (PPA) and time frame for public submissions is of concern. It is **impossible** for the public to be able to properly and fully consider the entire Public Land area of the proposed development and all of its' values, the entire 60km of CTP Stage 1 track route and all of its' potential impacts, and all of HSC PPA documents, and the myriad of other associated matters. Indeed, HSC has taken **over 6 years** to develop the CTP proposal to this Planning Permit Application stage. Further, the standard of "surveying" and provision of locational data for the proposed CTP track route is inadequate, including for Public Land processes. Such a major project as the CTP, on Public Land over various status and different management and boundaries, including higher level Creswick Regional Park, and with the presence of significant public land values including heritage values and sites potentially to State or National (or higher) significance, and other significant values, a full Survey Report and Survey Feature Plan is (absolutely) REQUIRED. This would fully inform the Public Land Managers to critical matters, as well as properly informing the public, including on the Planning Permit Application Stage 1. HSC was asked to provide such full Survey Report and Survey Feature Plan, but stated that they "aren't required". To these ends, I include this issue as part of my objection.

The PPA documents publicly provided are in part inadequate, including incorrect or absent information in some parts. Public requests and demands to HSC for corrected information and documents, or for provision of further critical information not provided, to adequately and fully inform the public on the CTP and on the PPA, have been essentially declined. HSC has also apparently improperly disregarded *critical Public Land related information* as being required or of being of any consequence in the Planning Permit Application process.

Brief summary of inadequate PPA documentation (includes):

- (a) **PPA form document:** There is no Planning Permit Application number on the PPA prescribed form to identify the PPA.

(b) PPA form document: Under The Proposal, and use: “Use and development of a mountain bike trail (Informal outdoor recreation) and the removal of native vegetation.”

- The term “informal outdoor recreation” is contested in definition. Two defining critical instruments have different meanings, being the (first order / primary) Land Conservation Council (LCC) Ballarat Study Area Final Recommendations Government approved land use determinations, and the (second order / secondary) Hepburn Planning Scheme. (Refer to Appendices).

(c) PPA form document: Under Existing Conditions, describe how the land is used and developed now: “State and Regional Park and pine plantation.”

- This statement is partially incorrect and or inadequate and or misleading.
- The land is **Crown Land / Public Land**.
- The legal **land status** comprises of Crown Land being reserved or proclaimed for various purposes and land uses, including Regional Park, and State Forest (Hardwood Production), and State Forest (Softwood Production), and Natural Features Reserve (Public Land Water Frontage), with relevant statutes including Forests Act 1958, Crown Land (Reserves) Act 1978, Land Act 1958.
- The legal **land use** comprises various permitted land uses in accordance with Government approved investigations, including LCC Ballarat Study Area 1982, LCC Rivers and Streams Special Investigation 1991, and VEAC Statewide Assessment of Public Land 2017.
- The land or any part thereof is NOT “State Park” as stated in the PPA.

(d) PPA form document: Under Title Information. “Provide full current copy of title for each individual parcel of land forming the subject site.” Includes title diagram, instruments such as restrictive covenants, etc.

- As the land is Crown land it has no title.
- However the (intended) “equivalent” Crown land information would or should comprise Crown Land Status information / pages including parcel diagram / dimensions, and effective “encumbrance instruments” such as the *reservation status and statute* and the *extant Government approved LCC / VEAC Land Use Determinations*.
- Such information comprises *crucial* information to the PPA, and that is absolutely required, including to properly and adequately and fully inform the public including for PPA public submissions purposes. Given the different parcels and their varying land status and land use determinations, this information is *essential*. HSC has largely to completely failed to recognise, and to acknowledge and outline, these parameters in *any* plans or in any form in the PPA.

(e) PPA document: Provided a table of Formal Land Description and the relevant Public Land Manager.

- The table does NOT provide critical information of land (reservation) status or of the extant Government approved Land Use Determinations.
- There are various errors in the land descriptions and Crown land parcel “P” numbers.

(f) Public Land Managers' consent letters – deficiencies:

- Parks Victoria letter dated 15 February 2021: Fails to identify / consider / advise that **non-compliance** issues apply, or may apply, to the CTP / Planning Permit Application, including in regards to LCC / VEAC Land Use Determinations, and in regards to Government Public Land assessment and planning Policies and procedures, and in regards to legal issues in relation to the proposed use of illegally developed tracks.
- DELWP letters dated 1 March 2021 and 8 August 2019: Fails to identify / consider / advise that **non-compliance** issues apply, or may apply, to the CTP / Planning Permit Application, including in regards to LCC / VEAC Land Use Determinations, and in regards to Government Public Land assessment and planning Policies and procedures, and in regards to legal issues in relation to the proposed use of illegally developed tracks. Further issues include: DELWP letter dated 1 March 2021 refers to DELWP letter dated "6 March 2019" as setting out the requirements for consent for construction to commence. No copy of the letter dated 6 March 2019 is provided, and may not exist. The DELWP letter dated 8 March 2019 (also) comprised requirements for consent for construction to commence. If no such DELWP letter dated 6 March 2019 exists, then the DELWP statement is invalid: "*DELWP's consent as land owner for construction to commence will be provided once all requirements as set out in our letter dated 6 August 2019 have been met to the satisfaction of the Regional Director DELWP Grampians Region.*" DELWP letter dated 8 August 2019 (Reference SP468458) was also only PARTIALLY PROVIDED in the HSC CTP Planning Permit documents. This letter is a crucial Planning Permit document and contains critical information to the Public Land Managers consent.
- I specifically object to the part only DELWP letter dated 8 August 2021 being publicly provided. I seek and demand that this letter be provided to the public in full.
- Etc.
- I reserve the right to provide further detailed comments on the DELWP and Parks Victoria letters at any future planning and legal and other forums.

(g) Creswick Trails Project Planning Report. (Hansen Partnership, April 2021).

I submit my concerns and objections on this Hansen report on various and numerous grounds, *including* (in brief):

- The Hansen report is largely or entirely a Planning Scheme planning report; HSC has NOT otherwise undertaken any required Public Land / Crown Land land use planning and assessment reports pursuant to Government Public Land Policy and procedures and to statutory requirements, and the Hansen report does NOT identify this deficiency; the report does NOT consider Public Land status or Government approved VEAC / LCC Land Use Determinations; the report has apparently been commissioned by HSC with the *purpose intent of ensuring development of the CTP* - there are indications of possible *favourable bias* in the Hansen report and its language used e.g. "*The Creswick Trails project will be a unique tourist attraction and community asset that will provide a first of its kind outdoor recreation experience*", "*Measures have been taken to **avoid** the removal of native vegetation **as much as possible**. The construction of the trail will involve the removal of very **narrow strips of understorey vegetation only***", etc.; the

Hansen report refers to other CTP reports for substantiation, however these other reports have flaws and deficiencies and inadequacies; the Hansen report continues HSC's apparent clear (and apparently arrogant) *position* and *intent* that the CTP will be developed and delivered – apparently treating the planning process with contempt, trying to influence public views, and making HSC's CTP "public engagement" a potential farce; the Hansen report makes subjective and questionable claims and assertions to matters such as native vegetation removal and heritage impact and CTP "avoidance and minimisation" – these and other Hansen claims and assertions and stated information are contested to their accuracy and veracity; I strongly contest Hansen's "conclusion", including Hansen's statement that "*The removal of native vegetation to support the proposal is considered to be appropriate in relation to ensuring net community benefit is achieved*".

- The report comprises yet another tool by which HSC continues to try to "rail road" through the CTP.
- Etc.
- I reserve the right to provide further detailed comments on the Hansen report at any future planning and legal and other forums.

(h) Creswick Mountain Bike Trails – Historic Survey Report Draft Report. (Biosis Gary Vines 21 February 2021).

I submit my concerns and objections on this Biosis report on various and numerous grounds, *including* (in brief):

- This is a DRAFT REPORT. It is NOT a final report and NOT FIT for the purposes of Planning Permit Application and public submissions processes.
- Further, Heritage Victoria had also NOT provided any Heritage Act approvals at the time of Planning Permit Application. Further, I understand that Heritage Victoria has concerns to various aspects and the standards and quality of the Biosis report. This report comprises yet another tool by which HSC continues to try to "rail road" through the CTP.
- I submit that the report is significantly inadequate, including in that it is designed specifically for the *enabling* of an impacting project, and is not an objective historic / heritage report for the purposes of assessing Public Land area for its historic / heritage values for their protection and conservation or in the public's interest; it failed to adequately identify all historic / heritage / archaeological sites and values and landscapes and issues; it therefore failed to adequately assess all historic / heritage / archaeological sites and values and landscapes and issues; the search and survey and assessment (field) effort is considered to have been grossly inadequate; it failed to demonstrate appropriate avoidance and minimization of impacts; it failed to appropriately and adequately consider all studies and matters; it failed to identify gaps in surveys and assessments and gaps in adequate protection of places.
- In consideration of the various heritage studies undertaken for Creswick / Creswick Goldfield area, most are quite early studies, and like many 1980s and 1990s studies, they have many gaps in place types assessed; there also hasn't been a Hepburn Shire wide consolidated heritage review.

- Biosis failed to identify and consider the proposed bid for World Heritage listing of the Central Victorian Goldfields, and the (significant) potential for the Creswick Goldfield to be a key part. **The World Heritage listing bid “*aims to share the extraordinary story of the Central Victorian Goldfields with the people from across the globe and create social, cultural and economic opportunities for every community and person across the region.*”** The CTP if developed on the Creswick Goldfields will KILL OFF the option for this area.
- HSC’s specific “targeting” of water races / linear historic heritage features is of significant public concern, and objection; this does NOT *avoid or minimize impacts* in any shape or form, and is in fact the *complete opposite*. Water races and other historic / heritage sites developed and used for the CTP will be subject to *ongoing continual and permanent* impact from this *permanent facility*. With HSC’s estimated *thousands* of mountain bike users the sites will be progressively further impacted and destroyed over time.
- Any HSC or Biosis arguments to (supposedly) avoid or minimize individual historic or heritage or archaeological sites is substantially to totally irrelevant in the historic / cultural LANDSCAPE context. To develop a 100km long (or 60km long for CTP Stage 1) dedicated mountain bike track within a given limited area will also have SIGNIFICANT LANDSCAPE INCLUDING AND VISUAL AND AMENITY IMPACTS. Further, the HSC purported use of such a track by literally thousands and thousands of bike users will destroy the landscape’s aesthetic and ambience values. Given that the CTP will be “permanent”, these impacts will also be “permanent”.
- HSC’s claim that the CTP development is consistent with promoting “historic / heritage appreciation” or the like is *nonsense*. Mountain bike users largely *do not care* about heritage. The actuality will be that people who do care about and appreciate heritage will be significantly impacted or displaced, and their enjoyment of the sites permanently impinged.
- HSC’s proposal to use and incorporate existing illegally developed mountain bike tracks on water races and other heritage areas into the CTP constitutes unconscionable and unethical conduct; there may also be issues related to potential “aiding and abetting” these illegal activities.
- All public requests to HSC for information provision including CTP early /draft reports to enable the public to be able to properly evaluate HSC’s claims to “avoidance and minimization” of impacts etc., have been denied by HSC. This is of significant and continuing public concern. Similarly public requests for information including FOI for HSCs terms of reference and directives to Biosis have also been denied. I again seek that HSC fully releases such crucial information to the public.
- There are many historic / heritage places on DELWP Historic Places Register, some of which are not on the Victorian Heritage Register or Victorian Heritage Inventory or under Heritage Overlay. It is unknown to the extent to which the DELWP information has been identified or considered. In any event, there are many local sites and places that have not been included in the Biosis report.
- It is the role of HSC essentially to record and *protect* places of value to the local community.
- Etc.

- I reserve the right to provide further detailed comments on this Biosis report at any future planning and legal and other forums.

(i) Creswick Mountain Bike Trail – Flora and fauna assessment. (Biosis 5 March 2021).

I submit my concerns and objections on this Biosis 14915 report on various and numerous grounds, *including* (in brief):

- I submit that the report is significantly inadequate, including in that it is designed specifically for the *enabling* of an impacting project, and is not an objective historic / heritage report for the purposes of assessing Public Land area for its historic / heritage values for their protection and conservation or in the public interest. It comprises yet another tool by which HSC continues to try to “rail road” through the CTP.
- All public requests to HSC for information provision including CTP early /draft reports (e.g. in this case, the “preliminary biodiversity constraints assessment” – Biosis 2019), to enable the public to be able to properly evaluate HSC’s claims to “avoidance and minimization” of impacts etc., have been denied by HSC. This is of significant and continuing public concern. Similarly public requests for information including FOI for HSCs terms of reference and directives to Biosis have also been denied. I again seek that HSC fully releases such crucial information to the public.
- The report “Preliminary biodiversity constraints assessment” (Biosis 2019) is referred to but the document has NOT BEEN PROVIDED AS PART OF THE PLANNING PERMIT APPLICATION DOCUMENTS. This is a critical flaw of the Planning Permit Application.
- The “key ecological values” identified either individually or certainly collectively indicate the folly of developing the CTP and the impacts the CTP will have. These aspects are of greater significance when taking into account the Public Land context. E.g. Areas of high quality habitat were found throughout the study area. Most habitat zones contained a high diversity of native herb and grass species with few weeds. Habitat zones near waterways ... typically contained higher numbers of large trees. The remnant vegetation forms part of a large wildlife corridor. 13 species listed EPBC Act or FFG Act (significant species). Creekline Herb-rich Woodland EVC Vulnerable. Creeks for Growling Grass Frog and Brown Toadlet. Etc.
- Did not consider or fully or properly consider DSE (DELWP) Advisory List of rare and threatened species, or of locally or regionally rare species, or notable and or declining species present such as Platypus and Koala.
- The Recommendations are all designed around (*only*) enabling the CTP development. They do NOT comprise of *real* recommendations for the *real protection* and *real conservation* of the environment or of biodiversity.
- There are concerns to the degrees of adequate surveying, including objectives, methodologies, seasonality, coverage, efficacy, accuracy, comprehensiveness, survey effort, interpretations, etc. For example, Biosis indicates that its fauna assessment was “*not intended to provide a comprehensive survey of all fauna*”; and that the flora and fauna assessment was conducted in Autumn, which “*is generally not an optimal time for survey as native orchids and other native plant species in the region generally have little flowering or fruiting*”. Etc.
- Etc.

- I reserve the right to provide further detailed comments on this Biosis report at any future planning and legal and other forums.

(j) Creswick Trails – Environmental Management Plan. (Biosis 8 April 2021).

I submit my concerns and objections on this Biosis report on various and numerous grounds, *including* (in brief):

- I submit that the report is significantly inadequate, including in that it is designed specifically for the *enabling* of an impacting project, including construction and supposed management. It comprises yet another tool by which HSC continues to try to “rail road” through the CTP.
- The report’s Objectives are *completely erroneous* and paradoxical. The report seeks to “protect” the very values that the CTP itself is actually going to *impact*. For example, it will “protect identified site environmental values”! It will “prevent *inadvertent* environmental damage”! It will “protect heritage values of the site”! And so on.
- The report outlines “Significant ecological values have been identified on site”. So why is the project still proposed for development, why is HSC still pushing it against Planning Scheme and Policies / Strategies for environmental protection, why have the Public Land Managers consented to go to Planning Permit application and/or conditional development, and why is it being *railroaded* through?
- Similarly “significant Aboriginal Cultural values have been identified on site.” Ditto as previous point. However – to avoid, minimise and offset impacts to Aboriginal cultural heritage, the report states the trails have been *DESIGNED to follow* “disturbed” gold mining areas (!) or “existing tracks” (!). What about the then targeted impacts to gold field European cultural heritage?! What about the unconscionable and unethical and potential “aiding and abetting” use of these “existing” tracks that have been *illegally developed*?! HSC and the Public Land Managers are subject to public complaints on such illegal activities.
- Etc.
- I reserve the right to provide further detailed comments on this Biosis report at any future planning and legal and other forums.

(k) All other CTP Planning Permit Application Incorporated / Background / Support Documents.

- I have various public issues and concerns in relation to these other reports / matters. Some of these issues and concerns are addressed in other parts of this submission.
- I reserve the right to provide further detailed comments on these reports at any future planning and legal and other forums.

3.4 [CTP / Planning Permit Application CTP Stage 1 – Hepburn Planning Scheme / Strategies / Policies / Studies etc.](#)

I submit that the CTP / Planning Permit Application CTP Stage 1 do not fully comply with the following:

- Hepburn Planning Scheme.
- Hepburn Shire Council Plan 2017-2021.

- Hepburn Heritage Strategy 2020-2030 (2020).
- Creswick Heritage Study (Tropman, 1990).
- Hepburn Heritage Conservation Policy – Policy No. 16 (2014).
- Hepburn Heritage Policy – Policy No. 16(C) (2015).

Refer to Appendix 14 for more detail.

Including on the above bases, I submit that the Planning Permit Application is flawed and or deficient in many and various respects, such that its **validity** is questioned.

In any case, I publicly object to the CTP and Planning Permit Application CTP Stage 1 including on the above grounds, and on all other grounds in this submission.

4.0 APPENDICES – INFORMATION DETAIL / VERIFICATION / EVIDENCE / FURTHER DETAIL DISCUSSION.

Appendix 1: Extant Government approved VEAC/LCC Land Use Determinations – LCC Ballarat Study Area 1982 – Creswick Trails Project Public Lands Area - General.

Appendix 2: Extant Government approved VEAC/LCC Land Use Determinations – LCC Ballarat Study Area 1982 – Specific Discussion for Creswick Regional Park.

Appendix 3: Extant Government approved VEAC Statewide Assessment of Public Land 2017 – Specific Discussion for Regional Parks.

Appendix 4: Definitions: “Formal Recreation” and “Informal Recreation”.

Appendix 5: Extant Government approved LCC Rivers and Streams Special Investigation June 1991 – Rapid Case Studies of two Crown Land Parcel P101808 & P101806 (Other Creswick Creek / Watercourse Parcels Proposed for CTP).

Appendix 6: Extant Government approved VEAC/LCC Land Use Determinations – LCC Ballarat Study Area 1982 - Various CTP area Crown land parcels.

Appendix 7: VEAC Act 2001 – Section 26A - Minister or Department / Public Authority must ensure implementation.

Appendix 8: Hepburn Shire Council – Planning Permit Application – Creswick Trails Project.

Appendix 9: Hepburn Shire Council – (CTP) TRAIL MASTER PLAN CRESWICK – (Dirt Art for HSC, 2015/2016).

Appendix 10: Hepburn Shire Council – CRESWICK TRAILS – TRAIL DEVELOPMENT PLAN – STAGE 1 WORKS – (Common Ground Trails for HSC, February 2021).

Appendix 11: Hepburn Shire Council – Hepburn Planning Scheme – CTP Area Zones.

Appendix 12: Public Requests to HSC for Information on the CTP and Likely impacts to Public Land and Public Land Values and the Public Interest. Largely Thwarted. Includes Lists of FOI Requests to HSC. Includes some Recent Public Requests for Information on CTP Planning Permit.

Appendix 13: Illegally Developed Mountain Bike Trails on Public Land – CTP Area.

Appendix 14: CTP / Planning Permit Application CTP Stage 1 – Hepburn Planning Scheme / Strategies / Policies / Studies etc.

Appendix 15: CROWN LAND ASSESSMENT – PUBLIC LAND VALUES – PROCESS.

Appendix 16: SOME KEY STIMSON LETTERS OF REFERRAL AND COMPLAINT TO HSC – CTP AND PLANNING PERMIT APPLICATION CTP “STAGE 1”.

Appendix 17: GENERAL SUMMARY OVERVIEW OF SOME KEY ASPECTS – CTP AND PLANNING PERMIT APPLICATION CTP “STAGE 1”.

Appendix 18: SOME HISTORIC / HERITAGE VALUES – CRESWICK GOLDFIELD PUBLIC LAND AREA – PROPOSED AREA CRESWICK TRAILS PROJECT.

Appendix 19: SOME FLORA AND FAUNA RECORDS – CRESWICK GOLDFIELD PUBLIC LAND AREA – PROPOSED AREA CRESWICK TRAILS PROJECT.

APPENDIX 1.
EXTANT GOVERNMENT APPROVED VEAC / LCC LAND USE DETERMINATIONS
LCC BALLARAT STUDY AREA 1982
CRESWICK TRAILS PROJECT PUBLIC LANDS AREA - GENERAL

Land Conservation Council (LCC) / Victorian Environmental Assessment Council (VEAC) recommendations including/comprising final recommendations approved by Governor in Council ARE BINDING ON GOVERNMENT. They MUST be considered wherever they apply to any parcel of Crown land being assessed e.g. for any proposed change in land status or land use. (Refer VEAC Act, Section 26A).

In the case of the CTP, the extant LCC / VEAC primary LCC Ballarat Study Area 1982 applies. Other LCC / VEAC reports also may apply including LCC Rivers and Streams Special Investigation 1991 and VEAC Statewide Assessment of Public Land 2017.

HSC is the project proponent for the CTP. However HSC has apparently *completely* failed to recognize and consider the LCC / VEAC recommendations, and effective Public Land status / land use determinations. This is a FATAL FLAW of the CTP proposal and of HSC's Planning Permit Application for CTP "Stage 1". This is an untenable situation of significant public concern. This issue is further exacerbated in that the Public Land Managers of the Public Lands of the proposed CTP area have themselves also apparently failed to consider and to ensure implementation of the LCC / VEAC recommendations / determinations. Public letters to HSC and to the Public Land Managers advising them of the LCC / VEAC recommendations / determinations, and advising that the CTP apparently does not comply and conform in various respects, and seeking full assessment and appraisal and public information, have largely to entirely been ignored. Responses appeared to comprise of attempts at obfuscation, including by simple statements such as mountain bikes being "allowed" including in Regional Parks. The Public Land Managers may have also breached their responsibilities and obligations by providing consents to HSC to proceed to Planning Permit application and or to conditionally progress to CTP development whilst *ignoring* the LCC / VEAC recommendations / land use determinations. The VEAC Act Section 26A legally requires the Minister or the Department or public authority having the responsibility for the land to which a LCC / VEAC recommendation action applies that they MUST ENSURE that the ACTION IS UNDERTAKEN TO IMPLEMENT THE RECOMMENDATION TO THE EXTENT THAT IT IS ACCEPTED. To this end, it appears that all of HSC and the respective Public Land Managers have breached, or (knowingly) intend to breach, Section 26A VEAC Act. This is an untenable situation.

In regards to HSC Planning Permit Application for CTP "Stage 1" and documentation, public concerns include:

- (a) HSC has only publicly outlined the Crown Land Parcel "P" numbers for the CTP "Stage 1" only, and not for the entire proposed CTP area.
- (b) HSC has completely failed to identify, recognize and consider the extant Government approved VEAC / LCC Land Use Determinations for all Crown land parcels proposed to be affected and or

impacted by the CTP, including failing to provide this information to *inform the public* – including as part of the Planning Permit Application process (for both CTP Stage 1 and for the entire CTP).

(c) HSC has also failed to identify, recognize and consider the extant Crown Land Status (e.g. Reservation / Proclamation) for all Crown land parcels proposed to be affected and or impacted by the CTP, including failing to provide this information to *inform the public* – including as part of the Planning Permit Application (for both CTP Stage 1 and for the entire CTP).

Items (a) to (c) are critical elements that MUST be considered as part of the CTP and Public Land assessment and planning and legal and other processes, including the Planning Permit Application. Similarly they are critical information that MUST be otherwise publicly provided to fully inform the public and to allow the public to make appropriately informed submissions.

Note: Public requests to HSC and to the Public Land Managers for provision of this information have been ignored or side-stepped.

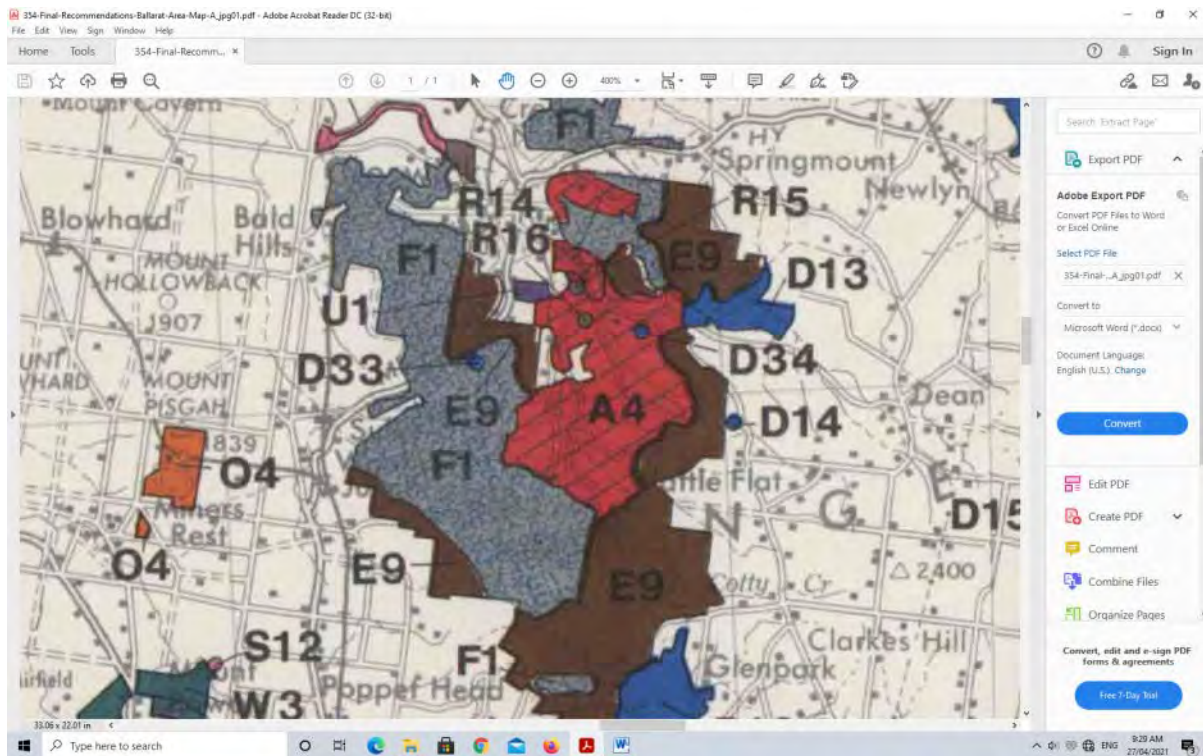
LCC / VEAC INVESTIGATIONS APPLICABLE AND OR RELEVANT FOR THE CTP AREA:

Include:

1. LCC BALLARAT STUDY AREA. (1982). (Primary).
2. LCC RIVERS AND STREAMS SPECIAL INVESTIGATION. (1991).
3. VEAC STATEWIDE ASSESSMENT OF PUBLIC LAND. (2017).
4. VEAC HISTORIC PLACES INVESTIGATION FINAL REPORT. (2016).
5. VEAC REMNANT NATIVE VEGETATION INVESTIGATION FINAL REPORT. (2011).

LCC BALLARAT STUDY AREA 1982 – SMALL SCALE FINAL RECOMMENDATIONS PLAN – CTP GENERAL AREA.

Note: Refer to contemporary (VEACRECS25) spatial data and plans for subsequent refinements and changes.



LCC BALLARAT STUDY AREA – FINAL RECOMMENDATIONS FOR CTP AREA.

HSC has *only* provided Crown land parcel numbers for CTP Stage 1, and *not* for the entire CTP area.

CTP Stage 1:

(From a rapid investigation – a more detailed formal investigation is required):

A4 – Ballarat Creswick Regional Park – Regional Park. (LCC Ballarat Study 1982).

E9 – Creswick Forest – Hardwood Production. (LCC Ballarat Study 1982).

F1 – Sawpit Gully Plantation – Softwood Production. (LCC Ballarat Study 1982).

W1 – Other Reserves and Public Land. (LCC Ballarat Study 1982).

But with the interplay of subsequent LCC / VEAC Investigations there are changes in terminology / status name – such as:

W1 – Other Reserves and Public Land. (LCC Ballarat Study 1982). Superseded to:

E1 – Public Land Water Frontage. (LCC Rivers and Streams Special Investigation 1991). Superseded to:

R1 – Water Frontage Beds and Banks Reserve. (VEAC Statewide Assessment Public Land).

Other Land Use Category areas in the entire CTP area may include:

D – Water Production. (Various e.g. D13 Cosgrove Reservoir, D14 Russels Reservoir, D33 Creswick Service Tank, D34 Lincoln Service Basin).

LCC / VEAC LAND USE DETERMINATION IMPLICATIONS FOR THE CTP:**1. Creswick Regional Park (LCC Ballarat A4):**

The LCC Ballarat 1982 Recommendations identify/describe the Creswick Regional Park (“Ballarat-Creswick Regional Park”) including as follows:

- Is situated in undulating forest and encompasses one of the major areas for open space recreation in the Ballarat and Creswick districts.
- Vegetation types include messmate stringybark, scent bark, peppermint, and candlebark, and contains important areas for orchids and wildflowers including at White Hills and along Slaty Creek.
- Is important for recreational pursuits for a wide range of recreational uses including nature study, walking, fossicking, horse riding, orienteering, cycling, picnicking, school groups for educational studies and recreation.
- Etc.

Recommendation A4:

That the area ... be used to:

- (a) Provide opportunities for informal recreation for large numbers of people;*
- (b) Conserve and protect ecosystems to the extent that this is consistent with (a) above;*
- (Etc.)*

Notes:

- 1. The softwood plantations along Creswick Creek and around St. Georges Lake are important landscape and recreational features and should be managed to protect these values.*
- 7. Some minor forest products could become available associated with management to improve park values. The orchid areas near Humberg Hill, along Slaty Creek Track, and at White Hills should be protected.*

[Refer to LCC “O Recreation” section, including for LCC Definitions of Formal and Informal Recreation – see also Appendix 4.

Formal Recreation: **Formal recreation** activities include all organized sports and other group activities, whilst activities such as picnicking, fishing and hiking are grouped as **informal**.]

I CONTEND AND SUBMIT:

The CTP (including Planning Permit Application CTP Stage 1) DOES NOT COMPLY with the LCC Ballarat 1982 A4 Recommendation and intent, for Creswick Regional Park.

[The CTP (including Planning Permit Application CTP Stage 1) also DOES NOT COMPLY with the VEAC Statewide Assessment of Public Land 2017 Recommendation and intent for Regional Parks.]

Reasons include:

1. The CTP (including Planning Permit Application CTP Stage 1) DOES NOT COMPLY with Rec A4(a), as it is *not* “informal recreation” but is “formal recreation”.
- Refer to LCC definitions for formal and informal recreation Appendix 4.

- The CTP will comprise a formal major (\$4.02M) dedicated permanent mountain bike track development facility of 100km distance (or 60km for Stage 1) and footprint of 20ha (or 12ha for Stage 1) and licensed major new / changed land use of 220ha (or 132ha for Stage 1) comprising of dedicated land use (mountain biking) catering to different skill and experience levels and event types including racing and which directs and corals users along defined routes.
- The proposed setting-aside and Licensing of 220ha (or 132ha) for single user group priority use, effecting directly or indirectly the displacement of all of other public users to certain extents, is contrary to the LCC Recommendation and intent.
- The CTP may constitute new permanent and major land use effective change, of 220ha Licensed area (or 132ha for Stage 1), and may require formal revocation or variation of the VEAC / LCC Recommendation.

2. The CTP (including Planning Permit Application CTP Stage 1) DOES NOT FULLY COMPLY with Rec A4(b), as it will demonstrably significantly impact and will not “conserve and protect ecosystems” as currently proposed, and that it is also a *discretionary* project.

- The CTP does not “avoid and minimize” impacts to this Creswick ecosystem, or the area’s native vegetation, habitat, species and communities. The CTP also seeks to largely not utilize existing vehicular and other legal tracks, but actively seeks to develop most of the trail through bushland.
- The CTP will remove 20ha (or 12ha for CTP Stage 1) of native vegetation

3. The CTP may impact identified areas and may not or does not comply with Notes 1. and 7.

4. See also Recommendation - O1 Recreation : The CTP development is not consistent with the aim that recreational use should not cause *irreversible change* or *significant conflict* with the primary purpose of the area, as the CTP is a *permanent mountain bike track* and is a *very large project with proportionate impacts*.

I reserve the right to provide further comment on this matter in any future avenues, forums or proceedings.

2. E9 – Creswick Forest.

The LCC Ballarat 1982 Recommendations identify/describe the Creswick Regional Park (“Ballarat-Creswick Regional Park”) including as follows:

Recommendation E1-E18: (E9)

That the areas ... be used to:

- (a) *Primarily to produce hardwood timber in a manner having due regard for landscape values as seen from the main roads outside the forest, that*
- (b) *Major secondary uses be to:*
 - (i) *Provide opportunities for open-space recreation and education*
 - (ii) *Conserve native plants and animals, and provide opportunities for the development of wildlife conservation techniques*
 - ...
- (c) *Water production values be recognised and protected.*

(d) *The special values located in portions of some of the hardwood areas listed below be protected. (These areas should be protected by the creation of reserves ... or by management prescriptions. Where faunal values are of importance the Fisheries and Wildlife Division should be consulted.)*

E9 Creswick. In accordance with (d) above, the orchid reserve north of "The Freeway" should be protected by management prescriptions.

I CONTEND AND SUBMIT:

The CTP (including Planning Permit Application CTP Stage 1) MAY NOT COMPLY or DOES NOT COMPLY with the LCC Ballarat 1982 E9 Recommendation and intent, for Creswick Forest (Hardwood Production).

Reasons include:

1. The *primary* land use is for Hardwood Production. The CTP may constitute new permanent and major land use effective change, of 220ha Licensed area (or 132ha for Stage 1), and may require formal revocation or variation of the VEAC / LCC Recommendation if it was able to proceed.
2. Whilst the CTP (and CTP Stage 1) may comply with Recs E9(a) & E9(b)(i), it MAY NOT COMPLY or DOES NOT COMPLY with E9(b)(ii) and its intent, as it will NOT conserve native plants and animals but in fact will significantly impact them, either directly or indirectly, including in substantial removal of habitat.
 - The CTP is a discretionary project.
 - The CTP does *not* "avoid and minimize" impacts to this Creswick Forest, or the area's native vegetation, habitat, species and communities. The CTP also seeks to largely not utilize existing vehicular and other legal tracks, but actively seeks to develop most of the trail through bushland.
3. The CTP (and CTP Stage 1) MAY NOT COMPLY with Rec E9(c). Further investigation is required.
4. The CTP (and CTP Stage 1) MAY NOT COMPLY with Rec E9(d). Further investigation is required to identify the "*orchid reserve north of the Freeway*" for protection by management prescriptions.
5. See also Recommendation - O1 Recreation : The CTP development is not consistent with the aim that recreational use should not cause *irreversible change* or *significant conflict* with the primary purpose of the area, as the CTP is a *permanent mountain bike track* and is a *very large project with proportionate impacts*.

I reserve the right to provide further comment on this matter in any future avenues, forums or proceedings.

3. F1 – Softwood Production. (Sawpit Gully Plantation – CTP Stage 1 Area)

The LCC Ballarat 1982 Recommendations identify/describe the Creswick Regional Park ("Ballarat-Creswick Regional Park") including as follows:

- The impact that large plantations of softwood have on the natural environment can be reduced by retaining selected areas of native vegetation, and by adhering to catchment prescriptions prepared by the relevant management authorities

Recommendation F1:

That the present plantations ... continue to be used for the production of softwoods, and the provision of other goods and services compatible with the primary use, as well as providing opportunities for recreation and other uses and that they remain or become reserved forest

Notes:

1. *The existing softwood plantations around Creswick include part of the Demonstration Forest of the Victorian School of Forestry.*

I CONTEND AND SUBMIT:

The CTP (including Planning Permit Application CTP Stage 1) MAY COMPLY or MAY NOT COMPLY with the LCC Ballarat 1982 F1 Recommendation and intent, for Creswick Softwood Production (possibly including or comprising Sawpit Gully Plantation).

Reasons include:

1. The primary use is for Softwood Production, although “opportunities for recreation” may be provided. However the CTP may constitute new permanent and major land use effective change, of 220ha Licensed area (or 132ha for Stage 1), and may require formal revocation or variation of the VEAC / LCC Recommendation.

2. Notes 1 - needs to be determined.

3. See also Recommendation - O1 Recreation : The CTP development is not consistent with the aim that recreational use should not cause *irreversible change* or *significant conflict* with the primary purpose of the area, as the CTP is a *permanent mountain bike track* and is a *very large project with proportionate impacts*.

I reserve the right to provide further comment on this matter in any future avenues, forums or proceedings.

4. W1 – Other Reserves and Public Land.

Not evaluated as part of this submission, due to time constraints.

I reserve the right to provide comment on this matter in any future avenues, forums or proceedings.

I reserve the right to provide further comment on this matter in any future avenues, forums or proceedings.

5. W1 – Other Reserves and Public Land.

Not fully evaluated as part of this submission, as HSC has publicly declared that the CTP including CTP Stage 1 will now no longer be located on Central Highlands Water land.

There are various LCC Ballarat Study Area Recommendations that apply or may apply to the general CTP area.

These include: D13 Cosgrove Reservoir; D14 Russells Reservoir; D33 Creswick Service Tank; D34 Lincoln Service Basin.

I reserve the right to provide further comment on this matter in any future avenues, forums or proceedings.

6. O – Recreation.

The LCC Ballarat 1982 Recommendations discuss Recreation including as follows:

- Special care will be required in the location and management of areas zoned for intensive recreation to prevent environmental damage. Thus, more stringent restrictions can be expected in areas where the vegetation and soils are sensitive to damage, ... where water quality might be affected and where the natural environment or special natural features are being preserved.
- Erosion-hazard areas may be proclaimed according to the provisions of the Land Conservation (Vehicle Control) Act 1972 and regulations, enabling strict control to be enforced.
- If the increased recreational use of roads is to be catered for, adequate funding should be provided for road maintenance, otherwise deterioration leading to erosion is inevitable.

Recommendation O1:

That public land continue to be available for a wide range of recreational uses where these can be accommodated without detriment to other values and that land management authorities aim at controlling the types, levels, and patterns of recreational use according to the capability of particular areas to sustain such use without irreversible change or significant conflict with the primary purpose of the area.

I CONTEND AND SUBMIT:

The CTP (including Planning Permit Application CTP Stage 1) DOES NOT COMPLY with the LCC Ballarat 1982 O1 Recommendation and intent.

Reasons include:

- The CTP comprises the proposed setting-aside and Licensing of 220ha (or 132ha) for single user group priority use, effecting directly or indirectly the displacement of all of other public users to certain extents, and is contrary to or inconsistent with the LCC Recommendation and intent for the land *“to be available for a wide range of recreational uses”*.
- The CTP will cause demonstrable significant detriment to the land’s environmental, native vegetation, habitat, species, cultural heritage, landscape values and impact or displace other public land users.
- The CTP development is not consistent with the aim that recreational use should not cause *irreversible change* or *significant conflict* with the primary purpose of the area, as the CTP is a *permanent mountain bike track* and is a *very large project with proportionate impacts*. (Refer to individual Land Use Categories.)

I reserve the right to provide further comment on this matter in any future avenues, forums or proceedings.

VEAC HISTORIC PLACES INVESTIGATION FINAL REPORT (2016).

The VEAC Historic Places Investigation is one example of the various VEAC / LCC reports that are relevant and or applicable to the CTP proposal.

- The VEAC Historic Places Investigation recognized the **importance of historic places to Victorians and the State's economy**, but that this is **not reflected in the management of those places on Public Land**.

- VEAC identified many problems including the **absence of system-wide long term planning**, and that **significant historic assets have deteriorated through neglect**. VEAC stated "*Most ordinary Victorians would be dismayed at the state of affairs*".

I contend and submit that the CTP (and the Planning Permit Application CTP Stage 1) is significantly inconsistent and or contrary to the aims and objectives and recommendations and intent of the VEAC Historic Places Investigation.

I reserve the right to provide further comment on this matter in any future avenues, forums or proceedings.

VEAC REMNANT NATIVE VEGETATION INVESTIGATION FINAL REPORT. (2011).

The VEAC Remnant Native Vegetation Investigation is another example of the various VEAC / LCC reports that are relevant and or applicable to the CTP proposal.

- The VEAC Remnant Native Vegetation Investigation recognized significant decline in biodiversity in Victoria.

- VEAC recognized that retaining existing habitat is the most cost-effective strategy.

- VEAC recognized that multiple government agencies and other organisations have a role in improving ecological resilience and connectivity.

I contend and submit that the CTP (and the Planning Permit Application CTP Stage 1) is significantly inconsistent and or contrary to the aims and objectives and recommendations and intent of the VEAC Remnant Native Vegetation Investigation.

I reserve the right to provide further comment on this matter in any future avenues, forums or proceedings.

CTP – PUBLIC LAND / VEAC LCC RECOMMENDATIONS - CHANGED PRIMARY OR MAJOR LAND USE:

There are apparent significant VEAC/LCC Land Use Determination implications in regard to the proposed new CTP major and effective permanent land use proposal. The proposal for the 100km long CTP permanent trail (or 60km for CTP Stage 1), comprising of 20ha development permanent footprint (or 12ha for CTP Stage 1) and for 220ha of CTP corridor long term tenure authority area (or 132ha for CTP Stage 1) is a clearly a CHANGED PRIMARY OR MAJOR LAND USE. It is NOT a "*minor land use change or variation*". As such, a **revocation or variation of VEAC / LCC recommendations** should, or will, be required. This is a defined formal process including Order in Council arrangements for revocations.

TABLE – FROM HSC PLANNING PERMIT APPLICATION:

HSC only provided “Formal Land Descriptions” and the “relevant Public Land Managers” (and Planning Scheme Zones) for all of the Crown land the subject of the Planning Permit Application i.e. for CTP Stage 1 only. CTP Stage 2 parcels were NOT provided. Extant Government Approved LCC / VEAC Land Status / Land Use Determinations were NOT provided. Extant Current Land Status was NOT provided. Areas of Parcels were NOT provided.

The following table identifies the Formal Land Description of the Crown land that is the subject of this planning permit application and the relevant Public Land Manager.

Crown Allotment	SFI	Parcel	PLM	Zone
Allot. 16 Sec. B	16 ^B B\PP5211	P101810	Parks Victoria	PCRZ
Allot. 27 Sec. 72	27 ⁷² \PP5211	P101808 PART OF	Parks Victoria	PCRZ
Allot. 25 Sec. 51	25 ⁵¹ \PP5211	P101785	Parks Victoria	PCRZ
Allot. Y32	Y32\PP2464	P108588	Parks Victoria	PCRZ
Allot. Y29H	Y29H\PP2464	68875 PART OF	Parks Victoria	PCRZ
Allot. 2015	2015\PP2464	P373753	Parks Victoria	FZ
Allot. 26 Sec. 51	26 ⁵¹ \PP5211	P101786	Parks Victoria	PCRZ
Allot. Y31	Y31\PP2464	P108669	Parks Victoria	PCRZ
Allot. 26 Sec. 72	26 ⁷² \PP5211	P101806	Parks Victoria	PPRZ
Allot. Y29	Y29\PP2464	P108189	DELWP	PCRZ
Allot. Y29H	Y29H\PP2464	P368875	DELWP	PCRZ
Allot. 2012	2012\PP2464	P372884	DELWP	PCRZ
Allot. 27 Sec. 72	27 ⁷² \PP5211	P101808 PART OF	DELWP	PCRZ
Allot. Y29D	Y29D\PP2464	P368949	HVP	FZ
Allot. Y29F	Y29F\PP2464	P368952	HVP	FZ

**SUBMITTED REVISED TABLE – SHOWING CRUCIAL EXTANT GOVT APPROVED
LCC LAND STATUS / LAND USE DETERMINATIONS – FOR HSC CTP “STAGE 1” PLANNING PERMIT
APPLICATION:**

	CROWN LAND PARCEL NUMBER (HSC identified)	HSC CLAIMED PUBLIC LAND MANAGER	EXTANT GOVT APPROVED LCC REC.	LCC (VEAC) LAND UNIT NAME	EXTANT GOVERNMENT APPROVED LCC PUBLIC LAND USE CATEGORY	HSC PS ZONE	AREA (HA)	
1	P101810	PARKS VICTORIA	A4	BALLARAT-CRESWICK REGIONAL PARK	REGIONAL PARK (PARKS VICTORIA IMPLIED MANAGEMENT)	PCRZ	7.97	PROPERTY REPORT YES
2	P101808 PART OF ?? PARCEL PROPOSED TO BE SPLIT, BUT HASN'T HAPPENED YET SEE BELOW	PARKS VICTORIA OR DELWP ?	A4	SHOWN AS BALLARAT- CRESWICK REGIONAL PARK ON VEAC LIST BUT ACTUAL: CURRENT WATER FRONTAGE BED & BANKS RESERVE	REGIONAL PARK (PARKS VICTORIA IMPLIED MANAGEMENT) OR DELWP	PCRZ	12.26	PROPERTY REPORT YES
3	P101785	PARKS VICTORIA	A4	BALLARAT-CRESWICK REGIONAL PARK	REGIONAL PARK (PARKS VICTORIA IMPLIED MANAGEMENT)	PCRZ	4.80	POSSIBLY BUILDINGS OLD SITE? PROPERTY REPORT YES
4	P108588	PARKS VICTORIA	A4	BALLARAT-CRESWICK REGIONAL PARK	REGIONAL PARK (PARKS VICTORIA IMPLIED MANAGEMENT)	PCRZ	50.14	PROPERTY REPORT YES
5	68875 PART OF ?? SHOULD BE P368875	PARKS VICTORIA	A4	BALLARAT-CRESWICK REGIONAL PARK	REGIONAL PARK (PARKS VICTORIA IMPLIED MANAGEMENT)	PCRZ	68.63	PROPERTY REPORT YES
6	P373753	PARKS VICTORIA	A4	BALLARAT-CRESWICK REGIONAL PARK	REGIONAL PARK (PARKS VICTORIA IMPLIED MANAGEMENT)	FZ	0.6870	PROPERTY REPORT YES
7	P101786	PARKS VICTORIA	A4	BALLARAT-CRESWICK REGIONAL PARK	REGIONAL PARK (PARKS VICTORIA IMPLIED MANAGEMENT)	PCRZ	2.91	PROPERTY REPORT YES

ATTACHMENT 10.1.5

8	P108669	PARKS VICTORIA	A4	BALLARAT-CRESWICK REGIONAL PARK	A4 BALLARAT-CRESWICK REGIONAL PARK (PARKS VICTORIA IMPLIED MANAGEMENT)	PCRZ	18.30	PROPERTY REPORT YES
9	P101806 NOT ON VEAC LIST – BUT FOUND ON MAPSHARE SEE BELOW	PARKS VICTORIA	NOT ON VEAC LIST PRESUME W1 SEE BELOW	NOT ON VEAC LIST PRESUME OTHER RESERVES AND PUBLIC LAND SEE BELOW	NOT ON VEAC LIST PRESUME OTHER RESERVES AND PUBLIC LAND SEE BELOW	PPRZ	2.15	“POSSIBLY EASTERN HILL FLORA RESERVE” PROPERTY REPORT YES
10	P108189	DELWP	E9	CRESWICK FOREST	HARDWOOD PRODUCTION	PCRZ	345.54	PROPERTY REPORT YES
11	P368875	DELWP	E9	CRESWICK FOREST	HARDWOOD PRODUCTION	PCRZ	68.63	PROPERTY REPORT YES
12	P372884 NOT ON VEAC LIST – BUT FOUND ON MAPSHARE SEE BELOW	DELWP	NOT ON VEAC LIST PRESUME E9 SEE BELOW	NOT ON VEAC LIST PRESUME CRESWICK FOREST SEE BELOW	NOT ON VEAC LIST PRESUME HARDWOOD PRODUCTION SEE BELOW	PCRZ	2.29	PROPERTY REPORT YES
13	P101808 PART OF ?? PARCEL PROPOSED TO BE SPLIT, BUT HASN'T HAPPENED YET SEE BELOW	PARKS VICTORIA OR DELWP ?	A4	SHOWN AS BALLARAT-CRESWICK REGIONAL PARK ON VEAC LIST BUT ACTUAL: CURRENT WATER FRONTAGE BED & BANKS RESERVE	REGIONAL PARK (PARKS VICTORIA IMPLIED MANAGEMENT) OR DELWP	PCRZ	12.26	PROPERTY REPORT YES
14	P368949	HVP	F1	SAWPIT GULLY PLANTATION	SOFTWOOD PRODUCTION	FZ	179.97	PROPERTY REPORT YES
15	P368952	HVP	F1	SAWPIT GULLY PLANTATION	SOFTWOOD PRODUCTION	FZ	13.45	PROPERTY REPORT YES
					TOTAL		790.07	

The example parcels below demonstrate the possible complexities of Land Status and VEAC / LCC Land Use Determinations. They also help to demonstrate that HSC Planning Permit Application and documentation are inaccurate and or inadequate.

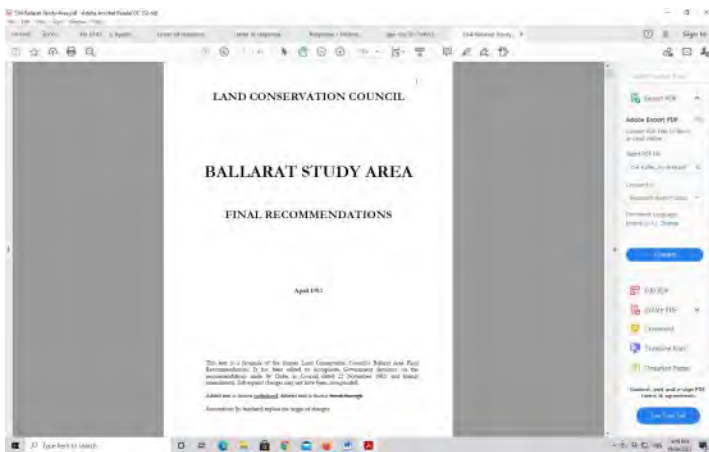
P372884 – ABSENT FROM VEACRECS25 DATABASE. PARCEL CREATED IN 2004 – FOR UNKNOWN REASONS TO VEAC. THE MOST PARSIMONIOUS REASONING AND CONCLUSION TO DRAW WOULD BE THAT P372884 WOULD HAVE THE SAME REC NUMBER, LAND UNIT NAME AND PUBLIC LAND USE CATEGORY AS P109189 – WHICH IS E9 CRESWICK FOREST AND HARDWOOD PRODUCTION (NOW STATE FOREST IN ACCORDANCE WITH RECOMMENDATION R1 OF VEAC'S 2017 STATEWIDE ASSESSMENT OF PUBLIC LAND FINAL REPORT.

P101806 – THIS PARCEL NOT INCLUDED ON VEAC LIST. ITS CURRENT REC NUMBER G4a IS NOT AN ACTUAL RECOMMENDATION OF THE LCC BALLARAT STUDY. THAT IS, IT IS AN INDICATIVE RECOMMENDATION NUMBER THAT BEST APPROXIMATES THE ACTUAL USE OF THE PARCEL WHICH IS NOT SHOWN ON MAP FOR THE BALLARAT STUDY; THEREFORE W1 FOR OTHER RESERVES AND PUBLIC LAND MIGHT APPLY. THERE IS NO FORMAL LAND UNIT NAME, BUT IT MAY HAVE BEEN KNOWN LOCALLY AT LEAST AS EASTERN HILL FLORA RESERVE.

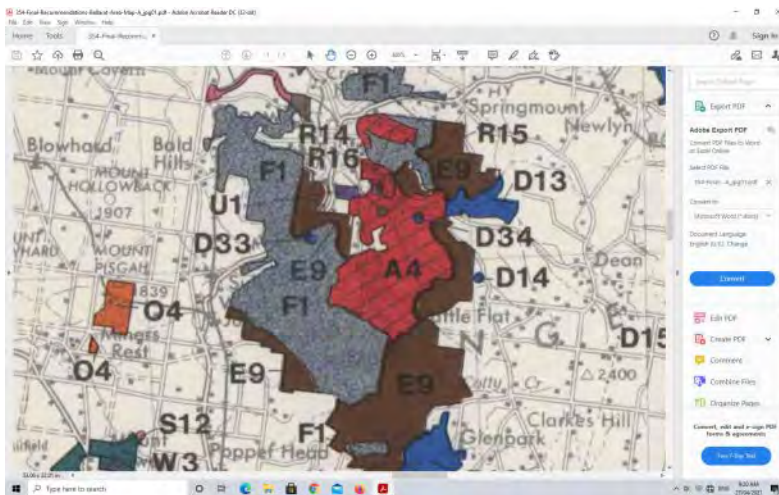
P101808 – THERE IS SOME CONFUSION WITH THIS PARCEL, SHOWN AS REGIONAL PARK ON VEAC LIST. HOWEVER THE PARCEL WAS MARKED FOR SPLITTING IN THE VEACRECS25 DATABASE (PART NATURAL FEATURES RESERVE, PART REGIONAL PARK), WITH INTERIM PARCEL NUMBERS PROPOSED. HOWEVER THIS PARCEL HAS NOT YET FORMALLY BEEN SPLIT AND SO THERE IS A MISMATCH IN THE INTERVENING PERIOD (I.E. AT THE MOMENT) – ESSENTIALLY A QUIRK OF TIMING. THIS PARCEL APPEARS NOT TO BE SHOWN ON MAP A FOR THE BALLARAT STUDY AREA FINAL RECOMMENATIONS AND SO W1 WOULD HAVE APPLIED UNTIL GOVERNMENT ACCEPTANCE OF THE 1991 RIVERS AND STREAMS SPECIAL INVESTIGATION, AT WHICH POINT IT WOULD HAVE BEEN SUPERSEDED BY RECOMMENDATION E1. ACCORDINGLY ITS REC NUMBER WOULD BE E1, ITS PUBLIC LAND USE CATEGORY WOULD BE PUBLIC LAND WATER FRONTAGE RESERVE (SUBSEQUENTLY NATURAL FEATURES RESERVE AND NOW WATER FRONTAGE BED AND BANKS RESERVE, IN ACCORDANCE WITH RECOMMENDATION R1 OF VEAC'S 2017 STATEWIDE ASSESSMENT OF PUBLIC LAND FINAL REPORT.

APPENDIX 2.
EXTANT GOVERNMENT APPROVED VEAC / LCC LAND USE DETERMINATIONS
LCC BALLARAT STUDY AREA 1982
SPECIFIC DISCUSSION FOR CRESWICK REGIONAL PARK

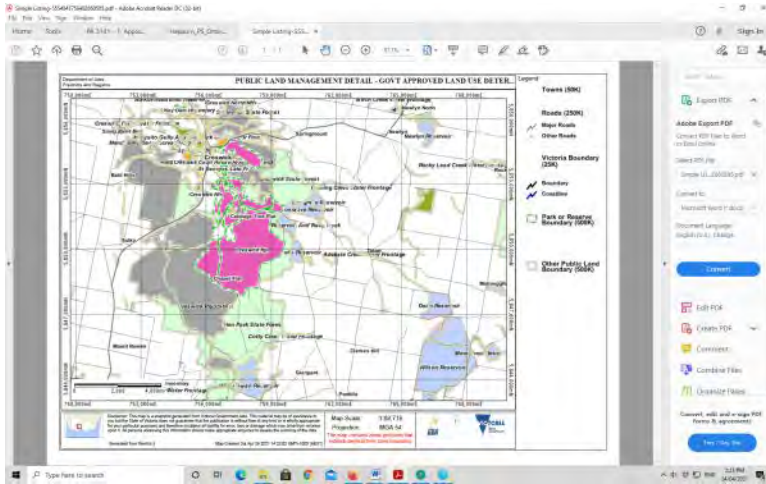
- A. LCC BALLARAT STUDY AREA 1982 EXTRACTS – CRESWICK REGIONAL PARK:
Government approved Final Land Use Determination: *“That the area (Ballarat-Creswick Regional Park) ... be used to: provide opportunities for **informal recreation** for large numbers of people”.*



LCC BALLARAT STUDY AREA

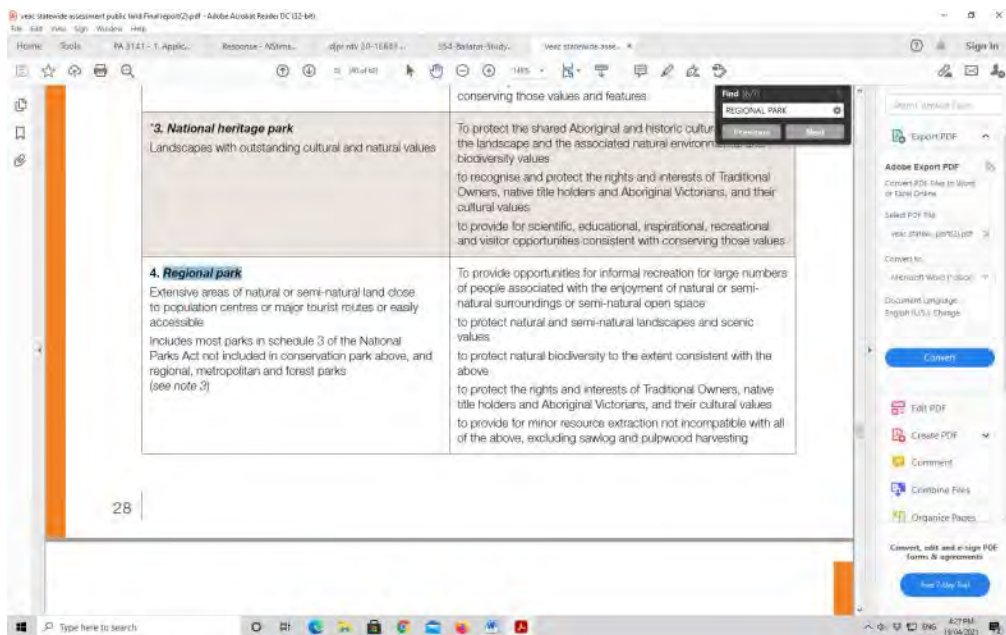
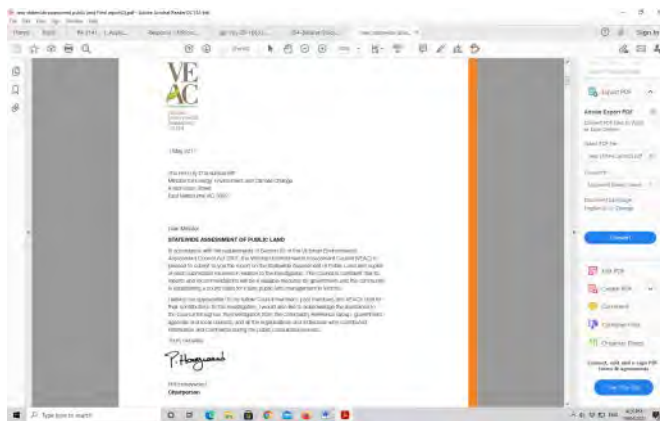


Creswick Regional Park Government approved Land Use Determinations shown as pink.



APPENDIX 3.
VEAC STATEWIDE ASSESSMENT OF PUBLIC LAND 2017
SPECIFIC DISCUSSION FOR REGIONAL PARKS

Government approved general recommendations for Regional Parks: *“To provide opportunities for informal recreation for large numbers of people associated with the enjoyment of natural or semi-natural surroundings or semi natural open space”.*



APPENDIX 4.

DEFINITIONS: FORMAL RECREATION AND INFORMAL RECREATION.

A. VEAC (LCC) DEFINITIONS AND INTERPRETATIONS: INFORMAL AND FORMAL RECREATION – LCC BALLARAT STUDY AREA 1982.

The Victorian Environment Assessment Council (VEAC) has, via its predecessor Land Conservation Council (LCC), provided clear definition and interpretation of “formal recreation” and “informal recreation” and related discussion, in LCC Ballarat Study Area 1982 report.

(These VEAC / LCC definitions are also largely or entirely used in other VEAC / LCC / ECC reports, including such as LCC Melbourne District 1 Review 1987, North East Study Area Districts 3, 4 and 5, North Central Study Area, and Corangamite Area.)

That is, under O Recreation in the LCC Ballarat Study Area 1982:

“Outdoor Recreation:

- **Formal recreation** activities include all *organized sports and other group activities*, whilst activities such as picnicking, fishing and hiking are grouped as **informal**.
- Passive recreation covers situations where the individual obtains his recreation through the sights, sounds and atmosphere of the surrounding environment while expending little physical effort. Examples are picnicking, nature observation, and strolling.
- Active recreation covers situations where the individual must expend considerable physical effort to obtain mastery of physical forces in order to satisfy his particular recreational needs. Examples are playing organized sport, bushwalking and water skiing.
- Open-space recreation includes all recreation activities that require spacious outdoor surroundings, whether the activities be active or passive, formal or informal.
- Intensive recreation includes large numbers of people per unit area.

The various recreation activities differ in their requirements for types of land, size of area and site location. They also differ on their impact on the land and on other activities (including other forms of recreation). Generally, any one activity pursued at a low level of intensity poses little threat to the environment and seldom conflicts with other activities. With increasing intensity, conflicts and problems can arise. There is always the problem of recreation damaging the environment it seeks to use.

(Land Conservation) Council therefore believes that the **land manager should aim at controlling the levels and patterns of recreational use according to the capability of the area to sustain such use without irreversible damage or significant conflict with the primary purposes of the area**, whilst at the same time avoiding unnecessary restrictions on usage. **Special care will be required in the location and management of areas zoned for intensive recreation, to prevent environmental damage.** Thus, **more stringent restrictions** can be expected in areas where the vegetation and soils are sensitive to damage (such as those occurring on granite soils), and where the natural environment or **special nature features are being preserved.**”

B. DICTIONARY DEFINITIONS OF "FORMAL"

UK OXFORD DICTIONARY:

- Officially sanctioned or recognized.
- Done in accordance with convention or etiquette; suitable for or constituting an official or important occasion.

COLLINS ENGLISH DICTIONARY:

- Something that is done, written, or studied in a formal way has a very ordered, organized method or style.
- SYNONYMS: Official; Reserved; Conventional; Exact; Precise; Punctilious; Express; Explicit; Authorized; Set; Legal; Fixed; Regular; Approved; Strict; Endorsed; Prescribed; Rigid; Certified; Lawful; Methodical; Arranged; Established.

C. DICTIONARY DEFINITIONS OF "INFORMAL":

UK OXFORD DICTIONARY:

- Having a relaxed, friendly, or unofficial style, manner, or nature.
- (Of economic activity) carried on by self-employed or independent people on a small scale, especially unofficially or illegally.

COLLINS ENGLISH DICTIONARY:

- SYNONYMS: Unofficial; Irregular; Unconstrained; Unceremonious; Loose.

OTHER:

- informal, loose (adj)
- not officially recognized or controlled.

D. HEPBURN PLANNING SCHEME DEFINITIONS:

Land Use Term: Informal outdoor recreation.
Definition: Land open to the public and used by non-playing persons for leisure or recreation, such as a cycle track, park, picnic or barbecue area, playground, plaza, and walking or jogging track.
Includes: (Nil)
Included in: Minor sports and recreation facility.

NO DEFINITION GIVEN FOR FORMAL OUTDOOR RECREATION.

Land Use Term: Outdoor Recreation Facility.
Definition: Land used for outdoor leisure, recreation or sport. It does not include an Open Sports ground or informal outdoor recreation.
Includes: Amusement Park; Golf course; Golf driving range; Paintball games facility; Zoo.
Included in: Minor sports and recreation facility.



Correct interpretation of the meaning of Informal Outdoor Recreation may require reference to and contextual consideration of other definitions, including:

- Leisure and Recreation.
- Major Sports and Recreation Facility.
- Minor Sports and Recreation Facility.
- Open Sports Ground.
- Outdoor Recreation Facility.

Also:
 73. Meaning of Terms.
 73.03. Land Use Terms.

APPENDIX 5.

EXTANT GOVERNMENT APPROVED LCC RIVERS AND STREAMS SPECIAL INVESTIGATION JUNE 1991
RAPID CASE STUDIES OF TWO CROWN LAND PARCELS P101808 & P101806
(CRESWICK CREEK / WATERCOURSE PARCELS PROPOSED FOR CTP)

LCC RIVERS AND STREAMS SPECIAL INVESTIGATION JUNE 1991. This report applies for general recommendations of river frontages beds and banks – Public Land Water Frontages (PLWF). In terms of the CTP, it applies in Recommendation E1 to PLWF parcels including and/or comprising Creswick Creek – comprising apparently various Crown land parcels including Crown land parcel P101808. HSC and the Public Land Managers have NOT identified all PLWFs for the CTP and for the Planning Permit Application for CTP “Stage 1”. This is a significant failing, and needs to be undertaken as part of any Planning Permit or other planning processes, including public consultation.

Recommendation E1: *That public land water frontages*

(a) be used to

- (i) conserve flora and fauna as part of an integrated system of habitat networks across the State*
- (ii) maintain or restore native vegetation*
- (iv) protect the character and scenic quality of the local landscape*
- (v) provide access to recreational activities and levels of use consistent with (i) to (v) above.*

HSC and the Public Land Managers have apparently NOT RECOGNIZED OR CONSIDERED, NOR have they apparently COMPLIED, NOR do they apparently INTEND TO COMPLY, with Recommendation E1, items (a) (i), (ii), (iv) and (v), in regards to the CTP and any Public Land Water Frontages (including P101808) within the CTP Public Lands area. The CTP *WILL* be contrary to these Recommendations. I object to the CTP and the Planning Permit including on these grounds.

EXAMPLE PARCEL LAND STATUS AND USE – P101808 & P101806:

As indicated, P101808 is *one example* of the PLWFs that will be affected by the CTP proposal. It is examined here in some greater detail, to simply and partially demonstrate the COMPLEXITY of parcels, and what SHOULD HAVE BEEN APPLIED IN THE PROPER ASSESSMENT OF ALL OF THE CTP AREA PUBLIC LAND.

P101808:

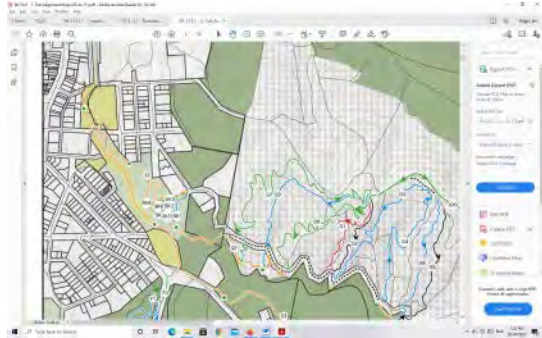
LAND STATUS AND LAND USE DETERMINATIONS:

THERE IS SOME CONFUSION WITH THIS PARCEL, SHOWN AS REGIONAL PARK ON VEAC LIST. HOWEVER THE PARCEL WAS MARKED FOR SPLITTING IN THE VEACRECS25 DATABASE (PART NATURAL FEATURES RESERVE, PART REGIONAL PARK), WITH INTERIM PARCEL NUMBERS PROPOSED. HOWEVER THIS PARCEL HAS NOT YET FORMALLY BEEN SPLIT AND SO THERE IS A MISMATCH IN THE INTERVENING PERIOD (I.E. AT THE MOMENT) – ESSENTIALLY A QUIRK OF TIMING. THIS PARCEL APPEARS NOT TO BE SHOWN ON MAP A FOR THE BALLARAT STUDY AREA FINAL RECOMMENATIONS AND SO W1 WOULD HAVE APPLIED UNTIL GOVERNMENT ACCEPTANCE OF THE 1991 RIVERS AND

STREAMS SPECIAL INVESTIGATION, AT WHICH POINT IT WOULD HAVE BEEN SUPERSEDED BY RECOMMENDATION E1. ACCORDINGLY ITS REC NUMBER WOULD BE E1, ITS PUBLIC LAND USE CATEGORY WOULD BE PUBLIC LAND WATER FRONTAGE RESERVE (SUBSEQUENTLY NATURAL FEATURES RESERVE AND NOW WATER FRONTAGE BED AND BANKS RESERVE, IN ACCORDANCE WITH RECOMMENDATION R1 OF VEAC'S 2017 STATEWIDE ASSESSMENT OF PUBLIC LAND FINAL REPORT.

P101808 CROWN LAND STATUS & MANAGEMENT ISSUES & LCC/VEAC IMPLEMENTATION ISSUES

PLAN SHOWING SUPPOSEDLY HSC MANAGED CROWN LAND AS COMMITTEE OF MANAGEMENT – SHOWN AS YELLOW. THIS PLAN IS FROM HSC CTP PP PLAN OF CROWN LAND “TENURE”.

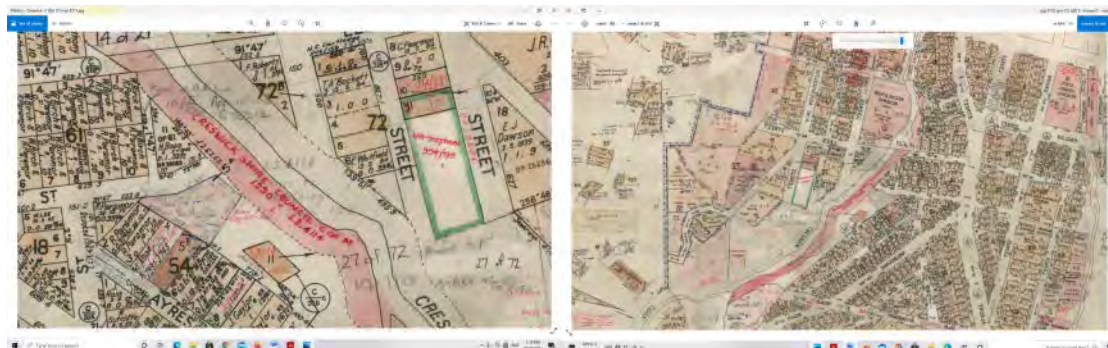


THERE ARE POSSIBLE ISSUES WITH COUNCIL MANAGING THE P101808 AREA AS C.O.M. THIS IS IN RELATION TO THE LCC RECS WHICH APPEAR CONFUSING. THE PARCEL IS PROPOSED TO BE SPLIT, BUT THIS SPLIT HAS NOT OCCURRED YET. HSC SHOWS CURRENT SPLIT OF MANAGEMENT BETWEEN PARKS VICTORIA AND DELWP BUT THE DELINEATION IS NOT GIVEN. IN ANY EVENT, THIS SPLIT HAS NOT YET OCCURRED ACCORDING TO VEAC.

FOR HSC TO BE APPOINTED C.O.M., THE LAND HAS TO BE FIRST RESERVED. DELWP ALSO APPOINTS THE C.O.M. IT APPEARS THAT DELWP MAY HAVE USED THE PERMANENT PUBLIC PURPOSES RESERVE TO CRESWICK CREEK AS AN EXISTING RESERVATION AND APPOINTED HSC OVER THIS RESERVED AREA, ALTHOUGH THIS IS NOT CLEAR.

PERMANENT PUBLIC PURPOSES RESERVE TO CRESWICK CREEK: (LIKELY TO HAVE BEEN AN 1881 RESERVATION).

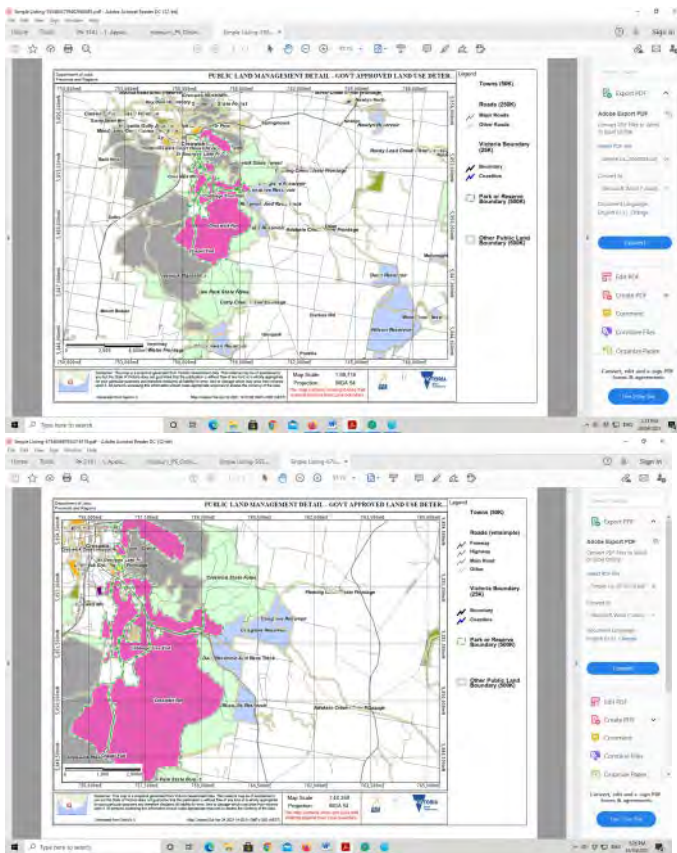
THE BED AND 30.18 METRES FROM EACH BANK THROUGHOUT; EXCEPTING WHERE THERE IS NO DEFINED CHANNEL, THEN A STRIP 40.23 METRES WIDE FOLLOWING THE LOWEST LEVEL. DELWP WORKING PLAN BELOW. IT APPEARS THAT HSC WAS APPOINTED C.O.M. IN 1990 – REFERENCE L3.414. IT ALSO APPEARS THAT HSC PUT IN A WALKING TRACK ALONG THIS CREEK FRONTAGE IN 1985 REFERENCE L3-4114. THERE WAS ALSO SOME “CREEK CLEARING” REFERENCE 90-1236.



APPENDIX 6.
EXTANT GOVERNMENT APPROVED VEAC/LCC LAND USE DETERMINATIONS
LCC BALLARAT STUDY AREA 1982
VARIOUS CTP AREA CROWN LAND PARCELS

NOTE 1: HSC has failed to provide to the public a list of the Crown land parcels for the ENTIRE CTP area. Instead it has only provided a list for Stage 1 only. This is significant deprivation of public information in the CTP and planning permit processes matters. The current Crown Land *Land / Reserve Status* and more importantly the extant Government approved VEAC/LCC Land Use Determinations are CRITICAL INFORMATION NOT HAVING BEEN GIVEN TO THE PUBLIC, AND INDEED APPARENTLY NOT CONSIDERED BY HSC (AND OR APPARENTLY THE PUBLIC LAND MANAGERS!).

Government approved Land Use Determinations / Public Land Management Detail Plans:



REFER TO APPENDIX 2 FOR:
SUBMITTED REVISED TABLE – SHOWING CRUCIAL EXTANT GOVT APPROVED LCC LAND STATUS / LAND USE DETERMINATIONS – FOR HSC STATED CTP “STAGE 1” PLANNING PERMIT APPLICATION.

Note: Crown land parcel information for CTP Stage 2 has NOT been provided by HSC.

APPENDIX 7.

VEAC ACT 2001 – SECTION 26A

MINISTER OR DEPARTMENT / PUBLIC AUTHORITY MUST ENSURE IMPLEMENTATION.

Land Conservation Council (LCC) / Victorian Environmental Assessment Council (VEAC) recommendations including/comprising final recommendations approved by Governor in Council ARE BINDING ON GOVERNMENT. They MUST be considered wherever they apply to any parcel of Crown land being assessed e.g. for any proposed change in land status or land use. (Refer VEAC Act, Section 26A).

VICTORIAN ENVIRONMENTAL ASSESSMENT COUNCIL ACT 2001 - SECT 26A

Implementation of recommendations—Investigations

A Minister who, or Department or public authority that, is identified in a response prepared under section 25 or in a statement prepared under section 26 as having responsibility for undertaking a proposed action with respect to a recommendation of the Council must ensure that the action is undertaken to implement the recommendation to the extent that it is accepted in that response or statement, as the case may be.

Pt 3 Div. 2 (Heading and ss 26B–26I) inserted by No. 44/2016 s. 27.

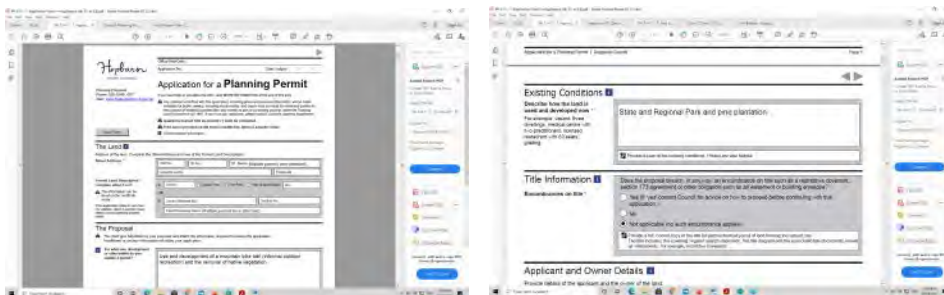
Division 2—Assessments and advice

S. 26B inserted by No. 44/2016 s. 27.

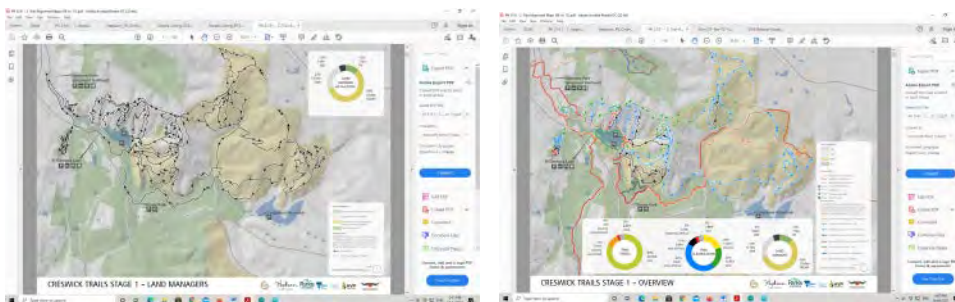
APPENDIX 8.
HEPBURN SHIRE COUNCIL
PLANNING PERMIT APPLICATION – CRESWICK TRAILS PROJECT.

Planning Permit application: Use / Development / Other Matter – *“Use and Development of a mountain bike trail (informal outdoor recreation) and the removal of native vegetation”*.
 Describe how the land is used and developed now – *“State and Regional Park and pine plantation”*.

NOTE 1: HSC’S CLAIM TO “INFORMAL OUTDOOR RECREATION” APPLYING TO THE CTP IS SIGNIFICANTLY CONTESTED.

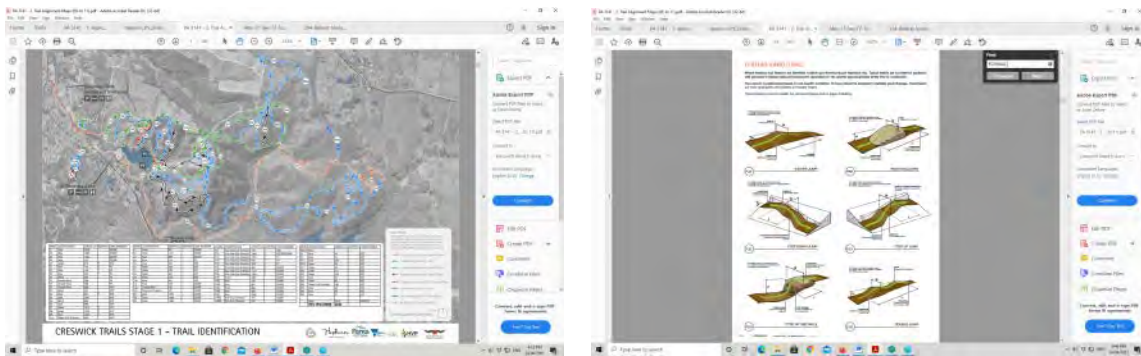


NOTE 2: THE CORRECT AND CURRENT **CROWN LAND RESERVATION STATUS** AND CURRENT **EXTANT GOVERNMENT APPROVED (LCC) LAND USE DETERMINATIONS** HAVE NOT BEEN IDENTIFIED NOR CONSIDERED IN THE PLANNING PERMIT DOCUMENTATION AND PROCESS, NOR HAS THIS CRITICAL INFORMATION BEEN ADVISED AND INFORMED TO THE PUBLIC. THIS INCLUDES A HSC FAILURE TO PROVIDE CROWN LAND PARCEL **LAND STATUS** PAGES COMPRISING OF INDIVIDUAL PARCEL LAND STATUS INFORMATION AND LAND PARCEL BOUNDARIES. INSTEAD HSC (ONLY) PROVIDED BROAD “LAND MANAGER” AND OR “LAND MANAGEMENT” PLANS, WHICH ARE INADEQUATE TO INFORM ON CRITICAL ISSUES.



NOTE 3: HSC has provided incorporated Plans in the Planning Permit application documentation, that clearly show and demonstrate that the CTP trail is FORMAL PUBLIC RECREATION FACILITY AND USE.

Refer to Creswick Trails Stage 1 – Trail Identification. The trail is broken up and **formalized** into CLASSIFIED TRAIL SECTIONS, into ADAPTIVE SECTIONS, into SINGLE OR DUAL DIRECTIONS, into DIFFICULTY LEVELS (EASY, MORE DIFFICULT, VERY DIFFICULT, EXTREMELY DIFFICULT), and into SHARED USE SECTIONS. The CTP track will have many specific mountain bike track features and turns. The CTP trail will be (obviously) “officially sanctioned and recognized” by HSC and or the Public Land Managers. The CTP trail is a recreational facility that is proposed to be developed, and its use managed and controlled, in a formal way in a very ordered and organized methodology and style. All users of the CTP trail will be controlled and organized into the use of defined track alignments comprising of specific mountain bike track features, including directional use and dual uses and other restricting aspects. The CTP is UNDOUBTEDLY a FORMAL PUBLIC RECREATION FACILITY and will comprise FORMAL PUBLIC RECREATION USES.



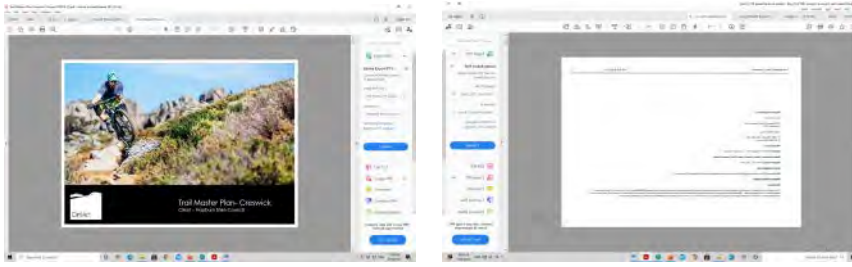
APPENDIX 9.
HEPBURN SHIRE COUNCIL
(CTP) TRAIL MASTER PLAN CRESWICK - (DIRT ART FOR HSC, 2015/2016).

Regarding the CTP and whether or not it comprises of “Formal Public Recreation” or “Informal Public Recreation”:

HSC outlines in its (CTP) Trail Master Plan Creswick the following.

1. *“There is a significant network of existing trails in the Creswick area, including a number of **formal and informal trails**”.* (Page 47).
2. *“A large volume of **informal trails** have been developed by volunteers with **varying levels of formality**.”* (Page 47).
3. *“A network of **informally developed trails** exists in the hills surrounding St George’s lake.”* (Page 51).
4. *“Steep exposed trail verges and neighbouring mine shafts may pose issues if **formalising this trail**.”* (Page 51).
5. *“Dirt Art suggests that an effort be made to **formalise this trail as an advanced mountain bike only trail**.”* (Page 51).
6. *“The notion of a **formal connection** to the Novatel would be somewhat contingent on the willingness of the resort to include their trails in the **formal public trail network**.”* (Page 52).
7. *“An important component of the TMP (Trail Master Plan) process involves the upgrade, rationalisation, closure and **formalisation of the existing trail network**.”* (Page 53).
8. *“Dirt Art suggest that the following key trails are investigated for upgrade: Don’t Look Down (**informal trail**)”.* (Page 53).
9. *“Infrastructure and support facilities ... consisting of **formal and/or semi-formal car parking areas** ...”.* (Page 80).
10. *“This trailhead may be developed ... to feature the following elements: **Formalised** car park; Structured trailhead with **formal entry trails** funnelling into the trail network.”* (Page 80).
11. *“The Creswick area has a long history of **informal and formal volunteer involvement in trail design and construction** ...”.* (Page 87).
12. *“All volunteers to undergo a **formal trail construction training program**.”* (Page 88).
13. *“All completed volunteer projects to be **formally assessed and signed off** prior to opening for public use (assessment by third party and/or land management agencies.”* (Page 88).
14. *“A professionally designed and constructed mountain bike facility will require very minimal ongoing maintenance. Despite this it is strongly recommended that a **formal maintenance program** be initiated prior to facility completion”* (Page 90).
15. *“It is suggested that a **formal structure is in place** to ensure trails are safety and sustainably maintained.”* (Page 90).
16. *“Local volunteers play a significant role in the **current maintenance program** ... in both a **formal and informal capacity**.”* (Page 91).
17. *“It is suggested that an effort be made to provide some **formality to the current volunteer efforts** ...”.*
18. *“Dirt Art recommend a **formal auditing program** be developed prior to completion of any new trail construction.”* (Page 91).

ATTACHMENT 10.1.5

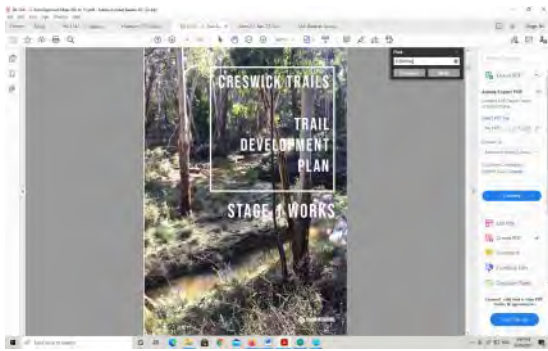


APPENDIX 10.
HEPBURN SHIRE COUNCIL
CRESWICK TRAILS – TRAIL DEVELOPMENT PLAN – STAGE 1 WORKS
(COMMON GROUND TRAILS FOR HSC, FEBRUARY 2021).

Regarding the CTP and whether or not it comprises of “Formal Public Recreation” or “Informal Public Recreation”:

HSC outlines in its Creswick Trails – Trail Development Plan – Stage 1 Works the following.

1. *“Detailed design and specification of signs will need to be undertaken in future stages of work once a **formal signage plan** is established.”*
2. *“The skills zone will include a range of trail and feature classification and also incorporate a dual slalom track for **informal and formal racing**.”*
3. *“Trail development around Cosgraves Reservoir will provide longer-form trail loop options which differ from the tailorable (decision rich) ride experiences on offer in the gravity and wood coupe zones. Much of the trail in the Cosgraves loop will be an upgrade of existing fire road / access track (C1) or **informal single track** (C1, C2).”*
4. *“Trail C1 is an **upgrade of an existing informal trail** running along the northern bank of Cosgraves reservoir.”*



APPENDIX 11.
HEPBURN SHIRE COUNCIL
HEPBURN PLANNING SCHEME – CTP AREA ZONES.

Various parts of the CTP fall within the following Hepburn Planning Scheme Zones:

1. PCRZ – Public Conservation and Resource Zone.

(Refer to Hepburn Planning Scheme definitions for Informal Outdoor Recreation. There are questions to exact interpretation, etc.)

(Refer also to other alternative definitions for Formal and Informal Recreation etc. used in other Government papers e.g. Land Conservation Council.)

Purpose:

(a) *To implement the Municipal Planning Strategy and the Planning Policy Framework.*

(b) *To protect and conserve the natural environment and natural processes for their historic, scientific, landscape, habitat or cultural values.*

(c) *To provide facilities which assist in public education and interpretation of the natural environment with minimal degradation of the natural environment or natural processes.*

(d) *To provide for appropriate resource based uses.*

I contend and submit that:

- Re Purpose Item (b): The CTP development will NOT protect and conserve the natural environment and natural processes for their historic, scientific, landscape, habitat or cultural values.

The CTP will in fact permanently impact many of these values. The CTP is proposed 100km in length (or 60km for Stage 1) of about a 2 metre wide track footprint. The total CTP development and CTP use footprint will comprise about **20ha** (or about **14ha** for CTP “Stage 1”) of **permanent native vegetation removal**. Habitat impacts will comprise and or include the same footprint area, but will in effect be greater in effect, via “edge effects” emanating out from the CTP trail. This will be proportionately exacerbated by the (purported very high) numbers of CTP users. The CTP will concentrate users to a prescribed and defined area (comprised of the developed CTP trail), increasing the overall impacts including habitat and edge effects. Confining 100km (or 60km for Stage 1) of CTP trail within a *limited land area* ensures that the length of trail to given area ratio increases the overall environmental impacts. For example, for CTP Stage 1, much of the entire subject land area is effectively “covered” by snaking mountain bike tracks. Minimizing impacts from any trail development can best or only be achieved with a *straighter* trail alignment and by extension a lesser trail length. However the very nature of mountain bike tracks (and the CTP) is to provide variety and challenging tracks and “snaking”. The CTP proposal proposes to also “target” and impact historic and heritage including particularly water races. This Creswick water races and water race system is potentially of State or possibly National heritage significance. This public land comprises a richness and wide array of different types of historic and heritage values, including from major themes of gold mining and water supply, to local values such as Chinese sites including camp sites and market gardens. Once heritage is impacted, it cannot be “put back”. The heritage impacts will be permanent, and substantial. The area also comprises significant historic and cultural heritage *landscape* values, including the historic Creswick Goldfield. Turning this land into a 100km long

dedicated “mega mountain bike track” will also significantly negatively and permanently impact landscape values. Drawing large numbers of people to specific areas, in this case mountain bikers, will create proportionate inevitable “straying” off defined tracks, causing more impacts and damage. The current Public Land Managers are currently not undertaking any, or any adequate, enforcement and compliance of illegal mountain bike development or illegal off-road mountain bike use, in the current situation. Bring in thousands of mountain bike users, and see what happens - ! HSC and the Public Land Managers have not provided any proper, adequate, legitimate and verifiable enforcement and compliance plan.

The CTP does NOT adhere and or comply and or conform to Purpose Item (b).

- Re Purpose Item (c): The CTP is NOT a facility that assists in public education and interpretation. Mountain bikers are largely or totally otherwise only interested in *riding the tracks*. Whilst the “bush” might create a variable or different environment for biking, this is in reality superficial. Mountain bikers will NOT visit the area *because* of its environmental or heritage values. They will largely if not entirely NOT stop to “interpret the heritage” that they are actually impacting. They will largely if not entirely NOT stop to “study the wildflowers” they are actually riding over. It is an *absolute nonsense* to suggest that the CTP trail and its use are consistent with this Zone purpose. Even so, and notwithstanding that the CTP is *not* a facility that assists in public education and interpretation, the CTP proposal will also certainly NOT comprise “minimal degradation of the natural environment or natural processes”. The CTP proposal is also a *discretionary and unnecessary* project proposed by HSC, nearly fully on grounds *other than public education and interpretation*. That is, it has largely been proposed on the (in this case improper) premise of economic benefit to the local community, as well as pandering to a local minority user group of mountain bikers wishes. The CTP does NOT adhere and or comply and or conform to Purpose Item (c).

- Re Purpose Item (d): The CTP is NOT an “appropriate” resource based use for this Public Land. The CTP does NOT adhere and or comply and or conform to Purpose Item (d).

Uses:

(a) *Permit is not required for Informal Outdoor Recreation.*

AND

(b) *must be ... a use conducted by or on behalf of a public land manager or Parks Victoria under the relevant provisions of (various Acts).*

(c) *A permit is required to construct a building or construct or carry out works.*

I contend and submit that:

- Re Use Item (a): Whilst a Permit is not required for Informal Outdoor Recreation, the CTP is NOT Informal Outdoor Recreation but is Formal Outdoor Recreation (despite HSC’s claim in the Planning Permit Application to the contrary). A permit would therefore otherwise be required under this clause.

- Re Use Item (b): The CTP is NOT a use conducted by or on behalf of a public land manager or Parks Victoria. It is a use by HSC. A permit would therefore be required under this clause.

- Re Use Item (c): A permit is required to construct or carry out works. A permit would therefore be required under this clause.

Decision Guidelines:

(a) *The Responsible Authority must consider the comments of any public land manager or any other relevant manager having responsibility for the care or management of the land or adjacent land.*

(b) *The Responsible Authority must consider whether the CTP development is appropriately located and designed, in accordance with any use, design or siting guidelines.*

I contend and submit that:

- Re Decision Guidelines (a): The public land managers have apparently provided false and or incorrect comments in regards to the CTP legal land use and the CTP area of Public Lands' land status and related legal Government approved Land Conservation Council Land Use Determinations. To this end, the public land managers are derelict of their obligations and or have breached or intend to breach Section 26A, Victorian Environmental Assessment Council Act 2001.

- Re Decision Guidelines (b): The CTP does NOT appropriately meet the range of applicable parameters.

Incorporated Plans:

The incorporated plans provided by HSC in the Planning Permit application are inadequate and or insufficient to meet planning and assessment and public requirements and expectations.

Further public comments on PCRZ – Public Conservation and Resource Zone may be submitted in further later dealings and or appropriate legal forums or proceedings.

2. PPRZ – Public Park and Recreation Zone.

(Refer to Hepburn Planning Scheme definitions for Informal Outdoor Recreation, and public recreation. There are questions to exact interpretations, etc.)

(Refer also to other alternative definitions for Formal and Informal Recreation etc. used in other Government papers e.g. Land Conservation Council.)

Purpose:

(a) *To implement the Municipal Planning Strategy and the Planning Policy Framework.*

(b) *To recognise areas for public recreation and open space.*

(c) *To protect and conserve areas of significance where appropriate.*

(d) *To provide for commercial uses where appropriate.*

I contend and submit that:

- Re Purpose Item (c): Refer to and as for my contention and submission for PCRZ Re Purpose Item (b).

Uses:

(a) *Permit is not required for Informal Outdoor Recreation.*

(b) *A permit is required to construct a building or construct or carry out works. This does not apply to ... trails.*

I contend and submit that:

- Re Use Item (a): Whilst a Permit is not required for Informal Outdoor Recreation, the CTP is NOT Informal Outdoor Recreation but is Formal Outdoor Recreation (despite HSC's claim in the Planning Permit Application to the contrary). A permit would therefore be required under this clause.

- Re Use Item (b): Whilst this clause indicates that a permit is required to carry out works but that this does not apply to "trails", I submit that this is in the context of trails of informal outdoor recreation nature. That is, for example, walking trails. The CTP is a formal dedicated mountain bike track which will be used for organised group activities. A permit would therefore be required under this clause.

Decision Guidelines:

(a) The Responsible Authority must consider the comments of any public land manager or any other relevant manager having responsibility for the care or management of the land or adjacent land.

(b) The Responsible Authority must consider whether the CTP development is appropriately located and designed, in accordance with any use, design or siting guidelines.

I contend and submit that:

- Re Decision Guidelines (a): The public land managers have apparently provided false and or incorrect comments in regards to the CTP legal land use and the CTP area of Public Lands' land status and related legal Government approved Land Conservation Council Land Use Determinations. To this end, the public land managers are apparently derelict of their obligations, and or have breached or intend to breach Section 26A, Victorian Environmental Assessment Council Act 2001.

- Re Decision Guidelines (b): The CTP does NOT appropriately meet the range of applicable parameters.

Incorporated Plans:

The incorporated plans provided by HSC in the Planning Permit application are inadequate and or insufficient to meet planning and assessment and public requirements and expectations.

Further public comments on PPRZ – Public Park and Recreation Zone may be submitted in further later dealings and or appropriate legal forums or proceedings.

3. PUZ – Public Use Zone.

Purpose:

- (a) To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- (b) To recognise public land use for public utility and community services and facilities.*
- (c) To provide for associated uses that are consistent with the intent of the public land reservation or purpose.*

Application requirements:

An application for a permit by a person other than the relevant public land manager must be accompanied by the written consent of the public land manager

The proposed CTP and Planning Permit CTP Stage 1 do not appropriately recognize or comply or propose to comply to Government approved LCC Ballarat Study Area 1982 and or VEAC Statewide Assessment of Public Land 2017 and or LCC Rivers and Streams Special Investigation 1991 Land Use Determinations.

The proposed CTP and Planning Permit CTP Stage 1 to not fully comply to the Hepburn Heritage Strategy 2020-2030.

The public land managers have apparently provided false and or incorrect comments to HSC in regards to the CTP legal land use and the CTP area of Public Lands' land status and related legal Government approved Land Conservation Council Land Use Determinations, and therefore, by extension, false or incorrect written consents to apply for a permit. To this end, the public land managers are apparently derelict of their obligations, and or have breached or intend to breach Section 26A, Victorian Environmental Assessment Council Act 2001.

Further public comments on PUZ – Public Use Zone may be submitted in further later dealings and or appropriate legal forums or proceedings.

4. FZ – Farming Zone.

Public comments on FZ – Farming Zone may be submitted in further later dealings and or at appropriate legal forums or proceedings.

APPENDIX 12.
PUBLIC REQUESTS TO HSC FOR INFORMATION ON THE CTP / PLANNING PERMIT AND LIKELY
IMPACTS TO PUBLIC LAND AND PUBLIC LAND VALUES AND THE PUBLIC INTEREST
LARGELY THWARTED
INCLUDES LIST OF FOI REQUESTS TO HSC
INCLUDES SOME RECENT PUBLIC REQUESTS FOR INFORMATION ON CTP PLANNING PERMIT

I and the public have made many public requests to HSC for crucial information on the CTP and its impacts and processes of implementation. A large proportion of these public requests have been denied by HSC. For example, the public sought early drafts of CTP background reports on environment and heritage, and impacts. The public envisaged to compare these early reports to the respective final reports to ascertain the veracity of HSC's claims to effecting, and of actual, "avoidance and minimisation" of value impacts, including in vegetation removal and in impacts to heritage sites. HSC has refused to provide these early reports. The public then sought information through FOI requests, only to again be largely or virtually totally thwarted by HSC. The list below outlines the thwarted FOI requests made to HSC. Much of the information requested is considered important information crucial for informing the public to significant matters, and impacts to Public Land and public land values, and therefore on the CTP's appropriateness. Given that the CTP is proposed to be developed on Public Land, including high level Public Land Regional Park, this situation constitutes potentially significant injury, or potential injury, to the public interest. It also indicates a significant lack of public openness and transparency exhibited by HSC, if not in fact deliberate attempts to keep information from the public. It also makes a mockery of HSC's claimed "public engagement" processes in the CTP. This aspect is also particularly referred to DELWP and Parks Victoria whom are apparently relying on HSC's flawed "public engagement" process to supposedly satisfy Public Land required public consultation requirements / expectations.

1. LIST OF FOI REQUESTS TO HSC. (ALL LARGELY OR ENTIRELY THWARTED).

SUMMARY FOI REQUESTS TO HSC – ALL OF WHICH HAVE BEEN OR ARE BEING THWARTED BY HSC – INCLUDING LARGELY OR ENTIRELY BY WAY OF CLAIMED SPURIOUS "CLARIFICATIONS" – TO THE EXTENT THAT EFFECTIVELY HSC HAS ANY FOI DOCUMENTS:

1. HSC FOI APPLIC hsc ctp initial potential sites asst and evaluation reports docs 13 JAN 2020.
2. HSC FOI APPLIC hsc ctp correspondence & dealings with VOGA ETC 13 JAN 2020
3. HSC FOI APPLIC unsanctioned illegal tracks docs 7 JAN 2020
4. HSC FOI APPLIC rtif grant docs 7 JAN 2020
5. HSC FOI APPLIC racv resort planning permit docs 7 JAN 2020
6. HSC FOI APPLIC mou project governance agreement 7 JAN 2020
7. HSC FOI APPLIC ctp master plan docs 7 JAN 2020
8. HSC FOI APPLIC ctp background reports docs 7 JAN 2020

9. HSC FOI APPLIC delwp lcc veac correspondence docs 7 JAN 2020

10. HSC FOI RE CURRENT AND OR FINAL CRESWICK TRAIL PROJECT BACKGROUND REPORTS FOI APPLIC 2 FEB 2021

11. FOI HSC RE RDV DJPR DEALINGS FOI APPLIC 2 FEB 2021 and follow up letters COPY COMPLAINT.

12. HSC FOI RE FINANCIAL STATEMENT AND FINANCIAL DETAILS DOCUMENTS FOR THE CRESWICK TRAILS PROJECT FOI APPLIC 2 FEB 2021 ovic C 21 00883.

2. EXAMPLES - RECENT PUBLIC REQUESTS FOR INFORMATION ON CTP PLANNING PERMIT. (ALL LARGELY OR ENTIRELY THWARTED).

Email: 

27 April 2021


HEPBURN SHIRE COUNCIL & CEO & COUNCILLORS.
PO BOX 21
DAYLESFORD VIC 3460.
Email: shire@hepburn.vic.gov.au

Dear Hepburn Shire Council & CEO & Councillors.

RE HEPBURN SHIRE COUNCIL (HSC) – CRESWICK TRAILS PROJECT (CTP) – PUBLIC REQUEST AND DEMAND FOR INFORMATION, TO INFORM THE PUBLIC INCLUDING ON PUBLIC INTEREST MATTERS, PROPOSED PLANNING PERMIT AND LEGAL AND OTHER ISSUES – PLANNING PERMIT APPLICATION DOCUMENTS – DELWP LETTER COPY DATED 8 AUGUST 2019 SP468458 (INCOMPLETE LETTER)

I am a member of the Victorian public and act for and on behalf of other Victorian citizens in the public interest. I refer to previous correspondence with HSC in relation to the CTP and assessment and planning and related matters including Planning Permit(s).

I write in relation to the CTP and HSC Planning Permit Application PA3141 CTP "Stage 1". I advise that the Planning Permit Application documents publicly provided by HSC are *incomplete*, including in particular Public Land Manager DELWP letter of consent dated 8 August 2019 Reference SP468458. Only the first page of this letter has been incompletely publicly provided. This is a critical document, comprising of crucial information including to the public interest.

I hereby publicly request and demand that this document (Public Land Manager DELWP letter of consent dated 8 August 2019 Reference SP468458) be RELEASED AND PROVIDED TO THE PUBLIC IN FULL. I also demand that this complete document be immediately emailed to me at the following email address: 

I also publicly demand that HSC ceases and desists from spuriously treating my letters as "public complaints" and improperly diverting them through HSC's "complaint handling policy" process and procedures, as it did with my (other) letter dated 18 April 2021.

I reserve the right to submit this matter and related correspondence to any legal or other proceedings or forums as evidence of HSC's failure to properly inform the public and to meet the public's requests and demands for information.

I publicly demand that HSC fully complies with my public requests and demands and provides the specifically requested information by no later than 4.00pm Wednesday 28 April 2021.

Yours sincerely





OTHER RECENT PUBLIC LETTERS OF REQUEST TO HSC FOR INFORMATION TO INFORM ON THE PLANNING PERMIT APPLICATION CTP "STAGE 1" INCLUDE:

1. [REDACTED] LETTER DATED 27 APRIL 2021:
2. [REDACTED] LETTER DATED 27 APRIL 2021:
3. [REDACTED] LETTER DATED 27 APRIL 2021:
4. [REDACTED] LETTER DATED 27 APRIL 2021:
5. [REDACTED] N LETTER DATED 27 APRIL 2021:
6. [REDACTED] LETTER DATED 19 APRIL 2021:
7. [REDACTED] N LETTER DATED 19 APRIL 2021:
8. [REDACTED] LETTER DATED 19 APRIL 2021:
9. [REDACTED]
- [REDACTED] LETTER DATED 15 APRIL 2021:

All of these letters have effectively been denied / thwarted.

APPENDIX 13.

ILLEGALLY DEVELOPED MOUNTAIN BIKE TRAILS ON PUBLIC LAND –CTP AREA

There are many kilometres of *informally and illegally developed mountain bike tracks* within the CTP area, including on Public Land including the high level Creswick Regional Park. The Trail Master Plan – Creswick, Victoria (Dirt Art Pty Ltd, 2015/2016) - Council's own commissioned report – *actually identifies* the presence of these illegally developed trails: “A large volume of informal trails has been developed by volunteers with varying levels of formality.” HSC has also proposed, in the CTP Master Plan and other documents, to *incorporate illegally developed tracks into the CTP trail*. Further, it appears that HSC procured and secured \$2.56M of public money from Regional Development Victoria / Department of Jobs Precincts and Regions in a Regional Tourism and Infrastructure Fund (RTIF) grant. I understand that the CTP Master Plan formed a key component document in the RTIF grant application and in the grant's procurement / securement. This is of significant public concern.

I have previously strongly publicly objected and made formal public complaints to HSC and to the Public Land Managers on these illegal track developments, and including those apparently (allegedly) by VOGA Cycle Club members or others associated with the Creswick Trails Project. I again reiterate same in this Planning Permit Application submission. There have been significant impacts from these illegal activities to the subject Public Land and to its' public land values, including in illegal native vegetation removal, potential negative impacts to FFG Act and EPBC Act listed and protected threatened species and their habitats, illegal impacts to cultural heritage sites, etc. – constituting apparent offences under various statutes. The CTP Master Plan document also did not (at least publicly) provide any plans or identification or delineation or assessment of these illegal tracks. I have previously written to HSC requesting this information be advised to inform the public on the CTP / Planning Permit Application, however HSC has continuously declined and refused to do so.

I again publicly object to HSC and to the Public Land Managers to any proposals and any actions in the Master Plan and or via any CTP Planning Permit and or by HSC and or by the Public Land Managers to retrospectively “condone” or “approve” or “legitimize” these illegal tracks, or to “turn a blind eye”, and or to attempt to otherwise pass them off as “existing tracks”. I similarly publicly object to any illegal off-road mountain bike (“vehicle”) use on this Public Land area, pursuant to the *Land Conservation (Vehicle Control) Act*. Such proposing, condoning, approval, legitimization, disregarding, or passing off, or other, constitutes at least unconscionable and unethical conduct, and is contrary and detrimental to the public interest. There may also be other possible legal issues, in or related to “aiding and abetting” (see Section 181, Crimes Act 1958).

I again publicly seek HSC to provide the following information to adequately and fully inform the public on this matter, including informing on the Planning Permit Application:

(a) Council's acknowledgement of its awareness of these illegal tracks; Council's advice as to whether it approved, or condoned or was involved in these illegal tracks in any way; Council's advice as to why these illegal tracks have been otherwise “recognised” in Council's commissioned Master Plan and other documents; Council's public assurances that Council will not attempt to unconscionably retrospectively “approve” or “condone” these illegal tracks; and Council's full public

advices as to what enforcement or compliance actions it has taken to date (e.g. under the Planning and Environment Act).

(b) Council's full public advices as to what enforcement and compliance actions it will now take to address these illegal tracks, including with a view to full environmental rehabilitation and restoration (e.g. under the Planning and Environment Act).

(b) Council to publicly provide full identification and delineation and assessment and plans of all these illegally developed tracks, to inform on the Planning Permit Application CTP Stage 1.

Indicative Example Plan – some illegal trails shown yellow:



PHOTO 1: Creswick Public Lands, illegal mountain bike track development and illegal timber cutting and native vegetation removal.



PHOTO 2: Creswick Public Lands, illegal mountain bike track development, through gold mining historic / heritage area.



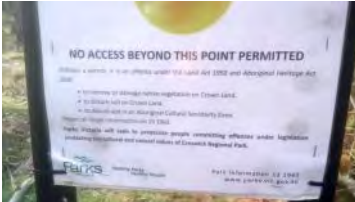
PHOTO 3: Creswick Public Lands, illegal mountain bike track development, along historic / heritage water race.



PHOTO 4: Creswick Public Lands, illegal off-road mountain bike use on illegally developed mountain bike track.



PHOTO 5: Creswick Public Lands, Parks Victoria notice, Creswick Regional Park, warning against illegal off-road mountain bike use and illegal mountain bike track development.



APPENDIX 14.

CTP / Planning Permit Application CTP Stage 1
Hepburn Planning Scheme / Strategies / Policies / Studies etc.

HEPBURN HERITAGE STRATEGY 2020-2030. (Adopted by Hepburn Shire Council June 2020).

Some aspects of possible or apparent Hepburn Heritage Strategy conflict or non-compliance in HSC's CTP proposal and Planning Permit Application CTP Stage 1 include the following extracts:

CTP related issues / aspects:

Some important and/or key statements:

1. *"Council is committed to ensuring that its heritage places continue to be protected according to best practice and international heritage standards."*
2. *"This Strategy recognizes that there are other potential heritage places and memories that are important to the community which should be identified, assessed and given protection."*
3. *"The objective of managing a heritage place is to identify, protect, conserve, interpret, and celebrate its cultural heritage significance for current and future generations. Planning includes the development of heritage policies, strategies and guidelines."*
4. *"Working to best value principles, the Heritage Strategy identifies and manages our heritage into the future. It sets out specific objectives and approaches and proposed future actions for the long term management of heritage."*
5. Outlines that the Hepburn Planning Scheme local policy: Heritage (as a forthcoming amendment).

Section 1.2 Hepburn community's commitment to heritage.

"Hepburn Shire's heritage places are highly valued by the community. They contribute to our social capital, economic wealth and acclaimed tourist assets within the Shire."

HEPBURN SHIRE COUNCIL PLAN 2017-2021

"Hepburn Shire Council will maintain, promote, enhance and protect the district's unique social, cultural, environmental and heritage characteristics. This will be achieved through effective, caring management and responsible governance."

Heritage Action Plan:

- *"Undertake a comprehensive thematic environmental history to assist prioritising gaps for potential heritage studies."*
- *"Undertake heritage 'gaps' studies to provide heritage (and potentially landscape) protection."*

IDENTIFIED HERITAGE GAPS:

Historic Landscapes: (include)

- *Chinese mining sites and labour activities.*
- *Larger cultural landscapes e.g. early 19th Century forestry plantations, nurseries.*

Infrastructure: (include)

- *Public water systems.*

Dja Dja Wurrung: (include)

Sites of aboriginal significance.

Crown land: (include)

- *Forests.*

- *Regional Parks.*

- *Mining Landscapes.*

- *Archaeological sites.*

Note: These gaps should include: 1. proposed nomination of water race system to VHR; 2. Creswick Goldfields area and sites nomination to Hepburn Planning Scheme / Heritage or Landscape Overlay; 3. Creswick Goldfield as part of UNESCO World Heritage bid; all of items 1 to 3 may require a detailed survey / assessment of all goldfield sites and recording and significance ranking and protection requirements. In any case, these all indicate that the CTP and any Planning Permits including Planning Permit CTP Stage 1, and Public Land Manager consents, should not be approved and or developed before these studies (and any required protections) have been undertaken / determined.

I submit and contend that the CTP does not fully comply with the Hepburn Heritage Strategy 2020-2030.

HEPBURN PLANNING SCHEME – HERITAGE AND ENVIRONMENT:

Some aspects of possible or apparent Planning Scheme conflicts or non-compliance in HSC's CTP proposal and Planning Permit Application CTP Stage 1 include the following extracts:

Appears not yet to have a Local Policy: Heritage (forthcoming amendment – as per Hepburn Heritage Strategy June 2020).

11.03-3S. Peri-urban areas. Strategy: *"Identify and protect areas that are strategically important for the environment, biodiversity, landscape, open space, water, ..., recreation, tourism, environment, cultural heritage, ... and other natural resources."*

15. Built Environment and Heritage. *"Planning should protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value."*

15.03. Heritage. 15.03-1S. Heritage conservation. (See screen grabs below).

15.03. Heritage. 15.03-2S. Aboriginal cultural heritage. (See screen grabs below).

21.01-3. Municipal Overview. Formative history. Key issues and attributes. Landscapes. Settlement. People. (See screen grabs below).

21.01-9. Environment and heritage. Catchments. Landscapes. Vegetation. Cultural Heritage.

Landscapes:

- *"The Hepburn Shire contains spectacular bushland, cultural and natural landscapes. These make the area attractive for residents and visitors and establish the Shire's special character."*

Vegetation:

- *"Vegetation is important for habitat, landscape values and as a land and water management source. Significant areas of public ... land remain forested Areas of remnant vegetation and the fringes of these, provide habitat for a range of native fauna. The need to promote habitat replacement is an important land use planning issue and development management objective in these areas."*

Cultural heritage:

- *"These settlements represent an important aspect of the community in Hepburn for contemporary and historical reasons."*

- *"... European settlement in Hepburn Shire is strongly linked to the development of goldfields and pastoral development in the early nineteenth century."*

- *"Further investigations should be taken by the Shire to determine the significance of these cultures on the modified landscape and settlement patterns across the Shire."*

- *"Assessment work should also be undertaken on further identification of pre-contact places and to identify significant aboriginal places and sites that preceded white settlement in the Shire."*

- *"Many of these ... sites need to be protected in the planning scheme within a Heritage Overlay."*

- ***"The ongoing identification, documentation, protection and maintenance of significant heritage assets in the Shire, including pre-contact places and cultural landscapes will ensure continued appreciation and enjoyment by local people, visitors and tourists."***

21.02. KEY INFLUENCES.

"The preparation and development of the planning scheme has been guided by Council's assessment and response to a range of critical land use planning and natural resource management issues."

Economic Development (21.07):

- "Tourism is a significant economic contributor to the local economy but requires development standards and guidelines."

Environment and heritage (21.09):

- "The Shire contains significant landscape features, forest areas, and views that should be protected from inappropriate development."

- "Heritage assets including pre-contact places and cultural landscapes require identification, documentation and protection."

- "Tourist developments need to be built with appropriate location and design standards and guidelines to maintain the integrity of the environment, residential amenity and rural lifestyle."

Hepburn Planning Scheme. 15.03. Heritage. 15.03-1S. Heritage Conservation.

21.03 VISION AND STRATEGIC FRAMEWORK.

21.03-1 Hepburn Shire Corporate Plan 1999-2002.

- *“Maintain and enhance the unique social, cultural, environmental and heritage characteristics of the Shire.”*

21.03-2 Key Land Use Themes.

“The Shire has an outstanding cultural and natural heritage”

- *“This vision (Hepburn’s vision for future land use planning and development) will be achieved by pursuing: Development of sustainable strategies that support the Shire’s natural resource assets. ... Improvement to the quality of the Shire’s physical environment including watercourses”*

- *“Specific Actions will include: Protect and conserve the natural and built heritage of the Shire’s rural and urban areas from inappropriate development. Ensure that future development is compatible with the quality, character, amenity and lifestyle of rural and urban communities and the development of the Shire’s tourism and recreational product.”*

- *“Specific actions will include: Identification and protection of Shire’s built heritage assets and significant cultural landscapes by listing individual buildings and significant places.”*

Also many other aspects in Hepburn Planning Scheme:

15.03 Heritage.

15.03-1S Heritage conservation.

15.03-2S. Aboriginal cultural heritage.

21.01-3. Municipal Overview. Formative history. Key issues and attributes. Landscapes. Settlement. People.

I submit and contend that the CTP does not fully comply with the Hepburn Planning Scheme.

HEPBURN HERITAGE POLICY:

POLICY No. 16(C)

DATE ADOPTED: 17 November 2015.

DATE NEXT REVIEW: 17 November 2019.

Some aspects of possible or apparent Policy conflicts or non-compliance in HSC's CTP proposal and Planning Permit Application CTP Stage 1 include the following extracts:

- *"Policy purpose: To provide guidance to Council, developers, public agencies and the general community on – the value and role of heritage preservation in maintaining and enhancing the unique character of the varied localities within the Shire".*
- *"Guiding principles: Encourage the conservation and enhancement of all of the Shire's heritage assets having due regard to economic, employment and social considerations."*
- *"Guiding Principle: **Ensure that in the development of heritage places, the authentic heritage remain the dominant publicly visible feature of the site, and that new elements do not overwhelm them by bulk or character.**"*
- *"Guiding Principle: In dealing with heritage places that demonstrate development over their history, respect each significant phase of the development of the place."*
- *"Council awareness: **Seek to comprehensive survey and analyse the heritage assets of the Shire and to include in the schedule to the Heritage Overlay**".*
- *"Council awareness: Where necessary, to take steps to protect heritage places, such as the imposition of Interim Demolition Controls".*
- *"Council awareness: Make nominations where appropriate for places to be included on the Victorian Heritage Register."*
- *"Statutory Planning: Refer Planning Applications in the Heritage Overlay to the Heritage Advisor for comment for input into the assessment of the application in association with other relevant planning issues."*
- *"Statutory Planning: In certain circumstances require bonds or bank guarantees to be lodged against the proper conduct of proposed works."*
- *"Education: Enhance community awareness of heritage matters and the responsibilities of owners as custodians of heritage places".*

HSC has apparently NOT referred to or considered this Policy in regards to the CTP e.g. in referring to Council for Council approval to proceed to Planning Permit Application, and in regards to the Planning Permit Application and its background studies.

It appears that the scheduled Hepburn Heritage Policy Review proposed for 17 Nov 2019 may not have occurred, and therefore is (well) "overdue".

I submit and contend that the CTP does not fully comply with Hepburn Heritage Policy.

HEPBURN HERITAGE CONSERVATION POLICY:

POLICY No. 16.

DATE ADOPTED: 17 June 2014.

Some aspects of possible or apparent Policy conflicts or non-compliance in HSC's CTP proposal and Planning Permit Application CTP Stage 1 include the following extracts:

- *"Guiding Principle: **Ensure that in the development of heritage places, the authentic heritage remain the dominant publicly visible feature of the site, and that new elements do not overwhelm them by bulk or character.**"*
- *"Guiding Principle: In dealing with heritage places that demonstrate development over their history, respect each significant phase of the development of the place."*
- *"Council awareness: **Seek to comprehensive survey and analyse the heritage assets of the Shire and to include in the schedule to the Heritage Overlay**".*
- *"Council awareness: Where necessary, to take steps to protect heritage places, such as the imposition of Interim Demolition Controls".*
- *"Council awareness: Make nominations where appropriate for places to be included on the Victorian Heritage Register."*
- *"Statutory Planning: Refer Planning Applications in the Heritage Overlay to the Heritage Advisor for comment for input into the assessment of the application in association with other relevant planning issues."*
- *"Statutory Planning: In certain circumstances require bonds or bank guarantees to be lodged against the proper conduct of proposed works."*
- *"Education: Enhance community awareness of heritage matters and the responsibilities of owners as custodians of heritage places".*

HSC has apparently NOT referred to or considered this Policy in regards to the CTP e.g. in referring to Council for Council approval to proceed to Planning Permit Application, and in regards to the Planning Permit Application and background studies.

HSC has apparently NOT referred to or considered this Policy in regards to the CTP.

I submit and contend that the CTP does not fully comply with Hepburn Heritage Conservation Policy.

CRESWICK HERITAGE STUDY (TROPMAN) 1990:

This Creswick Shire commissioned report first or primarily undertook a detailed analysis of the built heritage of Creswick Township, followed by an assessment of the Landscape heritage of Creswick and appropriate Landscape Planning Guidelines to conserve this. Of the Landscape heritage, it looked mainly at forest and goldmining and rural. The water races and water system does not feature. This is likely to be a significant failing.

Whilst the Creswick Heritage Study 1990 gives a history of the Creswick Goldfield, it does not appear to systematically or thoroughly identify and assess and record and document all of the Goldfield's extant sites and or elements, or their significance (apart from Precinct 6 Australasian Mine Disaster Site – proposed heritage precincts (built heritage)).

There appears to be an associated report Creswick Conservation Study 1991 (Lester Tropman and Associates), however this report has not yet been sourced or analysed.

There appears to be an associated report Creswick Conservation Study 1991 (Lester Tropman and Associates), however this report has not yet been sourced or analysed.

Some important and/or key statements in relation to HSC's CTP proposal and Planning Permit Application CTP Stage 1 include the following extracts:

Some important and/or key statements:

"The landscape planning guidelines should respect the rural and past mining activities and be concerned with the siting of buildings or earthworks, the design of works, the relationship to existing buildings of landscape elements, building elements, landscape works"

"That Development Controls be developed for particular individual townships or areas for the continuation and retention of their special landscape characteristics."

"It is recommended that a heritage advisor be appointed to advise Council on building and landscape development control in sensitive areas of heritage significance."

*"The character of Creswick bears the marks of a history extending from the arrival of the first pastoralists, through the various stages of mining and small farming to the link between towns and the embryonic Australian forestry industry. **This is a varied and rich landscape, one worthy of protection so that its essential character is not lost in the future.**"*

"Finally, the thick forests enclosing Creswick itself are all consequences of the shire's central role in the history of Australian forestry – at a practical level in regenerating growth of old mining areas, in decorative use of exotic trees and in the scientific and educative enterprise of botanists and foresters, Creswick has an important place in environmental history of Victoria."

"Creswick has a central place in Australian economic history as much for its forestry as for its mining. In Creswick there occurred the first tentative steps toward forest conservation and management."

"The Shire of Creswick and its towns, farms and landscapes have an identifiable character that sets them apart from other country areas in Victoria and Australia. This is a combination of its landform,

vegetation, buildings and mining relics. This character is the heritage of the people who live and work in Creswick and is part of the heritage of Victoria and Australia. Creswick is one of the chain of country towns in this region that was part of the gold mining experience that changed the face of Victoria and Australia in the nineteenth century. The management of this heritage is in the main the responsibility of the local government authority. It is the challenge that the Shire faces to manage these assets."

"Landscape Planning Principles: 'Landscape' ... includes ... natural areas, scientific and geological sites, wildlife habitats, modified/cultural landscapes, aboriginal sites, scenic rural areas, and ornamental parks and gardens." "Acknowledging an area's landscape qualities requires planning guidelines that protect and develop areas sympathetically."

Rural Areas:

Policy 1. *"That all culturally significant and visually sensitive landforms be retained without any further building or construction works being placed upon them."* (Rationale – Cultural landscape character of Creswick as an early mining and rural Shire – retention of landscape types are they are critical to any future history of the town.)

Policy 2. *"That natural forests be retained."* (Rationale – Forests surrounding Creswick are strong historical reminders of history of Australian forestry and future development should be controlled in such a way that minimises its impact in these areas.)

Policy 6. *"That all significant mining remnants be secured and stabilized from erosion and retained in context."* (Rationale – These mining relics are one of major historical features of the Creswick Shire and this policy aims to ensure they are retained for future interpretation.)

Policy 8. *"That all significant natural habitats of flora and fauna be conserved."*

SOME OTHER POTENTIALLY RELEVANT FORMAL HERITAGE STUDIES:

HEPBURN SIGNIFICANT TREE REGISTER NOMINATIONS 2011 – STATEMENTS OF SIGNIFICANCE REPORT, WITH PLANNING SCHEME AMENDMENT – NOVEMBER 2015.

CRESWICK CONSERVATION STUDY 1991 – Lester Tropman and Associates.

CULTURAL LANDSCAPES STUDY OF CRESWICK GOLDFIELDS – McConville, C., and Oliver, C., 1991.

CRESWICK SHIRE HERITAGE STUDY : CRESWICK SHIRE, VICTORIA : A STUDY OF THE BUILT AND ENVIRONMENTAL HERITAGE OF CRESWICK SHIRE – Lester Tropman & Associates (and three others).

HEPBURN SHIRE COUNCIL – CTP AND OTHER HSC POLICIES / STRATEGIES.

Refer to Heritage and Environment Sections of this submission for detail of:

- Hepburn Shire Council Biodiversity Strategy (October 2017).
- Hepburn Heritage Strategy 2020-2030 (June 2020).
- Hepburn Heritage Policy No. 16(C) (17 November 2015).
- Hepburn Heritage Conservation Policy No. 16 (17 June 2014).

Other HSC Policies that may apply to the CTP to varying degrees appear to have also not been considered, or properly considered, by HSC in the CTP or in the Planning Permit CTP Stage 1. I submit an objection to the CTP and to the Planning Permit CTP Stage 1 including on these regards.

These Policies are listed and *briefly reasoned* hereunder. This is *not* a full account appraisal of these policies, in relation to the CTP and my objections.

(As per HSC List of Policies HSC website as at 30 April 2021.)

1. HEPBURN SHIRE COUNCIL – RISK MANAGEMENT POLICY – POLICY No. 24(C).

Date adopted: 16 July 2013. Date of Next Review: 31 July 2017.

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.”

HSC HAS NOT APPROPRIATELY APPLIED ITS RISK MANAGEMENT POLICY IN REGARDS TO THE CTP. THIS INCLUDES: THE USE OF SUBSTANTIAL AMOUNT OF HSC RATEPAYERS FUNDS BOTH CURRENT AND FUTURE, INCLUDING WISE USE, AND VALUE OUTCOMES; APPARENT SUBSTANTIAL MISCALCULATION OR MISMANAGEMENT OF CTP FUNDING / BUDGET (POTENTIALLY OR POSSIBLY TO 40% EXTENT); FAILURE TO ADEQUATELY IDENTIFY IMPACTS TO ENVIRONMENT AND HERITAGE AND COMMUNITY AND PUBLIC LAND AND PUBLIC LAND VALUES; FAILURE TO APPROPRIATELY APPLY RISK MANAGEMENT TECHNIQUES INCLUDING CONSEQUENCE AND LIKELIHOOD AND RISK RATINGS TO RISKS; ETC.

THE RISK MANAGEMENT POLICY REVIEW IS ALSO OVER 3 YEARS AND NEARLY 4 YEARS OVERDUE.

2. HEPBURN SHIRE COUNCIL – TOURISM POLICY – POLICY No. 12(C).

Date adopted: May 2004. Date of Next Review: October 2013.

THIS POLICY.

“Tourism benefits local communities economically and socially, and can help raise awareness and support for conservation and responsible management of the environment. Within the tourism sector, economic development and environmental protection can work hand in hand to achieve mutually beneficial outcomes. Policies and actions must aim to strengthen the benefits and manage any potential negative impact of tourism.”

THE CTP IS PRINCIPALLY OR PRIMARILY A TOURISM RELATED “ECONOMIC BENEFIT” PROPOSAL. HOWEVER THE CTP WILL CAUSE DEMONSTRABLE SIGNIFICANT ENVIRONMENTAL IMPACT. ANY NOTION THAT THE CTP CAN OR WILL “WORK HAND IN HAND” TO ACHIEVE “ENVIRONMENTAL PROTECTION” TO “ACHIEVE MUTUALLY BENEFICIAL OUTCOMES” IS SIGNIFICANTLY CONTESTED. HSC HAS NOT EVALUATED AND COMPARED AND EQUATED THE CLAIMED/ENVISAGED “CTP TOURISM ECONOMIC BENEFITS” AGAINST THE “ENVIRONMENTAL (AND OTHER VALUE) IMPACTS” THAT WILL LIKELY OCCUR IF THE CTP IS DEVELOPED, IN ANY FORM. HSC HAS ALSO NOT IDENTIFIED AND LIKEWISE COMPARED OTHER POTENTIAL FUTURE TOURISM OPPORTUNITIES AND THEIR ECONOMIC BENEFITS, INCLUDING 1. THE POSSIBLE INCLUSION OF THIS AREA AS ONE OF THE CONTRIBUTING SITES TO THE PROPOSED CENTRAL VICTORIAN GOLDFIELDS UNESCO WORLD HERITAGE BID; AND 2. THE POTENTIAL FOR THE WATER RACE / WATER SYSTEM OF THIS AREA TO BE OF STATE OR NATIONAL HERITAGE SIGNIFICANCE, AND IF SO ITS’ TOURISM POTENTIAL. ETC. THE HEPBURN SHIRE COUNCIL TOURISM POLICY REVIEW IS OVER 7 YEARS OVERDUE.

3. HEPBURN SHIRE COUNCIL – COMMUNITY ENGAGEMENT POLICY – POLICY No. 79(C).

Date approved: 23 February 2021. Date of Next Review: June 2025.

INTRODUCTION.

“Community engagement is critical to the operation of Council and strengthens its relationship with the community.”

“Hepburn Shire Council recognises the strong commitment of our citizens and stakeholders to public participation. We embrace this commitment and its important role in contributing to Council decision making.”

“The Local Government Act 2020 (VIC) sets out the requirements for the development of the Policy.”

*“The Community Engagement Principles outlined in the Act require that, when undertaking community engagement projects (e.g. as for the CTP), Council must: (includes) * Provide objective, relevant, and timely information to inform participants; * Provide reasonable support to enable meaningful and informed engagement; * inform participants about how the process will influence Council decision making; etc.*

POLICY

“The purpose of community engagement is for Council to hear the community’s voice, unearth opportunities and explore challenges and solutions to inform Council decision making.”

“Council engagement recommendations and findings, along with legislative requirements and Council’s roles, responsibilities and resources are all important elements of Council decision making. Council will weigh and balance inputs regarding each of these elements to inform decision making.”

The Levels of Engagement Matrix indicates that the CTP community engagement would be, or should be: Strategic Importance – HIGH; Impact – HIGH; Complexity – HIGH; Risk – HIGH; Community sentiment – HIGH; Influence – HIGH; Budget – HIGH.

THE CTP PROJECT EXHIBITS SIGNIFICANT DEFICIENCIES IN THIS POLICY. OF MAJOR IMPORTANCE IS THAT THE CTP WAS DEVISED AND “APPROVED” LARGELY AUTONOMOUSLY (POSSIBLY IN

CONJUNCTION WITH A SMALL MINORITY COMMUNITY GROUP – MOUNTAIN BIKE CLUB) BY HSC, FOR DEVELOPMENT ON *PUBLIC LAND* – OWNED BY ALL VICTORIAN CITIZENS. THERE WAS APPARENTLY NO ADEQUATE PUBLIC CONSULTATION WITH THE GENERAL PUBLIC AT THE TIME AS TO WHETHER THE PROPOSAL WAS PUBLICLY ACCEPTABLE AND SHOULD PROCEED OR NOT. THIS CTP “APPROVAL” INCLUDED HSC APPLYING TO REGIONAL DEVELOPMENT VICTORIA FOR A GRANT OF \$2.56M, WHICH WAS APPROVED. NO PROPER PUBLIC LAND ASSESSMENTS OR EVALUATIONS WERE UNDERTAKEN. SINCE THEN, HSC HAS BEEN “RAIL ROADING” THE CTP ALONG, UNDER THE FALSE GUISE OF HIGH LEVEL PUBLIC ENGAGEMENT. HSC NEVER CONSULTED THE GENERAL PUBLIC IN THE CTP AND ITS PROPOSED DEVELOPMENT ON PUBLIC LAND IN THE FIRST INSTANCE. HSC ONLY NOW “ENGAGES” THE PUBLIC IN THE CTP ENTIRELY ONLY TO THE *EXTENT OF DELIVERING THE CTP AND REFINING THE EXACT CTP TRACK ROUTE* – UNDER THE GUISE THAT THE CTP WILL PROCEED TO DEVELOPMENT.

THE PUBLIC LAND MANAGERS HAVE ALSO APPARENTLY DISREGARDED THIS SITUATION, AND HAVE INDICATED THAT THE PUBLIC CONSULTATIONS OF THE PLANNING PERMIT PROCESS WILL BE (OTHERWISE) ADEQUATE. I DISPUTE THIS CLAIM AND SITUATION.

I HAVE MADE OBJECTIONS TO THIS EFFECT, TO NO EFFECTIVE APPROPRIATE OUTCOMES.

I CONTEND AND SUBMIT THAT THE COMMUNITY ENGAGEMENT / COMMUNITY CONSULTATION FOR THE CTP AND FOR THIS PUBLIC LAND IS INADEQUATE, INCLUDING TO HSC POLICY, TO LOCAL GOVERNMENT ACT, AND TO PUBLIC LAND POLICY REQUIRED LEVELS AND STANDARDS.

OTHER POLICIES THAT MAY VARIOUSLY AND DIRECTLY OR INDIRECTLY, APPLY TO THE CTP AND TO THE PLANNING PERMIT CTP STAGE 1 AND TO MY PLANNING PERMIT OBJECTION:

HEPBURN SHIRE COUNCIL – PROCUREMENT POLICY – POLICY No. 46(C).

HEPBURN SHIRE COUNCIL – COUNCILLOR CODE OF CONDUCT – POLICY No. 47(C).

HEPBURN SHIRE COUNCIL – COMPLAINTS HANDLING POLICY – POLICY No. 64(C).

HEPBURN SHIRE COUNCIL – PUBLIC INTEREST DISCLOSURE PROCEDURES FOR HEPBURN SHIRE COUNCIL – POLICY No. 74(C).

HEPBURN SHIRE COUNCIL – COMMUNITY PLANNING POLICY – POLICY No. 75.

HEPBURN SHIRE COUNCIL – VEGETATION EXEMPTIONS PROTECTION – POLICY No. 78.

HEPBURN SHIRE COUNCIL – PUBLIC TRANSPARENCY POLICY – POLICY No. 83(C).

HEPBURN ENVIRONMENT BIODIVERSITY STRATEGY / POLICY / COUNCIL PLAN ETC RE CTP.

FROM HSC WEBSITE – ON BIODIVERSITY:

(From: <https://www.hepburn.vic.gov.au/biodiversity/> as at 30 April 2021).

Biodiversity

One of Council's five objectives from the Council Plan 2017-2021 is a 'Sustainable Environment'.

A key activity of the Council to achieve this objective is to, 'Take proactive steps to protect, maintain and enhance biodiversity, including rare/endangered species and wildlife corridors, and reduction of weeds on Council land while minimising herbicide use. Partner with other stakeholders to achieve greater weed management outcomes shire-wide'.

Supporting Actions to achieve this are;

- *Implement the Hepburn Shire Biodiversity Strategy Action plan*
- *Implement actions to increase Council's control and management of noxious weeds on reserves and roadsides under council management.*



Endangered Volcanic Plains grassland at Clunes



Black Rock Skinks at Tipperary Springs, Daylesford

Hepburn Shire Biodiversity Strategy 2018-21

The Hepburn Shire Biodiversity Strategy 2018-2021 outlines the commitment of the Council to protect, enhance and restore biodiversity across the Shire. The strategy was adopted in November 2018.

The strategy has three broad aims,

- To protect and enhance biodiversity,
- To increase Hepburn Shire Council's capacity to protect and enhance biodiversity
- To support community action and awareness

The strategy includes a four-year action plan with 13 strategic focus areas and 31 actions intended to provide on-ground protection and enhancement of biodiversity, support well informed decision making, increase community awareness and support partnerships to improve biodiversity for future generations.



Eastern Grey Kangaroo and joey



Yellow Footed Antechinus at Clydesdale – Photo by Geoff Park



Bright Copper Butterfly



Lerp insects with ants on Eucalypt leaf

Community Biodiversity grants

Council offers Biodiversity grants to community groups annually. Grants range up to \$5,000 and are available for projects aligned with the objectives of the Hepburn Biodiversity strategy.

Further details will be available on this website at the opening of the next grant round in late April.

THE CTP APPEARS INCONSISTENT WITH AND OR CONTRARY TO HSC'S BIODIVERSITY POSITION / POLICY / STRATEGY ETC.

FROM HSC WEBSITE – ON SUSTAINABILITY:

(From: <https://www.hepburn.vic.gov.au/waste-environment/sustainable-living/> as at 30 April 2021).

Sustainability

We love Hepburn Shire and take seriously our job to look after it for future generations. But we can't do it alone. It is up to all of us to play our part. Read on to find out what Council is doing to improve the sustainability of Hepburn and what you can do to help.

Sustainability is one of five key Strategic Objectives in the [Hepburn Shire Council Plan 2017-2021](#) and is fundamental to protect the natural environment, the liveability and livelihoods of residents and businesses across the Shire.

Council is committed to taking action in the following areas to improve the sustainability of the Hepburn region:

- Climate change
- Sustainability of non-renewable resources
- [Waste and recycling](#)
- [Biodiversity](#)

Climate change

“Climate change has been described by the World Health Organization (2015) as the greatest threat to global health in the 21st century. The unfolding climate crisis requires an immediate response to protect the health, safety and wellbeing of Victorians, now and into the future.”

Dr. Brett Sutton, MMBS MPHTM, FAFPHM, FRSPH, FACTM, MFTM Victorian Chief Health Officer

Hepburn Shire Council unanimously declared a climate emergency in September 2019. In doing so, we joined around 1900 jurisdictions across 34 countries recognising that climate change poses serious risks to the people of Hepburn Shire, Victoria, Australia and the world.

The emergency acknowledges that temperature rise above 1.5°C will lead to major and irreversible damage to ecosystems. Up to one million species face extinction. Locally, climate change will increase fire hazard with an increase in hot days, impact rainfall patterns and increase the likelihood of extreme weather events.

THE CTP APPEARS INCONSISTENT WITH AND OR CONTRARY TO HSC'S SUSTAINABILITY POSITION / POLICY / STRATEGY ETC.

HEPBURN SHIRE COUNCIL BIODIVERSITY STRATEGY (OCTOBER 2017):

One of Council's five objectives from the Council Plan 2017-2021 is a 'Sustainable Environment'.

- The Hepburn Biodiversity Strategy and Action Plan 2017-2021 **aims to strengthen the capacity of people in Hepburn Shire to protect, enhance and restore biodiversity across the Shire.**

THE CTP IS DEMONSTRABLY INCONSISTENT WITH AND CONTRARY TO HSC'S STATED BIODIVERSITY STRATEGY AND ACTION PLAN.

- **Biodiversity is under significant threat from land use change and climate change.**

The Biodiversity Strategy uses decision making to aim to achieve an overall negligible impact on biodiversity. Decision making includes:

- Strategic Planning.
- Training and skill development.
- Community knowledge and awareness building.
- Biodiversity compliance and enforcement.

- "The native vegetation of the region supports a rich diversity. Significant species include ... the rare Yarra Gum (*Eucalyptus yarraensis*) (found in Creswick public lands)."

- 'Biodiversity has been decreasing over the decades across the Hepburn Shire.'

- "Land use change ... associated with increasing clearance, disturbance and degradation of native ecosystems."

- "Restoring large areas to native ecosystems is ultimately the solution to biodiversity decline and restoration."

"One proposed objective of the Biodiversity Strategy is to provide protection and enhancement to biodiversity in the shire."

The Mitigation Hierarchy:

Avoid Minimize Improve Offset.

HSC'S CLAIMED CTP COMPLIANCE/ADHERANCE TO THIS HIERACHY IS QUESTIONED / CONTESTED.

Action Plan (includes):

16. Promote biodiversity conservation activities on Council land. (Ongoing.)
21. Develop and implement enforcement education on biodiversity matters.
22. Prepare and seek Council adoption of a policy on enforcement, procedures and penalties.
23. Present an annual enforcement update to Council.

THE CTP IS DEMONSTRABLY INCONSISTENT WITH AND OR CONTRARY TO HSC'S ACTION PLAN.

07 Community and Stakeholder Response.

"Community engagement was crucial to developing a Biodiversity Strategy that meets the biodiversity needs for Council and residents of the Hepburn Shire. It was essential to understanding the Shire's specific aspirations, threats and conservation activities for biodiversity in the area."

THE CTP AND HSC'S CTP "COMMUNITY ENGAGEMENT" APPEARS INCONGRUOUS WITH HSC'S BIODIVERSITY STRATEGY AND ITS COMMUNITY ENGAGEMENT.

HEPBURN PLANNING SCHEME – HERITAGE AND ENVIRONMENT:

THE CTP IS DEMONSTRABLY INCONSISTENT WITH AND OR CONTRARY TO HEPBURN PLANNING SCHEME – HERITAGE AND ENVIRONMENT.

Some aspects of Planning Scheme (HERITAGE and ENVIRONMENT) possible or apparent conflict or non-compliance in HSC's CTP proposal include the following extracts:

Hepburn Planning Scheme appears not yet to have a Local Policy: Heritage (forthcoming amendment – as per Hepburn Heritage Strategy June 2020).

11.03-3S. Peri-urban areas. Strategy: *“Identify and protect areas that are strategically important for the environment, biodiversity, landscape, open space, water, ..., recreation, tourism, environment, cultural heritage, ... and other natural resources.”*

15. Built Environment and Heritage. *“Planning should protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value.”*

15.03. Heritage. 15.03-1S. Heritage conservation. (See screen grabs below).

15.03. Heritage. 15.03-2S. Aboriginal cultural heritage. (See screen grabs below).

21.01-3. Municipal Overview. Formative history. Key issues and attributes. Landscapes. Settlement. People. (See screen grabs below).

21.01-9. Environment and heritage. Catchments. Landscapes. Vegetation. Cultural Heritage. Landscapes:

- *“The Hepburn Shire contains spectacular bushland, cultural and natural landscapes. These make the area attractive for residents and visitors and establish the Shire’s special character.”*

Vegetation:

- *“Vegetation is important for habitat, landscape values and as a land and water management source. Significant areas of public ... land remain forested Areas of remnant vegetation and the fringes of these, provide habitat for a range of native fauna. The need to promote habitat replacement is an important land use planning issue and development management objective in these areas.”*

Cultural heritage:

- *“These settlements represent an important aspect of the community in Hepburn for contemporary and historical reasons.”*

- *“... European settlement in Hepburn Shire is strongly linked to the development of goldfields and pastoral development in the early nineteenth century.”*

- *“Further investigations should be taken by the Shire to determine the significance of these cultures on the modified landscape and settlement patterns across the Shire.”*

- *“Assessment work should also be undertaken on further identification of pre-contact places and to identify significant aboriginal places and sites that preceded white settlement in the Shire.”*

- *“Many of these ... sites need to be protected in the planning scheme within a Heritage Overlay.”*

- “The ongoing identification, documentation, protection and maintenance of significant heritage assets in the Shire, including pre-contact places and cultural landscapes will ensure continued appreciation and enjoyment by local people, visitors and tourists.”

21.02 KEY INFLUENCES.

“The preparation and development of the planning scheme has been guided by Council’s assessment and response to a range of critical land use planning and natural resource management issues.”

Economic Development (21.07):

- “Tourism is a significant economic contributor to the local economy but requires development standards and guidelines.”

Environment and heritage (21.09):

- “The Shire contains significant landscape features, forest areas, and views that should be protected from inappropriate development.”

- “Heritage assets including pre-contact places and cultural landscapes require identification, documentation and protection.”

- “Tourist developments need to be built with appropriate location and design standards and guidelines to maintain the integrity of the environment, residential amenity and rural lifestyle.”

Hepburn Planning Scheme. 15.03. Heritage. 15.03-1S. Heritage Conservation.

21.03 VISION AND STRATEGIC FRAMEWORK.

21.03-1 Hepburn Shire Corporate Plan 1999-2002.

- *“Maintain and enhance the unique social, cultural, environmental and heritage characteristics of the Shire.”*

21.03-2 Key Land Use Themes.

“The Shire has an outstanding cultural and natural heritage”

- *“This vision (Hepburn’s vision for future land use planning and development) will be achieved by pursuing: Development of sustainable strategies that support the Shire’s natural resource assets. ... Improvement to the quality of the Shire’s physical environment including watercourses”*

- *“Specific Actions will include: Protect and conserve the natural and built heritage of the Shire’s rural and urban areas from inappropriate development. Ensure that future development is compatible with the quality, character, amenity and lifestyle of rural and urban communities and the development of the Shire’s tourism and recreational product.”*

- *“Specific actions will include: Identification and protection of Shire’s built heritage assets and significant cultural landscapes by listing individual buildings and significant places.”*

11 SETTLEMENT.

Planning is to recognize the need for, and where practicable contribute towards:

- *“Protection of environmentally sensitive areas and natural resources.”*
- *“Planning is to prevent environmental and amenity problems created by siting incompatible land uses close together.”*

11.03-1S. Activity centres. Objective.

“To encourage the concentration of ... entertainment ... into activity centres that are highly accessible to the community.”

- *“Improve the ... environmental performance and amenity of activity centres.”*

11.03-2S. Growth areas. Objective.

“To locate urban growth ... while protecting ... valued environmental areas.”

Strategies.”

- *“Protect and manage natural resources and areas of heritage, cultural and environmental significance.”*
- *“Respond to climate change and increase environmental sustainability.”*

11.03-3S. Peri-urban areas. Strategy: *“Identify and protect areas that are strategically important for the environment, biodiversity, landscape, open space, water, ..., recreation, tourism, environment, cultural heritage, ... and other natural resources.”*

12. ENVIRONMENTAL AND LANDSCAPE VALUES.

“Planning should help protect the health of ecological systems and the biodiversity they support (including ecosystems, habitats, species, and genetic diversity) and conserve areas with identified environmental and landscape values. Planning must implement environmental principles for ecological sustainable environment that have been established by national and international agreements.”

12.01-1S **Protection of biodiversity.**

Objective.

“To assist the protection and conservation of Victoria’s biodiversity.”

Strategies.

- *“Use biodiversity information to identify important areas of biodiversity, including key habitat for rare and threatened species and communities, and strategically valuable biodiversity sites.”*
- ***“Ensure that decision making takes into account the impacts of land use and development on Victoria’s biodiversity, including consideration of: * Cumulative impacts; * Fragmentation of habitat.”***
- *“Avoid impacts of land use and development on important areas of biodiversity.”*
- *“Consider impacts of any change in land use and development that may impact the biodiversity value of national parks and conservation reserves”*
- *“Assist in the identification, protection and management of important areas of biodiversity.”*

Policy Guidelines.

“Consider as relevant: State biodiversity information maintained by the Department of Environment, Land, Water and Planning.”

12.01-2S Native vegetation management.

Objective.

"To ensure that there is no net loss to biodiversity as a result of the removal, destructing or lopping of native vegetation."

Strategies.

- "Ensure that decisions that involve, or will lead to, the removal, destruction or lopping of native vegetation, apply the three step process in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning 2017)."

- "Avoid the removal, destruction or lopping of native vegetation."

- "Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided."

- "Provide an offset to compensate for the biodiversity impact from the removal, destruction or lopping of native vegetation."

"Consider as relevant: State biodiversity information maintained by the Department of Environment, Land, Water and Planning."

12.03-1S River corridors, waterways, lakes and wetlands.

Objective.

"To protect and enhance river corridors, waterways, lakes and wetlands."

- "Protect the environmental, cultural and landscape values of all water bodies and wetlands."

- "Ensure development is sensitively designed and sited to maintain and enhance environmental assets, significant views and landscapes along river corridors and waterways and adjacent to lakes and wetlands."

Policy documents.

Consider as relevant:

"Healthy Waterways Strategy (Melbourne Water 2013)."

12.05-2S Landscapes.

Objective.

"To protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments."

Strategies.

"Ensure significant landscape areas such as forests ... are protected."

- "Ensure development does not detract from the natural qualities of significant landscape areas."

- "Improve the landscape qualities, open space linkages and environmental performance in significant landscapes and open spaces, including green wedges, conservation areas and non-urban areas."

- "Recognise the natural landscape for its aesthetic value and as a fully functioning system."

- "Ensure important natural features are protected and enhanced."

13 ENVIRONMENTAL RISKS AND AMENITY.

- "Planning should strengthen the resilience and safety of communities by adopting a best practice environmental management and risk management approach."

- *“Planning should aim to avoid or minimise natural and human-made environmental hazards, environmental degradation and amenity conflicts.”*
- *“Planning should prepare for and respond to the impacts of climate change.”*

13.03-1S Floodplain management.

Policy guidelines.

Consider as relevant:

- **Regional catchment strategies** and special area plans”

14.02-1S Catchment planning and management.

Objective.

“To assist the protection and restoration of catchments, water bodies, ... “.

Strategies.

- *“Retain natural drainage corridors with vegetated buffer zones at least 30 metres wide along each side of a waterway to: * Maintain the natural drainage function, stream habitat and wildlife corridors and landscape values; ...”.*
- *“Ensure that development at or near waterways provide for the protection and enhancement of the waterways and their instream uses.”*
- *“Ensure planning is coordinated with the activities of catchment management authorities.”*

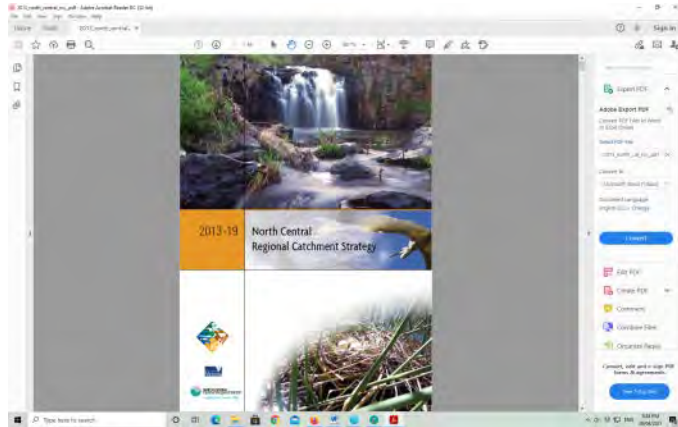
Policy guidelines.

Consider as relevant:

- *“Any regional catchment strategy and related plans ...”.*

NORTH CENTRAL CATCHMENT MANAGEMENT AUTHORITY
NORTH CENTRAL REGIONAL CATCHMENT STRATEGY 2012-2019 (NCCMA)
 (THE NORTH CENTRAL RCS IS A HEPBURN PLANNING SCHEME REFERRAL PLANNING DOCUMENT).

Relevant to CTP:



“The North Central Regional Catchment Strategy (RCS) is an important planning document for the community of the region.”

“The North Central RCS vision is: A community active in protecting and enhancing the integrity of its catchment.”

5. Biodiversity.

Vision. *“Native vegetation extent and condition is improved across the North Central Region. Ecological processes are maintained and the present diversity of species and ecological communities and their viability is maintained or increased across each bioregion.”*

5.4 Threats and their impacts on biodiversity.

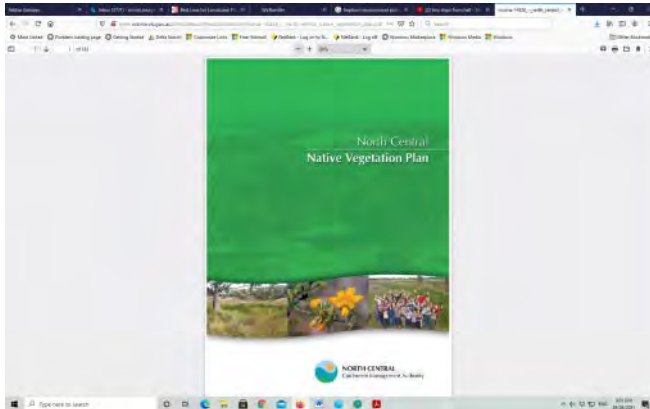
Threats: *clearing; habitat fragmentation and isolation.*

Impacts: *loss of ecological resources; reduction in species richness and diversity; decline in habitat quality and condition; loss of landscape function; decline in landscape amenity and intrinsic value.*

THE CTP IS DEMONSTRABLY INCONSISTENT WITH OR CONTRARY TO THE RCS IN THESE RESPECTS.

**NORTH CENTRAL CATCHMENT MANAGEMENT AUTHORITY
NORTH CENTRAL NATIVE VEGETATION PLAN (NCCMA 2005)**

Relevant to CTP:



1. Protection of Existing Remnant Native Vegetation.

“The highest priority of the North Central Native Vegetation Plan (NVP) is to protect remnant existing native vegetation, particularly those vegetation communities that are highly depleted and subject to threatening processes.”

“It is not desirable to concentrate efforts only on rare or threatened species or communities as this allows depletion of other vegetation types creating further problems.”

THE CTP IS DEMONSTRABLY INCONSISTENT WITH OR CONTRARY TO THE RCS IN THESE RESPECTS.

NORTH CENTRAL CATCHMENT MANAGEMENT AUTHORITY

- **WORKS ON WATERWAYS GUIDELINES (June 2019)**
- **APPLICATION FOR A PERMIT TO CONSTRUCT AND OPERATE WORKS ON A WATERWAY**

Works on Waterways Permit – Water Act 1989 Section 67, and NCCMA By-law for Waterways Protection 2014. (Some Reference documents: NCCMA Works on Waterways Application Form October 2019; NCCMA Works on Waterway Guidelines General Works 2019).

Examples of works that may require Works on Waterways Assessment:

“Recreation pathways along stream banks within designated lands”.

THE CTP DEDICATED MOUNTAIN BIKE TRACK WILL THEREFORE REQUIRE WORKS ON WATERWAYS ASSESSMENT AND LIKELY PERMITS. HSC HAS FAILED TO DO THIS IN THE CTP ASSESSMENT AND PLANNING, AND IN AND AS PART OF THE CTP PLANNING PERMIT APPLICATION.

Details on Permit include:

- Name of Waterway.
- Details of Proposed Works (includes): access crossing – bridge / culvert / ford (including certifications to Australian standards); stream clearing; vegetation clearing.
- Measures to be undertaken to protect the bed and banks of the waterway.
- Sediment control measures to be implemented during the works.
- Cultural Heritage Management Plan.

HSC HAS FAILED TO CONSIDER / MEET THESE LEGAL REQUIREMENTS FOR CTP WORKS ON WATERWAYS E.G. INCLUDING FOR CRESWICK CREEK.

APPENDIX 15.

CROWN LAND ASSESSMENT - PUBLIC LAND VALUES - PROCESS

Generally: DELWP has primary or lead responsibility for the management of Crown land in Victoria, with the major priorities:

- to ensure conservation of public land values.
- to ensure long term sustainable utilisation of the associated resources
- where appropriate to “outsource” management either by
 - * delegation (other Government Agencies, Committees of Management, Vesting, Trusteeship) or by
 - * privatisation (lease, licence, or sale).

Crown Land Assessments are undertaken for various purposes, including for proposed major land use changes.

This involves the identification of the land’s Public Land Values and their significance levels. **Public Land Values** are defined as:

Land Values which should be preserved and maintained for the benefit of present and future generations because of their environmental, historic, recreation, tourism, natural resource, social or cultural significance (including special significance to the Aboriginal community), or because of some special strategic value such as access for management purposes, Reserve linkages, etc.).

The relevant appropriate management strategy for land with one or more of these values will be dependent on:

- (a) the particular values present;
- (b) the level of significance of the value(s); and
- (c) which management strategy will result in the best effective protection of value(s).

CROWN LAND ASSESSMENT CRITERIA:

(BROAD CATEGORIES ONLY SHOWN)

1. ENVIRONMENT / CONSERVATION VALUES

(Environmental Significance for Present and Future Generations.)

2. CULTURAL / HISTORICAL VALUES

(Cultural Significance for Present and Future Generations.)

3. SOCIAL / COMMUNITY / ABORIGINAL VALUES

(Social or Cultural Significance for the Wider Community.)

4. RECREATION / TOURISM VALUES

(Recreation or Tourism Significance for Present and Future Generations.)

5. RESOURCE PRODUCTION / UTILISATION VALUES

(The Land has Natural Resource Production / Utilisation Potential for Present and Future Generations (e.g. land for timber production, water catchment, stone and gravel or apiary use.)

6. STRATEGIC / OTHER VALUES

(Special or Strategic Values for the Wider Community.)

IN TERMS OF THE CTP AND PLANNING PERMIT APPLICATION CTP STAGE 1:

1. HSC has failed to undertake the required Public Land Crown Land Assessment of the CTP Public Lands.
2. The Public Land Managers have also failed to undertake the required Public Land Crown Land Assessment, and failed to appropriately advise HSC (if they have transferred all assessment responsibilities).

3. All of the CTP and Planning Permit Application CTP Stage 1 background / support / incorporated documents are NOT to required or prescribed form or type or standard for **Public Land Assessment and Planning**.

APPENDIX 16:
SOME KEY STIMSON LETTERS OF REFERRAL AND COMPLAINT TO HSC – CTP AND PLANNING
PERMIT APPLICATION CTP “STAGE 1”.

This referral and complaint letter was submitted to HSC on 24 March 2021, and was subjected to HSC’s “complaint handling process”. HSC’s eventual response however is considered substantially inadequate. As such, the letter is now again submitted as part of my public submission to the HSC Planning Permit Application.

Email: 

24 March 2021

TO:

1. HEPBURN SHIRE COUNCIL
 2. CEO, HEPBURN SHIRE COUNCIL
 3. ALL COUNCILLORS, HEPBURN SHIRE COUNCIL
- Councillor Lesley Hewitt (Mayor) – Birch Ward. (Email: lhewitt@hepburn.vic.gov.au).
 - Councillor Brian Hood (Deputy Mayor) – Coliban Ward. (Email: bhood@hepburn.vic.gov.au).
 - Councillor Jen Bray – Birch Ward. (Email: jbray@hepburn.vic.gov.au).
 - Councillor Tessa Halliday – Cameron Ward. (Email: thalliday@hepburn.vic.gov.au).
 - Councillor Juliet Simpson – Holcombe Ward. (Email: jsimpson@hepburn.vic.gov.au).
 - Councillor Tim Drylie – Creswick Ward. (Email: tdrylie@hepburn.vic.gov.au).
 - Councillor Don Henderson – Creswick Ward. (Email: dhenderson@hepburn.vic.gov.au).

PO BOX 21

DAYLESFORD VIC 3460.

Email: shire@hepburn.vic.gov.au

Copies:

- Minister Local Government, The Hon. Shaun Leane.
- Minister Planning, The Hon. Richard Wynne.
- Minister Regional Development, The Hon. Mary-Anne Thomas.
- Minister Energy, Environment and Climate Change, The Hon. Lily D’Ambrosio.
- Member for Ripon, Ms Louise Staley.

Dear Hepburn Shire Council / CEO / Councillors.

RE HEPBURN SHIRE COUNCIL (HSC) – CRESWICK TRAILS PROJECT (CTP) – PROPOSED PLANNING PERMIT / LEGAL AND MORAL ISSUES - FORMAL PUBLIC SUBMISSION AND OBJECTION AND COMPLAINT & FORMAL PUBLIC REQUEST FOR INFORMATION TO INFORM THE PUBLIC – MATTERS OF SIGNIFICANT PUBLIC INTEREST.

I am a member of the Victorian public and act for and on behalf of other Victorian citizens in the public interest. I advise my qualifications B.App.Sci. (Environmental Assessment and Land Use Policy), Cert.App.Sci. (Conservation and Resource Development).

I hereby make **formal public submission and objection and complaint** on Hepburn Shire Council’s (HSC) dealings on, and administration and management of, the Creswick Trails Project (CTP) – including in particular in relation to Planning Permit and other legal processes.

HSC is the proponent of the CTP, apparently being a proposed 100km long dedicated formal mountain bike track, largely or entirely situated on Public Lands near Creswick. There are many aspects of the proposed CTP that are of significant public concern, including the *significant Public Land and public land value impacts* that will likely occur if the CTP is developed, and in *HSC’s administration and development of, and its’ assessment and planning for, the CTP*. Many of these issues have been previously outlined in previous public correspondence sent to HSC (for example, refer to my letter to HSC dated 10 September 2019 - copy Appendix 3). Many of the issues I have previously publicly raised are still extant. HSC has also largely failed and or refused to provide substantive responses to and proper address of my public submissions and concerns, including failing to publicly provide or release crucial information, to fully inform the public. These aspects will be able to be substantially demonstrated if and as required.

I now advise and submit on new matters of further significant public concern. Council has recently approved changes to the proposed CTP "delivery method", and divided the CTP into "two stages", described as "Stage One" and "Stage Two". Council has also *approved* the progression of the CTP "Stage One" to planning permit application.

The HSC and Council approved progression to a planning permit application was however for *part only* of the CTP (i.e. for "Stage One" only). I submit that this is highly inappropriate, including that it will effectively *undermine* proper planning and assessment process, and will cause injury to the public interest. The *full impacts* from, and of, the (*entire*) CTP, including of public land values and public interest impacts, will then *not* be evaluated or considered, or be legally tested, other than *only* those pertaining to part (Stage One) of the CTP. If the CTP is to be progressed, the *entire* CTP should be and needs to be subject to full Planning Permit process, to *ensure* that the *full and total impacts* of the CTP are properly and adequately evaluated and are subject to full legal assessment and planning processes. As the CTP is also proposed to be developed on *Public Land, owned by all Victorian citizens*, and that there will be apparently *substantial impacts to this Public Land and to the land's significant public land values*, the public also has an inherent right for proper and full legal planning and other legal processes to apply, and without any subversions. Proceeding to a Planning Permit for only part of the CTP will effectively deny the public the right to fully and properly comment and submit on the entire CTP proposal.

HSC has recently released information as part of its planning permit progression for *Stage 1*. This information comprises maps (i.e. for *Stage One area only*) and Specialist Reports (e.g. written for the *entire CTP area*). The maps are low resolution and or difficult to properly interpret. It is also particularly difficult for the public to effectively scrutinize and decipher the important, key and crucial aspects and information from the Specialist reports from these differing area sets of data. In many cases it is *virtually impossible* to differentiate and decipher and apply and reconcile the values and attributes (e.g. for species, distributions, natural and heritage or natural values, tree numbers, offset areas, etc.) in the Specialist Reports with HSC's recently concocted Stage One and Stage Two areas. The Specialist Reports have apparently also been developed over time, and apply to and were written for the entire CTP, and were likely not envisaged to have to be interpreted for subset areas (such as HSC's recently determined Stage One area). *HSC's proposal to proceed to Planning Permit, only for Stage One, is therefore grossly inadequate in this respect, and particularly denies the public its rights and the ability to be able to exercise adequate and proper public assessment and public scrutiny.* HSC claims or implies that to progress to development of only Stage One at this time requires a planning permit for Stage One. This is incorrect. A planning permit for the entire CTP can be progressed, and if approved then development can then still occur in stages, in accordance with any constraints that might apply.

1. I hereby formally submit significant public concerns on this matter, and make formal public objection to HSC against progression to a Planning Permit application for part only (e.g. for "Stage One") of the CTP.

HSC indicated (Council Officer Report to Council 22 December 2020) reasons put to Council, and of Council's approval decision, for the changed "delivery method" and for progression to Planning Permit *for Stage One only*. These comprised or included:

- (a) That there is a "...higher degree of land manager scrutiny and public concern about trails located in the Regional Park"; and
- (b) That "... the emerging costs for vegetation offsets and other permits for a bulk of 100 kilometres of trails are more than originally estimated putting a strain on the projects budget."

It appears that items (a) and (b) comments comprise a degree of covertness and hide apparent CTP aspects that might actually *prove fatal* to the overall project. In relation to item (a), it appears that the Government approved LCC / VEAC Land Use Determinations for at least the Creswick Regional Park, if not for other Public Lands, may *legally preclude* the CTP's land use and development on certain particular land status areas. This aspect has previously been publicly put to HSC and to the Public Land Managers, but all have essentially failed and refuse to provide any appropriate and adequate responses. In relation to item (b), it appears that HSC has grossly miscalculated the full costs of the entire CTP, and that much, or a significant amount, of the proposed CTP may now be effectively regarded as "unfunded". It can be postulated that, using HSC's figures, the CTP might be up to 40% under-budgeted and or underfunded. There are therefore serious public questions to financial aspects of the CTP. We are also aware that HSC has applied *on several occasions* to Regional Development Victoria to alter the Regional Tourism and Infrastructure Fund (RTIF) grant secured by HSC for the CTP (of some \$2.56M). All public requests to HSC to provide information to the public to these ends have been refused. The public has made FOI applications but HSC appears to be thwarting these. We also have serious concerns to other financial aspects of the CTP, including the ongoing annual costs to HSC in future CTP management and maintenance, how long HSC will commit its' ratepayers funds to the CTP, and the need for a significant Public Land bond for full rehabilitation of the CTP trail should HSC withdraw from holding responsibility for the CTP.

- 2. I hereby formally submit significant public concerns on these matters, and make formal public submission and request for HSC to provide the following written responses and or provide the following information to the public:**
- (a) That HSC publicly provides its full reasons and full justification for Council's approval decision to progress to Planning Permit application for CTP "Stage One" *only*.
 - (b) That HSC publicly provides its full account of how progression to Planning Permit application for CTP "Stage One" *only* will not undermine and subvert proper and legal planning and assessment and other processes and will not impact or adversely affect or comprise injury to the public interest.
 - (c) That HSC publicly provides a full current and projected future financial statement for the CTP.
 - (d) That HSC publicly provides a full account of the issues of and around land manager scrutiny and public concern about trails located in the Regional Park.

HSC (Council Officer Report to Council 22 December 2020) has failed to properly and adequately outline and quantify and qualify the presence and extents of significant public land values including environment / biodiversity and historic / heritage and other values. HSC

also fails to do same for the impacts and impact extents that will likely occur to the Public Land and public land values from the CTP. In fact, it appears that HSC has deliberately glossed over or intentionally ignored these aspects. I submit that this causes, or has the potential to cause, significant injury to, and is against, the public interest.

3. **I hereby formally submit significant public concerns on this matter, and make formal public submission and request for HSC to publicly provide a full report outlining and evaluating all significant public land values present on the proposed CTP Public Lands, and their extents, and the full significant public land value impacts that may or will result from the CTP development.**

HSC (Council Officer Report to Council 22 December 2020) has failed to properly and adequately outline and recognize and evaluate legal Government approved Land Use Determinations and other legal constraints, or at least has not conveyed this information to the public. I submit that this causes, or has the potential to cause, significant injury to, and is against, the public interest.

4. **I hereby formally submit significant public concerns on this matter, and I make formal public submission and request to HSC, for HSC to publicly provide a full report outlining and evaluating the Government approved Land Use Determinations for each and all of the various differing Land Status Public Land areas that the CTP is proposed to be developed on, including formal and or legal determinations as to whether the CTP can be developed respectively on each Land Status area or not.**

There are significant public concerns to the many current illegally developed mountain bike tracks and current illegal off-road mountain bike use on the Public Lands at Creswick, including on Public Lands within the CTP proposed area. It is of significant public concern that HSC has formally proposed, in the CTP, to retrospectively incorporate and formalize and legalize some of these illegal tracks into the CTP trail. I submit that this may be considered to comprise unconscionable and unethical conduct. I have corresponded with HSC to this end, including seeking to know if HSC undertook any enforcement or compliance actions and or referred these illegal tracks to the responsible Authorities / Public Land Managers. HSC failed to adequately respond, instead advising that it was a matter for the Public Land Managers to address. I take it that HSC did *not* take any enforcement and compliance actions, and made *no* referrals, and effectively "*turned a blind eye*". I also sought HSC, as part of the CTP and its claimed public engagement, to identify and inform the public to the locations and extents of all illegally developed mountain bike tracks (including delineation of those that HSC proposes to incorporate into the CTP), but HSC has failed or refused to do so.

5. **I hereby formally submit significant public concerns on this matter, and I (again) make formal public submission and request to HSC, for HSC to publicly provide its full account of all illegal (or "unsanctioned") mountain bike tracks that HSC proposes to incorporate into the CTP trail.**

As part of HSC's recent determination and Council's approval to progress to a Planning Permit for "Stage One" of the CTP, HSC has recently "released" some information including plans of the CTP route but only for the proposed "Stage 1" CTP part, via the CTP website. These released plans are low resolution and are also substantially inadequate to enable the public any proper scrutiny and or to make accurate assessments or appraisals and evaluations. They also do not cover the entire CTP. As the CTP is located largely or entirely on Public Land, owned by all Victorian citizens, and that the CTP will likely cause significant impact to public land values and the public interest, the public has an inherent public interest right to be adequately informed, including to be fully informed to enable thorough planning permit public submissions to be made. To this end, I wrote and specifically asked HSC to publicly provide plans and survey plans and reports and land descriptions (refer to my letter dated 19 March 2020 – Appendix 2). HSC has failed to action my request. I again submit this request.

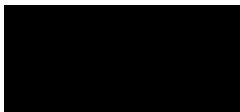
I advise that this matter is of significant public interest. I also advise that it is also of some apparent urgency, given that HSC apparently proposes to soon execute Council's approval decision to proceed to planning permit for HSC's concocted "Stage 1" of the CTP.

I hereby submit that HSC fully and urgently considers this public submission, and considers a full review of its CTP position.

I seek HSC to immediately confirm receipt of this submission, and to provide its full written responses in full address of all of the stated matters, as soon as is practically possible, in the public interest.

Thank you.

Yours sincerely




SUMMARY AND RAPID ADDRESS: HEPBURN SHIRE COUNCIL COUNCIL OFFICER REPORT AND COUNCIL APPROVAL (HSC COUNCIL MEETING 22 DECEMBER 2020) RE 1. CHANGE TO CRESWICK TRAILS PROJECT "DELIVERY METHODOLOGY" AND 2. PROGRESSION OF (ONLY) CTP "STAGE 1" TO COMMUNITY ENGAGEMENT AND PLANNING PERMIT APPLICATION .

[The Council Officer Report and subsequent HSC Council decision were apparently not first put to the public for public input, comment or submission. They were also put and determined in circumstances generally and largely "unknown" to the greater public at the time, three days before Christmas 2020.]

Council Meeting Minutes 22 December 2020 – Item 12.2 Creswick Trails – Project Progress Update Director Infrastructure and Development Services (Officer Report).

The Officer Report:

1. Declares to Council / Councillors that:

- (a) *"The detailed Design Alignments, proposed path, for the Creswick Trails as well as the suite of background reports and assessments are complete."*; and
- (b) Proposes *"... a change in delivery methodology in order to respond to key risks in the project"*, and that there is a *"... need for a new delivery methodology that responds to the timelines, complexity and the community's input."*; and
- (c) Proposes the delivery method to *"divide the project's 100 kilometres of trail into two stages" comprising "Stage One – 60 kilometres of trail north of Melbourne Road which is ready to progress to planning permit application, and Stage Two – 40 kilometres of trail south of Melbourne Road which requires more design, engagement and investigation before it proceeds"*; and
- (d) *"The recommended approach will achieve the original objectives of the project and is not expected to impact the project's external funding."*; and
- (e) *"OFFICER'S RECOMMENDATION. That Council: ... 3. Supports the progression of Stage One of the Creswick Trails to community engagement and a planning permit application pending an approved RDV variation."*; a Motion to this effect was made to Council and carried.

Submit: The HSC Officer Report's recommendations and Council's subsequent approval of a change of delivery of the CTP to a two-staged approach and that (only) Stage 1 progress to Planning Permit application are flawed and unconscionable, and undermine proper planning and assessment processes, and are against the public interest.

(Refer to "Rapid Appraisal of the HSC Council Officer Report" below for reasons to the above submit.)

2. Outlines and declares to Council / Councillors on the CTP's Background, and Key Issues, and Policy and Statutory Implications, and Governance Issues, and Sustainability Implications, and Financial Implications, and Risk Implications, and Community and Stakeholder Engagement.

Submit: The HSC Officer Report was demonstrably misrepresentative of many aspects of the CTP. The HSC Officer Report failed to provide a balanced account of the CTP, with apparent embellished accounts in favour of the CTP proposed development, and diminished or suppressed and inadequate accounts of the impacts that will occur to the Public Land on which the CTP is proposed and to significant public land values, and to the overall public interest. The HSC Officer Report failed to identify and consider significant and crucial matters. It is therefore considered that the HSC Officer Report is inadequately constructed, and (partly) misleading.

(Refer to "Rapid Appraisal of the HSC Council Officer Report" below for reasons to the above submit.)

Rapid Appraisal of the HSC Council Officer Report:

HSC Council Officer Report: Background:

- Outlines the background to the CTP. Essentially partly *confirms* (probably inadvertently) of various issues which are of public concern, and which comprise or will result in injury to the public interest. These issues include, in general terms: inappropriate autonomous HSC decision making, inappropriate objectives and directions, subversion of Government and Public Land policy and procedures and processes, inadequate or no application of required Public Land and public land values assessment and evaluation and planning standards and processes, inappropriate "railroading" through of the project, distinct lack of adequate and appropriate and true public consultation.

HSC Council Officer Report: Key Issues / Policy and Statutory Implications / Governance Issues / Sustainability Implications / Financial Implications / Risk Implications / Community and Stakeholder Engagement:

Discusses the CTP's formulated objectives, and outlines and emphasizes and highlights the CTPs claimed "benefits", whilst avoiding or downplaying the CTPs impacts. Only briefly mentions, and downplays, the "impacts" that HSC states "may" occur, and does *not* delineate and quantify and qualify these impacts. Continues to misrepresent the matter including further downplaying of impacts by claiming the trail alignments design *"has been fine tuned to avoid and minimise the impact"*, but then highlights claimed benefits by stating the trail will offer *"an exciting recreation asset for the Shire and the region"*. Appears to potentially misrepresent or mislead on the situation of "community engagement". Appears to have used a concoction of the figures for advantage, and used colourful language to paint a potentially "false positive" picture, such as including *"... the response was overwhelmingly positive, with a high degree of excitement for the project"*. Outlines the development of a suite of Background Reports and Draft Detailed Design Alignments, required as a mandatory

part of the planning permit application. The HSC Officer Report did not mention that HSC has however largely *refused* previous public requests for public provision of these final *and the earlier draft* reports and of other crucial information, including demonstrably thwarting public FOI requests. This inappropriately denies the public access to crucial information and inhibits the public's ability to be able to make fully informed submissions on any CTP planning permit. The HSC Officer Report outlines that the Planning Permit application will comprise of various reports, which are specified. It also purports that all of these reports will be publicly available in the next phase of community engagement – this appears not to be the case, with apparently not all of the specified documents being made publicly available. A public FOI request has also been made for these documents, which HSC appears to also be thwarting. The HSC Officer Report states and declares that mountain bike trails are “*an appropriate use*” of all of the “*land types*” (stated as mainly “*State Forest and pine plantation*” and “*Regional Park*”). HSC does not provide any elaboration on its claim of legal mountain bike trail development and use, including compliance to Government approved Land Use Determinations – which apparently preclude same. HSC also apparently confuses and has no apparent proper understanding of “*land status*” with HSC’s otherwise stated “*land tenure*” and “*land types*” – and by extension has to confuse and has no understanding of the associated Government approved Land Use Determinations. HSCs comments indicate apparent ignorance and are particularly of significant public concern. The HSC Officer Report states that two distinct sections of trail have “*emerged*”, as the basis for the now new “*staged delivery*” of the CTP – put to and approved by Council at Council’s meeting 22 December 2020. It appears that the HSC stated *reasons* for this include that: (a) there is a “*higher degree of land manager scrutiny and public concern about trails located in the Regional Park*”; and (b) “*... the emerging costs for vegetation offsets and other permits for a bulk of 100 kilometres of trails are more than originally estimated putting a strain on the projects budget.*” It appears that these items (a) and (b) comments are improperly of covert nature, and otherwise hide apparent CTP aspects that might *prove fatal* to the project. In relation to item (a), it appears that the Government approved LCC / VEAC Land Use Determinations for at least the Creswick Regional Park, if not for other Public Lands, may *preclude* the CTP land use and development. In relation to item (b), it appears that HSC has grossly miscalculated the full costs of the entire CTP, and that much, or a significant amount, of the proposed CTP may be described as effectively “*unfunded*”. HSCs proposal (and Council’s approval) of a “*staged*” approach, in both CTP development and in planning permit processes, appears to be a contrived and improper, and unconscionable, proposal and a deliberate effort to get at least part of the CTP developed. HSC states or implies that as only the development of Stage 1 is now proposed for the shorter term, then a Planning Permit is (thereby) only required for Stage 1. This is a false and misleading assertion. The *entire* CTP should be, and must be, put to Planning Permit and public processes, to test the entire CTP. If HSC wishes to develop any part of a CTP that is covered by an approved planning permit, such as a “*Stage 1*” part, then it would be free to do so. HSCs staged approach, apparently comprising also of a staged planning permit progression, will *subvert* proper and responsible and legal planning and assessment processes, will undermine the proper assessment of the entire CTP including the entire impacts that will occur, and is against the public interest. HSCs comments related to “*Stage 1*” as a tourism draw are irrelevant to legal planning and legal assessment and other, including other legal, issues. HSC claims that any costs for offsets, negotiations and permits “*will be included in the projects budget*” and that “*these processes are active and ongoing*”. The public has sought budgetary and financial information and status from HSC but HSC has refused same. The public then has made FOI request to HSC for same, but HSC has failed to process the FOI request within the statutory time frame, and appears to be thwarting the FOI request. It is unknown if Council (Councillors) have been fully briefed on the financial particulars of the CTP. There are also significant other financial aspects to the CTP which HSC has apparently not addressed, and is apparently avoiding including not having responded to public inquiries and referrals. These include the ongoing annual costs to HSC in future management and maintenance of the CTP, how long HSC will commit its’ ratepayers funds to the CTP, the need for a significant Public Land bond for full rehabilitation of the CTP should HSC withdraw from holding CTP responsibility. The HSC Officer Report on “*Financial Implications*” fails to outline and address the full nature of all financial aspects in relation to the CTP, including on current and future ratepayer imposts. The HSC Officer Report has significantly, and likely deliberately, failed to outline and address all HSC Policy and Statutory implications. The HSC Officer Report on “*Sustainability Implications*” appears to be from substantially inadequate, and contrived. It does not properly nor adequately quantify and qualify the environmental and heritage and other impacts. HSC states that its HSC “*detailed risk assessment*” of the CTP is “*currently a working document*”. I suspect that this is a deliberate statement of claim, to not provide this report to the public and to stymie any public FOI requests. It is totally improper and against the public interest for HSC to propose a project on Public Land, using public monies, and to go to planning permit process, whilst keeping the project’s risks “*secret*” and actively denying the provision of this information to the public. Regarding Community and Stakeholder Engagement, the CTP was autonomously determined at its beginning by HSC. The concept was never initially put to the public. Since then, HSC has been “*railroading*” through the CTP. All subsequent “*community engagement*”, to which HSC spouts, has been entirely confined to “*how the CTP will be developed*”. HSC has recently released information as part of its Planning Permit progression for *Stage 1*. This information comprises maps (i.e. for *Stage One area only*) and Specialist Reports (e.g. written for the *entire CTP area*). The maps are low resolution and or otherwise difficult to properly interpret. It is also particularly difficult for the public to effectively scrutinize and decipher the important, key and crucial aspects and information from the Specialist reports for these differing area sets of data. In many cases it is *virtually impossible* to differentiate and decipher and apply and reconcile the values and attributes (e.g. for species, distributions, natural and heritage or natural values, tree numbers, offset areas, etc.) in the Specialist Reports with HSC’s recently concocted Stage One and Stage Two areas. The Specialist Reports have apparently also been developed over time, and apply to and were written for the entire CTP, and were likely not envisaged to have to be interpreted for subset areas (such as HSC’s recently determined Stage One area). *HSC’s proposal to proceed to planning permit, only for Stage One, is therefore grossly inadequate in this respect, and particularly denies the public its rights and the ability to be able to exercise adequate and proper public assessment and public scrutiny.*

EMAIL: 

10 September 2019

CEO & ALL COUNCILLORS
 HEPBURN SHIRE COUNCIL
 PO BOX 21
 DAYLESFORD VIC 3460
shire@hepburn.vic.gov.au

Dear Sirs / Madams.

RE CRESWICK TRAILS PROJECT – MOUNTAIN BIKES

I am a member of the Victorian public and act for and on behalf of other Victoria citizens in the public interest. I am writing to publicly inform, and to publicly seek information from, the Hepburn Shire Council in relation to the Creswick Trails Project, to which Council is apparently the (primary or sole) proponent. The land on which the Creswick Trails Project is proposed includes high level and significant Public Land including the Creswick Regional Park.

I publicly advise Council of many public concerns to the Creswick Trails Project, both in terms of the Project itself and its potential impacts, and in the processes of the Project's procurement and development. In particular, I advise Council to the following aspects and seek Council's full written public advice responses and full public provision of requested information. I also register my interim formal public objections and complaints to these matters. I currently believe that proper land use planning and processes appear clearly not to have been followed, that adequate public information provision and consultation appears substantially inadequate to non-existent, and that there have been, and apparently will be further, significant and unconscionable, and intolerable, environmental and other public land value impacts if this Project proceeds.

1. Victorian Government / Regional Development Victoria (RDV) funding (Regional Tourism and Infrastructure Fund (RTIF)) – 2.56 million dollars.

I understand that Hepburn Shire Council has apparently procured about \$2.56M in funding or grant money from the Victorian Government via RDV, for the Creswick Trails Project. I publicly seek Council to acknowledge and confirm this.

I further publicly seek:

- (a)** Complete copies of Council's (or others') Project Proposal documents, including
- Council's/Council Officers' internal Project Proposal evaluation and decision reports;
 - RDV funding/grant application/procurement documents;
 - Council's projected inputs documents of its own (ratepayer) funds;
 - project budget documents including projected costs/expenditure and returns;
 - project feasibility/assessment/evaluation/constraints reports;
 - RDV Project delivery objectives, evaluation, products/outputs, timeframes, and funding/grant acquittals documents.

2. Creswick Trails Master Plan.

I understand that Hepburn Shire Council commissioned the development of a Creswick Trails Master Plan - entitled "*Trail Master Plan – Creswick, Victoria (Dirt Art Pty Ltd, 2015/2016)*". I also understand that some members of the public have since been told that this Master Plan version has been "scrapped", and that another updated version is being, or has been, developed – although I have not seen anything on websites to indicate or verify this. I publicly seek Council to acknowledge and confirm this.

I further publicly seek:

(a) Council's full public advices and clarification and confirmation as to whether the Master Plan version "*Trail Master Plan – Creswick, Victoria (Dirt Art Pty Ltd, 2015/2016)*" is still current, or whether it has been scrapped, either entirely or in part; if scrapped, in whole or in part, I publicly seek Council to publicly advise and clarify same, and to publicly provide any updated versions or parts thereof.

(b) Council's full provision of any and all background reports to the Master Plan (including but not limited to: land use planning, environmental assessment, flora and fauna, Aboriginal and non-Aboriginal cultural heritage, public recreation, and public land value assessment/evaluation/impact reports).

(c) Council's full provision of the tender/contract documents to Dirt Art Pty Ltd for the Master Plan, including all of Council's terms of reference, objectives, and directives.

(d) Council's provision of the full costs of the Master Plan, and identification of funding and break down, including an account of Council contributed ratepayers money (for both the Master Plan document and in administrative costs).

(e) Council's public advice as to, and Council's public provision of, any and all plans and reports of proposed routes or re-defined routes that Council staff have purportedly further developed outside the Master Plan that are apparently claimed "*would avoid all those areas known to be ecologically and historically significant*" to inform a proposed Planning Permit so that "*the planning permit will be nothing more than a formality*".

(f) Council's public advice as to, and Council's public provision of, any and all environmental and flora and fauna and cultural heritage and other reports that are purportedly currently being, or have recently been, developed to inform the Master Plan and/or any Planning Permits and/or any other planning processes, including all of Council's terms of references, objectives, and directives for these reports.

3. Creswick Trails Project Governance Agreement (circa 2018).

I understand that a Project "Governance Agreement" was supposedly developed and "signed by all six land owners" in circa 2018. I publicly seek Council to acknowledge and confirm this.

I further publicly seek:

(a) Council's public provision of a copy of this agreement, and any amendments that may have subsequently occurred.

4. Illegally Developed Mountain Bike Trails.

I understand there are many kilometres of *informally and illegally developed mountain bike tracks* within the Master Plan area, including apparently on Public Land including the high level Creswick Regional Park. The Trail Master Plan – Creswick, Victoria (Dirt Art Pty Ltd, 2015/2016) - Council's own commissioned report – *actually identifies* the presence of these illegally developed trails: "*A large volume of informal trails has been developed by volunteers with varying levels of formality.*" I strongly publicly object and make formal public complaint on these illegal track developments, and particularly those apparently by VOGA Cycle Club members or others associated with the Creswick Trails Project. There has been illegal native vegetation removal, potential negative impacts to FFG Act and EPBC Act listed and protected threatened species and their habitats, impacts to cultural heritage sites, etc. The Master Plan document also did not provide any plans or identification or delineation or assessment of these illegal tracks. I also publicly object to any proposals in the Master Plan to retrospectively "condone" or "approve" or "legitimize" these illegal tracks, or to attempt to otherwise pass them off as "existing tracks". Such condoning, approval, legitimization or passing off constitutes unconscionable conduct and contrary and detrimental to the public interest. I publicly seek Council to acknowledge and confirm this.

I further publicly seek:

(a) Council's acknowledgement of its awareness of these illegal tracks; Council's advice as to whether it was involved in, approved, or condoned these illegal tracks in any way; Council's advice as to why these illegal tracks have been otherwise "recognised" in Council's commissioned Master Plan; Council's public assurances that Council will not attempt to unconscionably retrospectively "approve" or "condone" these illegal tracks; and Council's full public advices as to what enforcement or compliance actions it has taken to date (e.g. under the Planning and Environment Act).

(b) Council's full public advices as to what enforcement and compliance actions it will now take to address these illegal tracks, including with a view to full environmental rehabilitation and restoration (e.g. under the Planning and Environment Act).

(c) Council to publicly provide full identification and delineation and assessment and plans of all these illegally developed tracks, and to enable and enact full restoration and rehabilitation with timeframes.

5. Tender – Creswick Trails Project – Trail Development Plan (TDP) for 100km Mountain Bike Trail Network (Tender No.383533). Issued by Hepburn Shire Council.

I understand that Council recently offered this tender, which closed on 10 May 2019. I publicly seek Council to acknowledge and confirm this.

I further publicly seek:

(a) Council to fully advise and verify how a tender for the TDP can be let *before*:

- formal and legal planning and statutory approvals and processes have been determined.
- formal and adequate public consultation has taken place, particularly for high level Public Land.

(b) Council's full provision of the tender/contract documents for Tender 383533, including all of Council's terms of reference, objectives, and directives.

6. Tender – Creswick Trails Project – Bushfire Management Statement (Tender No.386990). Issued by Hepburn Shire Council.

I understand that Council recently offered this tender, which closed on 13 June 2019. I publicly seek Council to acknowledge and confirm this.

I further publicly seek:

(a) Council to fully advise and verify how a tender for a Bushfire Management Statement can be let *before*:

- formal planning and statutory approvals and processes have been determined.
- formal and adequate public consultation has taken place, particularly for high level Public Land.

(b) Council's full provision of the tender/contract documents for Tender 386990, including all of Council's terms of reference, objectives, and directives.

7. RACV Goldfields Resort Creswick– Resort Mountain Bike Constructed Infrastructure – Statutory Planning / Approvals: Planning Permit and Other Statutory Requirements.

I understand that the RACV Goldfields Resort at Creswick has recently developed mountain bike trails on its freehold land. I publicly seek Council to acknowledge and confirm this.

I further publicly seek:

(a) Complete copies of Council's issued Planning Permit including required Planning and Environment Act and other statutory referrals, native vegetation removal offsets and other statutory requirements, including all consents and approvals, which legally allowed this development.

(b) If there are no documents as per 7(a), I seek Council's full explanation to this situation – including the legal / illegal status of the trail development, and how Council will publicly address this matter in terms of enforcement and compliance.

I seek Council to register my name and contact details and to inform me immediately if and when a Planning Permit or any other planning processes for the Creswick Trails Project may be applied for and publicly advertised. I publicly seek Council to acknowledge and confirm this. I seek Council to acknowledge receipt of this submission/referral/complaint letter within 7 days and to fully respond within 21 days from the date of this letter. Digital responses and documents are preferred, and can be sent to my email address at the head of this letter. Otherwise, hardcopy material may be sent by post to the above postal address.

Thank you.

Yours sincerely

██████████

EMAIL: [REDACTED]

30 September 2020.

Mr [REDACTED]
 Secretary DELWP
 PO Box 500
 EAST MELBOURNE VIC 8002.
 &
 Ms [REDACTED]
 Regional Director DELWP
 402 Mair Street
 BALLARAT VIC 3350.

Dear [REDACTED]

RE: "CRESWICK TRAILS PROJECT" (CTP)– MOUNTAIN BIKES: CRESWICK AREA PUBLIC LAND (INCLUDING CRESWICK REGIONAL PARK) – CONTINUING PUBLIC SUBMISSION AND COMPLAINT.

I refer to previous correspondence in relation to the proposed Creswick Trails Project (CTP), a Hepburn Shire Council (HSC) devised and led proposal, and including in relation to unauthorised / illegal mountain bike track construction and mountain bike use, on Creswick Public Lands. In particular I refer to:

- (a) my letter dated 11 December 2019 to Mr Bradley, and Mr Bradley's response letter dated 22 January 2020 (DELWP Ref: SEC014505).
- (b) my letter dated 3 February 2020 to Mr Bradley, and the response letter from Ms Alison McFarlane Regional Director Grampians dated 6 March 2020 (DELWP Ref: SEC014564).

I advise that Ms McFarlane's response letter of 6 March 2020 was substantially inadequate in address of the matters I have (continually) raised and of public questions I have asked and information I have sought in my previous letters, and I hereby now make a further formal public complaint. Ms McFarlane otherwise advised that she was "*satisfied that many of the matters you raise have been answered in previous DELWP correspondence*". I substantially disagree with that view. In effect, DELWP is substantially failing and or refusing to provide information to the public on this *very significant public interest matter*. There appears to be very little or limited DELWP public transparency and accountability, with tones of a "cover up".

I also refer you to the "*DELWP community charter – Our promise to you*". I particularly refer to the sections of the charter of "Accessibility" and "Honesty and transparency" and "Clarity and purposefulness". I put it to you that DELWP has failed to comply to its' own charter in relation to properly and adequately advising and informing the public on the CTP. I also advise that we the public were subsequently forced to submit FOI applications to DELWP to try to obtain information that should have otherwise been provided, but was not. However DELWP has apparently then proceeded to thwart our FOI applications.

I again publicly submit and again make public complaint to DELWP's apparent disregard for its statutory and public duties and other obligations, including apparent inadequate actions in the proper and adequate and diligent administration and management and protection of Creswick area Public Lands and their significant public land values, and which is against the public interest.

I *again* submit previous (and some new) submissions and public complaints, and now (or again) seek DELWP's *full and complete public advices* to and *full public provision* of requested information on all of the following (including, where appropriate, the provision of key documents) – in the public interest:

1. I seek DELWP provision of and advices on: DELWP's full assessment(s) of all of the CTP area Creswick Public Lands, including all of these Creswick Public Lands' identified public land values and significance levels. (Complete information outlining what assessments have been undertaken by DELWP and when / dates, including provision of the digital or hard copies of such DELWP assessments, are required; if DELWP has not undertaken any such assessments, I seek DELWP to then otherwise confirm that it has not done so).
2. I seek DELWP provision of and advices on:
 - (a) DELWP's full assessment of the CTP itself, including the full identification and evaluation of the public land values impacts and other public impacts that may occur if the CTP is developed; and
 - (b) DELWP's documents comprising its decision making, reasoning and evaluation, and "interim approval" (in DELWP signing the Hepburn Shire Council (HSC) CTP MOU Governance Agreement), which allowed HSC to proceed and to progress the CTP to a Planning Permit stage or process.

3. I seek DELWP's advices including documents comprising its key consents and approvals and requirements and directives (and dates of same) provided to HSC for the CTP, including:

(a) for HSC to have been able to initially apply to Regional Development Victoria for a Regional Tourism and Infrastructure Fund Grant for the CTP on Creswick Public Lands; and

(b) for HSC to develop the CTP planning and background reports (including Environmental / Flora and Fauna / Heritage etc.); and

(c) for HSC to undertake CTP public consultation and the standards of same; and

(d) for HSC to apply to itself for a Planning Permit for the CTP.

4. I seek DELWP provision of and advices on: DELWP's *unequivocal position* on illegally developed mountain bike tracks and illegal off-road mountain bike use in Creswick Public Lands, including in relation to the proposed CTP. HSC has proposed, and apparently DELWP supports, the *inclusion of existing illegally developed mountain bike tracks into the CTP trail network*. This is improper, unethical and unconscionable, and is against the public interest. To the matter of illegal mountain bike track development and illegal off-road mountain bike use, I hereby publicly seek and demand DELWP written responses to the following:

(a) That DELWP fully acknowledges and concurs that the proposed incorporation of illegally developed mountain bike tracks into the CTP is *improper, unethical and unconscionable*, and is *against the public interest*. If DELWP disagrees, I seek DELWP to publicly provide its full reasons and justifications why it so disagrees.

(b) That DELWP fully advises the public as to what actions DELWP actually took, and what material outcomes were achieved (including which illegal mountain bike tracks have been closed), in response to my letter of 11 December 2019 (which included provision to DELWP of evidence), and Mr Bradley's response letter dated 21 January 2020, in relation to DELWP's address of illegal mountain bike track development and illegal off-road mountain bike use in the proposed CTP area of Public Lands.

(c) Further to items (a) and (b), I now also provide further evidence to DELWP's apparent lack of enforcement and compliance against illegal mountain bike track development and illegal mountain bike off-road use in the CTP area of Public Lands. This new evidence comprises of the TrailForks website (<https://www.trailforks.com/region/creswick/>), which includes the detailing and effective "advertising and promotion" of illegal mountain bike tracks and use on Public Lands in the Creswick area. (I attach an "overview" plan of many of the illegal tracks outlined on the TrailForks website). TrailForks provides greater detail on all of these illegal tracks, including that they are being regularly used including rider logs. TrailForks also clearly details that most of these tracks are *illegal* – "*This trail is unsanctioned, use at your own risk!*" - ! TrailForks also advises in some instances that there are *safety concerns* – such as the need to look out for mine shafts etc. - ! I hereby submit a formal public referral and complaint, including submitting that DELWP must immediately address and enact appropriate enforcement and compliance, including in stopping environmental and other impacts and in terms of public safety, on *all* of these TrailForks outlined illegal mountain bike tracks and illegal mountain bike use to which DELWP has responsibility. I also seek DELWP to fully advise the public in writing to what actions it will undertake in this respect, together with timelines. I also again seek DELWP to fully advise the public to the extent of all illegal mountain bike tracks on Public Lands in the Creswick area under DELWP responsibility (including but not limited to the TrailForks identified illegal tracks) e.g. including in plan form.

5. In regards to my public FOI applications that have been submitted to DELWP in 2020 on this CTP matter, and to which DELWP has partly apparently thwarted and or denied, I seek that DELWP reviews its position and decisions on all of these FOI applications, and now provides all of the requested information, in *good faith*. I seek DELWP's confirmation and full advices to this end.

I publicly seek DELWP's full written response within 14 days from the date of this letter, or its advice if further time is required. As previously advised, this matter is of **very high public concern and interest**, and I seek DELWP's acknowledgement to same. I also advise that if DELWP continues to fail to undertake adequate actions and to provide adequate public responses, I will refer the matter as a public complaint to the Victorian Government Ombudsman.


Thank you.


Yours sincerely



EMAIL 

11 September 2019

MS 
 REGIONAL DIRECTOR
 DELWP
 402 MAIR STREET
 BALLARAT VIC 3350.


Dear **RE CRESWICK TRAILS PROJECT – MOUNTAIN BIKES: CRESWICK AREA PUBLIC LAND**

I am a member of the Victorian public and act for and on behalf of other Victoria citizens in the public interest. I am writing to publicly inform, and to publicly seek information from, DELWP in relation to the Creswick Trails Project, to which the Hepburn Shire Council is apparently the (primary or sole) proponent. The land on which the Creswick Trails Project is proposed includes high level and significant Public Land including the Creswick Regional Park and other Crown land areas.

I publicly advise DELWP of many public concerns to the Creswick Trails Project, both in terms of the Project itself and its potential impacts, and in the processes of the Project's procurement and development. I have separately already publicly advised and complained to Hepburn Shire Council to many of these aspects, and have sought Council's written public advice responses and public provision of requested information. (Refer to the attached copy of my letter to Council dated 10 September 2019).

I now hereby advise and register my formal public concerns on these matters to DELWP. I currently believe that proper land use planning and processes appear clearly not to have been followed, that adequate public information provision and consultation appears substantially inadequate to non-existent, and that there have been, and apparently will be further, significant and unconscionable, and intolerable, environmental and other public land value impacts to Public Land under DELWP management or interests if this Project proceeds.

I also seek DELWP's detailed comments and responses to (and public provision of any relevant background advices and information on) the following:

1. My letter sent to Hepburn Shire Council dated 11 September 2019, and the identified public issues and concerns therein.
2. What DELWP's current position is on the proposed Creswick Trails Project and the processes of procurement and development, including the Master Plan, any background assessment and evaluation reports, impacts to Public Land and to significant public land values, and community consultation. (I also seek to know whether DELWP is a signatory to the Hepburn Shire Council's "Creswick Trails Project Governance Agreement", or any other agreements or understandings Parks Victoria may have entered into; if so, I request copies if possible).
3. Whether and how the Creswick Trails Project complies with and conforms to Government approved Land Use Planning Determinations (e.g. LCC Melbourne District 1 Review 1987, ECC Statewide Assessment of Public Land Final Report 2017, etc.) and any other relevant Government and DELWP policies, plans and prescriptions. (I submit that the development of a formal dedicated extensive single or primary-purpose single or primary user group built permanent recreation facility including for organized groups or organized sporting activities (that is, this proposed mountain bike trail) is NOT "informal recreation" and is therefore **contrary** to Government approved Land Use Determinations and their intents for Regional Parks / Creswick Regional Park. I seek DELWP's position as to whether it agrees and concurs with this position, or, if otherwise, that DELWP states otherwise with full reasons.)
4. Whether DELWP is aware of the extent of the current informal and illegal mountain bike track development and use, the impacts to public land values that have occurred, and the potential breaches of various statutes (e.g. P&E Act, FFG Act, EPBC Act, Heritage Act, Aboriginal Heritage Act, Native Title Act, etc.). (It is also requested that DELWP provides any information it has at hand identifying the current extent of these illegal tracks, and the potential extent and significance of Public Land and public land value resultant impacts.)
5. What enforcement and compliance or other actions DELWP has undertaken to date on any illegal mountain bike track development and use or related activities in this area, and what future enforcement and compliance or other actions DELWP anticipates it will be undertaking (if possible specifying all statutes that have been or appear to have been breached, and which of these will be actioned).

I would appreciate DELWP's acknowledgement of receipt of this submission/referral within 7 days and its full response within 21 days from the date of this letter. I advise that digital responses are preferred and may be forwarded by email, or hardcopy material may otherwise be sent, by post to the addresses at the head of this letter.


Thank you.

Yours sincerely

A solid black rectangular box used to redact the signature of the sender.

EMAIL: 

31 October 2020

Mr 
 CEO Parks Victoria
 Level 10
 535 Bourke Street
 MELBOURNE VIC 3000.

Dear Mr Jackson.

RE: "CRESWICK TRAILS PROJECT" (CTP)– MOUNTAIN BIKES: CRESWICK AREA PUBLIC LAND (INCLUDING CRESWICK REGIONAL PARK) – CONTINUING PUBLIC SUBMISSION AND COMPLAINT.

I refer to previous correspondence in relation to the proposed Creswick Trails Project (CTP), a Hepburn Shire Council (HSC) devised and led proposal, and including in relation to unauthorised / illegal mountain bike track construction and mountain bike use, on Creswick Public Lands. In particular I refer to my letter dated 1 March 2020 to the Minister The Hon. Lily D'Ambrosio, my letter dated 25 May to you, and your response letter dated .17 June 2020.

I advise that your response was substantially inadequate in addressing all of the matters I have (continually) raised and of public questions I have asked and information I have sought in my previous letters, and I hereby now make a further formal public complaint. To this end I also make particular complaint to the matter of the unsanctioned and illegal development of mountain bike tracks and off-road mountain bike use on Creswick Public Lands including the Creswick Regional Park.

I also refer to your "explanation" regarding Parks Victoria's failure to provide requested information to the public, including through FOI applications processes that the public have been forced to undertake. I substantially disagree with the view you have presented in response. I now also advise that further FOI applications to Parks Victoria have been made, yet these too have been thwarted and denied. In effect, Parks Victoria is failing and or refusing to provide any information to the public on this *very significant public interest matter*. There appears to be very little if any Parks Victoria public transparency and accountability, with tones of a potentially significant "cover up".

I also advise that we the public have been effectively forced to submit FOI applications to Parks Victoria to try to obtain information that *should have otherwise been publicly provided, but was not*. However Parks Victoria has apparently then proceeded to thwart our FOI applications.

I again publicly submit, and again make public complaint, to Parks Victoria's apparent disregard for its statutory and public duties and other obligations, including apparent inadequate actions in the proper and adequate and diligent administration and management and protection of Creswick area Public Lands and their significant public land values under Parks Victoria's control. I submit that this is against the public interest.

I *again* submit previous (and some new) submissions and public complaints, and now (or again) seek Parks Victoria's *full and complete public advices* to and *full public provision of requested information* on all of the following (including, where appropriate, the provision of key documents) – in the public interest:

1. I seek Parks Victoria's provision of and advices on: Parks Victoria's full assessment(s) of all of the CTP area Creswick Public Lands under Parks Victoria control, including all of these Creswick Public Lands' identified public land values and significance levels. (Complete information outlining what assessments have been undertaken by Parks Victoria and when / dates, including provision of the digital or hard copies of such Parks Victoria assessments, are required; if Parks Victoria has not undertaken any such assessments, I seek Parks Victoria to then otherwise confirm that it has not done so).
2. I seek Parks Victoria provision of and advices on:
 - (a) Parks Victoria's full assessment of the CTP itself, including the full identification and evaluation of the public land values impacts and other public impacts that may occur if the CTP is developed; and
 - (b) Parks Victoria's documents comprising its decision making, reasoning and evaluation, and "interim approval" (in Parks Victoria signing the Hepburn Shire Council (HSC) CTP MOU Governance Agreement), which allowed HSC to proceed and to progress the CTP to a Planning Permit stage or process.
3. I seek Parks Victoria's advices including documents comprising its key consents and approvals and requirements and directives (and dates of same) provided to HSC for the CTP, including:

(a) for HSC to have been able to initially apply to Regional Development Victoria for a Regional Tourism and Infrastructure Fund Grant for the CTP on Creswick Public Lands under Parks Victoria control; and

(b) for HSC to develop the CTP planning and background reports (including Environmental / Flora and Fauna / Heritage etc.); and

(c) for HSC to undertake CTP public consultation and the standards of same; and

(d) for HSC to apply to itself for a Planning Permit for the CTP.

4. I seek Parks Victoria provision of and advices on: Parks Victoria's *unequivocal position* on illegally developed mountain bike tracks and illegal off-road mountain bike use in Creswick Public Lands under Parks Victoria control (including the Creswick Regional Park), including in relation to the proposed CTP. HSC has proposed, and apparently Parks Victoria supports, the *inclusion of existing illegally developed mountain bike tracks into the CTP trail network*. This is improper, unethical and unconscionable, and is against the public interest. To the matter of illegal mountain bike track development and illegal off-road mountain bike use, I hereby publicly seek and demand Parks Victoria's written responses to the following:

(a) That Parks Victoria fully acknowledges and concurs that the proposed incorporation of illegally developed mountain bike tracks into the CTP is *improper, unethical and unconscionable*, and is *against the public interest*. If Parks Victoria disagrees, I seek Parks Victoria to publicly provide its full reasons and justifications why it so disagrees.

(b) That Parks Victoria fully advises the public as to what actions Parks Victoria actually took, and what material outcomes were achieved (including which illegal mountain bike tracks have been closed), in response to my previous letters and in relation to other public letters.

(c) Further to items (a) and (b), I now also provide further evidence to Parks Victoria's apparent lack of enforcement and compliance against illegal mountain bike track development and illegal mountain bike off-road use in the CTP area of Public Lands. This new evidence comprises of the TrailForks website (<https://www.trailforks.com/region/creswick/>), which includes the detailing and effective "advertising and promotion" of illegal mountain bike tracks and use on Public Lands in the Creswick area. (I attach an "overview" plan of many of the illegal tracks outlined on the TrailForks website). TrailForks provides greater detail on all of these illegal tracks, including that they are being regularly used including rider logs. TrailForks also clearly details that most of these tracks are *illegal* – "*This trail is unsanctioned, use at your own risk!*" - ! TrailForks also advises in some instances that there are *safety concerns* – such as the need to look out for mine shafts etc. - ! I hereby submit a formal public referral and complaint, including submitting that Parks Victoria must immediately address and enact appropriate enforcement and compliance on any lands under its control, including in stopping environmental and other impacts and in terms of public safety, on *all* of these TrailForks outlined illegal mountain bike tracks and illegal mountain bike use to which Parks Victoria has responsibility. I also seek Parks Victoria to fully advise the public in writing to what actions it will undertake in this respect, together with timelines. I also again seek Parks Victoria to fully advise the public to the extent of all illegal mountain bike tracks on Public Lands in the Creswick area under Parks Victoria responsibility (including but not limited to the TrailForks identified illegal tracks) e.g. including in plan form.

5. In regards to my public FOI applications that have been submitted to Parks Victoria in 2020 on this CTP matter, and to which Parks Victoria has apparently thwarted and or denied, I seek that Parks Victoria immediately reviews its position and decisions on all of these FOI applications, and now provides all of the requested information, in *good faith, in the public interest*. I seek Parks Victoria's confirmation and full advices to this end.

I publicly seek Parks Victoria's full written response within 14 days from the date of this letter, or its advice if further time is required. As previously advised, this matter is of **very high public concern and interest**, and I seek Parks Victoria's acknowledgement to same. I also advise that if Parks Victoria continues to fail to undertake adequate actions and to provide adequate public responses, I will refer the matter as a public complaint to the Victorian Government Ombudsman.

Thank you.

Yours sincerely



EMAIL: [REDACTED]

11 September 2019

MS [REDACTED]
 AREA CHIEF RANGER [REDACTED]
 PARKS VICTORIA
 402 MAIR STREET
 BALLARAT VIC 3350.

Dear [REDACTED]

RE CRESWICK TRAILS PROJECT – MOUNTAIN BIKES

I am a member of the Victorian public and act for and on behalf of other Victoria citizens in the public interest. I am writing to publicly inform, and to publicly seek information from, Parks Victoria in relation to the Creswick Trails Project, to which Council is apparently the (primary or sole) proponent. The land on which the Creswick Trails Project is proposed includes high level and significant Public Land including the Creswick Regional Park.

I publicly advise Parks Victoria of many public concerns to the Creswick Trails Project, both in terms of the Project itself and its potential impacts, and in the processes of the Project's procurement and development. I have separately already publicly advised and complained to Hepburn Shire Council to many of these aspects, and have sought Council's written public advice responses and public provision of requested information. (Refer to the attached letter copy of my letter to Council dated 10 September 2019).

I also now advise and register my formal public concerns on these matters to Parks Victoria. I currently believe that proper land use planning and processes appear clearly not to have been followed, that adequate public information provision and consultation appears substantially inadequate to non-existent, and that there have been, and apparently will be further, significant and unconscionable, and intolerable, environmental and other public land value impacts to Public Land under Parks Victoria's management control if this Project proceeds.

I also seek Parks Victoria's detailed comments and responses to (and public provision of any relevant background information on) the following:

1. My letter dated 11 September 2019 and its' contents of identified public issues and concern, sent to Hepburn Shire Council.
2. What Parks Victoria's current position is on the proposed Creswick Trails Project and its processes of procurement and development, including the Master Plan, any background assessment and evaluation reports, impacts to Public Land and to significant public land values, and community consultation. (I also seek to know whether Parks Victoria is a signatory to the Hepburn Shire Council's "Creswick Trails Project Governance Agreement", or any other agreements or understandings Parks Victoria may have entered into; if so, I request copies if possible).
3. Whether and how the Creswick Trails Project complies with and conforms to Government approved Land Use Planning Determinations (e.g. LCC Melbourne District 1 Review 1987, ECC Statewide Assessment of Public Land Final Report 2017, etc.) and related Government and Parks Victoria policies and prescriptions. (I submit that the development of a formal dedicated extensive single or primary-purpose single or primary user group built recreation facility for organized groups or sporting activities (that is, this proposed mountain bike trail) NOT informal recreation and is therefore **contrary** to Government approved Land Use Determinations and their intents for Regional Parks / Creswick Regional Park. I seek Parks Victoria's position as to whether it concurs with this position, or if otherwise to state same with full reasons.)
4. Whether Parks Victoria is aware of the extent of the current informal and illegal mountain bike track development and use, the impacts to public land values that have occurred, and the potential breaches of various statutes (e.g. P&E Act, FFG Act, EPBC Act, Heritage Act, Aboriginal Heritage Act, Native Title Act, etc.). (It is also requested that Parks Victoria provides information it has at hand identifying the current extent of these illegal tracks, and the potential extent and significance of Public Land and public land value resultant impacts.)
5. What enforcement and compliance or other actions Parks Victoria has undertaken to date, and what future enforcement and compliance or other actions Parks Victoria anticipates it will be undertaking (specifying all statutes that have been breached, and which of these will be actioned).

ATTACHMENT 10.1.5

I would appreciate Parks Victoria acknowledging receipt of this submission/referral letter within 7 days and to fully respond within 21 days from the date of this letter. Digital responses may be forwarded by email or hardcopy material may be sent by post to the addresses at the head of this letter.

Thank you.

Yours sincerely

A solid black rectangular box used to redact the signature of the sender.

EMAIL: 

4 October 2019

Officer in Charge
 Central Highlands Water
 Ballarat Office
 PO Box 152
 BALLARAT VIC 3353.

Dear Sir/Madam.

RE **CRESWICK TRAILS PROJECT – MOUNTAIN BIKES: CRESWICK AREA PUBLIC LAND**

I am a member of the Victorian public and act for and on behalf of other Victoria citizens in the public interest. I am writing to publicly inform, and to publicly seek information from, Central Highlands Water in relation to the Creswick Trails Project, to which the Hepburn Shire Council (HSC) is apparently the (primary or sole) proponent. The land on which the Creswick Trails Project is proposed includes high level and significant Public Land including the Creswick Regional Park, and land that comes under the management control or interests of Central Highlands Water.

I publicly advise Central Highlands Water of many public concerns to the Creswick Trails Project, both in terms of the Project itself and its potential impacts and risks, and in the processes of the Project's procurement and development. I have separately already publicly advised and complained to HSC to many of these aspects, and have sought HSC's written public advice responses and public provision of requested information. (Refer to the attached copy of my letter to Council dated 10 September 2019). To date there has been no substantive response from HSC. I hereby make and register the same public complaint on and objection to the project with Central Highlands Water, to which I seek Central Highlands Water's written acknowledgement.

I now hereby advise and register my formal public concerns on these matters to Central Highlands Water. I currently believe that proper land use planning and processes appear clearly not to have been followed, that adequate public information provision and proper consultation appears substantially inadequate to non-existent, and that there have been, and apparently will be further, significant and unconscionable, and intolerable, environmental and other public land value impacts to Public Land and public risks including under Central Highlands Water's management control or interests if this Project proceeds.

I also seek Central Highlands Water's detailed comments and responses to (and public provision of any relevant advices and background information on) the following:

1. My letter sent to Hepburn Shire Council dated 11 September 2019, and the identified public issues and concerns therein.
2. What Central Highland Water's current position is on the proposed Creswick Trails Project and the processes of procurement and development, including the Master Plan, any background assessment and evaluation reports, impacts to Public Land and to significant public land values, public and other risks, and community consultation. (I also seek to know whether Central Highlands Water is a signatory to the HSC's "Creswick Trails Project Governance Agreement", or any other agreements or understandings Central Highlands Water may have entered into; if so, I request copies if possible).
3. Whether and how the Creswick Trails Project complies with and conforms to any and all Government approved Land Use Planning Determinations and any other relevant Government and Central Highland Water's policies, plans and prescriptions, including for public risk.
4. Whether Central Highlands Water is aware of the extent of the current informal and illegal mountain bike track development and use, the impacts to public land values that have occurred, and the potential breaches of various statutes (e.g. P&E Act, FFG Act, EPBC Act, Heritage Act, Aboriginal Heritage Act, Native Title Act, etc.). I also seek Central Highlands Water's advice as to the impacts to its operational, management, risk and other values and interests. I also request that Central Highlands Water provides any information it has at hand identifying the current extent of these illegal tracks, and the potential extent and significance of Public Land and public land value resultant impacts, and operational and management impacts and risks.
5. What enforcement and compliance or other actions Central Highlands Water has undertaken to date on any illegal mountain bike track development and use or related activities in this area on any lands under Central Highlands Water's management or control or interests, and what future enforcement and compliance or other actions Central Highlands Water anticipates it will be undertaking (if possible specifying all statutes or other controls that have been or appear to have been breached, and which of these will be actioned).

I would appreciate Central Highlands Water's acknowledgement of receipt of this public submission/referral within 7 days and its full response within 21 days from the date of this letter. I advise that digital responses are preferred and may be forwarded by email, or hardcopy material may otherwise be sent by post, to the addresses at the head of this letter. I also advise that all correspondence be treated as public documents.

Thank you.

Yours sincerely

A solid black rectangular redaction box covering the signature area.

APPENDIX 17:
GENERAL SUMMARY OVERVIEW OF SOME MAJOR / KEY ASPECTS – CTP AND PLANNING PERMIT
APPLICATION CTP “STAGE 1”.

HEPBURN SHIRE COUNCIL - PLANNING PERMIT APPLICATION PA3141.

- CRESWICK TRAILS PROJECT (CTP). A HEPBURN SHIRE COUNCIL PROPOSED “MEGA MOUNTAIN BIKE TRACK” DEVELOPMENT ON CRESWICK PUBLIC LANDS.
- HEPBURN SHIRE COUNCIL (HSC) HAS APPLIED (TO ITSELF) FOR A PLANNING PERMIT FOR THE CTP (“STAGE 1”).
- PUBLIC SUBMISSIONS CLOSE 5 MAY 2021.

ABSTRACT:

The CTP is a HSC proposed 100km long dedicated formal “mega” and supposed “world class” mountain bike track to be built on Public Land including the high level Creswick Regional Park near Creswick. HSC determined the project without any consultation with, and without first putting the proposed project to, the public. Ongoing public requests for important information to be disclosed and provided to the public have been refused by HSC. HSC purports that it has been undertaking “community engagement”, but this is not proper or adequate *community consultation* and particularly as required for Public Land issues. Large amounts of public money are being spent on the CTP, which will be much larger than the \$4.02M allocated to date. Some \$1.5M of HSC ratepayers money has so far been committed to the CTP development, however there will be significantly much more required every year, ongoing into the future. HSC has just progressed the CTP to formal Planning Permit application stage – but for *PART ONLY* (i.e. HSC’s “Stage 1”) of the CTP. Apparently there are “issues” with the planning and assessment of the balance of the CTP (i.e. HSC’s “Stage 2”). HSC only putting part of the CTP to formal Planning Permit process and to the public, deliberately subverting proper assessment and planning processes and detrimental to the public interest. It is considered prudent and essential that public submissions should address *both* the Stage 1 part, and Stage 2 and the entire CTP area. The Public Land Managers responsible for the subject Public Land (principally DELWP and Parks Victoria) have also ignored public protestations made to them on the CTP and its impacts, and have otherwise indicated their “endorsement” of the CTP “in principle”. The Public Land Managers have also indicated that they will otherwise be guided by the public response to HSC’s Planning Permit application. Therefore, any public submissions to the Planning Permit will in effect not only be submissions to HSC but submissions (indirectly) to the Public Land Managers.

SOME ISSUES OF ENVIRONMENTAL AND HERITAGE AND PUBLIC INTEREST CONCERN:

- The CTP trail is proposed to be 100km long (or 60km long for HSC’s Stage 1) of **permanent dedicated mountain bike track**, mostly if not entirely developed on **Public Land**. Significant parts of the CTP trail are proposed to be developed on high level Creswick Regional Park.
- The effective “*area coverage*” impacts of the *winding* CTP 100km long trail on the subject Crown land limited area will be *EXTENSIVE*. Effective impacts to environmental and public uses and other values will be effectively much greater than just the “footprint” of the CTP trail tracks.

- The Public Land area will be effectively largely “taken over” for primary “*single user group*” dominant and or priority (and or in some cases exclusive) purposes i.e. mountain bike track / mountain bike use. The Public Land will in effect be turned into a **large permanent “mega” mountain bike track / park**. HSC proposes that a Licence will be issued to HSC by the Public Land Managers, for the CTP trail – of 10m both sides of the 2m wide track (i.e. a 22m wide corridor). This equates to 220ha of Licensed Public Land being effectively “set aside” to a single user group for the major or principle purpose of a mountain bike track, where the Public Land should otherwise be used *equally* by *all* Public Land users.

- The CTP’s proposed development and land use is *contrary to some of the Government approved Land Use Determinations* for at least some of this Public Land.

- Bushwalkers, nature lovers, bird observers, orienteers and other general Public Land users will be effectively partially “displaced”. HSC has NOT advised and informed the public to the Licence’s detail including their terms and conditions, and therefore has not advised and informed the public to the details and extents of this general public displacement. This is critical public interest information that should have been disclosed as part of the Planning Permit application public proposes.

- There will be significant and extensive impacts to the natural environment. There are threatened flora and fauna species present which will be affected. Nesting birds and other fauna will be significantly disrupted. The 100km long CTP trail will comprise 20ha of actual native vegetation removal (for a 2m wide mountain bike track footprint). For Stage 1 only (60km), this will be 12ha of native vegetation removal. The disruption to fauna species along the corridor will also be much larger, and will vary from species to species. HSC’s CTP “Flora and Fauna Assessment” report and “Environmental Management Plan” reports are specific documents commissioned to *progress and enable the CTP development*, and are not the primary formal assessment and planning instruments that should have been required – including for Public Land assessment and planning. The Public Land Managers appear to be remaining largely “publicly silent” on environmental assessment and planning and impacts, and as such are likely to be negligent to the proper and diligent execution of their public responsibilities and obligations.

- There will be significant and extensive impacts to historic / heritage sites and landscape. Once historic / heritage sites and fabric including archaeological sites are disturbed, they cannot be “put back”. There are many varied significant historic / heritage sites, including water races, Chinese market garden sites, and gold mining sites, not to mention overall historic / heritage landscape values, which will be significantly impacted and disturbed by the CTP. The water races may likely comprise of historic / heritage values to State or National level significance. The Creswick Goldfields area is being currently considered for formal inclusion in a Central Victorian Goldfields nomination for UNESCO World Heritage Listing. There has apparently been no adequate formal historic / heritage assessment or planning study of this Public Land area. Most historic / heritage sites and landscape values of the area are therefore currently inadequately and dangerously “unprotected”. HSC’s CTP “Cultural Heritage Management Plan” is a specific document to *progress and enable the CTP development*, and is not the primary formal assessment and planning instrument that is (otherwise) required. The Public Land Managers (also) appear to be remaining largely “publicly

silent” on historic / heritage assessment and planning and impacts, and as such are likely to be negligent to the proper and diligent execution of their public responsibilities and obligations.

- HSC purports and or intimates that it has “avoided or minimized” native vegetation removal and impacts to environmental and historic / heritage and other values. This is highly questionable, and appears to be pretence. For example, it appears that HSC significantly “miscalculated” the original native vegetation removal off-sets required for the entire CTP. It is suspected that this is part of the reason why HSC recently determined to only proceed (improperly) with Planning Permit for “Stage 1” at this time. Further, all public requests to HSC for copies of early draft reports and information to demonstrate the claimed “avoidance and minimization” have been denied.

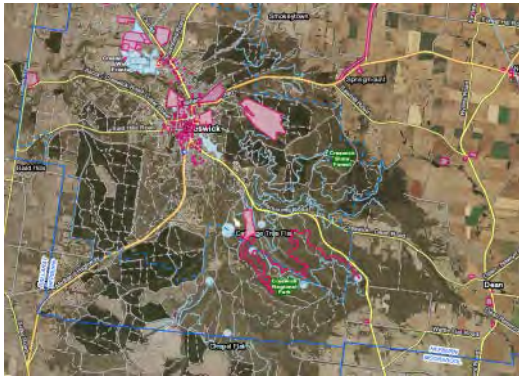
- If HSC’s predictions of thousands of mountain bike users is correct, this Public Land area’s environment and peace and tranquillity will be lost forever.

- HSC proposes to incorporate unsanctioned / illegally developed mountain bike tracks and use of them into the CTP. This is improper and unconscionable and unethical Government proposed conduct. There may also be legal issues in regards to “aiding and abetting”. The Public Land Managers have also failed to undertake adequate enforcement and compliance of *illegal mountain bike track building* and *illegal off-road mountain bike use*, despite public complaints. The Public Land Managers also apparently endorse HSC’s position. This is of further significant public concern. HSC also purports that the development (and therefore the impacts) of a 100km of CTP trail will “alleviate” the current illegal tracks and impacts (say maybe 10km). This is totally *nonsensical*.

- HSC’s CTP proposal and Planning Permit application do NOT fully and adequately adhere and or comply to the Hepburn Planning Scheme and to HSC’s full suite of policies and strategies.

APPENDIX 18:
SOME HISTORIC / HERITAGE VALUES
CRESWICK GOLDFIELD PUBLIC LAND AREA – PROPOSED AREA CRESWICK TRAILS PROJECT

CRESWICK GOLDFIELD.



Above: VicPlan showing heritage overlay, VHR and Heritage Inventory places layers in broad area of Creswick Goldfields (Hepburn Shire).



Above: Plan showing other known heritage sites.

There are many local places / sites that have NOT been identified, assessed or protected.

EXAMPLE THEME – CHINESE.

SOME CHINESE HISTORIC / HERITAGE SITES:

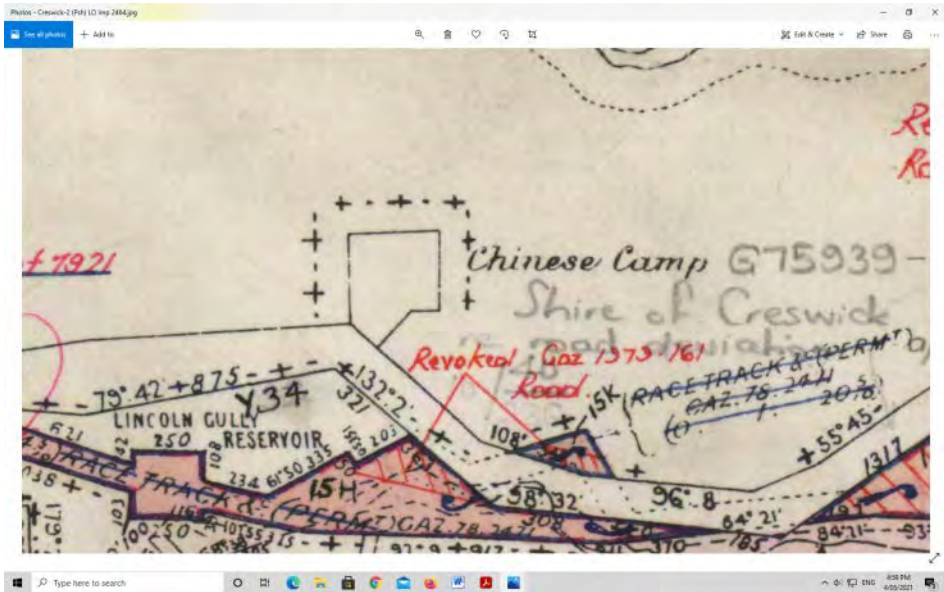
CHINESE PERSON-OPERATED PUDDLER:



ONE EXAMPLE SHOWN. THERE MAY BE, OR HAVE BEEN, UP TO 7 OR MORE. SOME PUDDLERS MAY HAVE BEEN DESTROYED THROUGH PAST RECENT GOVT WORKS. THEIR PROXIMITY TO VEHICLE TRACK ALSO SUGGESTS HIGHER POSSIBILITY / LIKELIHOOD OF FURTHER DISTURBANCE / DESTRUCTION IF NO ACTIVE PROTECTION IS ENACTED. THERE MAY BE HUT SITES ALSO PRESENT. FURTHER DETAILED SITE RECORDING IS REQUIRED

THERE ARE NUMEROUS CHINESE MARKET GARDEN SITES.

PLAN - CHINESE CAMP SITE:



CRESWICK GOLDFIELD:

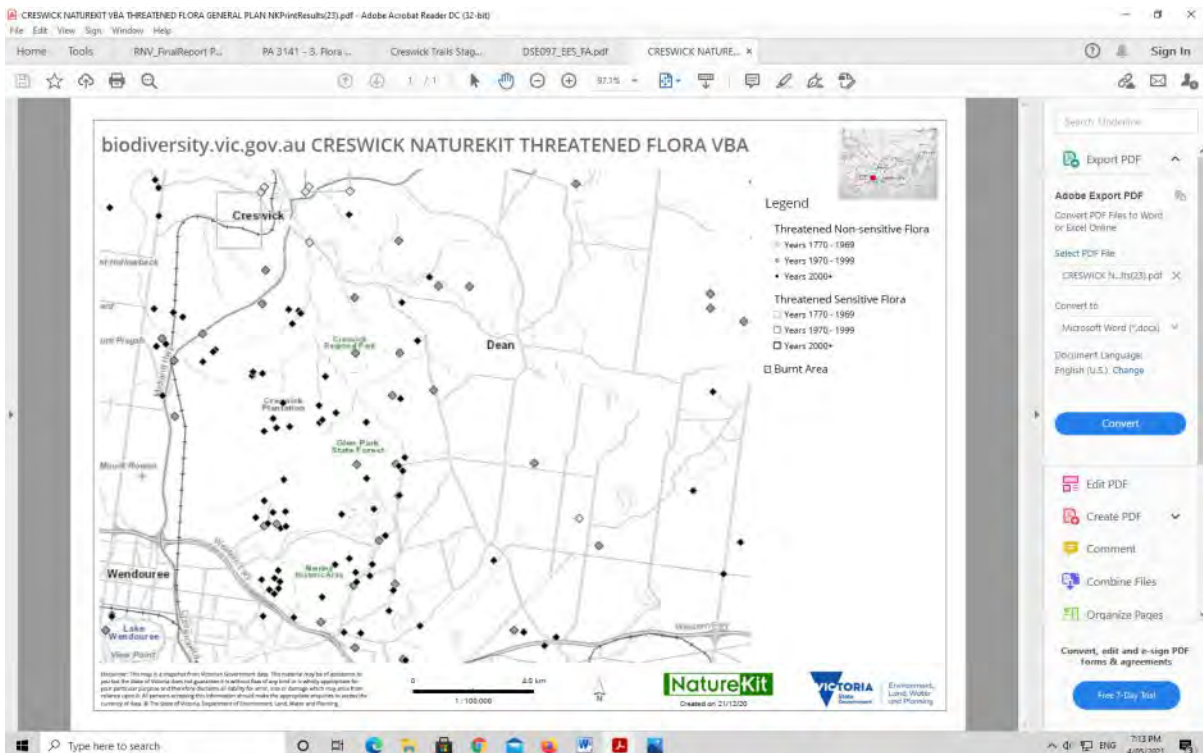


APPENDIX 19:
SOME FLORA AND FAUNA RECORDS
CRESWICK GOLDFIELD PUBLIC LAND AREA – PROPOSED AREA CRESWICK TRAILS PROJECT

Rare and Threatened and Notable (including locally rare) Flora and Fauna Species - present / records - include: (Includes Nature Kit records. Verification not undertaken.).

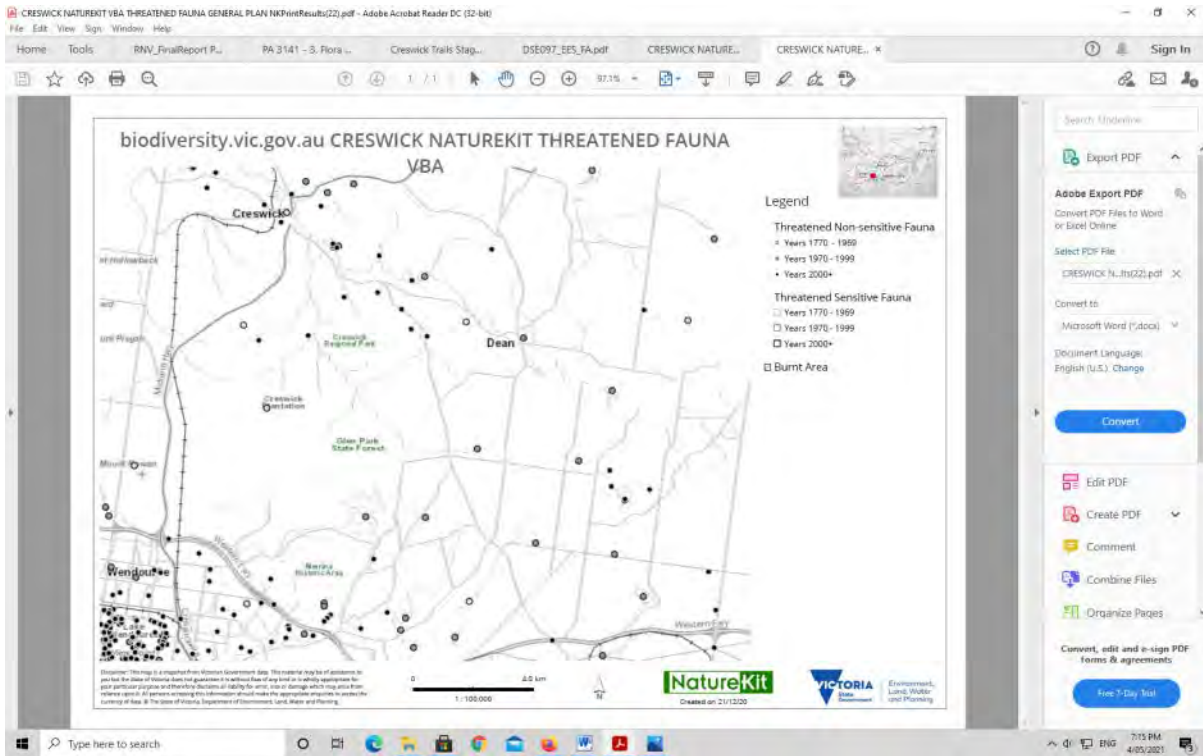
Platypus. Koala. Australian Anchor Plant. Blue Billed Duck. Brolga. Brookers Gum. Buxton Gum. Dwarf Silver Wattle. Elegant Parrot. Fat Tailed Dunnart. Floodplain Fireweed. Giant Honey Myrtle. Grampians Goodenia. Grey Goshawk. Growling Grass Frog. Hardhead. Lathams Snipe. Lewins Rail. Powerful Owl. Rosemary Grevillea. Slender Beard Orchid. Small Flower Grevillea. Small Milkwort. Snowy River Wattle. Southern Blue Gum. Spotted Hyacinth Orchid. Square Tailed Kyte. Spotted Quail Thrush. Sticky Wattle. White Throated Needletail. Wiry Bossiaea. Yarra Gum.

This is NOT a comprehensive recording of rare / threatened / notable flora and fauna species for the Creswick Goldfield area. The CTP proposes to disregard issues related to flora and fauna and protections, including: inadequate surveying, inadequate protection, removal of habitat, disregard to impacts to species (both direct impacts to habitat from the CTP development and indirect impacts to habitat by 1000s of mountain bikers), failure to properly and adequately assess impacts to specific species, etc.etc.



Above: Demonstrates the spread of threatened flora over the general area. The CTP proposal WILL impact threatened and non-threatened fauna.

Above: Demonstrates the spread of threatened flora over the general area.



Above: Demonstrates the spread of threatened fauna over the general area.

The CTP proposal WILL impact threatened and non-threatened fauna.

PHOTO 1: Creswick Public Lands, Brush Tail Possums.



PHOTO 2: Creswick Public Lands, Brush Tail Possum and hollow tree.



PHOTO 3: Creswick Public Lands, Sugar Glider and Silver Wattle.



PHOTO 4: Creswick Public Lands, Sugar Glider.



PHOTO 5: Creswick Public Lands, wildflower display.

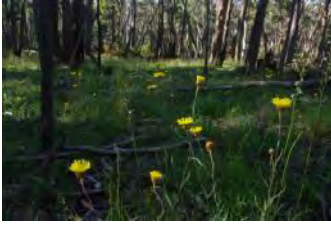


PHOTO 6: Creswick Public Lands, Common Bird Orchid.

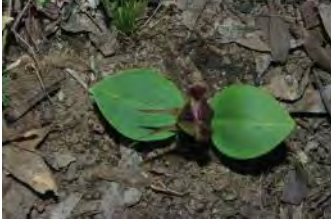


PHOTO 7: Creswick Public Lands, *Lobelia gibbosa* Koala Zone south slope.



PHOTO 8: Creswick Public Lands, Spotted Hyacinth Orchid



Creswick & District Historical Society

President: [REDACTED]

Secretary: [REDACTED]
[REDACTED]

May 2nd, 2021

The Responsible Authority
Planning Permit Applications
HEPBURN SHIRE COUNCIL.

Sir –

PLANNING PERMIT APPLICATION PA 3141
Creswick Trails Network

With respect, on behalf of the Creswick & District Historical Society, I lodge this objection to the granting of Planning Permit PA 3141 (Creswick Bike Trails Network).

The permit-application, prompted by non-residents, displays ignorance of the heritage area which the project traverses. Areas stripped bare of forestation during the gold-rush era, subsequently restored, ravaged by the bush-fires of 1977, and thoughtfully again re-established, are not territory for a cyclists' playground. We decry any attempts to scar those areas for pedal-pushers' pleasure, rightfully seeking to preserve remaining gold-rush relics, including European and Chinese mining sites and mullock, and traces of essential water races and their veins.

The 'Society is not aware of any on-going local representation since the project's germination and development, let alone inclusion of *local knowledge* prior to the 1977 'fires; impetus coming from elsewhere. Limited "community liaison" or restricted "discussion" of prepared plans (a *fait accompli* ?) in Creswick at hours to suit the bureaucracy is not an adequate substitute for a heritage-aware vocal presence. It appears indicative that the burghers of Ballarat were also invited to comment on these inroads to Creswick's landscape; and life-style.

The St George's Lake environs are of heritage importance, initially as Back Creek and George's Mine, then the Government Dam (*Outtrim's Folly* of 1898) long a restricted water reserve, opened to the public as St George's Lake in the 1960s. Now an established, popular, walking- tourist attraction and summer aquatic haven, this is not a suitable area for *bike* trails. The same must be said for the slopes north-east of that water, with Brackenbury Road as the extreme boundary.

Concern has also been voiced for the lack of an on-going maintenance programme for the 'trails, including the need for four-wheeled access by emergency vehicles and policing against the social scourges of rubbish-dumping and (motor) trail-riders.

...../2

Creswick is the proud birthplace of forestry In Australia ! Importantly, *the Trails' intrusion into that nursery and heritage could constitute a flaw in the application for World Heritage recognition of the Central Highlands Goldfields of Victoria.*

Should this permit be granted, a precedent will be set to allow similar desecration throughout the Hepburn Shire, including the slopes surrounding Hepburn Springs, Wombat State Forest, and the irregular terrain between Daylesford and Eganstown; each possessing magnetic qualities for the mountain-bike coterie.

In short, the C&DHS objects to the plans embodied in the application on heritage grounds, along with unwanted wreaking of the district landscape.

As indicated, I submit this challenge on behalf of the Creswick and District Historical Society, the members of which find abhorrent the incursions embodied in the Planning Permit Application, and cannot endorse the document.

Will you please acknowledge receipt of these pages, dated accordingly ?

Yours etc

[Redacted Signature]

[Redacted Name]

(Hon. Sec.)

From: [REDACTED]
Subject: [REDACTED] [Mailbox](#)
Date: Wednesday, 21 April 2021 2:05:32 PM

Hello,

I am writing to register my objection to Planning Permit PA3141.

We have visited Creswick Forest many times over many years. We enjoy driving to various areas and then walking. My husband worked at Creswick for the Forests Commission and later at the School of Forestry for 32 years. He knows the forest very well and although we now live in Geelong we often return to visit various sites. Sometimes we bring our grandchildren. The forest changes at different seasons, from Spring and Summer wildflowers to winter fungi. We enjoy peaceful time in the bush.

The proposed bike trails are very extensive and the number of vehicles bringing bikes would require separate road access. The proposed trails chop up the remaining bushland into little segments, destroying habitat for flora and fauna. They also seem to cut across heritage sites such as water races and the old Chinese mines and market gardens. (I am currently working on a PhD in history at Federation University so I am very surprised to find that these sites are not protected by a heritage overlay. I am also researching the botanical studies of Jim Willis and others in Creswick Forest.)

It appears that the aim is to use Creswick Forest in a similar way to the You Yangs. We no longer go there as the number of vehicles and bikes whizzing past makes it unsafe for walkers, especially small children. It is not even safe to park beside the road and try to get out of the vehicle. The bikers take over the area, yelling at walkers to get out of the way. On race days they seem to think no-one else should be there, even in the car parks (obviously we are not on or near the race tracks).

I think Hepburn Shire Council should re-consider the purpose of public forests. Many activities co-exist, but mountain bike racing excludes other more peaceful types of recreation such as picnicking and birdwatching as well as damaging habitat and scaring birds and animals. The proposal seems to be to create approximately 100km of tracks for bikers only, leaving very little of the forest for anyone else to enjoy.

Creswick Forest has significant flora and birdlife and provides habitat for fauna. It also provides a bushland place for picnicking and peaceful activities for many people. I do not think it is appropriate to divide it into bike trails or to put the requirements of bikers above the value of this bushland as habitat, biodiversity, heritage value or use by the general public.

Regards,

[REDACTED]

Email: [REDACTED]

Objections to PA 3141 "Use of the land for a mountain bike trail"

WHO IS OBJECTING:

Name/s: [REDACTED]

Property address: [REDACTED]

Tel: [REDACTED] Email: [REDACTED]

WHAT APPLICATION DO YOU OBJECT TO?

Permit application no. PA 3141

Who has applied for the permit: Hepburn Shire

WHAT ARE THE REASONS FOR YOUR OBJECTION?

As a frequent observer of the flora and fauna in the Creswick area I object to proposed Creswick Trails Project on the following grounds:

1. The density of the proposed trails will severely effect the flora and fauna, mining heritage and the tranquility of the area. Naturalists who have used the area for a long time will have limited access in the trails areas for passive nature observation.

2. Several local government areas in the Golden Triangle region are working on a project to have the Victorian Goldfields declared a UNESCO World Heritage Area. The water races built during gold mining of the Creswick area are an historic feature which would be vital to attract tourists.

The Creswick Trails Project is planning to site trails along and across the water races. This will destroy the historic water races. Other historic features such as Chinese gardens and other remnants of the mining activity will be damaged by the proposed network of tracks.

3. The PPA states that the project will enable *informal outdoor recreation*. However the events planning by cycling clubs to attract large crowds are highly managed and should not be called "informal", really it is *formal outdoor recreation*. Has this terminology been used to get around the VEAC regulations which do not permit *formal outdoor recreation* in Regional Parks.

4. Most of the trails proposed in Stage 1 will be for bikes only. Naturalists have observed the biodiversity in many areas of the Creswick Regional Park without causing damage to the flora and fauna. With the proposed development they will not have access to the dense trail areas and the areas will be degraded by the development.



Alison Breach
Project Manager
Creswick Trails
Hepburn Shire Council
PO Box 21
Daylesford VIC 3460
Email: abreach@hepburn.vic.gov.au

Dear Ms Breach

PROPOSED CRESWICK MOUNTAIN BIKE TRAIL PROJECT

As you are aware, officers from Heritage Victoria have been reviewing and providing comment on a number of historical cultural heritage reports that relate to the proposed Creswick Mountain Bike Trail project. I note that scope of the project, which initially included two phases, has been reduced to phase one only, consisting of approximately 60km of trails in an area to the east of Creswick and north of Melbourne Road.

The historical cultural heritage reports that have been submitted to Heritage Victoria are:

- **CRESWICK MOUNTAIN BIKE TRAILS, VICTORIA: HISTORIC SURVEY REPORT, Draft Report** (BIOSIS, 20 February 2021)
- **CRESWICK MOUNTAIN BIKE TRAILS, VICTORIA: HISTORIC SURVEY REPORT, Draft Report** (BIOSIS, 5 September 2021)
- **CRESWICK MOUNTAIN BIKE TRAILS, VICTORIA: HISTORIC SURVEY REPORT, Draft Report** (BIOSIS, 4 October 2021)
- **Creswick Mountain Bike Trails, Stage 1, Historic Cultural Heritage, Impact Assessment Report** (David Bannear, Historic heritage & archaeology, November 2021).

Initially, Heritage Victoria was concerned that the first drafts of the Biosis reports had not identified all known or potentially significant historical cultural heritage places (including historical archaeological sites) located in the proposed project area. The reports had also not clearly detailed the regulatory processes and requirements of the Heritage Act 2017 in relation to site recording and reporting, the Consent process, and the management of unexpected finds.

The third draft of the Biosis report, and the assessment undertaken by David Bannear (dated November 2021), have addressed these concerns. A total of 10 Heritage Inventory sites have now been identified in the project area, and details relating to the location, extension and description of some of these sites have now been updated.

It is likely that the Mountain Bike Trail will pass through at least six of the Heritage Inventory sites, and it will be necessary to obtain *Consents to Damage* for each of the sites that may be affected. I understand that site avoidance, impact mitigations and archaeological monitoring processes will minimize the impact of the trail construction on the cultural heritage values of these sites. It is likely that conditions listed in each of the Consents will be tailored to the specific requirements of each of the affected Heritage Inventory sites.

Privacy Statement

Any personal information about you or a third party in your correspondence will be protected under the provisions of the Privacy and Data Protection Act 2014. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorised by law. Enquiries about access to information about you held by the Department should be directed to the Privacy Coordinator, Department of Environment, Land, Water and Planning, PO Box 500, East Melbourne, Victoria 3002



The David Bannear *Impact Assessment Report* also outlines a thorough process for the identification, reporting, protection and management of any previously unidentified sites that are discovered at any time during the project works.

I advise that Heritage Victoria is comfortable that the known historical cultural heritage values of the subject area can be managed in accordance with the processes outlined above, and that the proposed Creswick Mountain Bike Trail does not present a significant or major impact on these values.

Please contact Jeremy Smith, Principal Archaeologist on (03) 8508 1304 or email: jeremy.smith@delwp.vic.gov.au if you would have any questions relating to this advice.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Steven Avery', with a horizontal line underneath.

Steven Avery
Executive Director
Heritage Victoria

30 November 2021



Department of Environment,
Land, Water and Planning

ATTACHMENT 10.1.7

402-406 Mair Street
Ballarat, VIC 3350
03 5336 6856

10 September 2021

Our ref: SP475713
Your ref: PA 3141

Bronwyn Southee
Planning Manager
Hepburn Shire Council
PO Box 21
Daylesford 3460

Dear Ms Southee

Planning Application: PA3141

Proposal: Use and development of land for mountain bike trail and native vegetation removal

Address: Creswick bike trail. Stage one project area

Thank you for your correspondence dated 13 April 2021 regarding the above planning application.

The application has been referred to the Department of Environment, Land, Water and Planning (DELWP) under Section 55 of the *Planning and Environment Act 1987*.

DELWP notes that the total area of native vegetation proposed to be removed is 11.867 hectares in location category one containing one large tree. This comprises:

- 174 canopy trees (including one large tree)
- 7.91 ha (before overlap accounted for) of partial loss (50% loss) for understorey vegetation,
- 5.47 ha (before overlap accounted for) of total loss for canopy trees

Following review of the updated documentation, received on 1 July 2021, DELWP has assessed this application in accordance with the *detailed* assessment pathway under the '*Guidelines for the removal, destruction or lopping of native vegetation*' (*Department of Environment, Land, Water and Planning, 2017*).

DELWP is satisfied that the applicant has taken adequate steps to avoid and minimise the proposed native vegetation removal, and that the required offsets can be secured. DELWP has no objection to the granting of a planning permit for the development and the removal of native vegetation subject to the following conditions being included in the permit:

Permit Conditions Notification of permit conditions

1. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant conditions of this permit.

Native vegetation permitted to be removed, destroyed or lopped

2. The native vegetation permitted to be removed, destroyed or lopped under this permit must be in accordance with the submitted Native Vegetation Removal Report (report ID: *BIO_2021_012*, dated: 01/03/2021), which is comprised of
 - a) 11.867 hectares of native vegetation,
 - b) including one (1) large trees,
 - c) with a strategic biodiversity value of 0.663.

Protection of retained vegetation

3. Before works start, a plan (a Construction Environmental Management Plan) to the satisfaction of the responsible authority and DELWP identifying all native vegetation to be retained and

Any personal information about you or a third party in your correspondence will be protected under the provisions of the *Privacy and Data Protection Act 2014*. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorized by law. Enquiries about access to information about you held by the Department should be directed to foi.unit@delwp.vic.gov.au or FOI Unit, Department of Environment, Land, Water and Planning, PO Box 500, East Melbourne, Victoria 8002.



OFFICIAL

describing the measures to be used to protect the identified vegetation during construction, must be prepared and submitted to and approved by DELWP and the responsible authority. When approved, the plan will be endorsed and will form part of this permit. All works constructed or carried out must be in accordance with the endorsed plan.

4. Before works start, all patches of native vegetation to be retained and protected on site must be demarcated appropriately, i.e. flagging tape and signage specifying 'No-go Area'. The protective boundary must be erected along the perimeter of the impact area as defined in Creswick Trails: Environmental Management Plan Final Report by Biosis Pty Ltd, prepared for Hepburn Shire Council dated 8 April 2021. The protective boundary must be constructed and remain in place until all works are completed, to the satisfaction of the responsible authority and DELWP.
5. Except with the written consent of the responsible authority, within the area of native vegetation to be retained and any tree or vegetation protection zone associated with the permitted use and/or development, the following is prohibited:
 - a) vehicular access
 - b) trenching or soil excavation
 - c) storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products
 - d) entry and exit pits for the provision of underground services
 - e) any other actions or activities that may result in adverse impacts to retained native vegetation.

Native vegetation offsets

6. To offset the removal of 11.867 hectares of native vegetation, the permit holder must secure a native vegetation offset in accordance with *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017), as specified below:

A general offset of 6.858 general habitat units must meet the following criteria:

- a) located within the North Central Catchment Management Authority boundary or Hepburn Shire Council municipal area
- b) with a minimum strategic biodiversity score of at least 0.530, and
- c) The offset(s) secured must also protect one (1) large tree.

Offset evidence

7. Before the commencement of works approved by this permit, evidence that the required offset by this permit has been secured must be provided to the satisfaction of the responsible authority. This evidence must be one or both of the following:
 - a) an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site, and/or
 - b) credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
8. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to Planning Approvals at the Department of Environment, Land, Water and Planning - Grampians regional office via email: grampians.planning@delwp.vic.gov.au.

Permit Notes

- 1) Before any works on public land start, a permit to take protected flora under the *Flora and Fauna Guarantee (FFG) Act 1988* may be required. To obtain an FFG permit or further information, please contact a Natural Environment Program officer at the Grampians regional office of the Department of Environment, Land, Water and Planning on grampians.environment@delwp.vic.gov.au.

Also referring to the DELWP letter of 8 August 2019, please be mindful of the list of assessments and works that need to be undertaken to obtain the various Landowner Consents for the proposed works. The proposed works must not commence before these consents are provided.

Further consultation is required with DELWP, as the relevant fire authority, in the development and finalisation of a plan to address the risks to human life arising from bushfire.

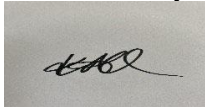
Regarding offsets, within 12 months of the completion of the project, offset requirements can be reconciled with the written agreement of the responsible authority and the DELWP.

As you are aware before any works start, the applicant must comply with applicable Commonwealth, State and local legislation, regulations and permits.

In accordance with Section 66 of the *Planning and Environment Act 1987*, would you please provide a copy of the permit, if one is issued, or any notice to grant or refusal to grant a permit for the above application.

For any further queries, please do not hesitate to contact Munshi Nawaz on 0436 633 487 or contact us by email at grampians.planning@delwp.vic.gov.au.

Yours sincerely



KIRSTY MILLER

Regional Manager- Planning and Approvals
West Hub

Copy to applicant: abreach@hepburn.vic.gov.au

16th November 2021

Nathan Aikman
Planning Co-Ordinator
Hepburn Shire Council
P.O. Box 21
DAYLESFORD VIC 3460

Dear Nathan,

Application for Planning Permit, Use of the land for a mountain bike trail (informal outdoor recreation) and the removal of native vegetation, Land within and surrounding St Georges Lake, Koala Park and Cheney Street areas in the Creswick Regional Park and the St Georges Lake Flora Reserve.

We refer to your letter received 7th October 2021 and advise that in accordance with Section 56(1)(b) of the Planning and Environment Act, this Authority does not object to the granting of any permit that may issue subject to the following conditions: -

1. Construction and maintenance of the Creswick Trails must be in accordance with Section 9 of the Creswick Trails Environmental Management Plan Final Report dated 8th April 2021 by Biosis Pty Ltd.
2. Following completion of the trail, the manager must implement the following relevant trail management measures in accordance with the Creswick Trails Environmental Management Plan Final Report dated 8th April 2021 by Biosis Pty Ltd:
 - a. Erosion of batters and trail surface must be monitored during assessments. Remedial works must be undertaken in the form of surface hardening or supplementary planting to reduce erosion in unstable areas.
 - b. Erosion and sediment controls for works near creeks and drainage lines to protect against any impacts to water quality must be inspected and maintained annually.
 - c. Maintenance works in waterways must be avoided when the waterways are flowing. Works in these areas should be undertaken in summer/autumn months when they are dry.

Yours faithfully,



Casey Boucher
Senior Officer Planning



cfa.vic.gov.au

Our patron, Her Excellency the Honourable Linda Dessau AC, Governor of Victoria

CFA Community Preparedness
8 Lakeside Drive Burwood East Vic 3151
Email: firesafetyreferrals@cfa.vic.gov.au

CFA Ref: 15000-72784-113728
Council Ref: PA3141

22 October 2021

Katy Baker
Hepburn Shire Council
PO BOX 21
DAYLESFORD VIC 3460

Dear Katy,

LETTER OF ADVICE

Application No: PA3141
Site Address: Creswick Regional Park, Creswick
Proposal: Use of the land for a mountain bike trail (informal outdoor recreation) and removal of native vegetation.

I refer to correspondence dated 7th October 2021 seeking comments on the above application.

CFA is of the view that the use of emergency management planning is the most appropriate mechanism to achieve the objective of the State Planning Policy on Bushfire (clause 13.02-1S of the Scheme).

It is important that an emergency management plan is prepared and for council (or another entity) to be clearly responsible for the implementation and maintenance of that plan.

Council should consider whether a planning permit condition is the most appropriate mechanism to ensure this occurs, or if there is a more appropriate mechanism already in place.

Any emergency management plan should be based on a comprehensive risk assessment which considers a range of emergencies – including, but not limited to, medical emergency, inclement weather and bushfire.

Any large events may require their own separate emergency management plan, and this too should be prepared on the basis of a risk assessment. CFA would expect such plans to include:

- a. A clear statement of the plans purpose and scope
- b. Details on the event, its location and any emergency features/equipment.
- c. A version control table and details on when and how the plan will be reviewed.

- d. Detail the roles and responsibilities of the emergency planning committee (event management)
- e. Details on the roles and responsibilities of the emergency control organisation (wardens)
- f. Outline the training requirements for the emergency control organisation and how/if exercises will be conducted.
- g. Details for onsite contacts, emergency services and neighbours.
- h. Appropriate “action statements” for:
 - Before the Fire Danger Period
 - During the Fire Danger Period – including details of how the bushfire threat will be monitored
 - When a Code Red or Extreme Fire Danger Rating is forecast
 - When a Total Fire Ban is forecast
 - When any other lower trigger point for action is forecast (as determined by the sites emergency planning committee/event management)
 - When a bushfire threatens the event – including the trigger for evacuation (as appropriate).
 - After the bushfire threat passes
- i. Details on evacuating staff, visitors and attendees (if required)

If you wish to discuss this matter in more detail, please do not hesitate to contact me on 03 9262 8754.

Yours sincerely,



Andrew Ganey
Bushfire Planning Advisor
Fire Risk, Research & Community Preparedness

cc: Alision Breach C/- Project Manager Creswick Trail
Abreach@Hepburn.Vic.Gov.Au



GMW Ref: PP-21-00342.01
Doc ID: A4163412

Hepburn Shire Council
Planning Department
shire@hepburn.vic.gov.au

20 October 2021

Dear Sir and/or Madam,

Planning Permit Application - Mountain Bike Trail & Native Vegetation Removal Amendment

Application No. PA 3141
Applicant: Hepburn Shire Council
Planning Department
Location: Creswick Mountain Bike Trail CRESWICK VIC 3363

Thank you for your letter and information received 07 Oct 2021 in accordance with Section 55 of *the Planning and Environment Act 1987*.

Goulburn-Murray Water's (GMW's) areas of interest are surface water and groundwater quality, use and disposal. Goulburn-Murray Water requires that development proposals do not impact detrimentally on Goulburn-Murray Water's infrastructure and the flow and quality of surface water and groundwater. Applicants must ensure that any required water supplies are available from an approved source.

Based on the information provided and in accordance with Section 56 (b) of *the Planning and Environment Act 1987*, Goulburn-Murray Water has no objection to this planning permit being granted subject to the following conditions:

1. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).

Planning Note:

The subject property is located within an area of Cultural Heritage Sensitivity. Should the activity associated with proposed development require a Cultural Heritage Management Plan (CHMP), planning permits, licences and work authorities cannot be issued unless a CHMP has been approved for the activity.

If you require further information please e-mail planning.referrals@gmwater.com.au or contact 1800 013 357.

Yours sincerely

Ranine McKenzie

SECTION LEADER STATUTORY PLANNING

Per: (original signed by Anu Saini)

TOWN PLANNING REFERRALS

ENGINEERING CONDITIONS

Application No	:	PA – 3141
File	:	200910P
Property No	:	200910
Address of Land	:	Creswick Trails, Creswick
Description	:	Construction of Mountain Bike trails

1. Access

- Any trails or recreational facilities directly accessing/crossing road reserves must have professionally prepared plans prepared to the satisfaction of the Responsible Authority.
- The developer shall prepare all documents required for obtaining approval from Dja Dja Wurrung Clans Aboriginal Corporation for road works and submitted to the Responsible Authority for forwarding them to the Dja Dja Wurrung Clans Aboriginal Corporation. All costs incurred in complying with the Dja Dja Wurrung Clans Aboriginal Corporation requirements shall be borne by the developer.

2. Carparking

- Before construction works start associated with the provision of carparking, detailed layout plans demonstrating compliance with AustRoads Publication 'Guide to Traffic Engineering Practice: Part 11 Parking', Australian Standard "AS2890: Parking Facilities" and to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale with dimensions.
- Before the use or occupation of the development starts, the area(s) set aside for parking of vehicles and access lanes as shown on the endorsed plans must be:
 - a) surfaced with an all-weather surface and treated to prevent dust;
 - b) drained in accordance with an approved drainage plan;
 - c) provision for vehicles to pass on driveways and
 - d) constructed and completed to the satisfaction of the Responsible Authority.
- Where the boundary of any car space, access lane or driveway adjoins a footpath or a garden area, a kerb or a similar barrier shall be constructed to the satisfaction of Responsible Authority

3. All works must construct and complete prior to commencement of use.

4. All costs incurred in complying with the above conditions shall be borne by the permit holder.

Prepared by: Ashley Goad – Engineering Development Officer
Date: 07/12/2021

NCCMA Ref: NCCMA-F-2021-01484
Council Ref: PA3141
Date: 10 December 2021

Katy Baker
Coordinator Statutory Planning
Hepburn Shire Council
PO Box 21
Daylesford Vic 3460

Dear Katy

Planning Permit Application No: PA3141
Development Description: Creswick Trails Project
Street Address: Creswick Regional Park and St Georges Lake Flora Reserve
Creswick Vic 3363
Cadastral Location: As per Parks Victoria letter dated 3 August 2021
Applicant: Katy Baker, Hepburn Shire Council

Thank you for your referral under Section 55 of the *Planning and Environment Act, 1987* dated 11 November 2021, and received by North Central Catchment Management Authority (CMA) on 11 November 2021, regarding the above matter.

North Central CMA, pursuant to *Section 56 of the Planning and Environment Act 1987*, **does not object** to the granting of a permit **subject to the following conditions:**

1. The design of Section 1, 2 and the Skills zone area must not obstruct flood flows or reduce flood storage. Prior to the commencement of works, detailed engineering plans of any proposed boardwalks or earthworks to alter the topography of flood prone land must be provided to the North Central CMA for approval.
2. Unless otherwise agreed in writing with North Central CMA, the trail must be setback a minimum of 15m from the top of bank of all waterways including Creswick Creek, Lincoln Creek, Slaty Creek and Jackass Gully.

Advice to Applicant / Council

A separate "Works on Waterway" permit for any new or modified waterway crossing must be obtained directly from the North Central CMA. Please contact North Central CMA on (03) 5440 1896 to obtain a full understanding of the Authority's requirements.

Flood levels for the 1% AEP (100-year ARI) flood event have been determined for this area under provisions of the *Water Act 1989*. The applicable 1% AEP flood level along Creswick Creek for the location described above grades from 423.0 metres AHD down to 419.4 metres AHD, which was obtained from Creswick Flood Mitigation and Urban Drainage Plan (2012).



Should you have any queries, please do not hesitate to contact me on **(03) 5440 1896**.

To assist the CMA in handling any enquiries and the supply of further information, please ensure you quote **NCCMA-F-2021-01484** in your correspondence.

Yours sincerely



Nick Butler

Waterways and Floodplain Officer

Cc: Katy Baker, Hepburn Shire Council

Information contained in this correspondence is subject to the definitions and disclaimers attached.



Attached: Definitions and Disclaimers

Definitions and Disclaimers

1. The area referred to in this letter as the 'proposed development location' is the land parcel(s) that, according to the Authority's assessment, represent(s) the location identified by the applicant. The identification of the 'proposed development location' on the Authority's GIS has been done in good faith and in accordance with the information given to the Authority by the applicant(s) and/or local government authority.
2. While every endeavour has been made by the Authority to identify the proposed development location on its GIS using VicMap Parcel and Address data, the Authority accepts no responsibility for or makes no warranty with regard to the accuracy or naming of this proposed development location according to its official land title description.
3. **AEP** as Annual Exceedance Probability – is the likelihood of occurrence of a flood of given size or larger occurring in any one year. AEP is expressed as a percentage (%) risk and may be expressed as the reciprocal of ARI (Average Recurrence Interval).

Please note that the 1% probability flood is not the probable maximum flood (PMF). There is always a possibility that a flood larger in height and extent than the 1% probability flood may occur in the future.

4. **ARI** as Average Recurrence Interval - is the likelihood of occurrence, expressed in terms of the long-term average number of years, between flood events as large as or larger than the design flood event. For example, floods with a discharge as large as or larger than the 100-year ARI flood will occur on average once every 100 years.
5. **AHD** as Australian Height Datum - is the adopted national height datum that generally relates to height above mean sea level. Elevation is in metres.
6. No warranty is made as to the accuracy or liability of any studies, estimates, calculations, opinions, conclusions, recommendations (which may change without notice) or other information contained in this letter and, to the maximum extent permitted by law, the Authority disclaims all liability and responsibility for any direct or indirect loss or damage which may be suffered by any recipient or other person through relying on anything contained in or omitted from this letter.
7. This letter has been prepared for the sole use by the party to whom it is addressed and no responsibility is accepted by the Authority with regard to any third party use for the whole or any part of its contents. Neither the whole nor any part of this letter or any reference thereto may be included in any document, circular or statement without the Authority's written approval of the form and context in which it will appear.
8. The flood information provided represents the best estimates based on currently available information. This information is subject to change as new information becomes available and as further studies are carried out.



From: Adam C Lorensene (DOT) <adam.lorensene@transport.vic.gov.au>

Sent: Wednesday, 15 December 2021 3:51 PM

To: Katy Baker <kbaker@hepburn.vic.gov.au>

ATTACHMENT 10.1.7

Cc: Lauren Francis (VicRoads) <Lauren.Francis@roads.vic.gov.au>

Subject: RE: RE: CM: PA 3141 Creswick Trails Network Stage One - S57A Amend Permit - re-referral

Hi Katy,

Lauren and Allan from DoT met on site today to discuss the amendment to the permit. While the formal process will take a few days to complete, and understanding that you are taking this to a council meeting this week, I can inform you of the planning permit conditions we will be requesting, hoping that this might allow you to proceed with your internal process.

The conditions, based on the amendment and the site visit, are as below:

- Crossing to be located within the existing 60km/h speed zone
- Safe sight distance for V60 to be available at crossing location
- Plans of proposed crossing to be submitted to DOT for DOT approval.
- Advanced pedestrian/cycling crossing point signs to be installed
- All works to be at no cost to DOT

Feel free to give me a call if you wish to discuss.

Adam Lorensene

Team Leader – Integrated Transport and Land Use

Regional Surface Transport – Grampians

Department of Transport

M 0428 642 009

E adam.lorensene@transport.vic.gov.au



Department
of Transport

MINUTES - ORDINARY MEETING OF COUNCIL - 21 DECEMBER 2021



Dja Dja Wurrung Clans
Aboriginal Corporation

Tuesday, 1 June 2021

Alison Breach
Hepburn Shire Council
PO Box 21 Daylesford
Victoria 3460

PO Box 1026
Bendigo Vic 3552
PH: (03) 5444 2888
Fax: (03) 5441 6472

Via Email to: abreach@hepburn.vic.gov.au

Dear Alison Breach,

Re: Cultural Heritage Management Plan No: 14915 Creswick Mountain Bike Trail

Name of Sponsor: Hepburn Shire Council

Name of Heritage Advisor: Gary Vines

Name of Authors: Gary Vines, Amy Wood & Aaron Dalla-Vecchia

Date on Cover/Title Page: 28 May 2021

No. of Pages: Electronic – 108

Thank you for sending me the final version of Cultural Heritage Management Plan No. 14915 for the Creswick Mountain Bike Trail dated 28 May 2021.

I am authorised to inform you that the Cultural Heritage Management Plan No. 14915 for the Creswick Mountain Bike Trail has been approved under my direction, as Dja Dja Wurrung Group Chief Executive Officer to whom responsibility is delegated by the Dja Dja Wurrung Clans Aboriginal Corporation; and as conferred in accordance with sections 63(1) and 148(d) of the *Aboriginal Heritage Act 2006*, to approve or refuse Cultural Heritage Management Plans.

Yours sincerely

RODNEY CARTER
Chief Executive Officer



10.2 AMENDMENT C82HEPB OLD HEPBURN HOTEL INDEPENDENT PLANNING PANEL HEARING OUTCOMES AND NEXT STEPS

DIRECTOR COMMUNITY AND DEVELOPMENT

In providing this advice to Council as the Strategic Planner, I Caroline Reisacher have no interests to disclose in this report.

ATTACHMENTS

1. Hepburn C82 hepb Panel Report [10.2.1 - 44 pages]
2. Heritage Place Report Revised Post Panel Report 30-11-2021 [10.2.2 - 15 pages]
3. Hepburn C 82 hepb Amendment Documents for Adoption [10.2.3 - 77 pages]

EXECUTIVE SUMMARY

The purpose of this report is to consider the Planning Panels Victoria (Panel) recommendations with respect to Hepburn Planning Scheme Amendment C82Hepb (Amendment C82Hepb), to determine a response to these recommendations, to make changes to the amendment documentation in accordance with these recommendations, and to recommend the amendment be submitted to the Minister for Planning for approval.

The Panel concluded that the Amendment:

- is supported by, and implements, the relevant sections of the Planning Policy Framework
- is consistent with the relevant Ministerial Directions and Practice Notes
- is well founded and strategically justified
- will deliver net community benefit and sustainable development, as required by Clause 71.02-3
- should proceed subject to addressing the more specific issues raised in submissions

The Panel recommended that Hepburn Planning Scheme Amendment C82hepb be adopted as exhibited subject to the following:

- Amend the Statement of Significance, Old Hepburn Hotel, 236 Main Road, Hepburn, February 2020 consistent with the Panel's preferred version and include a date.
- Amend the Schedule to Clause 72.04 to refer to the amended version of the Statement of Significance.
- Amend the curtilage of the Heritage Overlay to create a rectangular polygon which extends:
 - 2 metres from the existing northern and southern side elevations of the hotel building

- 5 metres from the rear of the c.1911 double gabled hotel building to the point in the Main Road road reserve that aligns with the fascia of the existing verandah.

OFFICER'S RECOMMENDATION

That Council:

- 1. Adopts Planning Scheme Amendment C82hepb to the Hepburn Planning Scheme, pursuant to Section 29 of the Planning and Environment Act 1987 (the Act), with the changes reflected in the amendment documentation provided at Attachment 3.*
- 2. Authorises the Chief Executive Officer (or delegate) to finalise the amendment documentation for Ministerial approval.*
- 3. Submits the adopted Planning Scheme Amendment C82hepb, together with the prescribed information, to the Minister for Planning for approval, pursuant to Section 31 of the Act.*
- 4. Advises the Minister for Planning that Council accepts all the Panel's recommendations for the reasons outlined in this report.*
- 5. Writes to all the submitters to Amendment C82hepb to advise them of Council's decision.*

MOTION

That Council:

- 1. Adopts Planning Scheme Amendment C82hepb to the Hepburn Planning Scheme, pursuant to Section 29 of the Planning and Environment Act 1987 (the Act), with the changes reflected in the amendment documentation provided at Attachment 3.*
- 2. Authorises the Chief Executive Officer (or delegate) to finalise the amendment documentation for Ministerial approval.*
- 3. Submits the adopted Planning Scheme Amendment C82hepb, together with the prescribed information, to the Minister for Planning for approval, pursuant to Section 31 of the Act.*
- 4. Advises the Minister for Planning that Council accepts all the Panel's recommendations for the reasons outlined in this report.*

5. Writes to all the submitters to Amendment C82hepb to advise them of Council's decision.

Moved: Cr Jen Bray

Seconded: Cr Lesley Hewitt

Carried

BACKGROUND

Site

The subject site, being 236 Main Road, Hepburn, currently contains a building known as the Old Hepburn Hotel. This is the subject of this report (Figure 1).



Figure 1: Aerial image of subject land at 236 Main Road, Hepburn

In 2019, Council received a planning application for a twelve-lot subdivision at the site which included the demolition of the hotel. Following this, Council officers met with the developer's consultants and advised that the demolition of the old hotel was not supported until the cultural heritage significance of the hotel was determined. This approach was also confirmed in email correspondence.

In early 2020 Council's heritage advisor confirmed that the Old Hepburn Hotel was of local significance and warranted local heritage protection in the HO of the Scheme. In February 2020, Council began the preparation of prescribed amendment C79hepb to apply an interim Heritage Overlay to the subject site.

KEY ISSUES / POINTS TO CONSIDER

Amendment C82hepb

The Amendment proposes to update the Hepburn Planning Scheme to apply the Heritage Overlay (HO987) on a permanent basis to the Old Hepburn Hotel at 236 Main Road, Hepburn. The amendment applies to land shown (within red line polygon) in Figure 1 (the subject land) with the curtilage of the Heritage Overlay confined to the 1911 hotel building. Specifically, the amendment proposes to:

- apply the Heritage Overlay (HO987) to the subject land
- amend the Schedule to Clause 43.01 (Heritage Overlay) to include the Old Hepburn Hotel at 236 Main Road, Hepburn as a heritage place (HO987) on a permanent basis and identify it is a place where external paint and prohibited uses permitted controls apply
- amend the Schedule to Clause 72.04 (Documents incorporated in this Planning Scheme) to include the Statement of Significance, Old Hepburn Hotel, 236 Main Road, Hepburn, February 2020 (Statement of Significance) as an incorporated document.

Authorisation

On 19 May 2020, at its Ordinary Council Meeting, Council resolved to request the Minister for Planning to authorise the preparation and exhibition of Amendment C82hepb.

On 22 December 2020, the Minister for Planning authorised Council to prepare and exhibit Amendment C82hepb (subject to generally minor conditions). Furthermore, the letter outlined authorisation for Amendment C79hepb to introduce the Heritage Overlay on an interim basis whilst permanent controls are being sought and assessed through the planning scheme amendment process for Amendment C82hepb.

Interim Protection Extension

On 29 March 2021, Council requested the Minister for Planning to extend the interim Heritage Overlay protecting the Old Hepburn Hotel, on 236 Main Road Hepburn as the original order was due to expire on 30 April 2021 (Amendment C79hepb).

On 14 April 2021, the Minister for Planning's delegate notified Council on its decision to prepare Amendment C85hepb to the Hepburn Planning Scheme and to adopt and approve the amendment. The amendment extended the expiry date of interim Heritage Overlay HO987 for the Old Hepburn Hotel at 236 Main Road, Hepburn until 30 October 2021.

On 17 August 2021, Council received and considered submissions to exhibition of Amendment C82hepb and resolved to request the Minister for Planning appoint an independent planning panel to consider all submissions to the amendment.

On 1 September 2021, a delegate from Planning Panels Victoria advised Council that the Minister for Planning has appointed a one-person Panel to hear and consider submissions for Amendment C82hepb.

On 7 October 2021, Council wrote to the Minister for Planning to request an extension of the interim controls (C86hepb). This request was due to resourcing issues, COVID related delays, and the impact of the Panel hearing for the Planning Scheme Review (Amendment C80hepb), the exhibition of C82hepb was delayed. Amendment C82hepb was exhibited from 4 February to 4 March 2021. Eight objections were received to the amendment.

On 27 October 2021, the Minister for Planning's delegate notified Council on its decision to prepare Amendment C86hepb to the Hepburn Planning Scheme and to adopt and approve the amendment. The amendment extends the expiry date of interim Heritage Overlay HO987 for the Old Hepburn Hotel at 236 Main Road, Hepburn until 30 April 2022.

Panel Hearing

The Minister for Planning's delegate appointed the Panel on 18 October 2021 and confirmed the Directions Hearing date as taking place the week commencing 20 September 2021.

Due to COVID-19 and the associated physical distancing requirements, the Directions and Panel Hearing for Amendment C82hepb took place via video conference.

Deferral of Hearing

At the start of the scheduled Panel Hearing on 18 October 2021, Council sought to call Ms Neylon to provide expert heritage evidence. Panel acknowledged this would require the hearing to be deferred to a date that enabled her evidence to be prepared and circulated to all parties. This would enable Clement-Stone who were representing the landowners of the subject site to fully consider the amended materials, prepare a submission addendum (as it had already circulated its submission) and consider whether it wished to call heritage evidence and to allow time for that evidence to be prepared and circulated. It was later confirmed that it would call Mr Briggs to provide heritage evidence. Given the nature of changes to the Statement of Significance and the late circulation of the Peer Review report and revised Citation, the Panel was of the view that to ensure procedural fairness was provided to 236 Main Road Pty Ltd, it was appropriate to stand the matter down and resume the Hearing to a date agreed by the parties (8 November 2021). There were further Directions circulated to the parties accordingly by the delegate.

The reconstituted Panel Hearing

The one-day hearing for C82hepb was held on Monday 8 November 2021, via video conference. The one-person panel considered all written submissions received to the Amendment, as well as verbal submissions and evidence from:

- Mr Paul Buxton of Plan2Place, who represented Council.
- Ms Annabel Neylon, of Plan Heritage who was called upon by Council to undertake an independent peer review of the Heritage Place Report and to prepare a Citation.
- Ms Angela Mok of Clement-Stone Town Planners acting for 236 Main Road Pty Ltd
- John Briggs of John Briggs Architects Pty Ltd who was called upon by Clement-Stone Town Planners to provide heritage evidence.

The main matters considered during the panel process were:

- the extent of the Heritage Overlay curtilage
- building condition, and whether building is sufficiently intact and possessed sufficient integrity
- whether the place has sufficient heritage significance to justify the application of the Heritage Overlay
- whether the heritage assessment is sufficient to support a case for heritage significance
- financial impact on the owner
- timing of applying the Heritage Overlay
- whether a plaque is a more appropriate way to recognise the building's historic interest.

Council's heritage evidence

Council engaged Ms Annabel Neylon of Plan Heritage to undertake an independent peer review of the Heritage Plan Report and exhibited Statement of Significance. The outcome of this peer review was the preparation of a Peer Review report, revised Citation, and an amended Statement of Significance. In her peer review and evidence, Ms Neylon identified many instances where her opinion differed from the author of the exhibited Statement of Significance. The amended Statement of Significance sought to include as significant elements a mature pear tree and interwar outbuilding to the rear of the hotel building, while the curtilage of the Heritage Overlay was proposed to be expanded. Council proposed that these amended documents substitute the exhibited Amendment documents.

Panel Report

The Panel report was emailed to Council on 17 November 2021. In accordance with section 26 of the *Planning and Environment Act 1987*, the report was sent to submitters and made publicly available on 1 December 2021. A copy of the Panel Report can be found at Attachment 1.

Under Ministerial Direction 15 (MD15) Council has a statutory obligation to make a decision on the Amendment within 40 business days of receiving the Panel Report. However, due to the timing of the receipt of the Panel Report and internal reporting requirements, Council was not able to consider adopting the Amendment within this timeframe. Accordingly, Council officers sought an exemption under MD15 section 5 (requirement sect 4(6) from the Minister for Planning to allow additional time to adopt the Amendment. This was approved by the Minister's delegate on 1 December 2021.

Panel response to key issues

In response to common issues raised in submissions, the Panel found that:

Transformation of the Amendment: Clement-Stone submitted that Council's proposed post exhibition changes to the Statement of Significance and Heritage Overlay curtilage represented a transformation of the Amendment. The intent of the Amendment is to apply the Heritage Overlay to a portion of the site. Nothing has changed in this regard. Council's proposed changes are considered mechanical or technical changes rather than transformational and are typical of changes explored through the Panel process in response to submissions and evidence.

Heritage assessment approach: The issues are whether the methodology applied initially through the Heritage Plan Report and subsequently the Peer Review report and revised Citation was sufficiently robust to support the Amendment and whether the Amendment has been prepared consistent with PPN01. The Panel found the methodology used in the development of the revised Citation by Plan Heritage appropriate and consistent with PPN01 (Planning Practice Note: Applying the Heritage Overlay). The amended Citation and Statement of Significance have been prepared consistent with PPN01 and provide a sound basis for the Amendment.

Policy support: The Amendment is consistent with and supported by the Planning Policy Framework. The potential economic impact on individual landowners is not relevant to the consideration of whether a place is of local heritage significance. The Amendment will provide a net community benefit by protecting a place of local heritage significance for present and future generations.

Building condition and level of intactness: A number of submissions made comments around the apparent heritage significance of the building and considered the building derelict and an eyesore and that the former hotel had been gutted, with little if any historical interest remaining or visible and considered that the building was now unrecognisable from the earlier building. Whilst Panel acknowledged that the building's internal fabric has been substantially altered or removed. This does not impact on its potential significance as no internal controls have been proposed. Furthermore, building condition is not relevant to whether a place is of heritage significance. The extent of building alterations does not significantly reduce the buildings intactness or integrity as a c.1911 hotel building.

Heritage Place Report and Comparative analysis: The Heritage Place Report was prepared by Council's Heritage Adviser. The comparative analysis is confined to a single statement: *Swiss Mountain Hotel Blampied heritage listed and Shiver's Hotel, Shepherds Flat, heritage listed as an archaeological ruin*. The Peer Review report contained comments and recommendations on the exhibited Heritage Place Report and included a revised Heritage Place Report (Citation) and amended Statement of Significance. Mr Briggs acknowledged that the amended Statement of Significance was a vast improvement of the exhibited version. Further, Mr Briggs accepted that it was consistent with PPN01 although he had issues with the level of comparative analysis and basis for including the pear tree and brick interwar outbuilding in the Heritage Overlay curtilage. The Panel concluded the methodology used in the development of the revised Citation by Plan Heritage is appropriate and consistent with PPN01 and provides a sound basis for the Amendment.

Heritage threshold: The key question raised by Mr Briggs was whether the c1911 building was significant and he considered that the revised Citation and amended Statement of Significance included assumptions and did not adequately demonstrate importance. The Panel concluded that the comparative analysis undertaken as part of the revised Citation and set out in Ms Neylon's evidence is appropriate and sufficiently detailed to inform heritage significance threshold considerations.

Interwar outbuilding and pear tree: Mr Briggs considered that the revised Citation did not establish how the interwar outbuilding was important as a later addition and identified that every property of the period probably had fruit trees. The Panel considered that its inclusion in the Statement of Significance as a significant element of the place is too tenuous without further research and support. Similarly, the Panel is not convinced that there is sufficient information to support significance being attributed to the brick interwar period outbuilding more so than other building extensions or structures to the rear of the c1911 building.

Heritage Overlay curtilage: The revised Citation proposes to extend the Heritage Overlay curtilage 6 metres into the road reserve and extend it to align the curtilage of the Heritage Overlay to align with the proposed lot 1 as identified in the endorsed plans for PA1426. After reviewing the statements of the parties, the Panel concluded that the exhibited Heritage Overlay curtilage should be amended and extend into the road reserve to include the verandah and footpath area adjacent to the Main Street elevation of the Old Hepburn Hotel (see Figure 2 for indication of proposed extent).

Specific recommended changes to amend the curtilage of the Heritage Overlay to create a rectangular polygon which extends:

- 2 metres from the existing northern and southern side elevations of the hotel building
- 5 metres from the rear of the c.1911 double gabled hotel building to the point in the Main Road reserve that aligns with the fascia of the existing verandah.



Figure 2 Indicative proposed curtilage for Heritage Overlay at subject site

Panel recommendations

The Panel recommended that Hepburn Planning Scheme Amendment C82hepb be adopted as exhibited subject to the following:

- Amend the Statement of Significance, Old Hepburn Hotel, 236 Main Road, Hepburn, February 2020 consistent with the Panel's preferred version and include a date.
- Amend the Schedule to Clause 72.04 to refer to the amended version of the Statement of Significance.
- Amend the curtilage of the Heritage Overlay to create a rectangular polygon which extends:
 - 2 metres from the existing northern and southern side elevations of the hotel building
 - 5 metres from the rear of the c.1911 double gabled hotel building
 - to the point in the Main Road road reserve that aligns with the fascia of the existing verandah.

Adoption of Amendment documentation

A final version of the revised Heritage Place November 2021 (including the Citation and Statement of Significance) and Planning Scheme Amendment documentation which is recommended for adoption can be found at Attachment 2 and Attachment 3 respectively of this Council Report.

Options for Council

Under the *Planning and Environment Act 1987*, Council must consider all the Panel's recommendations, but it is not obligated to accept them. If in determining to adopt the amendment Council does not accept one or more of the Panel's recommendations, it must provide its reason(s) why.

The options available to Council under the Act are:

1. Option 1: Adopt the Amendment without changes.
2. Option 2: Adopt the Amendment with changes (accepting some or all of the Panel's recommendations).
3. Option 3: Abandon the Amendment.

Adoption of the Amendment without changes (Option 1) is not recommended given the findings of the Panel. In the absence of a balanced consideration of the Panel's findings, the Minister is likely to support the Panel's recommendations.

Adoption of the Amendment with changes (Option 2) is recommended, aligned to the position detailed in the Panel Recommendations.

Abandoning the Amendment (Option 3) is not recommended. The Amendment will ensure our Planning Scheme is up-to-date and facilitate clear and consistent decision making on development applications.

POLICY AND STATUTORY IMPLICATIONS

This application meets Council's obligations as Responsible Authority under the *Planning and Environment Act 1987*.

GOVERNANCE ISSUES

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report.

FINANCIAL IMPLICATIONS

Any application determined by Council or under delegation of Council is subject to appeal rights and may incur costs at VCAT if appealed.

RISK IMPLICATIONS

No risks to Council other than those already identified.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

This planning scheme amendment was released for exhibition as part of the formal amendment process. There were eight (8) submissions received in response to this exhibition period which were referred to an independent planning panel to review.

**Planning
Panels
Victoria**

**Hepburn Planning Scheme Amendment C82hepb
Old Hepburn Hotel**

Panel Report

Planning and Environment Act 1987

17 November 2021

How will this report be used?

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether or not to adopt the Amendment.
[section 27(1) of the *Planning and Environment Act 1987* (the PE Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the PE Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the PE Act]

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the PE Act

Hepburn Planning Scheme Amendment C82hepb

17 November 2021

A handwritten signature in black ink, appearing to read 'Tim Hellsten', written over a light blue grid background.

Tim Hellsten, Chair

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Glossary and abbreviations

amended Statement of Significance	Statement of Significance Old Hepburn Hotel 236 Main Road, Hepburn, October 2021
Council	Hepburn Shire Council
Heritage Place Report	<i>Heritage Place Report, The Old Hepburn Hotel, 236 Main Road, Hepburn Springs</i> , Mandy Jean, Hepburn Heritage Adviser for Shire of Hepburn, February 2020
HO (number)	Heritage Overlay
PE Act	<i>Planning and Environment Act 1987</i>
Peer Review report	<i>Peer Review Heritage Place Report, Old Hepburn Hotel, 236 Main Road, Hepburn</i> , Plan Heritage, October 2021
PPN01	<i>Planning Practice Note 1 Applying the Heritage Overlay</i> (August 2018)
revised Citation	<i>Heritage Place Citation, Old Hepburn Hotel, October 2021</i>
Statement of Significance	exhibited version of <i>Statement of Significance Old Hepburn Hotel 236 Main Road, Hepburn, February 2020</i>

Overview

Amendment summary

The Amendment	Hepburn Planning Scheme Amendment C82hepb
Common name	Old Hepburn Hotel
Brief description	Applies the Heritage Overlay (HO987 Old Hepburn Hotel) on a permanent basis to the Old Hepburn Hotel
Subject land	236 Main Road, Hepburn
Planning Authority	Hepburn Shire Council
Authorisation	22 December 2020 (conditional)
Exhibition	4 February to 4 March 2021
Submissions	Received from: <ol style="list-style-type: none"> 1. 236 Main Road Pty Ltd 2. Graeme Breadmore 3. B Lesman and B Frawley 4. Mel Bird 5. Kathleen Gibson 6. Marilyn Trevorrow 7. Adrian Trevorrow 8. Bryan Johns

Panel process

The Panel	The Panel was reconstituted on the 7 October 2021 with Tim Hellsten (Chair) appointed, replacing Con Tsotsoros who chaired the Directions Hearing
Directions Hearing	By video conference, 22 September 2021
Panel Hearing	By video conference, 18 October and 8 November 2021
Site inspection	12 October 2021, unaccompanied
Parties to the Hearing	Hepburn Shire Council represented by Paul Buxton of Plan2Place who called heritage evidence from Annabel Neylon of Plan Heritage 236 Main Road Pty Ltd represented by Angela Mok of Clement-Stone Town Planners who called heritage evidence from John Briggs of John Briggs Architects Pty Ltd
Citation	Hepburn PSA C82hepb [2021] PPV
Date of this report	17 November 2021

Executive summary

Interim heritage controls were applied to a portion of land at 236 Main Road, Hepburn containing the Old Hepburn Hotel on 10 September 2020 following the gazettal of Hepburn Planning Scheme C79hepb. The application of the interim Heritage Overlay followed an assessment of the site's heritage values in response to an application to demolish the building under Section 29A of the Building Act 1983. The resultant Heritage Place Report prepared by the Shire of Hepburn's Heritage Adviser concluded that the former hotel was significant at the local level for its historic, rarity, research potential and representative values and warranted the application of the Heritage Overlay. The interim Heritage Overlay was extended on 29 October 2021 to 30 April 2022 following the gazettal of Hepburn Planning Scheme C86hepb.

Hepburn Planning Scheme Amendment C82hepb (the Amendment) proposes to apply the Heritage Overlay (HO987) to a portion of the site containing the circa 1911 double gabled hotel building on a permanent basis. Specifically, the Amendment involves:

- identifying the site in the Schedule to Clause 43.01 (Heritage Overlay) and switching on external paint controls and prohibited uses permitted provisions
- identifying the place Statement of Significance as an incorporated document within the Schedule to Clause 72.04 (Documents incorporated in this Planning Scheme).

Key issues raised in submissions included:

- the extent of the Heritage Overlay curtilage
- building condition, and whether the building is sufficiently intact and possessed sufficient integrity
- whether the place has sufficient heritage significance to justify the Heritage Overlay
- whether the heritage assessment is sufficient to support a case for heritage significance
- financial impact on the owner
- timing of applying the Heritage Overlay
- whether a plaque is a more appropriate way to recognise the building's historic interest.

In response to submissions and following the Directions Hearing, Council engaged heritage consultant Annabel Neylon of Plan Heritage to undertake a peer review of the Heritage Plan Report and exhibited Statement of Significance. The outcome of this peer review was the preparation of a Peer Review report, revised Citation and an amended Statement of Significance. The amended Statement of Significance sought to include as significant elements a mature pear tree and interwar outbuilding to the rear of the hotel building, while the curtilage of the Heritage Overlay was proposed to be expanded. Council proposed that these amended documents substitute the exhibited Amendment documents. In response to concerns from the landowner (236 Main Road Pty Ltd) about potential transformation of the Amendment and procedural fairness, the Hearing was deferred to enable Council and the landowner to call heritage evidence.

The Panel concluded that despite the changes, the intent of the Amendment remained the same – that is to apply the Heritage Overlay. Through the Panel, the landowner was able to address its concerns about the Amendment and the proposed changes and test the veracity of the Amendment through evidence and submission. The Panel agrees with the submitter that in some respects the changes proposed by Council were not fully substantiated, although it supports the conclusions of both the Heritage Place Report and the revised Citation that the threshold for historic significance (Hercon Criterion A) is met.

The Panel concludes:

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Hepburn Planning Scheme Amendment C82hepb be adopted as exhibited subject to the following:

- 1. Amend the Statement of Significance, Old Hepburn Hotel, 236 Main Road, Hepburn, February 2020 consistent with the Panel's preferred version in Appendix B and include a date.**
- 2. Amend the Schedule to Clause 72.04 to refer to the amended version of the Statement of Significance.**
- 3. Amend the curtilage of the Heritage Overlay to create a rectangular polygon which extends:**
 - 2 metres from the existing northern and southern side elevations of the hotel building**
 - 5 metres from the rear of the c.1911 double gabled hotel building**
 - to the point in the Main Road road reserve that aligns with the fascia of the existing verandah.**

1 Introduction

1.1 The Amendment

The Amendment proposes to amend the Hepburn Planning Scheme to apply the Heritage Overlay (HO987) on a permanent basis to the Old Hepburn Hotel at 236 Main Road, Hepburn Springs. The Amendment applies to land shown (within blue dashed polygon) in Figure 1 (the subject land) with the curtilage of the Heritage Overlay confined to the 1911 hotel building.

Figure 1 Subject land and exiting extent of interim Heritage Overlay HO987



Specifically, the Amendment proposes to:

- apply the Heritage Overlay (HO987) to the subject land
- amend the Schedule to Clause 43.01 (Heritage Overlay) to include the Old Hepburn Hotel at 236 Main Road, Hepburn as a heritage place (HO987) on a permanent basis and identify it is a place where external paint and prohibited uses permitted controls apply
- amend the Schedule to Clause 72.04 (Documents incorporated in this Planning Scheme) to include the *Statement of Significance, Old Hepburn Hotel, 236 Main Road, Hepburn, February 2020* (Statement of Significance) as an incorporated document.

The weatherboard hotel (Figure 2) was reconstructed in 1911 following its destruction during bushfires in 1909. It is currently vacant, with the use having ceased in 2019). The subject land contains associated outbuildings, a number of trees and a carpark (Figure 3).

Figure 2 Old Hepburn Hotel, 236 Main Road, Hepburn



Source: Google Streetview (Note: internally illuminated signage has been removed since this image was produced)

Figure 3 Aerial image of subject land (VicPlan)



The heritage evidence of Mr Briggs of John Briggs Architects Pty Ltd for 236 Main Road Pty Ltd (submitter 1 and subject landowner) included the following useful summary description of the Old Hepburn Hotel building:

The Old Hepburn Hotel is single storey constructed with timber weather board wall and a pair of trans gable roofs forms with corrugated iron sheets. The roof sheets continue into a front verandah of modestly made timber post construction. The verandah has a concrete floor finish with a steep short ramp on the south side and a longer ramp on the north to the level of the raised internal floor level of the Hotel. There are three doors on the façade, a central recessed entry and one at the north and south ends of the Hotel. In the façade there five windows. Three are matching double hung windows, two either side of the north door and one at the south end, a fixed horizontal profile window north of the recessed entry and a 3 panel window with highlight awnings. At the north and south ends there are two recent additions that have flat roof on the north and a lean two skillion roof on the south addition. The addition walls on the street frontage are timber weather board walls on the lower portion and the upper portion, with sill heights commensurate with the sills of the windows in the original Hotel mass, infilled with glazing.

1.2 Background

Table 1 sets out a chronology of events for the Amendment based on submissions from Council and 236 Main Road Pty Ltd.

Table 1 Chronology of events

Date	Event
9 August 2018	Council approves Planning Permit PA1426 for a 7 lot subdivision, construction of 6 accommodation units and use of part of the existing hotel as a conference centre, reduction in carparking and change to liquor licensing area (commencement time later extended to 9 August 2022)
31 January 2019	Planning application PA2322 lodged for a 12 lot subdivision which included the demolition of the Hotel. Permit not issued pending consideration of heritage issues and Council request on 8 August 2019 for amended proposal which retained the Hotel
October 2019	Council seeks heritage advice on the building from its Heritage Advisor
6 December 2019	Application submitted to Council for demolition under Section 29A of the <i>Building Act 1983</i>
February 2020	<p>The <i>Heritage Place Report, The Old Hepburn Hotel, 236 Main Road, Hepburn Springs</i>, Mandy Jean, Hepburn Heritage Adviser for Shire of Hepburn, February 2020 (Heritage Place Report) completed. It concluded the building was of local heritage significance for its historic, rarity, research potential and representative values and warrants a Heritage Overlay.</p> <p>Permit application PA2322 is subsequently withdrawn</p>
19 February 2020	Council suspends the demolition permit pending amendment of planning scheme pursuant to Section 29B of the Building Act, 1993 and requests the Minister for Planning to apply an interim Heritage Overlay pending preparation of a planning scheme amendment to apply permanent heritage controls. Applicant advised of request on 26 February 2020
17 June 2020	Council approves the <i>Hepburn Heritage Strategy 2020-2030</i>
16 July – 28 August 2020	Exhibition of Amendment C80hepb which proposes to translate the Local Planning Policy Framework to the Planning Policy Framework and implement the Hepburn Planning Scheme Review, February 2020. Among other changes it identifies the Hepburn Heritage Strategy 2020-2030 as a background document and identifies associated further implementation work
10 September 2020	Amendment C79hepb gazetted applying an interim Heritage Overlay to the subject land until 30 April 2021
22 December 2020	<p>Amendment authorised subject to conditions to:</p> <ol style="list-style-type: none"> 1. Delete reference the Heritage Place Report in the Schedule to Clause 72.08 (Background documents) 2. Amend the Statement of Significance to correct the footnote reference to the PA Act and include a date 3. Delete any references to changes to Hepburn Planning Scheme Map No. 28HO 4. Amend the Explanatory Report to enhance content and make corrections relating to Clause 13.02-1S (Bushfire planning), template formatting and correcting references to 'interim

Date	Event
	Heritage Overlay' and Panel Hearing dates. Council advised these conditions had been met prior to exhibition.
4 February – 4 March 2021	Amendment C82hepb exhibited
29 March 2021	Council adopts Amendment C80hepb following consideration of the Panel report – Hepburn PSA C80hepb [2021] PPV
23 April 2021	Amendment C85hepb gazetted, extending the interim heritage control until 30 October 2021
28 April 2021	Council considers submissions and resolves to refer them to Planning Panels Victoria
25 August 2021	Permit applicant applies to amend Planning Permit PA1426 to allow: <ul style="list-style-type: none"> - the construction of 4 dwellings to the rear of the former Hotel building - creation of a 478 square metre lot accommodating the former Hotel - the use of the former Hotel building for Accommodation - and partial demolition and alterations. Consideration of application pending responses to further information request of 21 September 2021
September 2021	Council engages Annabel Neylon (PLAN Heritage) to peer review the Heritage Place Report and to prepare a Citation. Ms Neylon submits the <i>Peer Review Heritage Place Report, Old Hepburn Hotel, 236 Main Road Hepburn, Plan Heritage, October 2021</i> ¹ (Peer Review report) to Council in October 2021. The Peer Review report includes a revised Citation and Statement of Significance
29 October 2021	Amendment C86hepb gazetted extending interim heritage controls to 30 April 2022

1.3 Summary of issues raised in submissions

Council received eight submissions in response to the exhibition of the Amendment. All submissions opposed the Amendment for reasons including:

- the extent of the Heritage Overlay curtilage
- building condition, and whether the building was sufficiently intact and possessed sufficient integrity
- whether the place had sufficient heritage significance to justify the Heritage Overlay
- whether the heritage assessment was sufficient to support a case for heritage significance
- financial impacts on owner
- timing of applying the Heritage Overlay
- whether a plaque was a more appropriate way to recognise the building's historic interest
- cost of the Amendment to ratepayers.

¹ Document 10

In response to submissions, Council proposed no changes to the Amendment and confirmed that it was exhibited Amendment intended that the curtilage of the Heritage Overlay only include the former hotel building with a 3 metre buffer consistent with Amendments C79hepb and C85hepb. Council's Part A submission observed that because the interim Heritage Overlay was already mapped, there was no Planning Scheme Map change proposed by the Amendment and that any submitter confusion was as a result of the Explanatory Report identifying the subject land rather than the Heritage Overlay curtilage.

The cost to ratepayers is not a consideration before the Panel.

1.4 Procedural issues

(i) Amended Statement of Significance and Citation

At the Directions Hearing, the Panel identified a number of potential inconsistencies between the exhibited Statement of Significance and *Planning Practice Note 1 Applying the Heritage Overlay* (August 2018) (PPN01). Its Directions of 29 September 2021 sought that Council provide a revised Statement of Significance which:

- (ii) expresses the 'What is significant?' section more clearly and focuses on responding to the question
- (iii) specifies the relevant criteria letters for each of the identified criterion in the 'How is it significant?' section
- (iv) assigns the relevant criteria letters to relevant content in the 'Why is it significant?' section.

Council's Part A submission² identified that:

- the Peer Review report would be circulated with its Part B submission
- the Citation³ component of the Peer Review report was circulated on 15 October 2021
- an amended *Statement of Significance Old Hepburn Hotel, 236 Main Road Hepburn, October 2021*⁴ (amended Statement of Significance) which was included in the Citation was distributed as part of its Part A submission.

Council's Part B submission⁵ including the Peer Review report was not distributed until late on the evening of 15 October 2021. This was effectively the evening before the scheduled Hearing commencement.

In the context of the proposed Amendment changes and the late distribution of the Part B submission and Peer Review report, the Panel agreed to the request of 236 Main Road Pty Ltd to circulate its written Panel submission on the morning of the scheduled Hearing. The submitter represented by Clement-Stone Town Planners (Clement-Stone) also flagged a potential request to defer the commencement of the Hearing to allow it and the Panel to review the amended material.

Among other changes, the revised Statement of Significance was amended to:

- under 'What is significant' clarify what is significant and what the contributory elements were (expanded to include a 'brick interwar outbuilding' and a 'Mature Pear Tree' to the rear of the main hotel building)

² Document 1

³ Document 5

⁴ Document 2

⁵ Document 9

- under 'Why is it significant' clarify that the place is only significant for its historical significance under PPN01 Criterion A, rather than rarity (Criterion B), research potential (Criterion C) and representativeness (Criterion D).

The revised Citation includes:

- amended History, Description, Thematic context and Comparative Analysis material
- an amended and enlarged Heritage Overlay curtilage
- the application of tree controls to the pear tree.

The exhibited and proposed amended Statement of Significance are included and discussed in Chapter 4 of this Report.

(ii) Deferred Hearing date

At the commencement of the scheduled Hearing on 18 October 2021:

- Council sought to call Ms Neylon to provide evidence. It acknowledged this would require the Hearing to be deferred to a date that enabled her evidence to be prepared and circulated.
- Clement-Stone sought the opportunity to defer the commencement of the Hearing to enable it to fully consider the amended materials, prepare a submission addendum (as it had already circulated its submission) and consider whether it wished to call heritage evidence and to allow time for that evidence to be prepared and circulated. It later confirmed that it would call Mr Briggs to provide heritage evidence.

Given the nature of changes to the Statement of Significance and the late circulation of the Peer Review report and revised Citation, the Panel was of the view that to ensure procedural fairness was provided to 236 Main Road Pty Ltd, it was appropriate to stand the matter down and resume the Hearing to a date agreed by the parties (8 November 2021). The Panel issued further Directions accordingly.⁶

Clement-Stone's submission suggested that, given the changes to the Statement of Significance, the Amendment should be the subject of a new notification process. The Panel did not support this request. The effect of the Amendment, to apply the Heritage Overlay to the place, has not changed. As the landowner was already a party to the Hearing, delaying the matter to undertake further notification was considered to be of little value and unlikely to uncover new issues.

(iii) Transformation of the Amendment

Clement-Stone submitted that Council's proposed post exhibition changes to the Statement of Significance and Heritage Overlay curtilage represented a transformation of the Amendment.

Council submitted:

The revised heritage overlay mapping and statement of significance for Amendment C82hepb continues to be proposed to apply to the land at 236 Main Road, Hepburn. These revised documents do not seek to change the use and development of the land that is sought to be changed by the Amendment (other than in relation to prohibited uses being contemplated for the heritage place which is different to the exhibited Amendment and will be expanded on by Ms Neylon).

⁶ Document 13

Although the mapped area has been expanded to cover the entire property rather than part of it, this is not a transformation of the proposal. The intent of the Amendment has always been to protect the heritage place which is the Old Hepburn Hotel and what is significant for the proposed heritage place.

The revised mapping of HO987 is intended to provide clarity about the heritage significance of the heritage place and the revised statement of significance provides clarity about what is significant and what is not in terms of heritage matters. This actually makes it clearer to the applicant about what should be retained and what can be demolished on the land. This accords with the directions of Planning Practice Note 1 – Applying the Heritage Overlay, August 2018 and A Planning Practitioners Guide to Victorian Planning Schemes, Version 1.4, April 2020.

In the planning authority's view, the revised statement of significance and mapping for HO987 do not transform the Amendment.

The Panel agrees with Council's analysis. The intent of the Amendment is to apply the Heritage Overlay to a portion of the site. Nothing has changed in this regard. Council's proposed changes are considered mechanical or technical changes rather than transformational and are typical of changes explored through the Panel process in response to submissions and evidence. They address aspects of the Amendment documentation that are clearly identified for consideration in PPN01 and raised by the Panel at the Directions Hearing. The affected party (the landowner) has had the opportunity to address these aspects in its submission and through tested evidence and have been considered by the Panel.

The Panel further notes that the amended Statement of Significance reduces the significance criterion (from historic, rarity, representativeness and research potential) to just historic and adds greater clarity to what is significant about the place providing greater certainty. It also retains the proposed 'prohibited uses permitted' functionality which supports adaptive reuse and extends the range of land uses potentially permitted.

1.5 The Panel's approach

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme.

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, and submissions, evidence and other material presented to it during the Hearing. It has reviewed a range of materials, and has had to be selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Planning context
- Strategic justification
- Heritage significance.

2 Planning context

2.1 Planning policy framework

Council submitted that the Amendment is supported by various clauses in the Planning Policy Framework, which the Panel has summarised below.

Victorian planning objectives

The Amendment will implement section 4(1)(d) of the *Planning and Environment Act 1987* (the PE Act) to:

- conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value
- balance the present and future interests of all Victorians.

Planning Policy Framework

The Amendment supports:

- **Clause 15.01-5S** (Neighbourhood character) which seeks to recognise, support and protect neighbourhood character, cultural identity, and sense of place.
- **Clause 15.03-1S** (Heritage conservation) which seeks to ensure the conservation of places of heritage significance. Relevant strategies are:
 - Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.
 - Provide for the protection of natural heritage sites and man-made resources and the maintenance of ecological processes and biological diversity.
 - Provide for the conservation and enhancement of those places which are of, aesthetic, archaeological, architectural, cultural, scientific, or social significance.
 - Encourage appropriate development that respects places with identified heritage values.
 - Retain those elements that contribute to the importance of the heritage place. Encourage the conservation and restoration of contributory elements.
 - Ensure an appropriate setting and context for heritage places is maintained or enhanced.

Clause 21 (the Municipal Strategic Statement)

The Amendment supports the MSS by acknowledging the importance of heritage protection as a significant contributor to preserving Hepburn's character and responding to the objective to *"protect the cultural heritage of Hepburn, while promoting appropriate development opportunities for areas and sites of cultural heritage significance and neighbourhoods of strong residential character"* - Clause 21.09 (Environment and Heritage).

2.2 Central Highlands Regional Growth Plan

The Amendment is consistent with the directions and policy in the Central Highlands Regional Growth Plan, May 2014. In its regional planning principles to guide growth and change the Regional Growth Plan identifies that:

The importance of cultural heritage and landscapes as economic and community assets should be recognised.

2.3 Planning scheme provisions

The subject and adjoining land is located in a General Residential Zone (Schedule 1) the purposes of which are:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

The Heritage Overlay purposes are:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.
- To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

The Heritage Overlay requires a planning permit to demolish, subdivide, build or carry out works. The Heritage Overlay enables its Schedule to specify additional controls for specific trees, painting previously unpainted surfaces, internal alterations and an incorporated plan (which may exempt buildings and works and other changes from requiring a planning permit). The Schedule may also identify if a place can be considered for uses that are otherwise prohibited, subject to a planning permit.

This Amendment proposes to ‘switch on’ the schedule provisions for painting and ‘prohibited uses permitted’, and in its proposed amended form, the provisions for tree controls (for the pear tree).

The Amendment makes no change to the subject land’s existing Zone or other Overlays that apply to the subject and surrounding land (Bushfire Management Overlay and Environmental Significance Overlay).

2.4 Amendment C80hepb

Hepburn Planning Scheme Amendment C80hepb translates the Hepburn Planning Scheme Local Planning Policy Framework (Municipal Strategic Statement and Local Planning Policy Framework) to the Planning Policy Framework (including Municipal planning strategy), implements the Hepburn Planning Scheme Review, February 2020 and the recent reforms to the Victoria Planning Provisions. It is currently being assessed by the Department of Environment, Land, Water and Planning after being adopted by Council in March 2021. Relevant to this Amendment, C80hepb proposes to introduce or revise:

- Clause 02.01 (Context) which states:

The character of settlements within the Shire reflect the varied historical patterns of development including indigenous heritage, early pastoral, 19th Century gold rush, agriculture, industry and forestry. The Shire’s extraordinary 19th Century history is reflected in a vast array of buildings and sites which have local, state and national significance.
- Clause 02.02 (Vision) which seeks to preserve the heritage character and strong sense of place of the townships.
- Clause 02.03-5 (Built Environment and Heritage) which identifies that Council’s strategic directions for built environment and heritage include to: *“Protect the built, natural and cultural heritage to enhance appreciation of the Shire’s history and to maximise opportunities for tourism”*.

- Clause 15.03-1L (Heritage) to guide decision making on places within the Heritage Overlay
- the Schedule to Clause 72.08 (Background Documents) which includes the *Hepburn Heritage Strategy 2020-2030* (Heritage Strategy)
- the Schedule to Clause 74.02 (Further Work) which includes the following further work:
 - Undertake ongoing heritage studies across the Shire based on Council's thematic environmental history commencing with the townships of Clunes, Creswick, Daylesford, Hepburn Springs and Trentham and the settlement of Glenlyon. Update the Schedule to the Heritage Overlay and other planning scheme provisions with study findings as appropriate, including incorporating statements of significance for identified heritage places.

2.5 Hepburn Heritage Strategy

Council adopted the Heritage Strategy on 17 June 2020 which sets out its plan for managing its heritage values to 2030 and replaces the earlier Hepburn Heritage Strategy 2014-2018. It identifies the key environmental history themes of Hepburn Shire including 'Mining and building settlements' and 'Cultural life: Wellbeing and tourism'. The Heritage Strategy states:

Hepburn Shire lies within one of the richest 19th century goldfields of the world. The discovery of gold brought tens of thousands of overseas migrants to the shire. This intense activity has actively shaped the landscape over the last century through the following:

- the building technologies of the Swiss Italians, the timber frame weather board cottages of the miners;
- the distinctive mining infrastructure developed by the Cornish, Italian and German miners;
- other structures such as dry stone walls, large scale c19th gold mining technologies, nineteenth century water hydraulics and terracing for vineyard water management, farm structures such as the extraordinary collection of potato huts in the south of the Shire;
- nineteenth century streetscapes and individual buildings seen throughout the shire;
- nineteenth century landscapes, forestry reserves, public and private gardens and farming systems; and
- distinctive landscaping (Avenues of Honour) and infrastructure developed as a result of the world wars.

The Heritage Strategy actions include:

- undertake a comprehensive thematic environmental history to assist prioritising gaps for potential heritage studies
- undertake heritage 'gaps' studies to provide heritage. Identified gaps include places of social significance including pubs and hotels and individual trees
- on a regular basis review and refine the adequacy of local heritage controls (mapping and content)
- review the Hepburn Heritage Policy 2015
- continue to nominate places for the Victorian Heritage register
- encourage the repurposing of vacant heritage places.

2.6 Ministerial Directions and Practice Notes

Ministerial Directions

The Explanatory Report discusses how the Amendment meets the relevant requirements of:

- Ministerial Direction 11 (Strategic Assessment of Amendments)
- Ministerial Direction (The Form and Content of Planning Schemes pursuant to section 7(5) of The Act) – referred to as Ministerial Directions 7(5) in this Report.

That discussion is not repeated here.

Planning Practice Note 1 – Applying the Heritage Overlay (August 2018)

PPN01 provides guidance about using the Heritage Overlay. It states that the Heritage Overlay should be applied to, among other places:

Places identified in a local heritage study, provided the significance of the place can be shown to justify the application of the overlay.

PPN01 specifies that documentation for each heritage place needs to include a statement of significance that clearly establishes the importance of the place and addresses the heritage criteria. It recognises the following model criteria (the Hercon criteria) that have been adopted for assessing the value of a heritage place:

- Criterion A:** Importance to the course or pattern of our cultural or natural history (historical significance).
- Criterion B:** Possession of uncommon rare or endangered aspects of our cultural or natural history (rarity).
- Criterion C:** Potential to yield information that will contribute to an understanding of our cultural or natural history (research potential).
- Criterion D:** Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments (representativeness).
- Criterion E:** Importance in exhibiting particular aesthetic characteristics (aesthetic significance).
- Criterion F:** Importance in demonstrating a high degree of creative or technical achievement at a particular period (technical significance).
- Criterion G:** Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions (social significance).
- Criterion H:** Special association with the life or works of a person, or group of persons, of importance in our history (associative significance).

PPN01 provides guidance for undertaking an appropriate level of comparative analysis and the application of tree, external paint and prohibited uses permitted controls as proposed in this Amendment.

In relation to establishing the curtilage of a Heritage Overlay, PPN01 identifies:

The Heritage Overlay applies to both the listed heritage item and its associated land. It is usually important to include land surrounding a building, structure, tree or feature of importance to ensure that any development, including subdivision, does not adversely affect the setting, context or significance of the heritage item. The land surrounding the heritage item is known as a 'curtilage' and will be shown as a polygon on the Heritage Overlay map. In many cases, particularly in urban areas and townships, the extent of the curtilage will be the whole of the property (for example, a suburban dwelling and its allotment).

However, there will be occasions where the curtilage and the Heritage Overlay polygon should be reduced in size as the land is of no significance. Reducing the curtilage and the polygon will have the potential benefit of lessening the number of planning permits that are required with advantages to both the landowner and the responsible authority. Examples of situations where a reduction in the curtilage and polygon may be appropriate, include:

1. A homestead on a large farm or pastoral property where it is only the house and/or outbuildings that is important. In most cases with large rural properties, the inclusion

of large areas of surrounding farmland is unlikely to have any positive heritage benefits or outcomes.

...

Suggested steps in establishing a curtilage and polygon include:

1. Review the heritage study documentation and ask the question 'What is significant?'. The polygon should capture those elements of the place that are significant. If there are multiple elements that are widely dispersed on the property, one option may be to have multiple polygons which share the same Heritage Overlay number.
2. In addition to capturing the elements that are significant, it is almost always necessary to include a curtilage (see definition above) to:
 - ...
 - b. retain the setting or context of the significant building, structure, tree or feature
 - c. regulate development (including subdivision) in proximity to the significant building, tree or feature.
3. Where possible, uncomplicated and easily recognised boundaries (such as a fence line) leave little room for potential dispute in terms of the land affected by any future Overlay.
4. Use aerial photos where they exist to assist in identifying a reduced curtilage.
5. Where access is possible, 'ground truthing' may be of assistance.
6. Explain the basis for the reduced curtilage polygon in the heritage study documentation.
7. Where questions might arise in the future as to the extent of the polygon shown on the planning scheme map, use the entry in the Schedule to the Heritage Overlay (i.e. column two) to specify the area covered by the polygon. For example:

"The heritage place is the Moreton Bay Fig Tree and land beneath and beyond the canopy of the tree and extending for a distance of five metres from the canopy edge."

3 Strategic justification

3.1 Background

(i) Heritage Place Report

The Heritage Place Report was prepared by Council's Heritage Adviser. It included an expanded Statement of Significance (identifying Criterion A, B, C and D were met), a Place history linked to the Victorian Framework of Historic Themes, a history of the area and place description, information sources and recommendations. The comparative analysis is confined to a single statement:

Swiss Mountain Hotel Blampied heritage listed and Shiver's Hotel, Shepherds Flat, heritage listed as an archaeological ruin.

The Heritage Place Report did not identify a methodology for its preparation.

(ii) Peer Review report and revised Citation

The Peer Review report contained comments and recommendations on the exhibited Heritage Place Report and included a revised Heritage Place Report (Citation) and amended Statement of Significance.

The Peer Review report concluded that while the Heritage Place Report contained useful information:

- it required substantial revision to provide sufficient justification to demonstrate that the former Hepburn Hotel met the threshold for local significance
- the Statement of Significance was not consistent with PPN01 and current heritage practice
- the assertion that the place meets the threshold for local significance for Criterion B, C and D was not supported, and an alternate Statement of Significance was required
- the proposed Heritage Overlay curtilage was insufficient to provide an appropriate setting or context for the heritage place
- the place history was not logically set out and did not provide sufficient evidence to support the value of historical significance set out in the Statement of Significance. There was an over-emphasis on the Swiss Italian associations with the place that had not been sufficiently justified
- the physical description was too limited to provide adequate understanding of how the values of the place are expressed in the physical fabric, and what elements of the place are important
- the comparative analysis was too limited and does not provide an adequate comparison to support the asserted values
- there was a justifiable basis for applying the Heritage Overlay
- paint controls were supported
- the substantial pear tree to the rear of the hotel contributed to the setting and should be included within the Statement of Significance and additional tree controls apply.

The evidence of Ms Neylon identified the methodology applied to the preparation of the Citation and Statement of Significance which included:

- a site visit

- desktop research including a review of HERMES database sites and a review of existing exhibited materials
- site visits of places in Daylesford and Blampied for the comparative analysis and desktop research undertaken for other comparative analysis sites
- PPN01.

The revised Citation includes:

- an amended Statement of Significance
- an amended history including a contextual, thematic and place history
- a more detailed description with images of original fabric and introduced openings
- a detailed comparative analysis including hotels and vernacular timber hotel buildings
- recommendations to include the pear tree and interwar brick cool room building
- an expanded curtilage.

3.2 Heritage assessment approach

(i) The issues:

The issues are:

- whether the methodology applied initially through the Heritage Plan Report and subsequently the Peer Review report and revised Citation was sufficiently robust to support the Amendment
- whether the Amendment has been prepared consistent with PPN01.

(ii) Evidence and submissions

236 Main Road Pty Ltd was critical that the original Heritage Plan Report and Statement of Significance had not been prepared consistent with PPN01.

Mr Briggs acknowledged that the amended Statement of Significance prepared by Ms Neylon was a vast improvement of the exhibited version. In response to a question from the Panel regarding the methodology and approach applied in the revised Citation, he accepted that it was consistent with PPN01 although he had issues with the level of comparative analysis and basis for including the pear tree and brick interwar outbuilding in the Heritage Overlay curtilage.

Ms Neylon considered that the exhibited Statement of Significance lacked rigour and robustness. Her evidence set out the methodology applied to the preparation of the revised Citation and Statement of Significance and considered that they were prepared in accordance with the Practice Note PPN01 and informed by her extensive experience of undertaking hundreds of heritage place and precinct assessments. While she acknowledged that the exhibited Heritage Place Report did not identify an assessment methodology, this was not an unusual approach to a standalone approach to a section 29A application for demolition.

Council accepted that the exhibited version of the Statement of Significance was not sufficiently robust and did not accord with PPN01. It adopted all the changes to it identified in Ms Neylon's Peer Review report, revised Citation and amended Statement of Significance. It considered the amended version of the Statement of Significance was consistent with PPN01 and provided an appropriate basis to support the application of the Heritage Overlay.

(iii) Discussion

The Panel considers the methodology used in the development of the revised Citation by Plan Heritage is appropriate and consistent with PPN01.

The amended Citation and Statement of Significance as prepared by Ms Neylon are a significant improvement on the exhibited version. The documents:

- are sufficiently comprehensive and robust and consistent with good heritage practice
- has been prepared in a manner consistent with PPN01
- address concerns raised by the Panel about its content at the Directions Hearing and through its written directions
- is clearer and easier to understand what is important about the place
- provide a sound foundation for the Amendment
- will be of greater assistance to decision making and site management.

(iv) Findings

The Panel finds:

- The methodology used in the development of the revised Citation by Plan Heritage is appropriate and consistent with PPN01.
- The amended Citation and Statement of Significance have been prepared consistent with PPN01 and provide a sound basis for the Amendment.

3.3 Policy support**(i) The issues**

The issues are:

- whether the Amendment is consistent with, and supported by, the Planning Policy Framework
- is consistent with the relevant Ministerial Directions
- is generally strategically justified.

(ii) Evidence and submissions

Submission 6 considered that applying the Heritage Overlay would be “*unfair financially*” to the landowner, while submission 3 considered that it would have adverse economic impacts including deterring investment in the municipality.

Submission 2 considered that:

- retaining the buildings for a commercial use was inconsistent with the residential setting
- a residential outcome for the site was more consistent with its Residential zoning and would address a shortage of affordable housing.

While not suggesting there was an absence of strategic justification to apply a Heritage Overlay, 236 Main Road Pty Ltd was critical that in this instance insufficient strategic work had been undertaken to support permanent heritage controls to the site. This was particularly the case where there were strategic knowledge gaps as acknowledged through the Heritage Strategy and Amendment C80hepb. It considered in the absence of wider studies, the question about whether the demolition of the building would undermine the integrity, character and significance of the Shire or represent an appreciable loss would remain.

In the absence of a municipal wide study, Mr Briggs considered that it was unclear what the value of Edwardian era buildings were to Hepburn and the municipality.

236 Main Road Pty Ltd noted the subject land was in the Bushfire Management Overlay and a Bushfire Prone Area. It considered a requirement to effectively introduce tree removal controls as inconsistent with and contrary to the provisions of Clause 13.02-1S (Bushfire planning) which prioritises the protection of human life. It said the removal of vegetation within 10 metres of an existing building used for accommodation within bushfire prone areas (which would apply in this instance) would not require a planning permit pursuant to Clause 52.12 (Bushfire protection exemptions).

Council acknowledged that applying the Heritage Overlay on a permanent basis may have an adverse economic impact by constraining development of the site. However, because it would only apply to a portion of the site, opportunity remained on the balance of the site for other development to be explored. It explained the Heritage Overlay did not prohibit demolition or alteration with future alterations able to be considered through the planning permit process, and that the allowance for prohibited uses to be permitted "*liberalised*" the planning controls and potential for adaptive reuse of the building. Council submitted that the retention and conservation of the Old Hepburn Hotel could potentially generate highly resolved and innovative architectural solutions and create opportunities for small business with direct user benefits through tourism. It is considered that any economic effects would be offset by the contribution that the heritage place offers to the broader community and economy.

Council submitted that its Heritage Strategy did not reference the Old Hepburn Hotel and that it was just one of numerous heritage sites for which it did not have the current resources and capacity to assess. It noted that one of sites such as this were not always captured in municipal or area wide studies. The genesis for this Amendment was as a result of an application to demolish the building that otherwise it understood to be incorporated into the redevelopment and subdivision of the site. This did not mean that the Amendment was undertaken in the absence of a strategic framework.

Council considered the Amendment to be strategically justified and supported by State and local planning policy. While noting potential permit exemptions for tree removal, it identified that the pear tree was identified for its significance to the place rather than its amenity value and that the Amendment was consistent with Clause 13.02-1S. In the context of the approved and proposed site development it considered the issue of a single exotic fruit tree of marginal fire risk. More generally it submitted that Clause 13.02-1S had been properly considered in the Explanatory Report which identified:

The property is within the designated Bushfire Prone Area and is also subject to Schedule 1 to the Bushfire Management Overlay. The amendment is consistent with Clause 13.02-1S Bushfire planning ... This amendment will not facilitate the development of any new structure in an exposed setting. The subject land is within a developed residential area and any additional development will have an inconsequential impact on bush fire risk in a wider local context. Any potential new land uses facilitated by this amendment will not significantly increase the intensity of development for the heritage site. Hence the changes proposed by this amendment will not result in any increase to the risk to life as a priority, property, community infrastructure and the natural environment from bushfire.

(iii) Discussion

The Panel recognises that applying the Heritage Overlay which imposes additional controls and decision making considerations, should be soundly based and justified.

In considering whether the Amendment is strategically justified, the Panel observes that there is a tension between the application of heritage polices and those seeking economic activity and housing development. Accordingly, this requires the Panel to consider the objectives of the PE Act including the social and economic impacts of the Amendment and balance the various policy considerations in favour of net community benefit and sustainable development for the benefit of present and future generations.

While a municipal thematic environmental history would be a useful starting point for the Amendment, the fact that one does not exist is not a reason to not apply a Heritage Overlay. Nor is the fact that there is no municipal wide heritage study that focuses Hepburn or identifies this place. Indeed, it is not unusual for places to be missed even in comprehensive municipal wide studies or for buildings not previously identified to come forward as candidates as new information is available or new values appreciated and better understood. Or as in this case, in the absence of information, for an assessment to be conducted when the building is proposed to be demolished. Council's adoption of a Heritage Strategy and identification of further work through Amendment C80hepb is a strong indicator that within the municipality there is a recognition of the value of heritage to its character. Council is encouraged to undertake this work.

The potential economic impact of the application of the Heritage Overlay on the site was not the subject of evidence or progressed in submissions by 236 Main Road Pty Ltd. Regardless, they are not the types of broader community economic impacts contemplated in the PE Act. The application of the Heritage Overlay does not prohibit demolition, alterations or development, but instead introduces a control to assist in managing heritage places. The planning permit process under the Heritage Overlay appropriately provides the opportunity for a range of economic, social and other policy considerations to be weighed up alongside heritage considerations.

The Panel considers that the application of a Heritage Overlay (where the threshold of significance can be established) is consistent with the PE Act and both Clause 15.03-1 and Clause 21.09. The proposed Municipal planning strategy proposed to be introduced through Amendment C80hepb further articulates the important contribution of heritage to the character of the municipality.

The Panel considers that the Amendment will achieve an appropriate balance between protecting places of local heritage significance for future generations and ensuring that its other planning objectives can be achieved.

(iv) Findings

The Panel finds:

- The Amendment is consistent with, and supported by, the Planning Policy Framework.
- The potential economic impact on individual land owners is not relevant to the consideration of whether a place is of local heritage significance.
- The Amendment will provide a net community benefit by protecting a place of local heritage significance for present and future generations.

3.4 Conclusions

For the reasons set out in the following chapters, the Panel concludes that the Amendment:

- is supported by, and implements, the relevant sections of the Planning Policy Framework
- is consistent with the relevant Ministerial Directions and Practice Notes
- is well founded and strategically justified
- will deliver net community benefit and sustainable development, as required by Clause 71.02-3
- should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

4 Heritage significance

4.1 The issues

The issues are:

- whether the Old Hepburn Hotel is sufficiently intact and has the appropriate level of integrity
- whether the level comparative analysis is appropriate
- whether the Old Hepburn Hotel meets the threshold of heritage significance and a Heritage Overlay is warranted
- whether the Statement of Significance should be amended to identify the mature pear tree and interwar brick outbuilding as significant place elements, and other changes identified in the Peer Review report
- if the Old Hepburn Hotel is of local heritage significance, what is the appropriate Heritage Overlay curtilage.

4.2 Background

(i) Exhibited Statement of Significance

Exhibited Statement of Significance



What is significant?

The following features contribute to the significance of the place:

The Old Hepburn Hotel operated as a hotel on this site from 1854 to 2018. It was purchased by Abel Menz in 1864 and serviced the Swiss Italian gold mining community as a general store, restaurant and hotel. The original building was largely destroyed by fire in 1909 and rebuilt by Amalie Menz in 1911 to the original design.

- The long single storey weatherboard timber building with a double gable roof, which defines the two main rectangular timber structures and is clad with corrugated metal. The several front doors and windows that open directly onto the continuous skillion roofed front verandah. The open timber verandah raised above the public footpath.
- The simple layout of internal rooms which have been adapted organically through small incremental changes, that reflects the changing needs of the business over a century. These changes present visually as a patterned and textured timber weatherboard exterior facade where doors and windows are of different sizes.
- The building's landmark presence in the streetscape, sited overlooking Breakneck Gorge.

Features that do not contribute to the significance of this place include the circa 1950s side addition and the rear assortment of additions.

How is it significant?

The Old Hepburn Hotel is of local historic, rarity and representative significance to Hepburn Shire as well as its significant potential to yield further information about Hepburn Shire.

Why is it significant?

It has historical significance for its associations with the German and Swiss Italian gold miners, who were attracted to the Daylesford, Hepburn Springs, Jim Crow, Yandoit and Shepherd Flats gold fields in the 1850s and 1860s. The property was located at the Old Racecourse settlement near Breakneck Gorge on Springs Creek, the earliest recorded Swiss Italian gold mining settlement.

It has historic and rarity values as one of the longest operating hotels in the region, first established as a licensed general store in 1854 by Buttner and Hallenstein, who sold the property to Leonardo Pozzi and later to Alessandro Moneghetti, two of the first Swiss Italians to arrive in the district in the 1850s. The place was acquired in 1861 by the German speaking Abel Menz who operated the place as the Menz Hotel and General Store. He later purchased the complex in 1864, renaming it the Old Racecourse Hotel. The hotel became known as the Old Hepburn Hotel by the early 20th century. It is associated with Abel Menz and his second wife, Amalie Menz, for over 90 years from 1861 to 1953. It is a rare surviving example of a single storey timber weatherboard hotel, where the operating business dates from 1854 during the early gold rush period of the Hepburn Springs goldfields to the 21st century.

It has significance for the high potential of the site and building to yield further information about the history of Swiss Italian and German migration to the area.

It has high representative value as a typical German/Swiss vernacular styled hotel and licensed general store that is associated with early German and Swiss migrant hoteliers. The building was rebuilt after the bush fires of 1909 in 1911 by Amalie Menz to the early design of the hotel constructed by her husband, Abel Menz. The vernacular building tradition continues the function and rural design associated with the Buttner and Hallenstein General Store, the Pozzi Hotel and the Menz Hotel and General Store and the Old Racecourse Hotel. It is representative of a specific type of small gold rush hotel, of which few remain. There are only a few similar Swiss Italian Hotels in the Hepburn Shire such as the Swiss Mountain Hotel and Traverssi's Hotel in Raglan Street, Daylesford. Hepburn Springs and Daylesford have strong historic associations as a centre for the mid-19th century migration of Swiss Italians to Victoria.

(ii) Amended Statement of Significance and revised Citation**Amended Statement of Significance****What is significant?**

The Old Hepburn Hotel, 236 Main Road, Hepburn, constructed c.1911 is significant.

The elements contributing to the significance include:

- The double gabled hotel building fronting Main Road (c.1911)

- The modest gabled brick interwar outbuilding
 - Mature Pear Tree to the rear of the site.
- Post 1945 alterations and additions are not significant

How is it significant?

The Old Hepburn Hotel is of local historical significance to the Hepburn Shire.

Why is it significant?

The Old Hepburn Hotel at 236 Main Road Hepburn is of local historical significance as an example of the vernacular timber stores and hotels which sprung up along the principal routes to the goldfields around Hepburn and Daylesford in the mid nineteenth century. The first licensed store was established on this site in 1854 by Isaac Hallenstein and his business partner Mr. Burnett and provided a continuous service as store and hotel to the nearby Swiss Italian and Chinese populations working the Breakneck Gorge diggings until the late nineteenth century, and then the village of Hepburn as it emerged as a new service center for the local agricultural, horticultural and service industries which emerged after the demise of gold. The hotel, reconstructed in 1911 continued to serve this function, almost continually until its closure in 2019, demonstrating almost 165 years of continuous service to the Hepburn community on this site. **(Criterion A)**

Reconstructed in 1911, the hotel is of historical significance as a distinctive and contra indicative example of the tradition of upgrading, rebuilding and modernizing early hotel buildings seen across the municipality from as early as c.1865. Rather than rebuilding in a modern style after the fire, the owner, Mrs. Amelie Menz chose to construct a simple vernacular timber structure which was stylistically Victorian in its composition, form and materials, rather than constructing a new and fashionable Edwardian iteration of the structure. This is believed to be because the new hotel was re-constructed to a similar design to the original 1860s building which was destroyed. The Victorian brick chimneys of the earlier structure have been incorporated into the c.1911 building, which supports this theory. Comparable examples of vernacular 1850s and 1860s hotels associated with goldfields within the municipality demonstrate similar forms, characteristics and materials to the c.1911 Old Hepburn Hotel. **(Criterion A)**

The revised Citation includes images of the interwar outbuilding and pear tree (Figure 4).

Figure 4 Interwar outbuilding and pear tree



4.3 Building condition and level of intactness

(i) Citation

The revised Citation identifies that the hotel building retains three of the original double hung timber sash windows and the green-coloured textured glass fanlights for the three original doorways, with only the southernmost door with original fanlight remains intact. It identifies other building alterations including:

- the removal of the paired doorways situated in the centre of the façade with a pair of multipaned timber doors introduced
- a large built-up section of concrete walkway with a simple handrail across the front of the façade
- the timber verandah posts appear to have been replaced with simple chamfered square edged posts submerged into the concrete walkway
- Twentieth century weatherboard, skillion roofed additions to the north and south elevations
- to the rear of the building, a number of single storey vernacular outbuildings of twentieth century construction, including outdoor stage, storage sheds and a carport.

(ii) Evidence and submission

Submissions 2 and 5 considered the building derelict and an eyesore.

Submission 7 identified that the former hotel had been gutted, with little if any historical interest remaining or visible. Submission 6 considered the building was now unrecognisable from the earlier building. Submission 3 identified that the place had undergone significant renovations and that it was unclear how it could yield further information about the history of the Swiss Italian and German migration to the area.

Given the extent of internal and external changes, submissions 5 and 6 considered the building should be demolished with any heritage values recognised with a plaque. Submission 6 made similar observations suggesting capturing oral history and images from previous owners, workers, clientele and local clubs associated with the hotel as an alternative to its retention.

236 Main Road Pty Ltd submitted that the building had been extensively altered including opening up internal spaces through the removal of internal walls to accommodate the previous use of the building as a live music venue. It considered that the Amendment documentation did not acknowledge that extensive internal and external alterations to the building have been carried out over time, save for the side and rear additions. It characterised that the building was effectively a *“ghost of a Victorian building”*.

Mr Briggs considered the building to be just a shell and provided photographs showing the removal of extensive internal materials including walls and portions of the two chimneys.⁷

The evidence of Ms Neylon identified that the revised Citation set out the range of building alterations including building additions to the side and rear, insertion of two windows and double doors and elevated concrete ramp. She considered these changes were within the normal range (compared to other places in the municipality) and did not reduce the integrity of the building to

⁷ Document 19

prohibit the understanding of it as an early hotel, nor did they compromise the historical significance of the place. She stated that *“the original roof form, footprint, wall and roof cladding and chimneys survive, as do numerous windows and one door and three fanlights on the façade”*. Ms Neylon accepted that some parts of the building were in poor condition particularly where water ingress had occurred to sub floor and wall framing on the northern elevation but this was normal for a building 110 years old. In relation to internal alterations, she noted that no internal controls were proposed.

Ms Neylon considered a number of the building alterations reversible including:

- the introduced multipaned timber doors, with the reinstatement of the original paired doorways given the position and integrity of the original fanlights
- the additions to the rear and sides of the building which were largely constructed of timber and galvanised corrugated steel and set below the gable line of the c.1911 building, noting the original southern wall and cladding remains internally internal southern wall.

Council acknowledged the alterations to the building and that not much of the interior remained but considered that the building remained largely intact and that its integrity remained.

(iii) Discussion and conclusions

The condition of the building is not relevant when assessing whether the place is significant. Building condition is a consideration at the planning permit stage and is a different concept to intactness which is relevant to the wider issue of building integrity. Intactness relates to the degree to which a place retains significant fabric, while integrity refers to the degree to which the heritage values of a place can be understood and appreciated. Intactness and integrity are therefore factors that are appropriately considered when assessing significance but not in and of themselves determinative of significance. While a greater level of intactness can result in a greater level of integrity, diminished intactness does not necessarily result in a loss of integrity, depending on the extent to which the heritage values of a place can still be understood and appreciated. Intactness is therefore likely to be more important in the case of Criterion D (representative) than Criterion A (historic).

The Panel acknowledges that the buildings internal fabric has been substantially altered or removed. This does not impact on its potential significance as no internal controls have been proposed.

The building has been extended and the façade altered with the addition of windows and alterations to doors and verandah posts likely replaced. However, these changes have not significantly reduced its level of intactness. The c1911 building is clearly legible, including its roof form and chimneys and remnant façade fabric. The degree to which these changes compromise the buildings historic significance is discussed in Chapter 4.5.

The Panel concludes that:

- Building condition is not relevant to whether a place is of heritage significance.
- The extent of building alterations does not significantly reduce the buildings intactness or integrity as a c.1911 hotel building.

4.4 Comparative analysis

(i) Citation

The revised Citation agreed with the Heritage Place Report that most comparable direct example is the Swiss Mountain Hotel, Blampeid (HO391) a single storey hotel building located on the corner of Midland Highway and Treweeks Road. The revised Citation however includes additional comparators and analysis including for the:

- former Athens Hotel and Store, Daylesford (HO382)
- former Railway Hotel, Fern Hill (HO865)
- Old Cosmopolitan Hotel, Trentham (HO346).

(ii) Evidence and submissions

Mr Briggs considered the comparative analysis:

- did not establish the significance of the hotel building, the interwar outbuilding or the pear tree
- had been prepared on the assumption *“that the existing building design in detail and form had, or has, value stemming from its purported reference to its 19th century predecessor on the site, or a vernacular tradition – Swiss or otherwise”*, which had not been demonstrated
- was inadequate to rely on comparators that were all from the Victorian period
- should have surveyed other humble timber buildings from the early twentieth century including houses, shops and shearing sheds given significance was being attributed to the c.1911 Edwardian era building rather than a building built in the Victorian period.

Mr Briggs stated that there were buildings constructed in Hepburn in the early twentieth century that demonstrated aspects of this period and pattern of history of development as eloquently as the 1911 hotel. This included the Edwardian house at 233 Main Road (which was not in the Heritage Overlay). He also identified other nearby Victorian era cottages (3 and 5 Fifteenth Street) that he considered more intact and representative of the Victoria era. He further identified that the comparative analysis failed to include anything relating to the interwar outbuilding or pear tree.

236 Main Road Pty Ltd considered that a comparative analysis should involve the consideration of places with at least the equivalent potential. It submitted that the comparative analysis lacked explanation as to why some buildings were more suitable at demonstrating a particular era of development than others. This included interwar outbuildings and early 1900s hotels. It identified that there were other examples of buildings of the same form and age as the hotel, such as the dwelling at 233 Main Road, Hepburn, which were similar in terms of architectural quality or integrity that had not been identified or assessed. It concluded the comparative analysis was limited and failed to justify a conclusion of local historic significance. A similar criticism applied to its failure to demonstrate the importance of the pear tree.

Ms Neylon agreed that the Heritage Place Report comparative analysis was insufficient. She considered her approach in the revised Citation was rigorous and included appropriate comparative examples. She considered comparison with other Edwardian hotels which were two storeys in height was not appropriate given they were different stylistically and in terms of detailing. The Old Hepburn Hotel however, was of interest because it read as a nineteenth century

simple vernacular building, with the Swiss Mountain Hotel the closest comparator in terms of vernacular form and materials.

(iii) Discussion

A comparative analysis is an important step in determining whether the threshold of heritage significance is reached. It provides for an understanding and qualitative assessment of the relative quality and value of a place and whether it compares favourably with similar places in terms of architectural quality, remaining intactness and integrity, and their ability to demonstrate key characteristics or stylistic and technical developments of a period. It requires more than a list of places to serve this task.

PPN01 confirms the role of the comparative analysis, identifying that to apply a threshold:

... some comparative analysis will be required to substantiate the significance of each place. The comparative analysis should draw on other similar places within the study area, including those previously included in a heritage register or overlay.

PPN01 does not identify what level of analysis is required, nor does it limit the analysis to just those places within a Heritage Overlay. This is particularly the case where there may not be many similar places within the Heritage Overlay for a range of reasons including lack of heritage studies or focus on other era or themes. What is required is some level of analysis. This was not explored in the Heritage Place Report. However, the revised Citation applied some rigour and analysis to this exercise, despite their being differences between the experts in the period and class of places to be included in that analysis.

The process of comparative analysis for local level significance does not require places to be better than others but they should compare at least as well as others that are similar phase, era or class. This is important to ensure the integrity of existing places included in the Heritage Overlay is not diminished. It also ensures that it is not just the more decorative and highly intact buildings are identified but also allows for the humbler, simple vernacular places to be recognised as contributing to the heritage significance of a municipality or town.

PPN01 does not just restrict the comparative analysis to places in the Heritage Overlay. In this instance, the absence of a more comprehensive heritage study or thematic environmental history should not limit the ability to identify places as significant. The fact that there might be other buildings in Hepburn that might demonstrate the Edwardian period equally or better as suggested by Mr Briggs but have not yet been identified is speculative. It might be of interest but should not be important or determinative in establishing significance. Not all places of a similar era or similar class or type will necessarily be relevant comparators.

The Panel considers that, while the comparative analysis included in the Heritage Place Report included inadequate analysis, the revised Citation includes a more thorough and detailed comparative analysis. Whether it supports a case for the heritage significance threshold to be met is discussed below.

(iv) Conclusion

The Panel concludes that the comparative analysis undertaken as part of the revised Citation and set out in Ms Neylon's evidence is appropriate and sufficiently detailed to inform heritage significance threshold considerations.

4.5 Heritage threshold

(i) Evidence and submissions

Old Hepburn Hotel

For Mr Briggs, the key question was whether the c1911 building was significant. While he was not definitive that the threshold of Criterion A was not met, he considered that the revised Citation and amended Statement of Significance included assumptions and did not adequately demonstrate importance. He was of the view that there remained insufficient evidence to support the position that the place was significant rather than just of interest. Mr Briggs considered that PPN01 required more than this and that the heritage assessment exercise needed to clearly justify significance and clearly establish importance. He said the bar had been set to low in this instance.

Mr Briggs accepted that, while the Edwardian period continued to be one of importance to the development of Hepburn, it was evident that not all buildings from this period are included in, or proposed for inclusion, in the Heritage Overlay. He considered the hotel needed to have higher heritage importance than other buildings of the period that retained their integrity) as they presented to the public domain. This required a significance threshold to be established that was below the subject building but above neighbouring buildings of similar or greater age. He did not consider this to be the case for the Old Hepburn Hotel.

Mr Briggs considered the history use of the building as a hotel was a matter of record rather than the *“embodiment in any heritage fabric”* and this did not impart any historical value to the building. While he considered that the Edwardian building having survived for a century made it a prima facie candidate for consideration under Criterion A, the comparative analysis had not established this. He said the position that the building was a *“distinctive and contra indicative example of the tradition of upgrading, rebuilding and modernising early hotel buildings seen across the municipality from as early as c.1865”* had no thematic environmental history positioning and was based on unsupported assertion or assumption.

Mr Briggs identified several assumptions in the Statement of Significance to emphasise his point. These included (his underlining) under ‘Why it is significant’:

Mrs. Amelie Menz chose to construct a simple vernacular timber structure which was stylistically Victorian in its composition, form and materials, rather than constructing a new and fashionable Edwardian iteration of the structure. This is believed to be because the new hotel was re-constructed to a similar design to the original 1860s building which was destroyed. The Victorian brick chimneys of the earlier structure have been incorporated into the c.1911 building, which supports this theory.

Mr Briggs considered that it was conjecture that to attribute significance based on belief. He identified that many Edwardian chimneys were constructed around 1911 in a form adopting the Victorian precedent and suggested they were rebuilt in part from remnant bricks from the original chimneys. He provided photos which he said supported this position. He was also of the view that the choice of style adopted in the construction of the 1911 hotel could equally have been a result of insurance payout limitations or requirements.

Mr Briggs considered what remained was an old, low budget building, of simple unadorned form with typical features, that demonstrated nothing of a Victorian era building other than its form (as a shell) and simplicity which could be equally attributed to a shop. What was left today was not the former hotel from 1911. He considered it a place of interest rather than importance and which

could tell nothing to the observer or the public about its period or significance in the absence of experts and documentation.

236 Main Road Pty Ltd relying on the evidence of Mr Briggs, submitted that Council did not demonstrate that Criterion A had been met. While critical of the exhibited Statement of Significance's attribution of Criterion B, C and D and the Swiss Italian association it acknowledged much of this material had been removed in the amended version. The submission considered that the hotel building was not exceptional and did not form part of the original built form of nineteenth century Daylesford/Hepburn. Rather, it was a reconstructed building that was a ghost of a Victorian, nineteenth century pub, rather than an Edwardian period pub.

Ms Neylon identified the basis on which she considered the thresholds for Criterion B, C and D were either incorrectly applied in the Heritage Place Report or were not met. She also identified that some aspects made out in the exhibited Statement of Significance for Criterion A such as the were not demonstrated in the Heritage Place Report. However, she considered that despite the difference between the two assessments they both concluded that the threshold for local significance was achieved, and it was only necessary to satisfy one criterion. Ms Neylon considered that the revised Citation supported the position that the place was of local heritage significance by satisfying Criteria A. It was also notable that the building was 110 years old and had been used for a significant period as a hotel, a use which extended to the earlier building on the site.

Ms Neylon considered many of the building's alterations to be reversible and mostly attributed to non-contributory fabric, concluding the changes did not result in low integrity or the understanding of the place. She considered the historical association was still clearly evident in the fabric. In response to cross examination, she considered the building closely associated with the Victorian integrity of Main Road and Hepburn and was representative of the Victorian vernacular through its simple form and lack of elaborate detail.

Council submitted that the key difference between the evidence of Ms Neylon and Mr Briggs was whether the Old Hepburn Hotel was an Edwardian or Victorian building. It considered that this was "*splitting hairs*". It said there was no argument that the original Victorian hotel was reconstructed in the Edwardian era. It was done so however in the Victorian style.

Council concluded that the threshold of Criterion A was made. It considered that the building was an important part of the story of the township and its early formation and the influence of the goldfields.

Interwar outbuilding and pear tree

Mr Briggs considered that the revised Citation did not establish how the interwar outbuilding was important as a later addition. He identified that every property of the period probably had fruit trees. The identification of the pear tree, while mature, as significant was not justified through comparative analysis and was inconsistent with PPN01 which identified:

Tree controls should only be applied where there has been a proper assessment.

The statement of significance for the heritage place should identify the particular trees that are significant (under "What is significant?") and why the tree or trees are important.

This control is designed to protect trees that are of intrinsic significance (such as trees that are included on the National Trust Heritage Register), or trees that contribute to the significance of a heritage place (for example, trees that contribute to the significance of a garden or area). The control is not meant to protect trees for their amenity value.

Regarding the interwar outbuilding, 236 Main Road Pty Ltd submitted that it was not clear how an interwar structure contributed to a building that was stylistically Victorian.

It submitted that while it acknowledged Ms Neylon had some horticultural knowledge, there was no arborist report to substantiate the tree's importance. There was no evidence to suggest there was an orchard present associated with the hotel prior to 1911 or that the tree was significant in its own right rather than its association with the hotel. It submitted that the aerial images in Ms Neylon's evidence identified the presence of only one fruit tree.

Ms Neylon considered that the brick interwar outbuilding, which could be a cool room, demonstrated early use of the hotel and its change over time.

Ms Neylon's evidence included aerial images which showed that the pear tree in situ as a mature specimen in 1946. Based on her horticultural experience and qualifications, she considered that this meant that the tree was likely to date from the 1900s based on the growth pattern of fruit trees. Her evidence described the pear tree as an early surviving tree, which based on research was considered to be typical of many of the hotels and stores along Main Road that had orchards planted to the rear (prior to the bushfires).

(ii) Discussion

Old Hepburn Hotel

Both experts agreed that the thresholds for Criterion B, C and D as made out in the exhibited Statement of Significance were not met. The Panel agrees with the rationale and conclusion of the Peer Review report that these criteria are not met and that aspects of support for the threshold of Criterion A being reached, such as the Swiss Italian connection, were not substantiated.

In relation to Criterion A, PPN01 requires "**Importance** to the course or pattern of our cultural or natural history" [Panel's emphasis] to be established.

While this is largely a matter on judgement based on the information before it, the Panel is mindful, as submitted by 236 Main Road Pty Ltd and through the evidence of Mr Briggs, that this importance should be clearly established. There are several factors that have informed the Panel's view that the threshold for Criterion A is satisfied, at least for the c.1911 structure. These include its level of intactness and integrity, its period of occupation as a hotel and association with the Edwardian period of Hepburn's development but also its Victorian era stylistic attributes as well as the comparative analysis.

The Panel considers that the amended Statement of Significance appropriately observes that the Old Hepburn Hotel was constructed in c.1911 and in a form adopting the simple Victorian vernacular form typical of buildings of this era including hotels. This identifies it squarely as an Edwardian era building but one that adopted Victorian era attributes. This was not disputed. The difference between the experts was whether the building in and of itself is:

- an important Edwardian building in the context of Hepburn and the municipality
- important as a distinctive and contra indicative example which demonstrates an association with the Victorian era.

Ultimately the Panel does not think this distinction is significant or that it must be either a Victorian (by style) or Edwardian (by date) era building. The significance of the place under Criterion A is not relying on it demonstrating importance to the Victorian era by way of its construction period or reconstructed Victorian era use of form and fabric.

The Panel considers that the revised Citation comparative analysis supports the conclusion that the building is unusual and distinctive as a result of its form and wider role in telling the story of the early development of the Hepburn township extending back to the goldfields period and extending through its Edwardian era construction and long continuous period of use as a hotel. Buildings do not need to be grand or highly intact examples to be important. Humble, simpler structures also have a role to play in understanding the history of a place.

That is not to say all buildings of that period will be important to telling that story but based on the evidence and revised Citation, the Panel is satisfied that that importance has been adequately demonstrated. It remains a building that is reasonably intact and with an appropriate level of integrity that echoes the goldfields period that is identified as significant to the municipality. While it might be a simple, vernacular structure it clearly presents as a hotel building and the additions to it can clearly be distinguished from earlier fabric. While some documentation maybe required for the casual observer or general public to understand its later period of construction this adds to its interest rather than counts against it. From this perspective comparing the building just with Edwardian structures is not particularly useful, while the comparative an analysis does provide sufficient analysis to support the building's importance.

The Panel makes the general observation that preparing a municipal wide or township thematic environmental history would reduce the level of uncertainty when considering whether places are of individual local level significance particularly for Criterion A.

The Panel prefers the amended Statement of Significance to the exhibited version which is inconsistent with PPN01. The amended version is supported by the revised Citation which is more comprehensive than the version included in the Heritage Place Report. This is not to say that the Panel would have been reluctant to support the Amendment based on the exhibited version, however it agrees with the conclusions of the Peer Review report that the Old Hepburn Hotel does not meet the thresholds of Criterion B, C or D.

The Panel agrees with Mr Briggs that the Statement of Significance under 'Why is it Significant?' utilises phrases that are based on unqualified assertions. These should be removed or qualified. The Panel considers it reasonable to assume Ms Menz chose to rebuild the hotel in a particular style, but it has not been clearly substantiated through images or other documentation that this was in the style of the original 1860s building or that the original chimneys were incorporated into the structure rather than being rebuilt with some original fabric as suggested by Mr Briggs.

Accordingly, the amended Statement of Significance should be further amended under 'Why it is Significant?' consistent with the Panel's version in Appendix B, to remove the unqualified references to 'chose to', 'This is believed to be because' and 'which supports this theory' and to further qualify the building design and incorporation of chimney elements.

Changes to the Statement of Significance will require a new date for the incorporated document to be identified in Clause 72.04.

While not contested, the Panel supports the application of external paint controls and the consideration of prohibited uses through the Heritage Overlay Schedule. They acknowledge the materiality of the building and potential impacts of painting and provide greater flexibility for supporting the adaptive reuse of the building.

Pear tree and interwar outbuilding

In relation to the pear tree, while the aerial imagery of the site included in Ms Neylon's evidence suggests that the tree could date to c1911, there is insufficient information or evidence to suggest that it was a remnant of an orchard. No other fruit trees survive (or are shown on the aerial photos) to suggest there was an orchard or substantial vegetable garden in place at the hotel was operational that might have been used in its operation or by its occupants. The Panel considers that its inclusion in the Statement of Significance as a significant element of the place is too tenuous without further research and support.

Similarly, the Panel is not convinced that there is sufficient information at this time to support significance being attributed to the brick interwar period outbuilding more so than other building extensions or structures to the rear of the c1911 building that might also demonstrate early hotel functions, but which are not proposed to be identified. Ms Neylon in cross examination was unable to confirm whether the building was constructed and used a cool room or whether it was at the early or later part of the interwar period. The Panel considers that while such structures may well be important to the use of the building as a hotel (even if not visible from the public realm), the current evidence does not articulate an appropriate level of significance to meet Criterion A.

Accordingly, the amended Statement of Significance should be further amended consistent with the Panel's version in Appendix B to remove reference to the interwar outbuilding and pear tree under 'What is Significant?' and limit significance to the c1911 building.

(iii) Conclusions and recommendations

The Panel concludes:

- The amended Statement of Significance supported by the revised Citation is preferred over the exhibited versions and forms the basis of the Panel's preferred version.
- There is insufficient information on which to conclude that the pear tree or interwar brick outbuilding are of historic significance. As such they should not be identified as significant elements of the place in the Statement of Significance.
- The Old Hepburn Hotel meets the threshold for heritage significance (historic) and supports the application of the Heritage Overlay.
- The Statement of Significance should:
 - limit the identification of 'What is Significant?' to the c1911 building
 - under 'Why it is Significant?' remove the words 'chose to', 'This is believed to be because' and 'which supports this theory' and further qualify the building design and incorporation of chimney elements.

The Panel recommends:

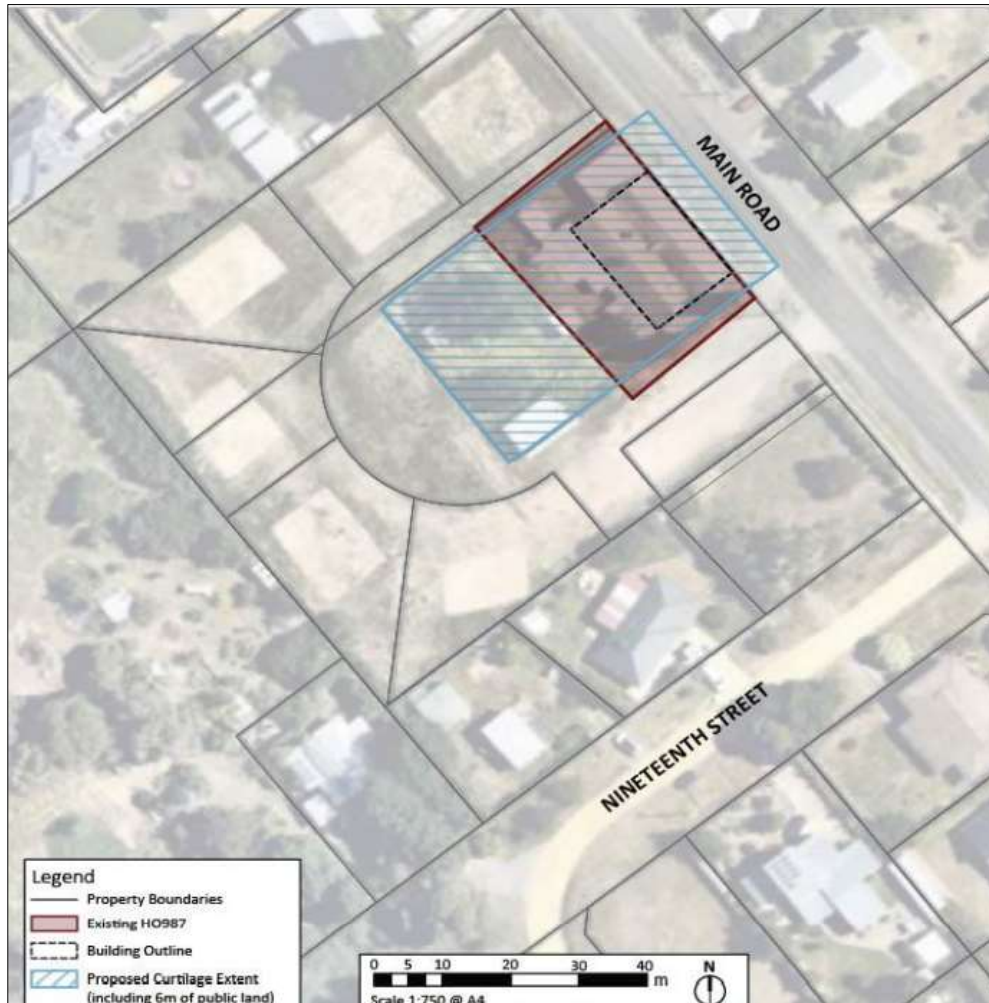
- 1. Amend the Statement of Significance, Old Hepburn Hotel, 236 Main Road, Hepburn, February 2020 consistent with the Panel's preferred version in Appendix B and include a date.**
- 2. Amend the Schedule to Clause 72.04 to refer to the amended version of the Statement of Significance.**

4.6 Heritage Overlay curtilage

(i) Amended Heritage Overlay curtilage

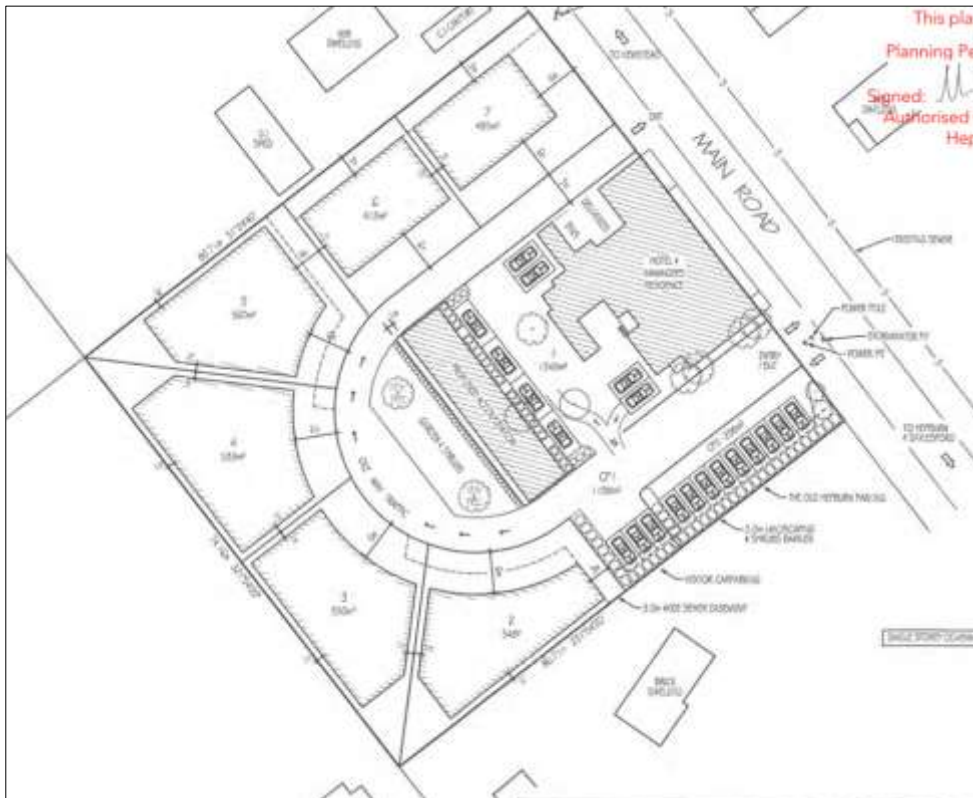
The revised Citation proposes to extend the Heritage Overlay curtilage 6 metres into the road reserve (Figure 5) and extend it to align the curtilage of the Heritage Overlay to align with the proposed lot 1 as identified in the endorsed plans for PA1426 (Figure 6).

Figure 5 Proposed amended Heritage Overlay curtilage



Source: Council Part A Submission, Appendix Y

Figure 6 Section of endorsed plans for planning permit PA1426



Source: 236 Main Road Pty Ltd submission (Document 12 Figure 7)

(ii) Evidence and submissions

Mr Briggs was generally of the view that it was unnecessary to extend the curtilage to place elements that cannot be viewed from the public domain. He considered that while applying a Heritage Overlay curtilage to a title boundary was a simpler approach, in this instance the revised curtilage followed a proposed lot boundary rather than an existing title. In such circumstances, he considered a 5 metre buffer around the existing double gabled element was more appropriate (which would exclude the pear tree) if it were concluded the place was of heritage significance.

Mr Briggs considered it unnecessary to extend the curtilage of the Heritage Overlay over the road reserve. He was of the view that it was common practice among statutory planners to require a permit for alterations to a verandah that was outside the curtilage because it was attached, and part of a building contained within a Heritage Overlay. He considered it reasonable to extend the curtilage to the extent of the existing verandah.

236 Main Road Pty Ltd did not support the curtilage being extended onto the road reserve identifying that the Amendment had not been referred to the road manager for consideration given Main Road was in the Road Zone (Category 2). It considered that it would be inappropriate for the Heritage Overlay to extend across the whole of the subject land and that if applied, it should be limited to the c1911 building. It submitted that was not uncommon for verandahs or canopies to extend over footpaths on public roads but rare to see a polygon extended onto public land.

Ms Neylon indicated that it was now more common practice to extent the Heritage Overlay over building elements like verandahs that projected over footpaths within the road reserve. She considered that the curtilage should desirably align with the property boundary (proposed lot 1)

consistent with PPN01 and her revised Citation. This was regardless of whether the pear tree and interwar outbuilding were included. She considered this necessary to provide an adequate depth to preserve the building's setting and context. In response to questions from the Panel, Ms Neylon acknowledged that her suggested curtilage extended well beyond the depth of the existing verandah and included existing parking bays. She considered that the curtilage if reduced should extend to at least the edge of the road pavement and for the full width of the Heritage Overlay polygon. This would ensure that the viewlines to the existing verandah could be maintained in the context of any future development on either side of the existing verandah.

Council supported the curtilage identified in the revised Citation. It acknowledged that extending the Heritage Overlay over a road reservation did raise an issue of landowner control but identified that it enjoyed a positive relation with the road manager. Council was comfortable that extending the Heritage Overlay onto the road reserve would be acceptable and able to be managed. It noted that the significance of the place should not be confused with any previous planning permits issued.

(iii) Discussion

PPN01 acknowledges that it is the usual practice to apply the Heritage Overlay curtilage to the whole property in urban situations. In this instance, the subject land is a large site and it is considered unreasonable and unnecessary to apply it to the entire site. While Council's approach to align the curtilage with the proposed Lot 1 is a pragmatic, it presupposes that that lot is created. Currently, it is identified as part of a planning permit and plan of subdivision but does not exist and may not represent the final lot arrangement based on the landowner's intention to amend the related planning permit.

In this context, the Panel considers it inappropriate to rely on the proposed lot and go back to first principles. Consistent with PPN01, this involves understanding what is significant and 'what is significant', the need to capture elements of the place that are significant and include sufficient area to retain the setting or context of the significant building or features.

In this instance, the significant elements are the c1911 structure including the verandah which projects over the footpath and the street views to the side elevations of this structure (including roof and chimney elements).

The Panel does not accept the position that portions of the building not visible from the public realm are not significant or important to understanding significance. Development of these areas, unless carefully managed, can have a significant impact on the integrity of a place particularly where they become visible from the public realm agree and change the perceptions of the building. The Panel supports Mr Briggs' suggestion that 5 metres from the rear elevation of the c1911 building provides an appropriate balance. In terms of northern and southern elevations, the Panel considers that extending the curtilage 2 metres from the existing side elevations is appropriate, acknowledging the width of the existing extensions and their low scale which enables original fabric to be viewed from the public realm.

The Panel consider it appropriate to extend the curtilage over the verandah to its fascia edge and extending this for the full width of c1911 building and its northern and southern additions, plus 2 additional metres (to align with the northern and southern polygon edges). This ensures any changes to the building or the street fronting additions do not impact on the view lines to the verandah. The Panel considers that this is a more accurate approach consistent with PPN01 by

capturing all significant building elements. It is consistent with practice in other municipalities and does not fetter the operation of the Road Zone.

(iv) Conclusion and recommendation

The Panel concludes:

- The exhibited Heritage Overlay curtilage should be amended.
- The Heritage Overlay curtilage should extend into the road reserve to include the verandah and footpath area adjacent to the Main Street elevation of the Old Hepburn Hotel.

The Panel recommends that:

- 3. Amend the curtilage of the Heritage Overlay to create a rectangular polygon which extends:**
 - **2 metres from the existing northern and southern side elevations of the hotel building**
 - **5 metres from the rear of the c.1911 double gabled hotel building**
 - **to the point in the Main Road reserve that aligns with the fascia of the existing verandah.**

Appendix A Document list

No.	Date	Description	Provided by
1	11/10/2021	Council Part A Submission including appendices A to S and V to Y	Council
2	“	Council Part A Submission Appendix U - amended Statement of Significance	“
3	15/10/2021	Request for consent for 236 Main Road Pty Ltd to provide their submission later in the day	Clement-Stone Town Planners for 236 Main Road Pty Ltd
4	“	Email from Planning Panels Victoria (PPV) advising of consent for late submission of 236 Main Road Pty Ltd submission by 5.00pm 15/10/2021	PPV
5	“	Heritage Place Citation prepared by Annabel Neylon	Council
6	“	Request for 236 Main Road Pty Ltd to provide submission on 18/10/2021 and advise of potential request to defer commencement of Hearing	Clement-Stone
7	“	Council request to circulate Part B submission by 8.00pm 15/10/2021	Council
8	“	Panel agreement to Clement-Stone and Council requests	Panel
9	“	Council Part B submission	Council
10	“	Council Part B submission Appendix A Peer Review of Heritage Documentation – Heritage Place Report, Plan Heritage (October 2021)	“
11	17/10/2021	Advise of appointment of Paul Buxton as advocate for Council and supporting delay in Hearing commencement	Place2Place for Council
12	18/10/2021	236 Main Road Pty Ltd submission	Clement-Stone
13	21/10/2021	Directions from Panel about new Hearing date and arrangements for experts and submission addendums	Panel
14	22/10/2021	Advice that 236 Main Road Pty Ltd calling heritage evidence	Clement-Stone
15	29/10/2021	Evidence statement of John Briggs	“
16	“	Evidence statement of Annabel Neylon	Council
17	5/11/2021	236 Main Road Pty Ltd addendum submission	Clement-Stone
18	“	Council’s Part B submission addendum	Council
19	8/11/2021	Mr Briggs evidence additional photos	Clement-Stone
20	“	Existing Site Plan (page 1 dated 20/10/2020) forming part of Section 72 application to amend Planning Permit 1426	“

Appendix B Panel’s preferred version of the Statement of Significance

[Additional text](#)

~~Deleted text~~

HEPBURN PLANNING SCHEME

Old Hepburn Hotel Statement of Significance

Heritage Place:	Old Hepburn Hotel, 236 Main Road, Hepburn	PS ref no:	HO987
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What is significant?

The Old Hepburn Hotel, 236 Main Road, Hepburn, constructed c.1911 is significant.

~~The elements contributing to the significance include:~~

~~–The double gabled hotel building fronting Main Road (c.1911)~~

~~–The modest gabled brick interwar outbuilding~~

~~- Mature Pear Tree to the rear of the site.~~

[Additions to the c.1911 double gabled hotel building fronting Main Road and outbuildings](#) ~~Post 1945 alterations and additions~~ are not significant.

How is it significant?

The Old Hepburn Hotel at 236 Main Road Hepburn is of local historical significance to the Hepburn Shire.

Why is it significant?

The Old Hepburn Hotel at 236 Main Road, Hepburn is of local historical significance as an example of the vernacular timber stores and hotels which sprung up along the principal routes to the goldfields around Hepburn and Daylesford in the mid nineteenth century. The first licensed store was established on this site in 1854 by Isaac Hallenstein and his business partner Mr. Burnett and provided a continuous service as store and hotel to the nearby Swiss Italian and Chinese populations working the Breakneck Gorge diggings until the late nineteenth century, and then the village of Hepburn as it emerged as a new service center for the local agricultural, horticultural and service industries which emerged after the demise of gold. The hotel, reconstructed in 1911 continued to serve this function, almost continually until its closure in 2019, demonstrating almost 165 years of continuous service to the Hepburn community on this site. (Criterion A)

Reconstructed in 1911, the hotel is of historical significance as a distinctive and contra indicative example of the tradition of upgrading, rebuilding and modernizing early hotel buildings seen across the municipality from as early as c.1865. Rather than rebuilding in a modern style after the fire, the owner, Mrs. Amelie Menz ~~chose to~~ constructed a simple vernacular timber structure which was stylistically Victorian in its composition, form and materials, rather than constructing a new and fashionable Edwardian iteration of the structure. ~~This is believed to be because~~ the new hotel was re-constructed to a similar design to the original 1860s building which was destroyed by bushfire in 1909 and incorporates fabric from ~~the~~ Victorian brick chimneys of the earlier structure ~~have been incorporated~~ into the c.1911 building, ~~which supports this theory~~. Comparable examples of vernacular 1850s and 1860s hotels associated with goldfields within the municipality demonstrate similar forms, characteristics and materials to the c.1911 Old Hepburn Hotel. (Criterion A)

Primary source

Heritage Place Citation – Old Hepburn Hotel, 236 Main Road Hepburn (Plan Heritage, October 2021)

This document is an incorporated document in the ~~Gannet~~ Hepburn-Planning Scheme pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*

Heritage Place Citation

OLD HEPBURN HOTEL

236 Main Road, Hepburn



Figure 2 Facade 236 Main Road Hepburn (Old Hepburn Hotel) 2019 (Source: Mandy Jean, Heritage Place Report 2020)



Figure 1 236 Main Road, Hepburn (Old Hepburn Hotel) - viewed from south, looking north (Source: Mandy Jean, Heritage Place Report 2020)



Figure 3 236 Main Road, Hepburn (Old Hepburn Hotel) looking south from Main Road (Source: Mandy Jean, Heritage Place Report 2020)



Figure 4 – Aerial view of 236 Main Road, Hepburn December 2020 (Source: Nearmap)



Figure 5 – 236 Main Road, Hepburn showing contributory elements of site as identified in Peer Review by Plan Heritage 2021

Statement of Significance

What is Significant?

The Old Hepburn Hotel, 236 Main Road, Hepburn, constructed c.1911 is significant.

The elements contributing to the significance include the double gabled hotel building fronting Main Road (c.1911) and its setting. Post 1945 alterations and additions are not significant.

How is it Significant?

The Old Hepburn Hotel at 236 Main Road Hepburn is of local historical significance to the Hepburn Shire.

Why is it Significant?

The Old Hepburn Hotel at 236 Main Road Hepburn is of local historical significance as an example of the vernacular timber stores and hotels which sprung up along the principal routes to the goldfields around Hepburn and Daylesford in the mid nineteenth century. The first licensed store was established on this site in 1854 by Isaac Hallenstein and his business partner Mr. Burnett and provided a continuous service as store and hotel to the nearby Swiss Italian and Chinese populations working the Breakneck Gorge diggings until the late nineteenth century, and then the village of Hepburn as it emerged as a new service center for the local agricultural, horticultural and service industries which emerged after the demise of gold. The hotel, reconstructed in 1911

continued to serve this function, almost continually until its closure in 2019, demonstrating almost 165 years of continuous service to the Hepburn community on this site. (Criterion A)

Reconstructed in 1911, the hotel is of historical significance as a distinctive and contra indicative example of the tradition of upgrading, rebuilding and modernizing early hotel buildings seen across the municipality from as early as c.1865. Rather than rebuilding in a modern style after the fire, the owner, Mrs. Amelie Menz chose to construct a simple vernacular timber structure which was stylistically Victorian in its composition, form and materials, rather than constructing a new and fashionable Edwardian iteration of the structure. This is believed to be because the new hotel was re-constructed to a similar design to the original 1860s building which was destroyed. The Victorian brick chimneys of the earlier structure may have been incorporated into the c.1911 building, which supports this theory. Comparable examples of vernacular 1850s and 1860s hotels associated with goldfields within the municipality demonstrate similar forms, characteristics and materials to the c.1911 Old Hepburn Hotel. (Criterion A)

HISTORY

Contextual History

The township of Hepburn stands on the land of the traditional owners Dja Dja Wurrung, who were largely displaced from their traditional lands by the arrival of European overlanders, who took up large tracts of pastoral land in the area from the late 1830s. John Hepburn took up Smeaton Hill run was named after John Hepburn, a pastoral overlander who took up a large handholding nearby in 1838, naming the property Smeaton Hill. Hepburn township is named after John Hepburn (Jacobs, 1995). The Daylesford and Hepburn areas were largely pastoral until the discovery of Gold along Jim Crow Creek at Wombat Flat (otherwise known as Wombat Hill for the major natural feature of the area) 1851. Mining activities expanded out quickly from the original diggings and in 1852 gold was discovered at 'Spring Creek' (now Hepburn Springs). Alluvial mining quickly extended north through what is now Hepburn, and in 1853, rich and extensive alluvial deposits were discovered through Breakneck Gully (running parallel to Main Road, Hepburn) leading to the establishment of a diggings settlement which came to be known as Old Racecourse (after the racecourse located at the Recreation Reserve site), now the township of Hepburn. By 1855 the diggings were located in almost every gully, creek and tributary throughout the Hepburn and Daylesford localities (ibid.).

Like most of the diggings across Victoria, the Hepburn District diggings had a broad range of nationalities represented in those living and working on the diggings. The largest populations within the Hepburn area were the Chinese and Swiss Italian. In 1859 the proportion of Chinese miners on the Hepburn district diggings was approximately 33%, and the main Chinese camp was located at Hepburn, where they had numerous stores, an opium den, joss house and other (Jacobs, 1995). The other principal ethnic group on the Hepburn diggings were the Swiss Italians from Ticino in Switzerland. Between 1854 and 1855, 2000 Ticinese men came to Victoria, and by 1855 more than 1000 Ticinese were on the Jim Crow diggings (ibid.). Unlike other ethnic groups, the Ticinese stayed after the initial gold rushes began to decline, and established new businesses such as firewood contracting, charcoal burning or took up service industries such as store or hotel keeping. Others took up land and established small farms.

The establishment of the Mineral Springs Reserve in the late nineteenth century saw the expansion of Hepburn Springs as a resort destination, which gained increased patronage when Daylesford was connected by railway to Melbourne via Woodend in 1880 and gradually guest houses, residences, stores and hotels were established along Main Road in this area towards Daylesford and towards the Springs Reserve.

By the turn of the century, Hepburn was a small village with several hotels, including the American,

the Old Racecourse, the Mineral Springs and the Spring Creek hotels, several boarding houses and residences surrounded by vineyards, orchards, small farms and dense bushland. The twin township of Hepburn Springs had been established but was not officially named as such.

A devastating fire in January 2006 started in Breakneck Gully (which runs parallel to Main Road in Hepburn) and progressed south to the Hepburn Springs. The four hotels, boarding houses, thirteen dwellings, vineyards, orchards, shops, bakery, the Mount Franklin Shire Hall, the Chinese camp homesteads, and fences were destroyed in the fire. The newspaper article reported that "...all that remained of the little township was a head of blackened ruins" (Mount Alexander Mail 25/01/1906:02).

The township of Hepburn proper remained significantly diminished for several decades after this event, although some commercial and residential buildings were re-established. Hepburn Springs however flourished in the late Edwardian period through to the Interwar period, with the establishment of many guest houses, hotels, residential and commercial buildings being established to capitalise on the tourism attraction of the Mineral Springs. Conversely, the majority of land remained vacant until the late nineteenth century when the popularity of the Mineral Springs, Hepburn Springs and Daylesford increased as a tourist destination.

Thematic Context

The earliest hotels on the goldfields, were very rudimentary and often basic huts or tents were established on the main roads to the diggings by enterprising merchants who followed the diggers to the new rushes. Enterprising merchants followed the diggers to each new diggings, setting up rudimentary stores and importing items to supply food, materials, clothes, and other goods to those working the diggings. After prohibition was lifted in May 1854, many of the stores quickly obtained the special license to allow them to serve and sell liquor from the premises, blurring the lines between hotel and store. These hotels became the hub of goldfields social life, and almost every diggings had a number of hotels servicing the population in the 1850s and 1860s.

After 1854, many of the crude huts and tents developed into more permanent structures, constructed usually of the most readily available materials – timber wall cladding and timber shingle roofs. Simple vernacular building forms with hip or gable roofs were most common, and many of these licensed stores were known as hotels, although they still traded in general goods. The hotels were also used for a wide variety of other social activities, including entertainments such concerts and dances, meeting rooms for clubs, lodges and political groups and sometimes even for church services. The hotels generally provided accommodation and food for travelers and rest for horses.

From the 1870s, in some parts of the municipality, where the leads were high yielding and profitable, the simple vernacular hotels servicing goldfields began to be replaced with larger, more elaborate buildings, and were often constructed of brick or stone and architect designed, demonstrating the change in the social structure of the area as it grew in status and wealth. This is particularly evident in nearby Daylesford and Creswick which both retain a number of substantial architect designed mid to late Victorian hotel buildings, compared to places such as Hepburn, Blampeid, Dean and Glenlyon.

As goldmining began to decline towards the late nineteenth century and early twentieth centuries in the smaller towns in particular, the demographic of the area changed, and the hotels began to accommodate a different clientele. The change from goldmining to service provision, farming, food production and other enterprises meant that the hotel function took on a different focus than the early years, and modifications were often made to accommodate the changing patronage, including areas set aside from the main bar with separate entrances, and the provision of food and drink to the permanent residents of the area rather than supplying accommodation and food to those passing through, or trying their luck at the diggings.

Many hotel buildings survive within the municipality, some continuing their original use, and others

have been adapted to residential or other commercial uses. Often occupying prominent corners, with separate entrances to bars, dining rooms and accommodation. Their construction varies but some have, or had, outbuildings and stables, and yards for coaches and horses.

Place History

The current Old Hepburn Hotel, located at 236 Main Road, Hepburn is the second hotel building of e to stand on this site. The first hotel building was destroyed by fire in 1906, and was reconstructed in 1911. There has however, been a hotel building on this site from c.1854.

The subject land was first purchased from the Crown by Isaac Hallenstein 1853-4, shortly after the establishment of the first Gold Commissioner's Camp in Spring Creek (Hepburn Springs) in 1853. Hallenstein, a native of Hamburg, Germany arrived in the area in the early 1850s and with a Mr. Buttner (a chemist) established a number of general stores throughout the Daylesford and Hepburn diggings areas.

Hallenstein successfully obtained permission under the new liquor license regulations of 1854 to establish a licensed general store. Later that year, Buttner and Hallenstein's general store was opened on the subject site. Located on Main Road, only a few hundred metres from Breakneck Gorge, a steep crossing over Spring Creek it was ideally located to service those working the site of extensive alluvial mining in this area by Swiss- Italian and Chinese miners. The store was one of the first licensed general stores on the Daylesford-Hepburn goldfields.

Buttner and Hallenstein's chain of stores were well known across the Daylesford-Hepburn diggings. Described as rudimentary structures with timber shingle roofs and weatherboard walls, most of the stores supplied essential goods to those on the diggings, such as mining equipment, chemicals, clothes and food. They also bought and sold gold that was mined on the diggings, and in the case of the store established on this site, they were also able to sell liquor. The business of Buttner and Hallenstein developed into one of the largest men's clothing stores in New Zealand. They had extensive tannery works in Footscray, Melbourne, as well as New York, London and Manchester. The New York outlet became one of the largest suppliers of exclusive women's fine leather gloves in the world.

The licensed store was first managed by Leonardo Pozzi as publican, and later Alessandro Monegetti, both Swiss-Italian migrants. Pozzi went on to own the Italian Tunnel Mine at Lake Jubilee, becoming one of the most successful mine owners and managers in Daylesford. Monegetti was managing the premises in 1862 when Albert Menz purchased the site and all buildings at the Special Land sales held in Daylesford.

The property, listed as Lot 30 situated between 19th Street and Racecourse Road was rated at 15 pounds, with improvements valued at 300 pounds, indicating a substantial holding for the period (Mount Alexander Mail 25/11/1862:1) given that a miner's residence was rated at approximately 5 pounds.

Abel Menz, an emigrant from a small village in Suhl, Germany became well known in the district for his civic activities. He was elected the President of the Mt Franklin Shire and constructed the Mt Franklin Shire Hall opposite his hotel in Main Street as well as a number of small timber cottages nearby in Hepburn, some of which are believed to survive.

Menz retained ownership of the hotel building until his death in 1903, at which time his second wife, Amelie Menz became executor of the estate. A portion of the original timber hotel and the Menz residence was destroyed during the 1906 bushfires which destroyed most of the buildings and infrastructure within Hepburn, including a number of competitors hotels. Only three years later, an accidental fire destroyed the whole of the building and all its contents with the exception

of the grand piano, located in an adjoining hall. By this time the hotel was of a substantial size, described as comprising 17 rooms (including a residence), with extensive stables, sheds and an orchard.

The timber frame hotel was rebuilt in 1911 by Amalie Menz, the owner and widow of Abel Menz. The new building was a simple vernacular timber building with a long street frontage and two long single storey weatherboard structure elevated above main road with a simple double gable roof and continuous straight skillion roof verandah with hips. The substantial brick chimneys of the building appear to have been reconstructed at least in part, as the corbelled tops are distinctly Edwardian, although the size and dimensions of the stacks themselves appears more mid Victorian, and may represent the reuse of original chimneys.

Over time, the hotel name changed from the Old Racecourse Hotel to the Old Hepburn Hotel. The earliest date at which the building is referred to this in print is in 1943. Mrs. Amelie Menz retained ownership of the former Old Hepburn Hotel until her death in 1948. Collectively the Menz family retained this building in their ownership for almost 90 years.

The building continued to operate as a licensed hotel servicing the people of Hepburn and Hepburn Springs until 2019 when it closed for business.

Victorian Framework of Historic Themes

The relevant themes and subthemes from the Victorian Framework of Historic Themes are set out below.:

2. Peopling Victoria's places and landscapes.

2.5 Migrating and making a home

04 Transforming and managing land and natural resources

4.5 Gold mining

05 Building Victoria's Industries and Workforce

5.6 Entertaining and socializing

Description

The Old Hepburn Hotel is situated on the west side of Main Road. The building is slightly elevated above street level and accommodates a cellar beneath the building, accessed by a small trapdoor fronting the road. The context of the hotel building is of interest, being deliberately sited to overlook the Breakneck Gorge, some 200m east of the hotel on the opposite side of Main Road, which was the principal focus area for the mid to late nineteenth century mining activities in Hepburn, undertaken primarily by the Swiss Italian and Chinese goldminers. The site has a gentle incline, sloping west away from Main Road. A recent subdivision has seen the creation of a series of levelled sites around the main building complex representing building envelopes.

The main hotel building dates from 1911, and replaced an earlier hotel and general store building on the site which was largely destroyed by fire in 1909. The original building itself is constructed on a level site which has been cut into the slope but still provide an elevated position above the street level. The original portion of the hotel consists of a simple vernacular style early twentieth century building with a double gable roof and an integrated straight hipped verandah. The building is clad in square edged weatherboards, and the gable roof is clad in short sheets of galvanized corrugated iron which has been overpainted. The longest portion of the building is set to address Main Road, and the gables run north-south. Two very substantial face brick chimneys which are in proportion mid

Victorian in style, but with Edwardian styled corbelled tops are set into the wing of the double gable, indicating that they may be earlier remodeled chimneys which were reconstructed after the 1909 fire.



Figure 6 Introduced double doors, with original fanlights of two separate front entry points remaining on facade



Figure 7 One of the two brick chimneys. Note the dimensions and scale of the chimney is more typical of a Victorian chimney than Edwardian



Figure 8 Original front door with fan light (green textured glass) above



Figure 9 Example of original double hung timber sash windows on facade

The façade of the building is asymmetrically arranged and has experienced some alteration. It retains three of the original double hung timber sash windows, and the green-coloured textured glass fanlights for the three original doorways, although only one door with original fanlight remains intact (the southernmost door). The paired doorways situated in the center of the façade have been removed and a pair of multipaned timber doors has been introduced. This alteration could easily be reversed, and the original doors be re-instated or copied given the level of original fabric evident in the surviving door and the position and integrity of the original fanlights.

There is a large built-up section of concrete walkway across the front of the façade, apparently constructed to facilitate the easy delivery of materials to the hotel and cellar entry. The timber

verandah posts are simple chamfered square edged posts submerged into the concrete walkway, with a simple handrail set at approximately 1.1m. The posts appear to be replacement for earlier posts, as do the timber brackets. There is no additional timber frieze or other decoration on the verandah, but a grapevine has been planted and trained across the front.

Additions to the north and south elevations have been constructed in the twentieth century. The addition to the south is a modest skillion addition with fixed glass windows clad in weatherboard. While this addition is attached to the majority of the southern elevation, the original southern hotel wall and cladding has not been removed internally. To the north is a mid-twentieth century addition, also with a skillion roof form sitting below the eave of the gable roof form. The original northern wall of the building has been removed to accommodate this new addition, but the change is considered to be reversible. Various accretions clad in weatherboard have been added over time, including skillion roof additions to the rear and side of the original section of building. A number of the original internal doors have been repurposed at the rear of the original hotel building as external doors.



Figure 10 Internal doors repurposed at rear of building



Figure 11 rear additions to building

To the rear of the building are a number of single storey vernacular outbuildings of twentieth century construction, including outdoor stage, storage sheds and a carport. These buildings are generally clad in corrugated or other sheet metal cladding and roofing.



Figure 12 Brick building (cool room?) to rear of Hotel Building

A substantial mature Pear Tree is located to the rear of the site. A small red face brick building with a low pitched gable roof, decorative timber detailing on the bargeboards and gable ends and a ledge and brace timber door (possibly a cool room) has been integrated into some of these outbuildings, although it is designed as a free standing structure.



Figure 13 Mature Pear Tree at rear of site

Comparative Analysis

Hotels

The earliest hotels on the goldfields were basic structures, often setting general store goods, as well as illegal 'grog' and sometimes accommodation to the transient goldfields populations. Thomas Anthony established the first 'American Hotel' in Creswick in the 1850s in a tent boarding house with bunks stacked 4-5 high and by 1854 was considered one of the best hotels on the diggings (place citation, HERMES). By the mid-1850s, the Daylesford-Hepburn diggings were extensive and well established, leading to the construction of more permanent buildings which as a result of the liquor licensing changes in 1854 were able to apply to become licensed stores legally selling alcohol.

Most of the hotels established in the 1850s and early 1860s continued to operate as dual or more purpose commercial premises, such as the hotel at Blampeid, which operated as a Hotel, Store and Butcher, or the former hotel at Franklinford (HO785) which operated as a Hotel, Store and Post office. These early buildings were single storey, usually constructed of local timber and were simple and unpretentious in form and style. As wealth on the goldfields increased, many commercial premises, including hotel buildings replaced the earlier structures with more substantial single storey brick or stone buildings, such as The American Hotel at Creswick c.1885 (HO250), the former Hotel/store at Franklinford, c. 1869 (HO785), and the former Prince of Wales hotel at Daylesford c. 1865 (HO682).

From the mid-1860s, in some parts of the municipality, where the leads were high yielding and profitable, the simple vernacular hotels servicing goldfields began to be replaced with larger, more elaborate buildings, and were often constructed of brick or stone and architect designed, demonstrating the change in the social structure of the area as it grew in status and wealth. This is particularly evident in nearby Daylesford and Clunes which both retain a number of substantial architect designed mid to late Victorian hotel buildings, such as the substantial former Belvedere House and Town Hall Hotel c. (HO289), the Victoria Hotel at Daylesford [rebuild c.1890] (HO670), the former Raglan Family Hotel, Daylesford c. 1860s (HO272) or those at Clunes, such as the Club Hotel c. 1879 (HO972). A number of hotels were revitalized by Edwardian makeovers to the facades in the early Twentieth century including the Farmers Arms at Daylesford (HO380), the former Prince of Wales Hotel at Daylesford (HO682) and the former Commercial Hotel at Kingston (HO336) and others which are distinctive with their face red brick and rendered details.

There is a substantial difference in these hotel buildings which experienced substantial development over the decades as the townships flourished and grew and those more modest examples of the typology as demonstrated by the townships which did not experience similar growth, such as the Swiss Mountain Hotel at Blampeid, the Old Fern Hill Hotel at Fern Hill (HO865) and the House (former Glenlyon Hotel) (HO744).

Vernacular Timber Hotel Buildings

Although most of the earliest hotel buildings were likely constructed from timber, very few hotel buildings which survive today within the municipality are of timber frame construction.

The most comparable direct example is the Swiss Mountain Hotel, Blampeid (HO391) a single storey hotel building located on the corner of Midland Highway and Treweeks Road which began operation in 1865 under Auguste Blampeid as a general store, butcher and hotel servicing the Mount Prospect gold diggings. Later taken over by Swiss Italian migrant Andrew La Franchi, the name Swiss Mountain Hotel dates from La Franchi's ownership in 1886. The hotel retains a high degree of intactness to its original form and presentation to the corner of Midland Highway and Treweeks Road. Although much earlier than the Old Hepburn Hotel at 236 Main Road, Hepburn, this hotel is mid Victorian vernacular in style and composition, retains its original single storey form. The façade of the Swiss Mountain

Hotel is more intact than the Old Hepburn Hotel, retaining several of the original twelve pane double hung sash windows, at least one of the original paneled doors and early banks of multipaned windows (which may be a later nineteenth century introduction). The alterations which have reduced the intactness of the façade are reversible, and minor. These include the replacement of the original timber verandah posts and the loss of the splayed entry door on the corner. The additions to the Old Hepburn Hotel are very modestly scaled, and while adhoc, clearly allow an appreciation of the original hotel building in its three-dimensional form and are largely reversible. The additions which have been undertaken to the Swiss Mountain Hotel are perhaps more subtle, but not reversible easily and include the extension of the Treweeks Road wing of the building and substantial infill to the rear of the hotel which obscures the original form of the building. Both buildings retain early brick chimneys which are mid to late Victorian in their composition, massing, and form, although the detailed corbelled tops of the chimneys at the Old Hepburn Hotel are clearly Edwardian in their design. The Swiss Mountain Hotel (HO391) is more intact in the presentation of the façade, and is earlier in its construction period, its construction materials, and methods. The alterations and additions which have been made to the secondary elevation and rear of the building are however more integrated into the original structure, meaning that the integrity of the three-dimensional form of this building is somewhat compromised compared to the relatively intact roof and building footprint of the Old Hepburn Hotel.



Figure 14 Swiss Mountain Hotel, 2021



Figure 15 Facade -Swiss Mountain Hotel showing original façade

Other examples which are comparable include the former Athens Hotel and Store on the corner of Raglan and Wombat Street Daylesford, constructed of timber weatherboard c.1865, this building is located on a prominent corner of the Midland Highway (Raglan Street) and addresses both streets. Constructed in a simple vernacular form with an M-hip roof form and substantial chimneys (appear to have been rebuilt in the early 1900s), this is again a much earlier building than the Old Hepburn Hotel, but it is comparable in terms of its integrity, intactness, style and use. The façade of the building has been altered over time with the insertion of large doors on the Wombat Street side, but is otherwise very intact to the late Victorian period, retaining a clear sense of arrangement of the shop (on the corner part of the building) and hotel (fronting Raglan Street) with paired four pane windows flanking a front entrance. The verandah has been altered and the paramet appears to date from the early twentieth century, but again clearly defines the original use of the building in its joint function. The former Athens Hotel has a higher degree of integrity and is more sophisticated in the arrangement of roof forms and chimney structure than the Old Hepburn Hotel, which is not unusual, given its location within Daylesford which was a more wealthy urban centre than Hepburn in the nineteenth and early twentieth century. By the 1950s the building had become a store only, and then became a residence, having a shorter period of continual use than other examples of vernacular hotel buildings within the municipality.



Figure 16 former "Athens" Hotel and Store at 32 Raglan Street, Daylesford (HO382) – viewed from Wombat Street elevation (Source: Google Street View, February 2018)



Figure 17 former Athens Hotel and Store - Raglan Street elevation (Source: Google Street View, February 2018)

The former Railway Hotel at Fern Hill (HO865) is a simple vernacular timber hotel building which appears to date from the mid to late Victorian period. The principal early form of the building is clear - a simple hipped roof with rear skillion and straight hip roofed verandah and external face brick chimney. Substantial additions have been undertaken to the rear. The façade of the building is unsymmetrical, with the front door being located off centre and flanked by two introduced interwar residential windows. A pair of slim original double hung sash windows are located to northern end of the façade. Unlike other comparable examples, this example has a strongly residential presentation, demonstrating its relatively short use as a hotel building and longer residential use.



Figure 18 Old Fern Hill Hotel (former Railway Hotel) facade

The Old Cosmopolitan Hotel at Trentham (HO346) is a substantial timber hotel building located in the centre of Trentham, on the corner of Cosmo Road and High Street. Constructed c.1866, the building originally included a hotel, grocery, butcher and functioned as the district Cobb and Co office as well as the place for the coroner to have autopsies performed. Unlike other comparative examples within the municipality, the Cosmopolitan is a substantial rambling structure which while principally single storey also includes adjoining two storey and one storey weatherboard buildings along each frontage. The earliest part is located on the corner of Cosmo Road and High Street and retains its original corner entrance as well as original twelve pane double hung sashes windows and original chimneys. The original roof (steel clad over timber shingles) was destroyed in a fire several years ago, and the building has since been restored. The Cosmopolitan Hotel has a high degree of integrity to its 1866 construction and the original building, while elements have been replaced after fire is highly intact. The building has operated as a hotel almost continuously since its establishment in 1866, and continues to do so, which makes it along with the Swiss Mountain Hotel one of the longest continually operating hotels within the municipality.



Figure 19 Old Cosmopolitan Hotel, Trentham (Source: <https://www.flickr.com/photos/82134796@N03/26056014365/in/photostream/>)

The Old Hepburn Hotel is an unusual example of a vernacular timber hotel built in a very 'old fashioned' and simple style for its relatively late date (c1911). The existing hotel is known to have replaced an earlier hotel building on the site, which may have dictated the design, which is more comparable to examples of this typology from the 1860s rather than the early Twentieth century. Within the typology, there are varying levels of intactness and integrity demonstrated in those examples on the Heritage Overlay of the Hepburn Shire. Most buildings have had some alterations to the original façade arrangement or materials, similar to the Old Hepburn Hotel, particularly the Old Fern Hill Hotel which presents as largely residential through the introduction of Interwar residential windows, and the Wombat Street elevation of the former Athens Hotel and Store. The loss of intactness of the façade of the Old Hepburn Hotel is considered to be easily reversible, and does not detract from its significance as sufficient fabric is retained to reconstruct the façade. The accretions which have been constructed around the hotel building itself are largely unobtrusive and easily removable and similar to those at the Cosmopolitan Hotel and the Swiss Mountain Hotel. While not the most intact example of a vernacular timber hotel building within the municipality, the Old Hepburn Hotel is considered to be comparable in terms of its intactness and integrity to other examples on the Heritage Overlay to meet the threshold for local significance. Although the principal extant building was constructed in 1911, it is considered to be comparable to the continual tradition of replacement or refurbishment of hotel buildings which occurred throughout the municipality from the 1870s, the Old Hepburn Hotel redevelopment after fire being just another iteration of the same

Planning and Environment Act 1987

HEPBURN PLANNING SCHEME

AMENDMENT C82hepb

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Hepburn Shire Council who is the planning authority for this amendment.

The amendment has been made at the request of Hepburn Shire Council.

Land affected by the amendment

The amendment applies to the Hepburn Hotel at 236 Main Road Hepburn, shown in Figure 1 below.



Figure 1: Site subject of the amendment

What the amendment does

The Amendment applies the Heritage Overlay (HO987 Old Hepburn Hotel) on a permanent basis to the Old Hepburn Hotel at 236 Main Road, Hepburn.

The amendment will make the following changes to the Hepburn Planning Scheme:

- Amend Planning Scheme Map No 28HO (Heritage Overlay)

- amend the Schedule to Clause 43.01 (Heritage Overlay) to include the Old Hepburn Hotel at 236 Main Road, Hepburn (HO987) in the Heritage Overlay of the Hepburn Planning Scheme, with paint controls on a permanent basis; and
- amend the Schedule to Clause 72.04 to include the Statement of Significance for the Old Hepburn Hotel at 236 Main Road, Hepburn as an incorporated document.

Strategic assessment of the amendment

Why is the amendment required?

The amendment is required to provide permanent heritage protection for the Old Hepburn Hotel at 236 Main Road, Hepburn by applying the heritage overlay to the building. A revised Statement of Significance and Citation (November 2021) were prepared for the Old Hepburn Hotel. The Statement of Significance states,

“The Old Hepburn Hotel at 236 Main Road Hepburn is of local historical significance as an example of the vernacular timber stores and hotels which sprung up along the principal routes to the goldfields around Hepburn and Daylesford in the mid nineteenth century. The first licensed store was established on this site in 1854 by Isaac Hallenstein and his business partner Mr. Burnett and provided a continuous service as store and hotel to the nearby Swiss Italian and Chinese populations working the Breakneck Gorge diggings until the late nineteenth century, and then the village of Hepburn as it emerged as a new service center for the local agricultural, horticultural and service industries which emerged after the demise of gold. The hotel, reconstructed in 1911 continued to serve this function, almost continually until its closure in 2019, demonstrating almost 165 years of continuous service to the Hepburn community on this site.

Reconstructed in 1911, the hotel is of historical significance as a distinctive and contra indicative example of the tradition of upgrading, rebuilding and modernizing early hotel buildings seen across the municipality from as early as c.1865. Rather than rebuilding in a modern style after the fire, the owner, Mrs. Amelie Menz chose to construct a simple vernacular timber structure which was stylistically Victorian in its composition, form and materials, rather than constructing a new and fashionable Edwardian iteration of the structure. This is believed to be because the new hotel was re-constructed to a similar design to the original 1860s building which was destroyed. The Victorian brick chimneys of the earlier structure have been incorporated into the c.1911 building, which supports this theory. Comparable examples of vernacular 1850s and 1860s hotels associated with goldfields within the municipality demonstrate similar forms, characteristics and materials to the c.1911 Old Hepburn Hotel.”

Amendment C86hepb extends the expiry date of interim Heritage Overlay HO987 for the Old Hepburn Hotel at 236 Main Road, Hepburn. This order is due to expire 30 April 2022, therefore this amendment is required to implement more permanent protection to the site.

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

Section 4 of the Planning and Environment Act, 1987 (the Act) sets out the objectives of planning in Victoria. The relevant objectives of planning in Victoria implemented by this amendment are:

- 4(1)(d) - to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;
- 4(1)(g) - to balance the present and future interests of all Victorians. The Amendment will support these objectives by ensuring the heritage significance of the Old Hepburn Hotel is considered in any development proposal.

The Amendment will support these objectives by ensuring the heritage significance of the Old Hepburn Hotel is considered in any development proposal.

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

The Amendment will have no adverse effects on the environment.

The retention of the hotel will generate positive social benefits through the intrinsic value of preserving a historically and culturally significant heritage place for future generations to appreciate and enjoy.

The application of the Heritage Overlay on a permanent basis may have an adverse economic impact by constraining development of the site. However, this would only apply to part of the property, with opportunities to develop the balance still able to be explored. In addition, the retention and conservation of the Old Hepburn Hotel can potentially generate highly resolved and innovative architectural solutions and create opportunities for small business with direct user benefits through tourism. It is considered that economic effects will be offset by the contribution that the heritage place offers to the broader community and economy.

Does the amendment address relevant bushfire risk?

The property is within the designated Bushfire Prone Area and is also subject to Schedule 1 to the Bushfire Management Overlay. The amendment is consistent with Clause 13.02-1S Bushfire planning as the Heritage Overlay. This amendment will not facilitate the development of any new structure in an exposed setting. The subject land is within a developed residential area and any additional development will have an inconsequential impact on bushfire risk in a wider local context. Any potential new land uses facilitated by this amendment will not significantly increase the intensity of development for the heritage site. Hence the changes proposed by this amendment will not result in any increase to the risk to life as a priority, property, community infrastructure and the natural environment from bushfire.

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

The Amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the *Planning and Environment Act 1987*. The Amendment is consistent with Minister's Direction No 11 – Strategic Assessments of Amendments which requires a comprehensive strategic evaluation of a planning scheme amendment and the outcomes it produces. This report addresses the requirements outlined in this direction

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

The amendment is consistent with the Planning Policy Framework, in particular Clause 15.03-1S Heritage conservation. The amendment is consistent with all adopted State policies, including the policies of Heritage Victoria and Heritage Council Victoria. There are no competing Planning Policy Framework objectives with respect to this amendment.

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

Amendment C82hepb implements the objectives and strategies of Clause 15.03 Heritage by including the Old Hepburn Hotel into the Heritage Overlay on a permanent basis.

The amendment supports and implements the following elements of the Planning Policy Framework:

Clause 15.03-1S (Heritage conservation)

Objective: To ensure the conservation of places of heritage significance.

Strategies: Provide for the conservation and enhancement of those places that are of, aesthetic, archaeological, architectural, cultural, scientific, or social significance.

Retain those elements that contribute to the importance of the heritage place.

Ensure an appropriate setting and context for heritage places is maintained or enhanced.

The Amendment is also consistent with the directions and policy in the *Central Highlands Regional Growth Plan, May 2014*. In its regional planning principles to guide growth and change the Regional Growth Plan identifies that: '*The importance of cultural heritage and landscapes as economic and community assets should be recognised*'.

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

The Heritage Overlay is the appropriate tool to protect places of local heritage significance. Applying a Heritage Overlay to places of heritage significance ensures that the impacts of any proposed development on the heritage values of the site can be assessed.

The amendment also makes use of new structural changes to the Schedule to the Heritage Overlay introduced by VC148.

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

The views of any relevant agencies were sought during exhibition of the amendment.

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

The Amendment will not have a significant impact on the transport system, as defined by section 3 of the *Transport Integration Act 2010*, given that it is a single property with limited development capacity.

Resource and administrative costs

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

The amendment will not result in any significant resource implications for the Responsible Authority. The inclusion of the Old Hepburn Hotel in the Heritage Overlay on a permanent basis will not result in a significant increase in the number of planning permit applications.

Where you may inspect this amendment

The amendment can be inspected free of charge at the Hepburn Shire Council website at www.hepburn.vic.gov.au

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

Planning and Environment Act 1987

HEPBURN PLANNING SCHEME

AMENDMENT C82hepb

INSTRUCTION SHEET

The planning authority for this amendment is the Minister for Planning.

The Hepburn Planning Scheme is amended as follows:

Overlay Maps

1. Amend Planning Scheme Map No. 28HO in the manner shown on the 1 attached map marked "Hepburn Planning Scheme, Amendment C82hepb".

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

1. **In Overlays** - Clause 43.01, replace the Schedule with a new schedule in the form of the attached document.
2. **In Operational Provisions** – Clause 72.04, replace the Schedule with a new Schedule in the form of the attached document.

End of document

HEPBURN PLANNING SCHEME - LOCAL PROVISION



ATTACHMENT 10.2.3

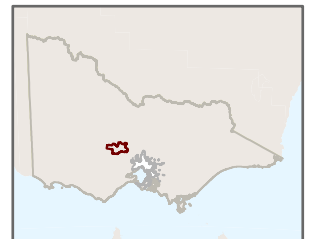
AMENDMENT C82hepb

*Elevated
Plains*



LEGEND

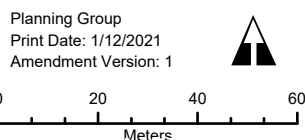
-  HO - Heritage Overlay
-  Local Government Area



Part of Planning Scheme Map 28HO

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Land, Water and Planning 2021



Planning Group
Print Date: 1/12/2021
Amendment Version: 1



Environment,
Land, Water
and Planning

28/02/2019
GC117**SCHEDULE TO CLAUSE 43.01 HERITAGE OVERLAY****1.0****Application requirements**28/02/2019
GC117

None specified.

2.0**Heritage places**---
Proposed C82hepb

The requirements of this overlay apply to both the heritage place and its associated land.

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
Victorian Heritage Register								
HO 22	Creswick Town Hall and former Municipal Offices, 70-72 Albert Street, Creswick	-	-	-	-	Yes Ref No H576	Yes	No
HO 804	Former Creswick Gold Office, rear Victoria Institute and Free Library, 87 Albert Street (rear), Creswick	-	-	-	-	Yes Ref No H595	Yes	No
HO 598	Andersons Mill Complex, 9 Alice Street and 3635 Creswick-Newstead Road, Smeaton	-	-	-	-	Yes Ref No H1521	No	No
HO 948	New Australasian No 2 Deep Lead Gold Mining Site and Memorial, 95 Australasia Drive, Creswick	-	-	-	-	Yes Ref No H1302	No	No
HO 606	Hamlin Pipe Organ, 84 Bailey Street, Clunes	-	-	-	-	Yes Ref No H1858	No	No
HO 188	Clunes Town Hall and Court House, 98 Bailey Street, Clunes	-	-	-	-	Yes Ref No H2180	No	No

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PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO 189	Clunes Post Office, 102 Bailey Street and cnr Service Street, Clunes	-	-	-	-	Yes Ref No H601	Yes	No
HO 741	Blowholes Gold Diversion Tunnel, Blowhole Track, Hepburn, and Dry Diggings Track ,Basalt	-	-	-	-	Yes Ref No H1259	No	No
HO 679	Daylesford Court House, Former Police Quarters and Lock-up, 13 Camp Street, Daylesford	-	-	-	-	Yes Ref No H1492	Yes	No
HO 900	Daylesford Botanic Gardens Central Springs Road and Fraser Street and Hill Street and Daly Street, Daylesford	-	-	-	-	Yes Ref No H2202	Yes	No
HO 282	Christ Church School Building 54 Central Springs Road, Daylesford	-	-	-	-	Yes Ref No H45	Yes	No
HO 692	Jim Crow Creek Gold Mining Diversion Sluice, Charlies Road, Elevated Plains & Shepherds Flat	-	-	-	-	Yes Ref No H1257	No	
HO 971	Breakneck Gorge Gold Puddling Site, Charlies Road, Elevated Plains	-	-	-	-	Yes Ref No H1305	No	No
HO 980	Telegraph (Graves') Sawmill, Creaves Mill Track, Leonards Hill	-	-	-	-	Yes Ref No H2016	Yes	No
HO 893	Rail Bridge over Creswick Creek, Creswick-Clunes Line, Creswick	-	-	-	-	Yes Ref No H1432	No	No
HO 949	Berry Consols Extended Deep Lead Gold Mine, 865 Creswick-Lawrence Road, Lawrence	-	-	-	-	Yes Ref No H1741	No	No

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PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO 912	Avenue of Honour, Creswick-Newstead Road, Kingston	-	-	-	-	Yes Ref No H2343	No	No
HO 983	Calembeen Park 12-18 Cushing Avenue, Creswick	-	-	-	-	Yes Ref No H398	Yes	No
HO 945	Berry No. 1 Deep Lead Gold Mine, 1541 Daylesford-Clunes Road, Lawrence	-	-	-	-	Yes Ref No H1740	No	No
HO 977	Maxwell Consolidated Quartz Gold Mine, Doctors Gully Road, Hepburn Springs	-	-	-	-	Yes Ref No H1760	Yes	No
HO 69	Hepburn Graves, Smeaton House, Estate Lane, Smeaton	-	-	-	-	Yes Ref No H287	Yes	No
HO 70	Smeaton House, 118 Estate Lane, Smeaton The heritage place includes: Sequoia sempervirens (Coast Redwood)	-	-	-	-	Yes Ref No H286	Yes	No
HO 848	Former E S & A Bank, 30 Fraser Street, Clunes	-	-	-	-	Yes Ref No H340	Yes	No
HO 972	Club Hotel, 34 Fraser Street, Clunes	-	-	-	-	Yes Ref No H341	Yes	No
HO 833	Little Hampton Primary School No. 1700, 113 Glenlyon-Little Hampton Road, Little Hampton	-	-	-	-	Yes Ref No H843	Yes	No
HO 124	Kingston Grandstand, Kingston-Allendale Road, Kingston	-	-	-	-	Yes Ref No H1300	Yes	No
HO 651	Elvezia Homestead Complex, Limestone Road, Yandoit	-	-	-	-	Yes Ref No H2065	Yes	No

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HO 976	Humbug Hill Hydraulic Gold Sluicing Site, Lincoln Gully Road, Creswick and Cabbage Tree	-	-	-	-	Yes Ref No H1228	Yes	No
HO 978	Orde's/Ogden Brothers Mill, Loddon River Road, Wheatsheaf	-	-	-	-	Yes Ref No H2013	Yes	No
HO 47	Bridge over Birch (Formerly Bullarook) Creek, Main Road (Creswick-Newstead Road), Smeaton	-	-	-	-	Yes Ref No H1425	Yes	No
HO 389	Former Macaroni Factory, 64 Main Road, Hepburn Springs	-	-	-	-	Yes Ref No H407	Yes	No
HO 686	Parma House, 128 Main Road, Hepburn Springs	-	-	-	-	Yes Ref No H608	Yes	No
HO 614	Saint Francis Xavier Chapel and Catholic Cemetery 3835-3911 Midland Highway, Eganstown	-	-	-	-	Yes Ref No H738	Yes	No
HO 979	Graves and Frasers Mill, Wombat State Forest, Off Pinchgut Road, Rocklyn	-	-	-	-	Yes Ref No H2014	Yes	No
HO 561	Creswick Railway Station Complex, Reed Street, Creswick	-	-	-	-	Yes Ref No H1669	Yes	No
HO 562	Old State Nursery Office, Sawpit Road, Creswick	-	-	-	-	Yes Ref No H1192	Yes	No
HO 986	Sawpit Gully Nursery and Plantation, Sawpit Gully Road, Creswick	-	-	-	-	Yes Ref No H1951	Yes	No
HO 176	Former St Paul's Church of England, 10 Templeton Street, Clunes	-	-	-	-	Yes Ref No H1859	Yes	No

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HO 975	Swimming Pool, Spring Creek, The Poolway, Hepburn Springs and Hepburn Mineral Springs Reserve, Mineral Springs Reserve Road, Hepburn Springs	-	-	-	-	Yes Ref No H1865 & Ref No H2098	Yes	No
HO 20	School of Forestry 4 Water Street, Creswick	-	-	-	-	Yes Ref No H1511	Yes	No
HO 647	Former Franklinford Common School (No. 257), corner Whybrow and Mill Streets, Franklinford	-	-	-	-	Yes Ref No H636	Yes	No
HO 981	Castlemaine Diggings National Heritage Park Glenlyon and Guildford	-	-	-	-	Yes Ref No H2047	Yes	No
HO 982	Coliban Water Supply System Taradale	-	-	-	-	Yes Ref No H1021	Yes	No
Local Significance								
HO 1	House, 10 Melbourne Road, Creswick	Yes	No	No	No	No	No	No
HO 2	House, 12 Melbourne Road, Creswick	Yes	No	No	No	No	No	No
HO 10	Trentham Cemetery, Cosmo Road, Trentham	Yes	No	Yes	No	No	No	No
HO 12	Former Guest House, "Tinana", 1 Frame Road, Daylesford	Yes	No	No	No	No	No	No
HO 13	Former "Hepburn Pioneer Bakery", 190 Main Road, Hepburn	Yes	No	No	No	No	No	No
HO 14	Former Post Office, 183 Main Road, Hepburn	Yes	No	No	No	No	No	No

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HO 15	Former Guest House, "Wyuna", 131 Main Road, Hepburn Springs	Yes	No	No	No	No	No	No
HO 16	Former Guest House, "Mooltan", 129 Main Road, Hepburn Springs	Yes	No	No	No	No	No	No
HO 17	Former Guest House, "The Grande", 1-3 Church Avenue, Hepburn	Yes	No	No	No	No	No	No
HO 21	House, 3 Water Street, Creswick	Yes	No	No	No	No	No	No
HO 23	Fountain, Market Square, Raglan Street, Creswick	Yes	No	Yes	No	No	No	No
HO 24	Diamond Jubilee Bandstand (Rotunda), Albert Street, Creswick	Yes	Yes	Yes	No	No	No	No
HO 25	Creswick Post Office, corner Albert and Raglan Streets, Creswick	Yes	Yes	Yes	No	No	No	No
HO 26	Court House, Raglan Street, Creswick	Yes	Yes	Yes	No	No	No	No
HO 27	Victoria Institute and Free Library, Albert Street, Creswick	Yes	Yes	Yes	No	No	No	No
HO 28	Blue Stone Lock-up, Raglan Street, Creswick	Yes	Yes	Yes	No	No	No	No
HO 29	Former Police Station, Raglan Street, Creswick	Yes	Yes	Yes	No	No	No	No
HO 30	Timber House, 63 Cambridge Street, Creswick	Yes	No	No	No	No	No	No
HO 31	Former Methodist Parsonage, 21 Victoria Street, North-east corner Napier Street, Creswick	Yes	Yes	No	No	No	No	No
HO 32	Former Methodist Church Hall, 19 Victoria Street, Creswick	Yes	Yes	No	No	No	No	No

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HO 33	Lindsay Memorial, corner Cambridge and Victoria Streets, Creswick	Yes	Yes	No	No	No	No	No
HO 34	Farmers Arms Hotel, 31 Albert Street, Creswick	Yes	No	No	No	No	No	No
HO 35	British Hotel, 45 Albert Street, Creswick	Yes	No	Yes	No	No	No	No
HO 36	Former Bank of New South Wales, 99 Albert Street, Creswick	Yes	No	Yes	No	No	No	No
HO 37	Former Tait's Store, 104-106 Albert Street, Creswick	Yes	No	Yes	No	No	No	No
HO 38	Saint John's Church Hall, Napier Street, Creswick	Yes	Yes	No	No	No	No	No
HO 39	Saint John's Anglican Church, Napier Street, Creswick	Yes	Yes	No	No	No	No	No
HO 40	Saint Augustine's Catholic Church, Napier Street, Creswick CA7 Sec 66 Township of Creswick	Yes	Yes	No	No	No	No	No
HO 41	Station Master's House, Victoria Street (corner Lewers Street), Creswick	Yes	No	No	No	No	No	No
HO 42	Brick House, 8 Bridge Street (north-east corner Haines Street), Creswick	Yes	No	No	No	No	No	No
HO 43	Havilah Estate, Cotswold Road, Glengower	Yes	No	No	No	No	No	No
HO 44	"Rosebank", McKenzies Road, Lawrence	Yes	No	No	No	No	No	No
HO 45	Farmhouse, 180 Beaconsfield Road, Smeaton	Yes	No	No	No	No	No	No
HO 46	"Kingston Grange", 3832 Creswick-Newstead Road, Allendale	Yes	No	No	No	No	No	No

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HO 48	Timber House, 22 Hepburn Street, Smeaton	Yes	No	No	No	No	No	No
HO 49	Pioneers' Monument, corner Corringarra Road and Hepburn Street, Smeaton	Yes	No	Nos	No	No	No	No
HO 50	Rendered House, 8 Queen Street, south west corner Frederick Street, Smeaton	Yes	No	No	No	No	No	No
HO 51	Shop and Dwelling, 3531 Creswick-Newstead Road, Smeaton	Yes	No	No	No	No	No	No
HO 52	Store Room, 3535 Creswick-Newstead Road, Smeaton	Yes	No	No	No	No	No	No
HO 53	House, 3527 Creswick-Newstead Road, Smeaton	Yes	No	No	No	No	No	No
HO 54	Former Bank of Australasia, south east corner Daylesford-Clunes and Creswick-Newstead Roads, Smeaton	Yes	Yes	No	No	No	No	No
HO 55	House, 3509 Creswick-Newstead Road, Smeaton	Yes	No	No	No	No	No	No
HO 56	Blacksmith's Shop, 3521 Creswick-Newstead Road, corner McLean Street, Smeaton	Yes	No	No	No	No	No	No
HO 57	House, 1 McLean Street, Smeaton	Yes	No	No	No	No	No	No
HO 58	Cumberland Hotel, south west corner Daylesford-Clunes and Creswick-Newstead Roads, Smeaton	Yes	No	No	No	No	No	No
HO 59	Former Butchers Shop, North east corner Daylesford-Clunes and Creswick-Newstead Roads, Smeaton	Yes	No	Yes	No	No	No	No

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HO 60	National Bank of Australasia, North west corner Daylesford-Clunes and Creswick-Newstead Roads, Smeaton	Yes	Yes	No	No	No	No	No
HO 61	Hillview Farm, Daylesford-Clunes Road, Smeaton	Yes	No	No	No	No	No	No
HO 62	House, Daylesford-Clunes Road, Smeaton	Yes	No	No	No	No	No	No
HO 63	“Abergeldie”, Creswick-Newstead Road, Smeaton	Yes	Yes	No	No	No	No	No
HO 64	“Burnbrae”, Creswick-Newstead Road, Smeaton	Yes	Yes	No	No	No	No	No
HO 65	Presbyterian Church Hall, Creswick-Newstead Road, Smeaton	Yes	Yes	No	No	No	No	No
HO 66	Presbyterian Manse, Creswick-Newstead Road, Smeaton	Yes	Yes	No	No	No	No	No
HO 68	Smeaton Presbyterian Church, Creswick-Newstead Road, Smeaton	Yes	Yes	No	No	No	No	No
HO 71	“Spring Bank”, White Hills Road, Smeaton	Yes	No	No	No	No	No	No
HO 72	Timber House, 7 Hepburn Street, Smeaton	Yes	No	No	No	No	No	No
HO 73	Timber House, 24 Corringarra Road, Smeaton	Yes	No	No	No	No	No	No
HO 74	Former Bakery, 10 Corringarra Road, Smeaton	Yes	No	No	No	No	No	No
HO 75	“Caherline”, Cowies Lane, off Cemetery Road, Smeaton	Yes	Yes	Yes	No	No	No	No
HO 76	“Camnethan”, Cemetery Road, Smeaton	Yes	Yes	No	No	No	No	No
HO 77	“Brayside”, Cemetery Road, Smeaton	Yes	Yes	No	No	No	No	No

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HO 78	"Kia Ora", Creswick-Newstead Road, Smeaton	Yes	Yes	No	No	No	No	No
HO 79	Smeaton Cemetery, Cemetery Road, Smeaton	Yes	No	Yes	No	No	No	No
HO 80	Timber House, 241 White Hills Road, Smeaton	Yes	No	No	No	No	No	No
HO 81	Farmhouse, Newstead-Creswick Road, Moorookyle	Yes	No	No	No	No	No	No
HO 82	"Burnbank", Newstead-Creswick Road, Moorookyle	Yes	No	No	No	No	No	No
HO 83	"Pine Lodge", Ullina-Kooroocheang Road, Moorookyle	Yes	No	No	No	No	No	No
HO 84	Avenue of Honour, Ullina Road, Ullina	Yes	No	Yes	No	No	No	No
HO 85	"Moora Glen", Ullina-Kooroocheang Road, Ullina	Yes	Yes	No	No	No	No	No
HO 86	Farmhouse, Central Leads Lane, Ullina	Yes	No	No	No	No	No	No
HO 87	"Fermoyne", Ullina-Kooroocheang Road, Ullina	Yes	Yes	No	No	No	No	No
HO 88	"Falkirk", Ullina-Kooroocheang Road, Ullina	Yes	Yes	No	No	No	No	No
HO 89	"Mayfield", Werona-Kingston Road, Kooroocheang	Yes	No	No	No	No	No	No
HO 90	"Koorootynggh Cottage", Werona-Kingston Road, Kooroocheang	Yes	No	Yes	No	No	No	No
HO 92	Former Hit or Miss Hotel, Werona-Kingston Road, Kooroocheang	Yes	Yes	No	No	No	No	No

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HO 93	Former School, Werona-Kingston Road, Kooroocheang	Yes	Yes	No	No	No	No	No
HO 94	Former School Residence, Werona-Kingston Road, Kooroocheang	Yes	Yes	No	No	No	No	No
HO 95	House, 1339 Werona-Kingston Road, Kooroocheang	Yes	No	No	No	No	No	No
HO 96	“Willow Bank”, off Yandoit-Werona Road, Kooroocheang	Yes	No	Yes	No	No	No	No
HO 97	“Thornbarrow”, Williams Road, Kooroocheang	Yes	No	Yes	No	No	No	No
HO 98	House, Williams Road, Kooroocheang	Yes	No	No	No	No	No	No
HO 99	Stone Shepherd’s Hut, Ullina-Kooroocheang Road, Moorookyle	Yes	Yes	No	No	No	No	No
HO 100	“Bundaleer”, Kangaroo Hills Road and Mays Road, Kangaroo Hills	Yes	Yes	No	No	No	No	No
HO 101	House, 1100 Werona-Kingston Road, Kooroocheang	Yes	Yes	No	No	No	No	No
HO 102	Farmhouse, Eastern Hill Road, Eganstown	Yes	No	Yes	No	No	No	No
HO 103	Morganti’s Farm, 84 Morgantis Road, Eganstown	Yes	No	Yes	No	No	No	No
HO 104	Cottage, 95 Morgantis Road, Eganstown	Yes	No	No	No	No	No	No
HO 105	Cottage, 60 Allison’s Road, Eganstown	Yes	No	No	No	No	No	No
HO 106	House, Midland Highway, Eganstown	Yes	No	No	No	No	No	No
HO 107	Site of Hepburn’s Mill, off Werona-Kingston Road, Kingston	Yes	No	No	No	No	No	No

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HO 108	Birch Brothers Homestead No. 2, Werona-Kingston Road, Kingston	Yes	No	No	No	No	No	No
HO 109	Kerrins Bridge, Werona-Kingston Road, Smeaton	Yes	No	Yes	No	No	No	No
HO 110	House, Midland Highway, Newlyn North	Yes	No	No	No	No	No	No
HO 111	House, Midland Highway, Newlyn North	Yes	No	No	No	No	No	No
HO 112	Birch House, Midland Highway, Newlyn North	Yes	No	No	No	No	No	No
HO 113	Newlyn Mechanics Institute (re-sited), Midland Highway, Newlyn	Yes	No	No	No	No	No	No
HO 114	Butcher's Shop and House, Midland Highway, Newlyn North	Yes	No	No	No	No	No	No
HO 115	Enterprise Bakery, Newlyn Reservoir Road, Newlyn North	Yes	No	No	No	No	No	No
HO 116	Saint Matthew's Anglican Church, Newlyn Reservoir Road, Newlyn North	Yes	Yes	No	No	No	No	No
HO 117	Newlyn State School, Midland Highway, Newlyn	Yes	Yes	No	No	No	No	No
HO 118	Chaff Mill, Sutton Park Road, Newlyn	Yes	No	No	No	No	No	No
HO 119	Michell and Sons General Merchant, Sutton Park Road, Newlyn	Yes	No	No	No	No	No	No
HO 120	Goods Shed, Newlyn Station, off Sutton Park Road, Newlyn	Yes	No	No	No	No	No	No
HO 121	House, Kingston-Newlyn Road, Newlyn North	Yes	No	No	No	No	No	No

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HO 122	Bluestone Barn, Kingston-Newlyn Road, Newlyn North	Yes	Yes	Yes	No	No	No	No
HO 123	Kingston Station, off Church Parade (Werona-Kingston Road), Kingston	Yes	No	No	No	No	No	No
HO 125	Former Chaff Mill site, Church Parade (Werona-Kingston Road), Kingston	Yes	No	No	No	No	No	No
HO 126	Former Dean State School No 87, Memorial Gates and Avenue of Honour, Ballarat-Daylesford Road, Dean	Yes	Yes	Yes	No	No	No	No
HO 127	Dean Hall, Ballarat-Daylesford Road, Dean	Yes	Yes	No	No	No	No	No
HO 128	Dean Hotel, Ballarat-Dean Road, Dean	Yes	Yes	No	No	No	No	No
HO 129	House, Ballarat-Daylesford Road, Dean	Yes	No	No	No	No	No	No
HO 130	House, Howards Road, corner Bungaree Road, Dean	Yes	No	No	No	No	No	No
HO 131	Stone House, Creswick-Dean Road, Dean	Yes	No	No	No	No	No	No
HO 132	Scrub Hill Uniting Church, Sawmill Road, Scrub Hill, Newlyn	Yes	Yes	No	No	No	No	No
HO 133	"Glengyron" Stud, Ballarat-Daylesford Road, Scrub Hill, Newlyn	Yes	Yes	No	No	No	No	No
HO 134	"Glengyron" Farm, Sawmill Road, Scrub Hill, Newlyn	Yes	No	No	No	No	No	No
HO 135	Residence, 10 Angus Street, North Clunes CA38 Sec 8 Parish of Clunes	Yes	No	No	No	No	No	No
HO 136	Residence, 9 Angus Street, North Clunes CA5 Sec 9 Parish of Clunes	Yes	No	No	No	No	No	No

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HO 137	Residence, 18A Angus Street, south-west corner Flood Street, North Clunes CA2 Sec 8 Parish of Clunes	Yes	No	No	No	No	No	No
HO 138	Residence, 25 Albert Street, North Clunes CA 3, Sect 8, Parish of Clunes	Yes	No	No	No	No	No	No
HO 139	Residence, 8 Pearces Road, North Clunes CA 14, Sect 8, Parish of Clunes	Yes	No	No	No	No	No	No
HO 140	Residence, 7 Pearces Road, North Clunes PC 360861 (formerly CA 12, Sect 8), Parish of Clunes	Yes	No	No	No	No	No	No
HO 141	Residence, 2 Albert Street, Clunes CA 44 Sect 8, Parish of Clunes	Yes	No	No	No	No	No	No
HO 142	Residence, 30 Albert Street, North Clunes CA 4, Sect 10, Parish of Clunes	Yes	No	No	No	No	No	No
HO 143	Clunes State School No. 1552, and former Tourello State School, Canterbury Street, Clunes; Reserve formerly part of Clunes Pre-emptive Right, Parish of Clunes	Yes	Yes	No	No	No	No	No
HO 144	Former Bland Residence and Garden, 1 Camp Parade, Clunes Part CA 1 Sect A, Clunes Pre-emptive Right, Parish of Clunes	Yes	No	Yes	No	No	No	No
HO 145	Residence, 9 Canterbury Street, Clunes CA 3, Sect 58, Township of Clunes	Yes	No	No	No	No	No	No
HO 146	Residence, 10 Canterbury Street, Clunes CA 21, Sect 57, Township of Clunes	Yes	No	No	No	No	No	No
HO 147	Residence, 47 Smeaton Road, Clunes CA 1, Sect 50, Township of Clunes	Yes	No	No	No	No	No	No

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HO 148	Residence, 26 Canterbury Street, Clunes CA 8, Sect 56, Township of Clunes	Yes	No	No	No	No	No	No
HO 149	Residence, 27 Canterbury Street, Clunes CA3, Sect 53, Township of Clunes	Yes	No	No	No	No	No	No
HO 150	Residence, 8 Smeaton Road, Clunes CA 7, Sect 20, Township of Clunes	Yes	No	No	No	No	No	No
HO 151	Coundon Residence, 32 Leslie Street, Clunes CA 3, and Pt CA 11, 12, 13 and 14, Sect 20, Township of Clunes	Yes	No	Yes	No	No	No	No
HO 152	Residence, 40 Leslie Street, Clunes CA 1, Sect 20, Township of Clunes	Yes	No	No	No	No	No	No
HO 153	Residence, 15 Creswick Road, corner of George and Mouatt Street, Clunes CA 10, Sect 35, Township of Clunes	Yes	No	No	No	No	No	No
HO 154	Residence, 12 Creswick Road, Clunes CA 21, Sect 27, Township of Clunes	Yes	No	No	No	No	No	No
HO 155	Port Phillip and Colonial Gold Mining Co. and Clunes Co-operative Quartz Mining Co. Site, off Station Flat Road, Clunes Lot 2 TP21987 and part CA 2 Sect A, Clunes Pre-Emptive Right, Parish of Clunes	Yes	No	Yes	No	No	No	No
HO 156	Yankee Quartz Mining Co. Site, off Station Flat Road, Clunes Part CA 4 Sect D1, Parish of Clunes	Yes	No	Yes	No	No	No	No
HO 157	Former Mine Residence, 40 Station Flat Road, Clunes Part Lot 2 TP21987, Clunes Pre-emptive Right, Parish of Clunes	Yes	No	Yes	No	No	No	No

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PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO 158	Victorian Quartz Mining Co. Site, off Station Flat Road, Clunes Part CA 4 Sect D1, Parish of Clunes	Yes	No	Yes	No	No	No	No
HO 159	Residence, 32 Talbot Road, Clunes CA 7A, Sect 1, Parish of Clunes	Yes	No	No	No	No	No	No
HO 160	Residence, 37-39 Talbot Road, Clunes CA 5 and 6, Sect H, Parish of Clunes	Yes	No	No	No	No	No	No
HO 161	Residence, 21 Talbot Road, Clunes CA 14, Sect H, Parish of Clunes	Yes	No	No	No	No	No	No
HO 162	Residence, 19 Talbot Road, Clunes CA 5G, Sect I, Parish of Clunes	Yes	No	No	No	No	No	No
HO 163	Residence, 14 Talbot Road, Clunes CA 6C, Sect 1, Parish of Clunes	Yes	No	No	No	No	No	No
HO 164	Residence, 59 Talbot Road, Clunes CA17, Sect G, Township of Clunes	Yes	No	No	No	No	No	No
HO 165	Residence, 52 Talbot Road, Clunes CA 8, Sect 32, Township of Clunes	Yes	No	No	No	No	No	No
HO 166	Shop and Residence, 62 Talbot Road, Clunes CA13, Sect 32, Township of Clunes	Yes	No	No	No	No	No	No
HO 167	Former Barwell Residence, 25 Camp Street, Clunes CA 1, Sect D, Township of Clunes	Yes	Yes	Yes	No	No	No	No
HO 168	Former Pearce Residence, 19 Camp Street, Clunes CA 4, Sect D, Township of Clunes	Yes	No	Yes	No	No	No	No
HO 169	Former Masonic Lodge, 18-22 Camp Street, Clunes CA 5, Sect B, Township of Clunes	Yes	Yes	Yes	No	No	No	No

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PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO 170	Residence, 13 Camp Street, Clunes CA 6A, Sect D, Township of Clunes	Yes	No	Yes	No	No	No	No
HO 171	Residence, 11 Camp Street, Clunes CA 8C, Sect D Township of Clunes	Yes	No	Yes	No	No	No	No
HO 172	Residence, 71 Bailey Street, Clunes CA 7, Sect D, Township of Clunes	Yes	No	Yes	No	No	No	No
HO 173	Residence, 77 Bailey Street, Clunes CA 61, Sect D, Township of Clunes	Yes	No	Yes	No	No	No	No
HO 174	Site of Residence, 79 Bailey Street, Clunes CA 62, Sect D, Township of Clunes	Yes	No	Yes	No	No	No	No
HO 175	Residence, 75 Bailey Street, Clunes CA 8D, Sect D, Township of Clunes	Yes	No	Yes	No	No	No	No
HO 177	Residence, 74 Bailey Street, Clunes CA 7 and 7A, Sect 31, Township of Clunes	Yes	No	No	No	No	No	No
HO 178	Former State School No. 136, Bailey Street, Clunes CA 5, Sect31, Township of Clunes	Yes	Yes	No	No	No	No	No
HO 179	Residence, 11 Suburban Street, Clunes CA 3, Sect 36, Township of Clunes	Yes	No	No	No	No	No	No
HO 180	Residence, 9 Fraser Street, Clunes CA 53, Sect D, Township of Clunes	Yes	No	Yes	No	No	No	No
HO 181	Former Duke of Edinburgh Hotel, 19 Fraser Street, Clunes CA 38, Sect D, Township of Clunes	Yes	No	Yes	Yes	No	No	No
HO 182	Former Dow Shop, 23 Fraser Street, Clunes CA 35B, Sect D, Township of Clunes	Yes	No	Yes	No	No	No	No

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PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO 183	Former "Noah's Ark", 27 Fraser Street, Clunes CA 3, Sect 14, Township of Clunes	Yes	No	Yes	No	No	No	No
HO 184	Shop, 29 Fraser Street, Clunes CA 4, Sect 14, Township of Clunes	Yes	No	Yes	No	No	No	No
HO 185	Saint Thomas Aquinas Roman Catholic Church and Presbytery, 90-92 Bailey Street, Clunes CA 28, Sect 4, Township of Clunes	Yes	Yes	Yes	No	No	No	No
HO 186	Former Nelson Residence, 94 Bailey Street, Clunes CA 31, Sect 4, Township of Clunes	Yes	No	Yes	No	No	No	No
HO 187	Residence, 96 Bailey Street, Clunes, CA 32, Sect 4, Township of Clunes	Yes	No	Yes	No	No	No	No
HO 190	Residence, 64 Fraser Street, corner Bailey Street, Clunes CA 6, Sect 2, Township of Clunes	Yes	No	Yes	No	No	No	No
HO 191	Residence, 106 Bailey Street, Clunes CA 14, Sect 5, Township of Clunes	Yes	No	Yes	No	No	No	No
HO 192	Former Wallace Residence, 68 Fraser Street, Clunes CA 12, Sect 5, Township of Clunes	Yes	No	Yes	No	No	No	No
HO 193	Former Bible Christian Minister's Residence, 70 Fraser Street, Clunes CA 10, Sect 5, Township of Clunes	Yes	No	Yes	No	No	No	No
HO 194	Former Dow Residence, 9 Hill Street, Clunes CA 7, Sect 5, Township of Clunes	Yes	No	Yes	No	No	No	No
HO 195	Residence, 5 Hill Street, Clunes CA 5, Sect 5, Township of Clunes	Yes	No	Yes	No	No	No	No

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PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO 196	Former Rechabite Hall, 2 Hill Street, Clunes CA 12, Sect 6, Township of Clunes	Yes	No	Yes	No	No	No	No
HO 197	Former Growcott Residence, 4 Hill Street, Clunes CA 11, Sect 6, Township of Clunes	Yes	Yes	Yes	No	No	No	No
HO 198	Residence, 48 Alliance Street, Clunes CA 12, Sect.7, Township of Clunes	Yes	No	No	No	No	No	No
HO 199	Residence, 52 Alliance Street, Clunes CA 10, Sect.7, Township of Clunes	Yes	No	No	No	No	No	No
HO 200	Former Telegraph Hotel, 114 Bailey Street, corner Fraser Street, Clunes CA 1, Sect 12, Township of Clunes	Yes	Yes	No	No	No	No	No
HO 201	Residence, 1 Cameron Street, Clunes CA 1, Sect 23, Township of Clunes	Yes	No	No	No	No	No	No
HO 202	Residence, 41 Angus Street, corner Bland Street, Clunes CA 8, Sect.22, Township of Clunes	Yes	No	No	No	No	No	No
HO 203	Residence, Leslie Street, corner Smeaton Road, Clunes CA 14, Sect 57, Township of Clunes	Yes	No	No	No	No	No	No
HO 204	Residence, 29 Creswick Road, corner Hotham Street, Clunes CA 1A, Sect 35, Township of Clunes	Yes	No	No	No	No	No	No
HO 205	Former Clunes Hospital, Hospital Street, Clunes CA 2, Sect 44, Township of Clunes	Yes	No	No	No	No	No	No
HO 206	Residence, 16 Bath Street, Clunes CA 4, Sect 10, Township of Clunes	Yes	No	No	No	No	No	No

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PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO 207	Residence, 15 Bath Street, Clunes CA 11, Sect 11, Township of Clunes	Yes	No	No	No	No	No	No
HO 208	Residence, 20 Bath Street, Clunes CA 1A, Sect 10, Township of Clunes	Yes	No	No	No	No	No	No
HO 209	Residence, 6 Bath Street, Clunes CA 16, Sect 8, Township of Clunes	Yes	No	No	No	No	No	No
HO 210	Calambeen Park (eastern part), Cushing Avenue, Creswick	Yes	No	Yes	No	No	No	No
HO 211	House, 11 Albert Street, Creswick	Yes	No	No	No	No	No	No
HO 212	House, 13 Albert Street, Creswick	Yes	No	No	No	No	No	No
HO 213	House, 25 Albert Street, Creswick	Yes	No	No	No	No	No	No
HO 214	Timber Workshop, 12 Albert Street, Creswick	Yes	No	No	No	No	No	No
HO 215	Timber Shop, 18 Albert Street, Creswick	Yes	No	No	No	No	No	No
HO 216	Timber Shop, 20 Albert Street, Creswick	Yes	No	No	No	No	No	No
HO 217	Timber House, 22 Albert Street, Creswick	Yes	No	No	No	No	No	No
HO 218	Timber House, 24 Albert Street, Creswick	Yes	No	No	No	No	No	No
HO 219	Timber Shop, 26 Albert Street, Creswick	Yes	No	No	No	No	No	No
HO 220	Timber Shop, 30 Albert Street, Creswick	Yes	No	No	No	No	No	No
HO 221	Pair of Timber Shops, 32 Albert Street, Creswick	Yes	No	No	No	No	No	No
HO 222	Pasco's Timber Yard, Brick shop and timber house, 38-40 Albert Street, Creswick	Yes	No	No	No	No	No	No

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PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO 223	House, 23 Victoria Street (north-west corner Napier Street), Creswick	Yes	No	No	No	No	No	No
HO 224	House, 25 Victoria Street, Creswick	Yes	No	No	No	No	No	No
HO 225	House, 33 Victoria Street, Creswick	Yes	No	No	No	No	No	No
HO 226	House, 43 Victoria Street, Creswick	Yes	No	No	No	No	No	No
HO 227	House, 36 Victoria Street, Creswick	Yes	No	No	No	No	No	No
HO 228	House, 34 Victoria Street, Creswick	Yes	No	No	No	No	No	No
HO 229	House and outbuilding at rear, 30 Victoria Street, Creswick	Yes	No	No	Yes	No	No	No
HO 230	House, 68 Lewers Street, North-east corner Raglan Street, Creswick	Yes	No	No	No	No	No	No
HO 231	House, 36 Raglan Street, Creswick	Yes	No	No	No	No	No	No
HO 232	House, 32 Raglan Street, Creswick	Yes	No	No	No	No	No	No
HO 233	House, 54 Napier Street, Creswick	Yes	No	No	No	No	No	No
HO 234	Shops, 47 Albert Street, Creswick	Yes	No	No	No	No	No	No
HO 235	Shop, 49 Albert Street, Creswick	Yes	No	No	No	No	No	No
HO 236	Shop, 51 Albert Street, Creswick	Yes	No	No	No	No	No	No
HO 237	Shop, 53-55 Albert Street, Creswick	Yes	No	No	No	No	No	No
HO 238	Former Shop, 63 Albert Street, Creswick	Yes	No	No	No	No	No	No
HO 239	Shop and residence, 67-67A Albert Street, Creswick	Yes	No	No	No	No	No	No
HO 240	Shops and residences, 69-71 Albert Street, Creswick	Yes	No	No	No	No	No	No

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PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO 241	Shops, 73-75 Albert Street, Creswick	Yes	No	No	No	No	No	No
HO 242	Timber House (former home of AJ Peacock), 59 Cambridge Street, Creswick	Yes	No	No	No	No	No	No
HO 243	Timber House, 61 Cambridge Street, Creswick	Yes	No	No	No	No	No	No
HO 244	Timber House, 69 Cambridge Street, (north-west corner Raglan Street), Creswick	Yes	No	No	No	No	No	No
HO 245	Timber House, 54 Albert Street, Creswick	Yes	No	No	No	No	No	No
HO 246	Timber Shop, 64 Albert Street, Creswick	Yes	No	No	No	No	No	No
HO 247	Timber House, 66 Albert Street, Creswick	Yes	No	No	No	No	No	No
HO 248	Cosy Corner Cafe, 80 Albert Street, Creswick, and Stables, rear Cosy Corner Cafe, corner Water Street and Exchange Lane, Creswick	Yes	Yes (Stables only)	Yes	No	No	No	No
HO 250	American Hotel, 90 Albert Street, Creswick	Yes	Yes	No	No	No	No	No
HO 251	Salvation Army Hall, 92 Albert Street, Creswick	Yes	Yes	No	No	No	No	No
HO 252	Former Shop, 94 Albert Street, Creswick	Yes	No	No	No	No	No	No
HO 253	Havilah Masonic Lodge, 96 Albert Street, Creswick	Yes	Yes	No	No	No	No	No
HO 254	School of Mines and Technology, 95 Albert Street, Creswick	Yes	Yes	No	No	No	No	No
HO 255	House, 6 Raglan Street, Creswick	Yes	No	No	No	No	No	No
HO 256	House, 8 Raglan Street, Creswick	Yes	No	No	No	No	No	No

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PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO 257	House, 10 Raglan Street, Creswick	Yes	No	No	No	No	No	No
HO 258	House, 12 Raglan Street, Creswick	Yes	No	No	No	No	No	No
HO 259	Creswick Primary School, corner Raglan and Napier Streets, Creswick	Yes	Yes	No	No	No	No	No
HO 260	Timber House (possible birthplace of John Curtin), 23 Hall Street (north-east corner Church Street), Creswick	Yes	No	No	No	No	No	No
HO 261	Timber House, 99-101 Church Street, Creswick	Yes	No	No	No	No	No	No
HO 262	Timber House, 103 Church Street, Creswick	Yes	No	No	No	No	No	No
HO 263	Brick and Timber House, 100 Church Street (south-east corner Hall Street), Creswick	Yes	No	No	No	No	No	No
HO 264	Former Saint John's Vicarage, 104 Church Street, Creswick	Yes	No	No	No	No	No	No
HO 265	Timber House, 113 Albert Street (south-west corner South Street), Creswick	Yes	No	No	No	No	No	No
HO 266	Former Butcher's Shop, 105 Albert Street, Creswick	Yes	No	No	No	No	No	No
HO 267	House, 102 Napier Street, Creswick	Yes	No	No	No	No	No	No
HO 268	House, 102 Albert Street, (south-east corner Hall Street road reserve), Creswick	Yes	No	No	No	No	No	No
HO 269	Saint Andrew's Uniting Church, Albert Street, Creswick	Yes	Yes	No	No	No	No	No
HO 270	Former Hotel, North-west corner Vincent Street North and Raglan Street, Daylesford	Yes	No	No	No	No	No	No

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HO 271	Victoria Memorial Fountain, Wills Square, Daylesford	Yes	No	Yes	No	No	No	No
HO 272	Former Raglan Family Hotel, Camp Street, (Wills Square), Daylesford	Yes	No	Yes	No	No	No	No
HO 273	Former "New Colonial Produce (or Howes) Store", corner Howe and Camp Streets, Daylesford	Yes	No	Yes	No	No	No	No
HO 274	Commercial Hotel (former Daylesford Hotel), Howe Street, (Bourke Square), Daylesford	Yes	Yes	No	No	No	No	No
HO 275	Shop, North-west corner Albert and Vincent Streets, Daylesford	Yes	No	No	No	No	No	No
HO 276	Former Blacksmiths Shop, 18 Albert Street, Daylesford	Yes	No	No	No	No	No	No
HO 277	Royal Hotel, corner Vincent and Albert Streets, Daylesford	Yes	Yes	No	No	No	No	No
HO 278	Former Albert Hotel, Former Court House Hotel, corner Camp and Albert Streets, Daylesford	Yes	Yes	No	No	No	No	No
HO 279	House attached to former Albert Hotel, corner Camp and Albert Streets, Daylesford	Yes	Yes	No	No	No	No	No
HO 280	Former Saint Andrews Presbyterian Church, with former Presbyterian Church/Sunday School Hall at rear, 19A Camp Street, Daylesford	Yes	Yes	Yes	No	No	No	No
HO 281	House, corner Daly Street, and Central Springs Road, (CA59, Sect. 37) Daylesford	Yes	No	Yes	No	No	No	No

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HO 283	Former Bank of Victoria/ "Jimmy Triggers", 91 Vincent Street, Daylesford	Yes	No	No	No	No	No	No
HO 284	Daylesford State School No. 1609 (Former No. 1350), Vincent Street, Daylesford	Yes	No	Yes	Yes	No	No	No
HO 285	Head-master's Residence, Daylesford State School- 102 Vincent Street, Daylesford	Yes	Yes	No	No	No	No	No
HO 286	Former Daylesford School of Mines, 98-100 Vincent Street, Daylesford	Yes	Yes	No	No	No	No	No
HO 287	Former Fire Station, Vincent Street, Daylesford	Yes	Yes	No	No	No	No	No
HO 288	Post Office, Vincent Street, Daylesford	Yes	Yes	No	No	No	No	No
HO 289	Former "Belvedere House" and "Town Hall Hotel", North-west corner of Vincent Street, and Central Springs Road, Daylesford	Yes	Yes	No	No	No	No	No
HO 290	Hepburn Shire (Former Borough of Daylesford) Town Hall, 76 Vincent Street, Daylesford	Yes	Yes	No	No	No	No	No
HO 291	House, North-west corner of West and Central Springs Road, Daylesford	Yes	No	No	No	No	No	No
HO 292	Bute and Downes Mine, Boundary Street, Clunes South of CA 9, Sect 30, (mullock heap) Clunes	Yes	No	Yes	No	No	No	No
HO 293	Residence, 83 Service Street, Clunes CP 109464 (formerly CA 8, Sect 30), Township of Clunes	Yes	No	No	No	No	No	No
HO 294	Residence, 75 Service Street, Clunes CA 1, Sect 29, Township of Clunes	Yes	No	No	No	No	No	No

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PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO 296	Clunes Railway Station, Service Street, Clunes Railway Reserve, Township of Clunes	Yes	Yes	Yes	No	No	No	No
HO 297	Residence, 47 Thornton Street, Clunes CA 1B, Sect 25A, Township of Clunes	Yes	No	No	No	No	No	No
HO 298	“Big Dam”, Creswick Creek, Adjacent to Thornton Street, Clunes Streamside Reserve, Township of Clunes, Clunes	Yes	No	Yes	No	No	No	No
HO 299	Residence, 57 Service Street, Clunes CA 1A, Sect 25A, Township of Clunes	Yes	No	No	No	No	No	No
HO 300	Former Railway Hotel, 55 Service Street, corner William Street, Clunes. CA 1, Sect 25A, Township of Clunes	Yes	No	No	No	No	No	No
HO 301	Residence, 64 Service Street, Clunes Lot 1 LP 75204, Sect 26, Township of Clunes	Yes	No	No	No	No	No	No
HO 302	Residence, 45 Thornton Street, Clunes CA 10, Sect 26, Township of Clunes	Yes	No	No	No	No	No	No
HO 303	Residence, 60 Service Street, Clunes CA 8, Sect 26, Township of Clunes	Yes	No	No	No	No	No	No
HO 304	Residence, 53 Service Street, Clunes CA 5, Sect 25, Township of Clunes	Yes	No	No	No	No	No	No
HO 305	Residence, 51 Service Street, Clunes CA 4, Sect 25, Township of Clunes	Yes	No	No	No	No	No	No
HO 306	Residence, 23 Beckwith Street, Clunes CA 14, Sect 26, Township of Clunes	Yes	No	Yes	No	No	No	No
HO 308	Residence, 52 Service Street, Clunes CA 4, Sect 26, Township of Clunes	Yes	No	No	No	No	No	No

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HO 309	Residence, 43 Service Street, Clunes CA 1, Sect 8, Township of Clunes	Yes	No	No	No	No	No	No
HO 310	Residence, 41 Service Street, Clunes Lot 1 TP9959 (Part CA 2, Sect 8), Township of Clunes	Yes	No	No	No	No	No	No
HO 311	Residence, 39 Service Street, Clunes Lot 2 PS329817 (Parts CA 2 and 20, Sect 8), Township of Clunes	Yes	No	No	No	No	No	No
HO 312	Former Anglican Vicarage, 42 Service Street, Clunes Pt CA 1, Sect 7, Township of Clunes	Yes	No	No	No	No	No	No
HO 313	Residence, 40 Service Street, Clunes CA 4, Sect 7, Township of Clunes	Yes	No	No	No	No	No	No
HO 314	Two palm trees (Phoenix canariensis) in Garden of former Residence, 38 Service St Clunes CA 5, Sect 7, Township of Clunes	No	No	Yes	No	No	No	No
HO 315	Residence, 36 Service Street, Clunes CA 6, Sect 7, Township of Clunes	Yes	No	No	No	No	No	No
HO 316	Former Grenfell Residence, 28 Service Street, Clunes CA 9A, Sect 7, Township of Clunes	Yes	No	No	No	No	No	No
HO 317	Former Scott Residence, 35 Service Street, corner Bath Street, Clunes CA 21 and 22, Sect 6, Township of Clunes	Yes	No	No	No	No	No	No
HO 318	Former Shrigley Residence, 31 Service Street, Clunes CA 19 and 20, Sect 6, Township of Clunes	Yes	No	No	Yes	No	No	No
HO 320	Residence, 25 Service Street, Clunes CA 16, Sect 6, Township of Clunes	Yes	No	No	No	No	No	No

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PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO 321	Masonic Lodge (Former Primitive Methodist Church), 23 Service Street, Clunes CA 15, Sect 6, Township of Clunes	Yes	No	No	No	No	No	No
HO 322	Residence and Former Surgery, 21 Service Street, Clunes CA 14, Sect 6, Township of Clunes	Yes	No	No	No	No	No	No
HO 323	South Clunes and Lothair Mines, off Thornton Street, Clunes Part Sect 16,18,37,39,40,41 and 60, Township of Clunes	Yes	No	No	No	No	No	No
HO 324	Former Payne Residence, 43 Creek Parade, Clunes CA 78, Sect 27, Township of Clunes	Yes	No	No	No	No	No	No
HO 325	Residence, 25 Creek Parade, corner Coundon Street, Clunes CA 57 and 58, Sect 27, Township of Clunes	Yes	No	No	No	No	No	No
HO 326	Residence, 10 Whyte Street, Clunes CA 50, Sect 27, Township of Clunes	Yes	No	No	No	No	No	No
HO 327	Residence, 5 Whyte Street, Clunes CA 11B, Sect 27, Township of Clunes	Yes	No	No	No	No	No	No
HO 328	Residence, 8 Macdonald Street, Clunes CA 11, Sect 27, Township of Clunes	Yes	No	No	No	No	No	No
HO 329	Residence, 4 Macdonald Street, Clunes Lot 1 LP107182 (formerly CA 12, Sect 27), Township of Clunes	Yes	No	No	No	No	No	No
HO 330	House, 201 Kingston Road (Creswick-Newstead Road), corner Alcorn Road, Kingston	Yes	No	Yes	No	No	No	No

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PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO 331	Leishman Farm, 10 Alcorn Roads, corner Kingston Road (Creswick-Newstead Road), Kingston	Yes	No	Yes	No	No	No	No
HO 334	Former Shop, 418 Kingston Road (Creswick-Newstead Road), Kingston	Yes	No	No	No	No	No	No
HO 335	Former Gore House, 416 Kingston Road (Creswick-Newstead Road), Kingston	Yes	No	No	No	No	No	No
HO 336	Commercial Hotel, 412 Kingston Road (Creswick-Newstead Road), Kingston	Yes	No	No	No	No	No	No
HO 337	Former Methodist Church, 398 Kingston Road (Creswick-Newstead Road), Kingston	Yes	Yes	No	No	No	No	No
HO 338	Kingston Post Office, 382 Kingston Road (Creswick-Newstead Road), Kingston	Yes	Yes	No	No	No	No	No
HO 339	Former Kingston Post Office, 378 Kingston Road (Creswick-Newstead Road), Kingston	Yes	Yes	No	No	No	No	No
HO 340	Country Fire Authority Buildings, 376 Kingston Road (Creswick-Newstead Road), Kingston	Yes	Yes	No	No	No	No	No
HO 341	Kingston State School No. 759, 360 Kingston Road (Creswick-Newstead Road), Kingston	Yes	Yes	No	No	No	No	No
HO 342	Two Storey Brick House, Kingston Road (Creswick-Newstead Road), Kingston	Yes	No	No	No	No	No	No
HO 343	Former Coach-builders, Kingston Road (Creswick-Newstead Road), Kingston	Yes	No	No	No	No	No	No
HO 344	Weather-board House and Garden, 9 Victoria Street, Trentham	Yes	No	Yes	No	No	No	No

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PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO 345	Old Trehwella Residence, south-west corner Daylesford and Blue Mountain Road, Trentham	Yes	No	Yes	Yes	No	No	No
HO 346	Old Cosmopolitan Hotel, High Street, south-west corner Cosmo Road, Trentham	Yes	No	Yes	Yes	No	No	No
HO 347	Weather-board Cottage and road edge plantings, Next door to Old Cosmopolitan Hotel, Cosmo Road, and High Street, Trentham	Yes	No	Yes	No	No	No	No
HO 348	Shop (Grocery Store), 40 High Street, Trentham	Yes	No	Yes	No	No	No	No
HO 349	Shop (Former Jack and Betti Groves Bakers) and attached Residence, 38 High Street, Trentham	Yes	No	Yes	No	No	No	No
HO 350	Bills Drinking Trough, Cosmo Road, Near south-east corner of High Street, Trentham	Yes	No	Yes	No	No	No	No
HO 351	Office (Old National Bank), 37 High Street, Trentham	Yes	Yes	Yes	No	No	No	No
HO 352	Trentham Township Heritage Area, Trentham	Yes	No	Yes	No	No	No	No
HO 353	Shop, 42 High Street, Trentham	Yes	No	Yes	No	No	No	No
HO 354	Shop, 44 High Street, Trentham	Yes	No	Yes	No	No	No	No
HO 355	Shop, 46 High Street, Trentham	Yes	No	Yes	No	No	No	No
HO 356	Shop, 48 High Street, Trentham	Yes	No	Yes	No	No	No	No
HO 357	Shops, 50 and 52 High Street, Trentham	Yes	No	Yes	No	No	No	No
HO 358	Dr. Wisewould Memorial, High Street, Trentham	Yes	No	No	No	No	No	No

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ATTACHMENT 10.2.3

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO 359	Horse Trough, outside 20 Market Street, Trentham	Yes	No	No	No	No	No	No
HO 360	Shop Building, 14 Market Street, Trentham	Yes	No	Yes	No	No	No	No
HO 361	Shop and Residence, 16 Market Street, Trentham	Yes	No	Yes	No	No	No	No
HO 362	Shop and Residence, 18 Market Street, Trentham	Yes	No	Yes	No	No	No	No
HO 363	Shop, 20 Market Street, Trentham	Yes	No	Yes	No	No	No	No
HO 364	Saint George's Anglican Church, 58 High Street, Trentham	Yes	Yes	Yes	No	No	No	No
HO 366	Former Methodist Church (now Residence), 6 Camp Street, Trentham	Yes	Yes	No	No	No	No	No
HO 367	Old Weather-board Police Station, Two Lock-ups, Toilet Building and Stable, Camp Street, Trentham	Yes	Yes	No	Yes	No	Yes	No
HO 368	Saint Mary Magdalen Presbytery and Site, Bridge Street, Trentham	Yes	Yes	No	No	No	No	No
HO 369	Three Conifer Trees, along frontage of State School grounds and car park, Bridge Street, Trentham	Yes	No	Yes	No	No	No	No
HO 370	Saint Mary's Roman Catholic Church and Site, Trentham	Yes	Yes	Yes	No	No	No	No
HO 371	Saint Mary Magdalen's School and Site, Bridge Street, Trentham	Yes	Yes	No	Yes	No	No	No
HO 372	Former Trentham Railway Station, Goods Shed, Old Weighbridge Office and mature site trees, Victoria Street, at end of Market Street, Trentham	Yes	No	Yes	Yes	No	Yes	No

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ATTACHMENT 10.2.3

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO 374	Old Commercial Hotel, 53 High Street, Trentham	Yes	No	No	No	No	No	No
HO 375	House, Northern corner Ballan Road and Burrall Street, Daylesford	Yes	No	No	No	No	No	No
HO 376	House, Ruthven Street, Daylesford	Yes	No	No	No	No	No	No
HO 377	Former Guest House, "Holyrood House", Duke Street, Daylesford	Yes	No	Yes	No	No	No	No
HO 378	Railway Trestle Bridge, Jubilee Lake Reserve, Daylesford	Yes	No	No	No	No	No	No
HO 379	Daylesford Cemetery, Knox Street, Daylesford	Yes	No	Yes	No	No	No	No
HO 380	"Farmers Arms" Hotel, corner Raglan and East Streets, Daylesford	Yes	No	No	No	No	No	No
HO 381	Former Daylesford Railway Station, 18 Raglan Street, Daylesford	Yes	No	Yes	Yes	No	No	No
HO 382	Former "Athens" Hotel and Store, 32 Raglan Street, Daylesford	Yes	No	Yes	No	No	No	No
HO 385	Avenue of Honour, Kingston Road between Allendale-Kingston Road/Church Parade and Stag Road/Victoria Road, Kingston	No	No	Yes	No	No	No	No
HO 386	Abies pinsapo Boiss (Spanish Fir), front garden of private property Next to Anglican Church, south-west corner Hall and Napier Streets, Creswick	No	No	Yes	No	No	No	No
HO 387	Bridge Culvert, Breakneck Gorge Road, Hepburn	No	No	No	No	No	No	No
HO 388	Gardens of Guest House "Bellinzona", 77 Main Road, Hepburn Springs	Yes	No	Yes	No	No	No	No

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PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO 390	Savoia Hotel, 69 Main Road, Hepburn Springs	Yes	Yes	No	No	No	No	No
HO 391	Swiss Mountain Hotel, Midland Highway, Blampied	Yes	No	No	No	No	No	No
HO 392	Saint Joseph's Catholic Church, Midland Highway, Blampied	Yes	Yes	No	No	No	No	No
HO 393	House, 3 Queensberry Street, Daylesford	Yes	No	No	No	No	No	No
HO 394	House, 11 Queensberry Street, Daylesford	Yes	No	No	No	No	No	No
HO 395	House, 23 Queensberry Street, Daylesford	Yes	No	No	No	No	No	No
HO 396	House, 24 Queensberry Street, Daylesford	Yes	No	No	No	No	No	No
HO 397	House, 26 Queensberry Street, Daylesford	Yes	No	No	No	No	No	No
HO 398	House, 41 Stanley Street, Daylesford	Yes	No	No	No	No	No	No
HO 399	Former Palais Theatre, 111 Main Road, Hepburn Springs	Yes	Yes	No	No	No	No	No
HO 400	Former Guest House, "Dudley House", 101 Main Road, Hepburn Springs	Yes	No	No	No	No	No	No
HO 401	Shop, 25 Albert Street, Daylesford	Yes	No	Yes	No	No	No	No
HO 402	House, Formerly "Cambourne", 80 Central Springs Road, Daylesford	Yes	No	No	No	No	No	No
HO 403	House, 55 Duke Street, (south-east corner Grant Street), Daylesford	Yes	No	Yes	No	No	No	No
HO 404	Site of Former Powder Magazine, Explosives Reserve, West Street, Daylesford	Yes	Yes	No	No	No	No	No
HO 405	House, 42 West Street, Daylesford	Yes	No	No	No	No	No	No

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PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO 406	House, 2 Harts Lane Daylesford	Yes	No	No	No	No	No	No
HO 407	Former Guest House, "Hallow Bank", 6 Harts Lane Daylesford	Yes	No	No	No	No	No	No
HO 408	House, 20 Millar Street, Daylesford	Yes	No	No	No	No	No	No
HO 409	House, 22 Millar Street, Daylesford	Yes	No	No	No	No	No	No
HO 410	House, 26 Millar Street, Daylesford	Yes	No	No	No	No	No	No
HO 411	House, 33 Millar Street, Daylesford	Yes	No	No	No	No	No	No
HO 412	House, "Pendower", 10 Bridport Street, Daylesford	Yes	No	No	No	No	No	No
HO 413	House, 14 Bridport Street, Daylesford	Yes	No	No	No	No	No	No
HO 414	House, 16 Bridport Street, Daylesford	Yes	No	No	No	No	No	No
HO 415	House, 18 Bridport Street, Daylesford	Yes	No	No	No	No	No	No
HO 416	Masonic Hall, 16 Vincent Street, Daylesford	Yes	Yes	No	No	No	No	No
HO 417	House, 72 West Street, Daylesford	Yes	No	No	No	No	No	No
HO 418	House, "Sunny Side", 10 Perrins Street, Daylesford	Yes	No	No	No	No	No	No
HO 419	House, 34 Perrins Street, Daylesford	Yes	No	No	N	No	No	No
HO 420	House, 44 Millar Street, Daylesford	Yes	No	No	No	No	No	No
HO 421	House, 46 Millar Street, Daylesford	Yes	No	No	No	No	No	No
HO 422	House, 48 Millar Street, Daylesford	Yes	No	No	No	No	No	No
HO 423	House, 52 Millar Street, Daylesford	Yes	No	No	No	No	No	No

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PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO 424	House, "Maranui", 24 Bridport Street, Daylesford	Yes	No	No	No	No	No	No
HO 425	Shop, 35-37 Vincent Street, Daylesford	Yes	No	No	No	No	No	No
HO 426	House, 17 Albert Street, Daylesford	Yes	No	No	No	No	No	No
HO 427	Houses, 13 and "Edina", 15 Albert Street, Daylesford	Yes	No	No	No	No	No	No
HO 428	Houses, 9 and 11 Albert Street, Daylesford	Yes	No	No	No	No	No	No
HO 429	Houses, "Morvah", 5 Albert Street, and 7 Albert Street, Daylesford	Yes	No	No	No	No	No	No
HO 430	House, Former Guest House, "Kooringa", 3 Albert Street, Daylesford	Yes	No	No	No	No	No	No
HO 431	Offices, 12 Albert Street, Daylesford	Yes	No	No	No	No	No	No
HO 432	House, 16 Albert Street, Daylesford	Yes	No	No	No	No	No	No
HO 433	House, 14 Albert Street, Daylesford	Yes	No	No	No	No	No	No
HO 434	House, 10 Duke Street, Daylesford	Yes	No	Yes	No	No	No	No
HO 435	House, 12 Duke Street, Daylesford	Yes	No	Yes	No	No	No	No
HO 436	Former Private Hospital, "Mount Stewart House", North-west corner of Duke Street and Central Springs Road, Daylesford	Yes	Yes	Yes	No	No	No	No
HO 437	House, 22 Duke Street, Daylesford	Yes	No	Yes	No	No	No	No
HO 438	House, "Toreki", 21 Duke Street, Daylesford	Yes	No	Yes	No	No	No	No
HO 439	House, "The Rest", 26 Duke Street, Daylesford	Yes	No	Yes	No	No	No	No
HO 440	House, 23 Duke Street, Daylesford	Yes	No	Yes	No	No	No	No

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PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO 441	House, "Bampton", 21 Camp Street, Daylesford	Yes	No	Yes	No	No	No	No
HO 442	Former Receipt and Pay Office, 17 Camp Street, Daylesford	Yes	Yes	No	No	No	No	No
HO 443	House, 5 Camp Street, Daylesford	Yes	No	Yes	No	No	No	No
HO 444	House, 7 Camp Street, Daylesford	Yes	No	Yes	No	No	No	No
HO 445	House, 41 Hill Street, Daylesford	Yes	No	Yes	No	No	No	No
HO 446	House, "Wallace", 37 Hill Street, Daylesford	Yes	No	Yes	No	No	No	No
HO 447	House, "Wara", 34 Hill Street, Daylesford	Yes	No	Yes	No	No	No	No
HO 448	House, 35 Hill Street, Daylesford	Yes	No	Yes	No	No	No	No
HO 449	House, 32 Hill Street, Daylesford	Yes	No	Yes	No	No	No	No
HO 450	House, 33 Hill Street, Daylesford	Yes	No	Yes	No	No	No	No
HO 451	House, 62 Raglan Street, Daylesford	Yes	No	Yes	No	No	No	No
HO 452	House (Pair), 58-60 Raglan Street, Daylesford	Yes	No	Yes	No	No	No	No
HO 453	House, 15 Daly Street, Daylesford	Yes	No	Yes	No	No	No	No
HO 454	Houses, "Wombat Towers", 21 Daly Street, Daylesford	Yes	No	Yes	No	No	No	No
HO 455	House, 57 Central Springs Road, Daylesford	Yes	No	Yes	No	No	No	No
HO 456	House, "Barwidgee", 8 Main Road, Hepburn Springs	Yes	No	No	No	No	No	No
HO 457	"The Garden", Former Guest House, 48 Main Road, Hepburn Springs	Yes	No	No	No	No	No	No

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PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO 458	House, 8 Raglan Street, Daylesford	Yes	No	Yes	No	No	No	No
HO 459	House, 10 Raglan Street, Daylesford	Yes	No	Yes	No	No	No	No
HO 460	"The Station House" Guest House, 15 Raglan Street, Daylesford	Yes	No	Yes	No	No	No	No
HO 461	House, 23 Raglan Street, Daylesford	Yes	No	Yes	No	No	No	No
HO 462	House, 24 Raglan Street, Daylesford	Yes	No	Yes	No	No	No	No
HO 463	Grocery Shop, 30 Raglan Street, Daylesford	Yes	No	Yes	No	No	No	No
HO 464	House, 26 Raglan Street, Daylesford	Yes	No	Yes	No	No	No	No
HO 465	House, 33 Raglan Street, Daylesford	Yes	No	Yes	No	No	No	No
HO 466	House, 12 Smith Street, Daylesford	Yes	No	No	No	No	No	No
HO 467	Five Shops, 4-12 Howe Street, Daylesford	Yes	No	Yes	No	No	No	No
HO 468	House, 99 West Street, Daylesford	Yes	No	No	No	No	No	No
HO 469	House (Pair), 28-30 Duke Street, Daylesford	Yes	No	Yes	No	No	No	No
HO 470	House, "The Luna", 5 Park Avenue, Hepburn Springs	Yes	No	No	No	No	No	No
HO 471	House, 45 Stanbridge Street, Daylesford	Yes	No	No	No	No	No	No
HO 472	Residence, 93 Service Street, Clunes CA 7 and 9, Sect 30, Township of Clunes	Yes	No	No	No	No	No	No
HO 473	Residence, 5 Short Street, Clunes CA 2, Sect 28, Township of Clunes	Yes	Yes	No	No	No	No	No
HO 474	Residence, 14 Tourello Street, Clunes Lot 1 TP124450, Township of Clunes	Yes	No	No	No	No	No	No

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PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO 475	Residence, 1 Ligar Street, Clunes CA 3, Sect 23, Township of Clunes	Yes	No	No	No	No	No	No
HO 476	Residence, 3 Ligar Street, Clunes CA 4, Sect 23, Township of Clunes	Yes	No	No	No	No	No	No
HO 477	Residence, 19 Ligar Street, Clunes CA 7 and 14, Sect 1, Township of Clunes	Yes	No	Yes	No	No	No	No
HO 478	Residence, 21 Ligar Street, Clunes CA 8, Sect 1, Township of Clunes	Yes	No	No	No	No	No	No
HO 479	Residence, 1 Leslie Street, Clunes Lot 2 LP120943 (formerly CA 5, Sect. 57), Township of Clunes	Yes	Yes	No	No	No	No	No
HO 480	Residence, 7 Service Street, Clunes CA 18 and 19 Sect 5, and Lot s 1 and 2 TP369965, Township of Clunes	Yes	No	Yes	No	No	No	No
HO 481	Former Police Residence, Lock-up, Stables and Outbuildings, 10 Service Street, Clunes CA 9 and 10, Sect 4, Township of Clunes	Yes	Yes	Yes	Yes	No	No	No
HO 482	Residence, 9 Templeton Street, Clunes CA 25, Sect 4, Township of Clunes	Yes	No	Yes	No	No	No	No
HO 483	Residence, 5 Templeton Street, Clunes CA 1, Sect 3, Township of Clunes	Yes	No	Yes	No	No	No	No
HO 484	Former National Bank, 28 Fraser Street, Clunes CA 22, Sect 3, Township of Clunes	Yes	Yes	Yes	No	No	No	No
HO 485	National Hotel, 35 Fraser Street, Clunes CA 7, Sect 14, Township of Clunes	Yes	No	Yes	No	No	No	No
HO 486	Former Shop, 41 Fraser Street, Clunes CA 10, Sect 14, Township of Clunes	Yes	No	Yes	No	No	No	No

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PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO 487	Former Fire Brigade Hotel, 43 Fraser Street, Clunes CA 11, Sect 14, Township of Clunes	Yes	No	Yes	No	No	No	No
HO 488	Shop, 51 Fraser Street, Clunes CA 13A, Sect 14, Township of Clunes	Yes	No	Yes	No	No	No	No
HO 489	Former Hotchin Shop, 53 Fraser Street, Clunes CA 14, Sect 14, Township of Clunes	Yes	No	Yes	No	No	No	No
HO 490	Former Edwards Shop, 63 Fraser Street, Clunes CA 18, Sect 14, Township of Clunes	Yes	No	Yes	No	No	No	No
HO 491	Former Town Hall Hotel, 65 Fraser Street, Clunes CA 19, Sect 14, Township of Clunes	Yes	No	Yes	No	No	No	No
HO 493	House, 17 Hall Street, Creswick	Yes	No	No	No	No	No	No
HO 494	Timber House, 88 Church Street, Creswick	Yes	No	No	No	No	No	No
HO 495	House, 58 Lewers Street, Creswick	Yes	No	No	No	No	No	No
HO 496	House, 60 Lewers Street, Creswick	Yes	No	No	No	No	No	No
HO 497	Timber House, 54 Cambridge Street, Creswick	Yes	No	No	No	No	No	No
HO 498	Timber House, 60 Cambridge Street, Creswick	Yes	No	No	No	No	No	No
HO 499	Timber House, 29 Cambridge Street, Creswick	Yes	No	No	No	No	No	No
HO 500	Timber House, 16 Cambridge Street, Creswick	Yes	No	No	No	No	No	No
HO 501	House, 21 Drummond Street, Creswick	Yes	No	No	No	No	No	No

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PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO 502	House, 23 Drummond Street, Creswick	Yes	No	No	No	No	No	No
HO 503	House, 25 Drummond Street, Creswick	Yes	No	No	No	No	No	No
HO 504	House, 29 Drummond Street, Creswick	Yes	No	No	No	No	No	No
HO 505	Timber House, 13 Castlemaine Road, (Midland Highway), Creswick	Yes	No	No	No	No	No	No
HO 506	Brick House, 6 Bridge Street (south-west corner Haines Street), Creswick	Yes	No	No	No	No	No	No
HO 507	Timber House, 14 Ayres Street, Creswick	Yes	No	No	No	No	No	No
HO 508	Timber House, 12 Ayres Street, Creswick	Yes	No	No	No	No	No	No
HO 509	House, 22 Semmens Avenue/149 Ballarat Road, Creswick	Yes	No	No	No	No	No	No
HO 510	House, 28 Melbourne Road, Creswick	Yes	No	No	No	No	No	No
HO 511	Former Shop, 30 Melbourne Road, Creswick	Yes	No	No	No	No	No	No
HO 512	House, 29 Melbourne Road, Creswick	Yes	No	No	No	No	No	No
HO 513	House, 12-14 Rogers Street, Creswick	Yes	No	No	No	No	No	No
HO 514	House, 11North Parade, Creswick	Yes	No	No	No	No	No	No
HO 515	Former Church, 13North Parade, Creswick	Yes	Yes	No	No	No	No	No
HO 516	House, 3 Harvey Street, Creswick	Yes	No	Yes	No	No	No	No
HO 517	Timber House, 7 Haines Street, Creswick	Yes	No	No	No	No	No	No
HO 519	House, 1 Phillip Street, Creswick	Yes	No	No	No	No	No	No
HO 520	House, 5 Reed Street, Creswick	Yes	No	No	No	No	No	No
HO 521	House, 6 Reed Street, Creswick	Yes	No	No	No	No	No	No

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PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO 522	House, 9 Reed Street, Creswick	Yes	No	No	No	No	No	No
HO 523	Timber House, 12 Bald Hills Road, Creswick	Yes	No	No	No	No	No	No
HO 524	House, 36 Railway Parade, Creswick	Yes	No	No	No	No	No	No
HO 525	House, 46 Railway Parade, Creswick	Yes	No	No	No	No	No	No
HO 526	Timber House, 31 Camp Street, Creswick	Yes	No	No	No	No	No	No
HO 527	Timber House, 33 Camp Street, Creswick	Yes	No	No	No	No	No	No
HO 528	Timber House, 35 Camp Street, Creswick	Yes	No	No	No	No	No	No
HO 529	Timber House, 53 Clunes Road, Creswick	Yes	No	No	No	No	No	No
HO 530	Timber House, 62 Clunes Road, Creswick	Yes	No	No	No	No	No	No
HO 531	Timber House, 64 Clunes Road, Creswick	Yes	No	No	No	No	No	No
HO 532	Timber House, 67 Clunes Road, Creswick	Yes	No	No	No	No	No	No
HO 533	Timber House, 76 Clunes Road, Creswick	Yes	No	No	No	No	No	No
HO 534	Timber House, 78 Clunes Road, Creswick	Yes	No	No	No	No	No	No
HO 535	Timber House, 80 Clunes Road, Creswick	Yes	No	No	No	No	No	No
HO 536	Timber House, 86 Clunes Road, Creswick	Yes	No	No	No	No	No	No
HO 537	Timber House, 92 Clunes Road, Creswick	Yes	No	No	No	No	No	No
HO 538	Timber House, 96 Clunes Road, Creswick	Yes	No	No	No	No	No	No
HO 539	Timber House, 101 Clunes Road, Creswick	Yes	No	No	No	No	No	No
HO 540	Shop and Residence, 85 Clunes Road, Creswick	Yes	No	No	No	No	No	No
HO 541	Timber House, 103 Clunes Road, Creswick	Yes	No	No	No	No	No	No

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PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO 542	Timber House, 106 Clunes Road, Creswick	Yes	No	No	No	No	No	No
HO 543	Brick House, 110 Clunes Road, Creswick	Yes	No	No	No	No	No	No
HO 544	Timber House, 112 Clunes Road, Creswick	Yes	No	No	No	No	No	No
HO 545	Timber House, 111 Clunes Road, Creswick	Yes	No	No	No	No	No	No
HO 546	House, 71 Macs Street, Creswick	Yes	No	No	No	No	No	No
HO 547	House, 29 King Street, Creswick	Yes	No	No	No	No	No	No
HO 548	Timber House, 18 Gardiner Street, Creswick	Yes	No	No	No	No	No	No
HO 549	House, 21 Hammon Street, Creswick	Yes	No	No	No	No	No	No
HO 550	House, 27 Raglan Street, Daylesford	Yes	No	Yes	No	No	No	No
HO 551	House, 39 Albert Street Daylesford	Yes	No	No	No	No	No	No
HO 552	House, 82 West Street, Daylesford	Yes	No	No	No	No	No	No
HO 553	House, 14 Vincent Street North, Daylesford	Yes	No	No	No	No	No	No
HO 555	Former shop and dwelling, 117 Vincent Street, Daylesford	Yes	No	No	No	No	No	No
HO 556	Timber House, Midland Highway, Blampied	Yes	No	No	No	No	No	No
HO 557	House "Loatta" and Araucaria araucana (Monkey Puzzle Tree) in front garden, 200 Dean-Mollongghip Road, Dean Lot 7 TP567616	No	No	Yes	No	No	No	No
HO 559	Timber house, Lot 1, 136 Clunes Road, Creswick	Yes	No	No	No	No	No	No
HO 560	Pinus jeffreyii (Jeffrey Pine), Moore Street, east of Creswick Football Ground, Creswick	No	No	Yes	No	No	No	No

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HO 563	Banksia marginata (Silver Banksia), Boundary Road, off Coghills Creek Road, (Long Point Road), Creswick	No	No	Yes	No	No	No	No
HO 564	North Creswick Uniting Church (former Primitive Methodist Church), 70 Clunes Road, Creswick CA1 Sect 56 Township of Creswick	Yes	No	No	No	No	No	No
HO 565	Former Wesleyan Church, Dean-Newlyn Road, Newlyn	Yes	Yes	No	No	No	No	No
HO 566	Eucalyptus (Tasmanian Blue Gum), Road Reserve outside 85 Clunes Road, Creswick	No	No	Yes	No	No	No	No
HO 567	Creswick Deep Leads 4 Mine Site, Carmody Drive, Creswick CA 26B, Section Q	No	No	No	No	No	No	No
HO 577	Former Creswick Shire Hall, Kingston Road (Creswick-Newstead Road), Kingston	Yes	Yes	No	No	No	No	No
HO 578	Dwelling, 414 Kingston Road, Kingston; CA1 Pt No Sect. Parish of Spring Hill	Yes	No	No	No	No	No	No
HO 579	Kingston Showgrounds, off Church Parade (Werona-Kingston Road), Kingston	Yes	No	Yes	No	No	No	No
HO 581	Mount Prospect Presbyterian Church and Cemetery, Midland Highway, Mount Prospect	Yes	Yes	No	No	No	No	No
HO 589	Mount Prospect House, Treweeks Road, Blampied	Yes	No	No	No	No	No	No
HO 599	Pioneers' Monument, corner Daylesford-Clunes and Creswick-Newstead Roads, Smeaton	No	No	Yes	No	No	No	No

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PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO 601	Stand of trees comprising Pinus radiata (Monterey Pine), Cupressus macrocarpa, Araucaria bidwillii, Cedrus deodora, at Hepburn Graves Private Cemetery, Smeaton House, Estate Lane, Smeaton	No	No	Yes	No	No	No	No
HO 602	House, 8 Calder Street, Smeaton	Yes	No	No	No	No	No	No
HO 603	House and outbuildings, 205 Cemetery Road, Smeaton	Yes	No	No	No	No	No	No
HO 604	Kaboonga Company Mine Site, Lot 7B LP2612, Creswick-Newstead Road, Smeaton	No	No	No	No	No	No	No
HO 605	Berry United Mine Site, CA pt 28 and pt CA 29, Section A, Parish of Smeaton 252 Ullina-Kooroocheang Road, Ullina	No	No	No	No	No	No	No
HO 607	Saint Paul's Church of England, Templeton Street, Corner Bailey Street, Clunes CA Pt 6, 7, 7A and 8, Sect 16, Township of Clunes	Yes	No	Yes	No	No	No	No
HO 611	Sailors Falls, Daylesford- Ballan Road, Sailors Falls	No	No	No	No	No	No	No
HO 612	"The Lost Children" Historic Marker, Wheelers Hill Road, Wheelers Hill	No	No	No	No	No	No	No
HO 613	Eganstown General Cemetery, Cemetery Road, Eganstown	No	No	No	No	No	No	No
HO 615	"Holcombe" and "Holcombe Park", 189 Holcombe Road, Glenlyon	Yes	No	Yes	No	No	Yes	No
HO 616	Leitches Creek Spring Reserve, Springs Road, Leitches Creek	No	No	Yes	No	No	No	No

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PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO 617	Deep Creek Mineral Springs Reserve, Pump House and Crystal Spring, Eganstown	Yes	No	Yes	No	No	Yes	No
HO 618	Little Hampton Uniting (former Methodist) Church, Little Hampton Road, Little Hampton	Yes	No	No	No	No	Yes	No
HO 619	Wombat Park Residence, Garden and Stables, Midland Highway, Daylesford	Yes	Yes	Yes	Yes	No	No	No
HO 621	Ern Pfeiffer Mining Site, Keep It Dark Gully, off Basalt Road (near corner of Humbug Road), Kooroocheang	No	No	No	No	No	No	No
HO 622	House and Dairy, Werona-Kingston Road, Kooroocheang	Yes	No	No	No	No	No	No
HO 623	Charlesford Basalt Mine, Keep It Dark Gully, (off Basalt Road), Kooroocheang	No	No	No	No	No	No	No
HO 624	Former Throssel's Flour Mill, 345 Malmsbury Road, Coomoora	Yes	No	No	No	No	Yes	No
HO 625	Charcoal Pile, Blowhole Track, Basalt	No	No	No	No	No	No	No
HO 626	Jim Crow Creek Heritage Mining Precinct (Dredging remains), Elevated Plains/ Shepherds Flat	Yes	No	Yes	No	No	No	No
HO 627	Horse-operated Mining Site, off Hepburn-Newstead Road, Elevated Plains	No	No	No	No	No	No	No
HO 628	Timber House and Trees, North-east corner Dysart Street and Eldon Street, Glenlyon	Yes	No	Yes	No	No	Yes	No
HO 630	Saint John's Church of England, Malmsbury-Daylesford Road, corner Fleischer Lane and Spring Street, Glenlyon	Yes	No	No	No	No	Yes	No

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PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO 631	Saint Paul's Catholic Church, south-east corner Molesworth Street and Church Street, Glenlyon	Yes	No	Yes	No	No	Yes	No
HO 632	Former Glenlyon State School No.266, Barkly Street, corner Eldon and Molesworth Streets, Glenlyon	Yes	No	No	No	No	Yes	No
HO 633	Francis Milesi Vertical Log Hut, Basalt Road, Basalt	No	No	No	No	No	No	No
HO 634	Former Glenlyon Shire Hall, south-east corner Barkly and Mostyn Streets, Glenlyon	Yes	No	No	No	No	Yes	No
HO 636	Lithia Springs Reserve, Lithia Road, Shepherds Flat	No	No	No	No	No	No	No
HO 637	Pise Hut Remains, Stringers Gully, Wombat State Forest, Shepherds Flat	No	No	No	No	No	No	No
HO 638	"Lavandula" Complex and Bridge, Newstead-Hepburn Road, Shepherds Flat	No	No	No	No	No	Yes	No
HO 639	Loddon Falls and surrounding Loddon Falls Reserve, Sewells Lane, Glenlyon	No	No	No	No	No	No	No
HO 640	Daylesford-Upper Loddon State Forest water channel (Hunts Water Race), on public and private land Near Sawpit Gully Road, Dry Diggings to Porcupine Ridge	No	No	No	No	No	No	No
HO 641	"Holcombe Hill", Porcupine Ridge Road, Porcupine Ridge	No	No	No	No	No	No	No
HO 642	Mount Franklin Reserve, Mount Franklin (includes Mount Franklin and parts of the former Loddon Aboriginal Protectorate Station and the former Mount Franklin Aboriginal Reserve)	No	No	Yes	No	No	No	No

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PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO 643	Brick and Stone House, Yandoit Creek Road, Yandoit	Yes	No	No	No	No	No	No
HO 644	Sir John Franklin Crossing Place, Old Track, and River bend area, Clarkes Road, Franklinford	No	No	Yes	No	No	No	No
HO 645	Monument to E.S.Parker, corner Cross and Loddon Streets, Franklinford	No	No	No	No	No	No	No
HO 646	Loddon Aboriginal School Site and Loddon Aboriginal Protectorate Buildings Site, Franklin Street, Franklinford	No	No	Yes	No	No	No	Yes
HO 648	Former Germano's Farmhouse, 595 Yandoit Creek Road, Yandoit	Yes	Yes	No	No	No	No	No
HO 649	Tognolini's Farmhouse and Outbuildings, 695 Yandoit Creek Road, Franklinford	Yes	Yes	No	No	No	No	No
HO 650	Stone abutments and later road bridge over Jim Crow Creek, Hepburn-Newstead Road, Yandoit	No	No	No	No	No	No	No
HO 652	Barn and Ruin Complex, 220 Yandoit Creek Road, Yandoit	Yes	No	No	No	No	No	No
HO 653	"Tiarri", Drummond-Vaughan Forest Road, Pattens Hill, west of Black Creek, Drummond	No	No	No	No	No	Yes	No
HO 654	"Locarno" House and outbuildings, 120 Hallets Lane and Locarno Road, Yandoit	Yes	No	No	Yes	No	Yes	No
HO 655	Former Drummond North Primary School No. 937, Drummond-Taradale Road, Drummond North	Yes	No	No	Yes	No	Yes	No
HO 656	Timber Culvert, Hepburn-Newstead Road, Clydesdale	No	No	No	No	No	No	No

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PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO 657	War Memorial, Yandoit-Clydesdale Road, Clydesdale	No	No	No	No	No	No	No
HO 658	Clydesdale Hall (Former Clydesdale State School No. 900), Yandoit-Clydesdale Road, Clydesdale	Yes	No	No	No	No	Yes	No
HO 659	Former Railway Departmental Residence, 154 Lake Road, Daylesford	Yes	Yes	No	No	No	No	No
HO 660	Residential Pair, "Ottoman Cottage", 37 King Street, Daylesford	Yes	No	No	No	No	No	No
HO 661	Cottage, Houston Street, Daylesford	Yes	No	Yes	No	No	No	No
HO 662	Former Leggatts Hotel, Leggatt Street, Daylesford	Yes	Yes	No	No	No	No	No
HO 663	Former Mill Workers' Residence, East Street, South west corner Central Springs Road, Daylesford	Yes	No	No	No	No	No	No
HO 664	Anglican Church Buildings (Christ Church and Rectory), 54 Central Springs Road, Daylesford	Yes	Yes	Yes	No	No	No	No
HO 665	Uniting Church Buildings, (Uniting Church-Former Wesleyan Methodist Church, Hall-Former {earlier} Wesleyan Methodist Church, and Manse), 56 Central Springs Road, Daylesford	Yes	Yes	Yes	No	No	No	No
HO 666	Houses (Pair), 23-25 Camp Street, Daylesford	Yes	No	Yes	No	No	No	No
HO 667	Shop and residence, 89 Vincent Street, Daylesford	Yes	No	No	No	No	No	No

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PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO 668	Saint Peter's Catholic Church, Daylesford, corner of Duke Street and Central Springs Road, Daylesford	Yes	Yes	Yes	No	No	No	No
HO 669	Saint Peter's Catholic Church Presbytery, Duke Street, Daylesford	Yes	Yes	Yes	No	No	No	No
HO 670	Former "Victoria Hotel", 57-61 Vincent Street, Daylesford	Yes	No	No	No	No	No	No
HO 671	Shop, "Coopers", 70-74 Vincent Street, Daylesford	Yes	No	No	No	No	No	No
HO 672	Shop (former "Cloughs" Super-market), 68 Vincent Street, Daylesford	Yes	No	No	No	No	No	No
HO 673	Former "Victoria Chambers", 62-66 Vincent Street, Daylesford	Yes	No	No	No	No	No	No
HO 674	Former "Rex Theatre" and Shop, Vincent Street, Daylesford	Yes	Yes	No	No	No	No	No
HO 675	Former Baptist Church, Camp Street Daylesford	Yes	Yes	Yes	No	No	No	No
HO 677	Former Presbyterian Manse, 19 Camp Street, Daylesford	Yes	No	Yes	No	No	No	No
HO 678	House, 27 Camp Street, Daylesford	Yes	No	Yes	No	No	No	No
HO 680	Former Auction Rooms, 34 Vincent Street, Daylesford	Yes	No	No	No	No	No	No
HO 681	Former "Holy Cross" Convent, Daly Street, corner of Hill Street, Daylesford	Yes	Yes	Yes	No	No	No	No
HO 682	Former "Prince of Wales" Hotel, 28-30 Vincent Street, Daylesford	Yes	No	No	No	No	No	No

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PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO 684	Former House, 13 Hospital Street, Daylesford	Yes	No	No	No	No	No	No
HO 685	Daylesford District Hospital, Hospital Street, Daylesford	Yes	No	No	No	No	No	No
HO 687	Hotel, "Hepburn Mineral Springs Hotel", Main Road, Hepburn Springs	Yes	No	No	No	No	No	No
HO 688	House, "Kenmore", 58 Central Springs Road, Daylesford	Yes	No	No	No	No	No	No
HO 689	Roadside avenue of conifers, former Midland Highway, Springmount	No	No	Yes	No	No	No	No
HO 690	Former railway line reservations, from a point south of Daylesford to former Wombat Station site, Rocklyn, Korweinguboorra, Leonards Hill, Sailors Falls, Musk Vale and Daylesford	No	No	No	No	No	No	No
HO 691	Old railway line section, cuttings, embankments, brick culvert and timber road bridge, Daylesford	No	No	No	No	No	No	No
HO 693	Creswick Cemetery, Clunes-Creswick Road, Creswick	Yes	No	Yes	No	No	No	No
HO 694	Vincent Street Heritage Precinct, Daylesford	Yes	No	Yes	No	No	No	No
HO 695	Albert Street Daylesford Heritage Precinct, Daylesford	Yes	No	Yes	No	No	No	No
HO 696	Daylesford Township Churches Precinct, Daylesford	Yes	No	Yes	No	No	No	No
HO 697	Wombat Hill Garden Heritage Precinct, Daylesford	Yes	No	Yes	No	No	No	No

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PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO 698	Daylesford Railway Heritage Precinct, Daylesford	Yes	No	Yes	No	No	No	No
HO 699	Wills Square Daylesford Heritage Precinct, Daylesford	Yes	No	Yes	No	No	No	No
HO 701	House, "Beaufront", 12 Little Street, Daylesford	Yes	No	No	No	No	No	No
HO 702	House, 55 Central Springs Road, Daylesford	Yes	No	Yes	No	No	No	No
HO 703	House, 17 Duke Street, Daylesford	Yes	No	Yes	No	No	No	No
HO 704	Former "Golden Fleece Hotel" and former "Fire Brigade" Hotel, 99-103 Vincent Street, Daylesford	Yes	No	No	No	No	No	No
HO 705	Office, Residence, and Shops, 56-60 Vincent Street, Daylesford	Yes	No	No	No	No	No	No
HO 706	Former Jim Crow Pharmacy, 81 Vincent Street, Daylesford	Yes	No	No	No	No	No	No
HO 707	Shop, 83-85 Vincent Street, Daylesford	Yes	No	No	No	No	No	No
HO 709	Former State Savings Bank, 38-40 Vincent Street, Daylesford	Yes	No	No	No	No	No	No
HO 710	Former Union Bank, 54 Vincent Street, Daylesford	Yes	No	No	No	No	No	No
HO 711	Shops, 29 Albert Street, Daylesford	Yes	No	No	No	No	No	No
HO 712	House, 78 Central Springs Road, Daylesford	Yes	No	No	No	No	No	No
HO 713	House, 54 Leggatt Street (north-west Corner Basin Road), Daylesford	Yes	No	No	No	No	No	No

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PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO 714	House, 13 King Street, Daylesford	Yes	No	No	No	No	No	No
HO 716	House (Former guest house), "Kia Ora", 5 Grant Street, Daylesford.	Yes	No	Yes	No	No	No	No
HO 717	House, 16 Queensberry Street, Daylesford	Yes	No	No	No	No	No	No
HO 718	House, 43 East Street, Daylesford	Yes	No	No	No	No	No	No
HO 719	Former Muskvale Primary SchoolNo.2080, Daylesford-Ballan Road, Musk Vale	Yes	No	No	No	No	Yes	No
HO 720	Musk Station, off Coopers Lane and Daylesford-Trentham Road, Musk	Yes	No	No	No	No	Yes	No
HO 721	Former Musk Creek Primary SchoolNo.1171, Daylesford-Trentham Road, Musk	Yes	No	No	No	No	Yes	No
HO 722	Bullarto Hall, Old Blackwood Road, Bullarto	Yes	Yes	No	No	No	Yes	No
HO 723	Lyonville Station, off Gleeson Street, Lyonville	Yes	No	No	No	No	Yes	No
HO 724	Pump-house and Lyonville Mineral Springs, Lyonville Mineral Springs Reserve, Lyonville	Yes	No	No	No	No	No	No
HO 725	Lyonville Public Hall (Former Lyonville Mechanics Institute and Free Library), Lyonville	Yes	No	No	No	No	Yes	No
HO 726	Lyonville (Radio Springs) Hotel, High Street, Lyonville	Yes	No	No	No	No	Yes	No
HO 727	Former Coomoora State SchoolNo.836, Coomoora School Road, Coomoora	Yes	No	Yes	No	No	Yes	No

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HO 728	Leonards Hill Public Hall (Former Mechanics Institute), Daylesford-Ballan Road, Leonards Hill	Yes	No	No	No	No	Yes	No
HO 729	Former Leonards Hill Primary School No.931, Daylesford-Ballan Road, Leonards Hill	Yes	No	No	No	No	Yes	No
HO 730	Former School House, Daylesford-Ballan Road, Leonards Hill	Yes	No	No	No	No	Yes	No
HO 731	"The Lost Children" Historic Marker, Midland Highway, Daylesford	No	No	No	No	No	No	No
HO 732	Tipperary Mineral Springs Reserve, Daylesford	No	No	No	No	No	No	No
HO 733	Baptist Church, Main Road, Hepburn Springs, Hepburn	Yes	No	No	No	No	No	No
HO 734	Group of Shops, 113 and 115 Main Road, and 3 and 5 Tenth Street, Hepburn Springs	Yes	No	No	No	No	No	No
HO 735	Hepburn Mineral Springs Heritage Precinct, Hepburn Springs	Yes	No	Yes	No	No	No	No
HO 736	House, 154 Main Road, Hepburn Part of Lot 2 PS435891	Yes	No	No	No	No	No	No
HO 737	House, "Waldenberg", 12 Golf Links Road, Hepburn Lot 4 LP15038	Yes	No	No	No	No	No	No
HO 738	House, "Hepburn View", 18 Spa Avenue, Hepburn	Yes	No	No	No	No	No	No
HO 739	House, 186 Main Road, Hepburn	Yes	No	No	No	No	No	No
HO 740	Stone Bridge Abutments, Bald Hill Road, Bryces Flat, Hepburn	No	No	No	No	No	No	No

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PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO 742	Glenlyon General Cemetery, Holcombe Road, Glenlyon	No	No	Yes	No	No	No	No
HO 743	Glenlyon Store, Barkly Street, Glenlyon	Yes	No	No	No	No	Yes	No
HO 744	House (Former Glenlyon Hotel), 33 Barkly Street, North-west corner Mostyn Street, Glenlyon	Yes	No	No	No	No	Yes	No
HO 745	Mine Shafts, Green Gully Road, Glenlyon	No	No	No	No	No	No	No
HO 746	Stone House and Dairy, 1530 Hepburn-Newstead Road, Clydesdale	Yes	No	No	No	No	Yes	No
HO 747	Former Clydesdale Methodist Church, 260 Locarno Road (corner Hepburn-Newstead Road and Yandoit-Clydesdale Road), Clydesdale	Yes	No	No	No	No	Yes	No
HO 748	Stone Cottage, 1657 Hepburn-Newstead Road, Clydesdale	No	No	No	No	No	No	No
HO 749	Stone and Timber House, 1509 Hepburn-Newstead Road, Clydesdale	Yes	No	No	No	No	Yes	No
HO 750	Wattle and Daub Hut, 291 Jones and Reeces Road, Corner Hepburn-Newstead Road, Clydesdale	No	No	No	No	No	No	No
HO 751	Yandoit Anglican Church, 77 Yandoit Creek Road, Yandoit	Yes	No	Yes	No	No	Yes	No
HO 752	Fleischer Stone building, 99 Yandoit Creek Road, Yandoit	Yes	No	Yes	No	No	Yes	No
HO 753	Former Yandoit Catholic Church, Yandoit Creek Road, Yandoit	Yes	No	No	No	No	Yes	No
HO 754	House (Former Pedrini's Wine Saloon), 38 High Street, Yandoit	Yes	No	Yes	No	No	Yes	No

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PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO 755	"Glenevrie", 62 High Street, Yandoit	Yes	No	Yes	No	No	Yes	No
HO 756	Yandoit Primary School No. 691, Yandoit Town Road, Yandoit	Yes	No	Yes	No	No	Yes	No
HO 757	Yandoit Hall (Former Yandoit Mechanics Institute and Free Library), 80 High Street, Yandoit	Yes	No	Yes	No	No	Yes	No
HO 758	Yandoit Uniting Church, Uniting Church Road, off High Street, Yandoit	Yes	No	Yes	No	No	Yes	No
HO 759	Mine Workings, Machinery and Mullock Heap, 110 High Street, Yandoit	Yes	No	Yes	No	No	Yes	No
HO 760	Yandoit Township Heritage Precinct, Yandoit	Yes	No	Yes	No	No	No	No
HO 761	Clunes Cemetery, Cemetery Road North, off Ballarat-Maryborough Road, Clunes CA 39A, Sect 6, Parish of Clunes	Yes	No	Yes	Yes	No	Yes	No
HO 762	Showgrounds, Service Street, Clunes CA 6-18, Sect 25, CA 3-14 Sect 8 and Road Reserves, Township of Clunes	Yes	No	Yes	Yes	No	No	No
HO 763	Former Presbyterian Church, Sunday School, Service Street, and Manse, 49 Alliance Street, Clunes CA 6 and 14, Sect 4, Township of Clunes	Yes	Yes	Yes	No	No	No	No
HO 764	Former Wesleyan Church, 12 Service Street, Clunes CA 11, Sect 4, Township of Clunes	Yes	Yes	Yes	No	No	No	No
HO 765	Shop, 5 Service Street, corner Bailey Street, Clunes CA 1, Sect 2, Township of Clunes	Yes	No	Yes	No	No	No	No

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PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO 766	Former "Jobsons Corner", 1 Service Street, corner Fraser Street, Clunes PC355942 (formerly CA 3, Sect 2, Township of Clunes	Yes	No	Yes	No	No	No	No
HO 767	Former Shops, 2A and 4 Service Street, Clunes Part CA 14, Sect 3, Township of Clunes	Yes	No	Yes	No	No	No	No
HO 768	Shops, 2 Service Street, Clunes Lot 1 TP122193 (formerly Part CA 14, Sect 3), Township of Clunes	Yes	No	Yes	No	No	No	No
HO 769	Former Prisk's Drapery Mart, 50-54 Fraser Street, Clunes CA 15, Sect 3, Township of Clunes	Yes	No	Yes	No	No	No	No
HO 770	Former Nichol and Wallace Warehouse, 36 Fraser Street, Clunes CA 18, Sect 3, Township of Clunes	Yes	No	Yes	No	No	No	No
HO 771	Former Matthews Residence, 26 Fraser Street, Clunes CA 23, Sect 3, Township of Clunes	Yes	Yes	Yes	No	No	No	No
HO 772	Shop, 59 Fraser Street, Clunes CA 16, Sect 14, Township of Clunes	Yes	No	Yes	No	No	No	No
HO 773	Former Moritz Shops, 55-57 Fraser Street, Clunes Lot 1 TP19251 and Lot 1 TP9357 (formerly CA 15, Sect 14), Township of Clunes	Yes	Yes	Yes	No	No	No	No
HO 774	Shops 45-49 Fraser Street, Clunes Lot 1 TP17092 and CA 12 and 13, Sect 14, Township of Clunes	Yes	No	Yes	No	No	No	No

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HO 775	Former Free Library, Templeton Street, Clunes CA 34A and 34B Sect D, Township of Clunes	Yes	Yes	Yes	No	No	No	No
HO 776	Clunes Conservation Precinct, Clunes	Yes	No	Yes	No	No	No	No
HO 777	"Government Bridge", Creswick Creek, Bailey St and Creswick Road, Clunes	Yes	No	Yes	No	No	No	No
HO 778	Queens Park Ligar Street, corner Cameron Street and Smeaton Road, Clunes	Yes	No	Yes	No	No	No	No
HO 779	House and garden, South-west Corner Daylesford-Clunes Road, and Calder Street, Smeaton	Yes	No	Yes	No	No	No	No
HO 780	House, 41 Calder Street, Smeaton	Yes	No	Yes	No	No	No	No
HO 781	Smeaton State School No. 552, Frederick, Queen and Calder Streets, Smeaton	Yes	Yes	No	No	No	No	No
HO 782	Franklinford Cemetery, Ligar Street and Cemetery Road, off Clarkes Road, Franklinford	No	No	Yes	No	No	No	No
HO 783	Former Franklinford Methodist Church and E. S. Parker Centre, corner Cross and Loddon Streets, Franklinford	Yes	No	No	No	No	Yes	No
HO 784	Larnebarrumul Sanctuary Sign, corner Cross and Loddon Streets, Franklinford	No	No	No	No	No	No	No
HO 785	Former Hotel/Store, corner Stuart, High and Cross Streets, Franklinford	Yes	No	No	No	No	Yes	No
HO 786	"Kanga Park", Morrison Road and Kanga Track, Franklinford	No	No	No	No	No	Yes	No

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PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO 787	Strawhorn's Farm, 5777 Midland Highway, Shepherds Flat	No	No	No	No	No	Yes	No
HO 788	"Pentwyn", Midland Highway, Mount Franklin	No	No	No	No	No	Yes	No
HO 789	Former Shrives Hotel, Newstead-Hepburn Road, Shepherds Flat	No	No	No	No	No	Yes	No
HO 790	Manning Spring, Shepherds Flat/Elevated Plains	No	No	No	No	No	No	No
HO 791	Hendersons Spring, Slate Quarry and Tucker Point Spring, off Basalt Road, Basalt	No	No	No	No	No	No	No
HO 792	Franklinford Heritage Area, Franklinford	Yes	No	No	No	No	No	No
HO 793	Timber house, 128 Clunes Road, Creswick	Yes	No	No	No	No	No	No
HO 794	Brick House, 114 Clunes Road, Creswick	Yes	No	No	No	No	No	No
HO 795	Timber House, 115 Clunes Road, Creswick	Yes	No	No	No	No	No	No
HO 796	House, 93 Pasco Street, Creswick	Yes	No	No	No	No	No	No
HO 797	House, 101 Pasco Street, Creswick	Yes	No	No	No	No	No	No
HO 799	Creswick District Hospital, Napier Street, Creswick	Yes	No	Yes	No	No	No	No
HO 800	Fiddian Memorial, Cambridge Street, Creswick	Yes	No	Yes	No	No	No	No
HO 801	Peacock Memorial, Cambridge Street, Creswick	Yes	No	Yes	No	No	No	No
HO 802	Timber House, 67 Cambridge Street, Creswick	Yes	No	Yes	No	No	No	No

HEPBURN PLANNING SCHEME

ATTACHMENT 10.2.3

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO 803	War Memorial, Market Square, Albert and Raglan Streets, Creswick	Yes	No	Yes	No	No	No	No
HO 805	Timber House, 103 Albert Street, Creswick	Yes	No	Yes	No	No	No	No
HO 806	House, 114Napier Street, south-east corner of South Street, Creswick	Yes	No	No	No	No	No	No
HO 807	House, 90Napier Street, Creswick	Yes	No	No	No	No	No	No
HO 808	House, 86Napier Street, Creswick	Yes	No	No	No	No	No	No
HO 809	House, 91Napier Street, Creswick	Yes	No	No	No	No	No	No
HO 811	Saint Augustine's School Hall, Napier Street, Creswick CA 4 Sec 66 Township of Creswick	Yes	Yes	No	No	No	No	No
HO 813	House, 131Napier Street, Creswick	Yes	No	No	No	No	No	No
HO 814	House, 133Napier Street, Creswick	Yes	No	No	No	No	No	No
HO 815	Former Shop, 13 Melbourne Road, Creswick	Yes	No	No	No	No	No	No
HO 816	House, 14 Melbourne Road, Creswick	Yes	No	No	No	No	No	No
HO 817	Timber House, 24 Gardiner Street, Creswick	Yes	No	No	No	No	No	No
HO 818	Timber House, 8 Gardiner Street, Creswick	Yes	No	No	No	No	No	No
HO 819	Timber house, 10 Gardiner Street, south-east corner Bell Street, Creswick	Yes	No	No	No	No	No	No
HO 820	Timber House, 12 Gardiner Street, Creswick	Yes	No	No	No	No	No	No
HO 821	Timber House, 14 Gardiner Street, Creswick	Yes	No	No	No	No	No	No

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ATTACHMENT 10.2.3

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO 822	House, 13 Hammon Street, Creswick	Yes	No	No	No	No	No	No
HO 823	Creswick Township Heritage Precinct, Creswick	Yes	No	Yes	No	No	No	No
HO 824	Former Holy Trinity Church of England, Church Parade (Werona-Kingston Road), Kingston	Yes	Yes	No	No	No	No	No
HO 825	Coffey Farmhouse, 2000 Midland Highway, Springmount Lot 1 TP9813	Yes	No	No	No	No	No	No
HO 826	Hepburn Lagoon Daylesford-Clunes Road, Blampied (Clunes Water Supply Works)	Yes	No	Yes	No	No	No	No
HO 827	Mount Prospect State School No 44, Midland Highway, Mount Prospect	Yes	Yes	No	No	No	No	No
HO 828	Bluestone Bridge, Midland Highway, Mount Prospect	Yes	No	No	No	No	No	No
HO 829	"Corinella", Midland Highway, Eganstown	Yes	No	No	No	No	Yes	No
HO 830	House, 51 Deep Spring Road, Eganstown Lot 3 LP110883	Yes	No	No	No	No	Yes	No
HO 831	House, 29 Deep Spring Road, Eganstown Lot 4 LP57219	Yes	No	No	No	No	Yes	No
HO 832	House, 25 Deep Spring Road, Eganstown Lot 5 LP57219	Yes	No	No	No	No	Yes	No
HO 834	Stone Kerbing, High Street, Trentham	No	No	No	No	No	No	No
HO 835	Elm Avenue, Cosmo Road, Trentham	No	No	Yes	No	No	No	No
HO 836	Elm Avenue, Market Street, Trentham	No	No	Yes	No	No	No	No

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ATTACHMENT 10.2.3

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO 837	Elm Street Trees, Forest Street westwards, Bridge Street, Trentham	No	No	Yes	No	No	No	No
HO 838	Stone and Brick Paved Street Gutters, Market Street, Trentham	No	No	No	No	No	No	No
HO 840	Former Store and Residence, corner McPhans and Mollongghip Roads, Mollongghip	Yes	No	No	No	No	No	No
HO 841	Public Hall, 521 Dean-Mollongghip Road, Mollongghip	Yes	Yes	No	No	No	No	No
HO 842	Former Saint Peter's Church of England, Dean-Mollongghip Road, Mollongghip	Yes	Yes	No	No	No	No	No
HO 843	House, 15 Stanhope Street, Daylesford Lot 1 TP18859	Yes	No	No	No	No	No	No
HO 844	Former Alpha Hall, 63-65 Vincent Street, Daylesford	Yes	No	No	No	No	No	No
HO 845	Shop, 87 Vincent Street, Daylesford	Yes	No	No	No	No	No	No
HO 846	Creswick Public Gardens including Timber Summer House (Rotunda) and Former Gold Commissioner's House, Bridge Street, Creswick	Yes	No	Yes	No	No	No	No
HO 847	Drummond Hall, Drummond-Lauriston Road, Drummond	Yes	No	Yes	Yes	No	Yes	No
HO 849	Former Union Bank, corner Fraser and Templeton Streets, Clunes CA 25, Sect 3, Township of Clunes	Yes	Yes	Yes	No	No	No	No
HO 850	Drummond Primary School No.1848, Drummond-Lauriston Road, Drummond	Yes	No	Yes	Yes	No	Yes	No

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ATTACHMENT 10.2.3

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO 851	Drummond War Memorial Monument, Drummond-Lauriston Road, Drummond	Yes	No	Yes	Yes	No	Yes	No
HO 856	Mannings Bridge, Tylden-Springhill Road, Tylden	No	No	No	No	No	No	No
HO 857	Homestead/House behind "Ashview" including garden walls and associated structures, mature planting and hawthorn hedges, 52 James Lane, Tylden; CA109No Sec Parish of Tylden	Yes	No	No	Yes	No	No	No
HO 858	Face Brick House, 359 James Lane, Fern Hill; Lot 1 LP219642	Yes	No	Yes	No	No	No	No
HO 859	Fern Hill Conservation Area, Fern Hill	No	No	Yes	No	No	No	No
HO 860	Weatherboard House (1891)Near Former Fern Hill Railway Station, 370 James Lane, Fern Hill; CA3BNo Sec Parish of Trentham	Yes	No	Yes	No	No	No	No
HO 861	Old Fern Hill Railway Station including platforms, lines of pines and mature plantings, off James Lane Fern Hill	No	No	Yes	No	No	No	No
HO 862	Former Fern Hill General Store, 385 James Lane, Fern Hill; Lot 1 TP588185P	Yes	No	Yes	No	No	No	No
HO 863	Old Butchers Shop, 385 James Lane, Fern Hill; Lot 1 TP588185P	Yes	No	Yes	No	No	No	No
HO 864	Weatherboard Cottage and Timber Outbuildings, 385 James Lane, Fern Hill; Lot 1 TP588185P	Yes	No	Yes	No	No	No	No

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ATTACHMENT 10.2.3

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO 865	Old Fern Hill Hotel, 398 James Lane, Fern Hill	Yes	No	Yes	No	No	No	No
HO 866	Weatherboard Cottage, "Laurel Cottage", 400 James Lane, Fern Hill; Pt CA3No Sec Parish of Trentham	Yes	Yes	Yes	No	No	No	No
HO 867	Former Church of the Sacred Heart, Roman Catholic Church, James Lane, Trentham East Lot 1 TP613291	Yes	Yes	Yes	No	No	No	No
HO 868	House, "Homebush", 1114 Springhill Road, Tylden; CA99No Section, Parish of Tylden	Yes	No	No	No	No	No	No
HO 869	House, "Daffodil", 795 Coliban Road, Springhill Lot 1 LP110294	Yes	No	No	No	No	No	No
HO 870	Stone street gutters Bridge Street Trentham	No	No	No	No	No	No	No
HO 871	"Waterwheel Farm", 670 Blackwood Road, Newbury	Yes	No	No	No	No	No	No
HO 872	Old Garlicks Lead School No 1287, Old School Road, adjacent to Newbury Recreation Reserve, Newbury	Yes	No	No	No	No	No	No
HO 873	Trentham Falls, Trentham Falls Road, Trentham	No	No	Yes	No	No	No	No
HO 874	Outbuildings with pointed roofs Near Enders Bridge, 1964 Daylesford-Trentham Road, Trentham	Yes	No	No	No	No	No	No
HO 875	House, "Coliban Vale", Rothes Road, Little Hampton	Yes	No	No	No	No	No	No

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ATTACHMENT 10.2.3

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO 876	Bluestone pitcher paved ford and culvert, O'Donnells Road (southern extension of Trickeys Lane), off Salisbury Road, Drummond	No	No	No	No	No	No	No
HO 890	Former Franklinford Presbyterian Church, corner Cross and Parker Streets, Franklinford	Yes	No	No	No	No	Yes	No
HO 891	Glenlyon Racecourse, Mineral Spring and Recreation Reserve, Suttons Lane, Glenlyon	No	No	No	No	No	No	No
HO 892	House, "Modella", 16 Duke Street, Daylesford	Yes	No	Yes	No	No	No	No
HO 895	Mount Beckworth Scenic Reserve, (Formerly Mount Beckworth State Forest), Mount Beckworth	No	No	No	No	No	No	No
HO 896	Wheeler's Bridge, Creswick-Lawrence Road, Lawrence	Yes	No	No	No	No	No	No
HO 897	Campbelltown Cemetery Creswick-Newstead Road, Campbelltown	Yes	No	Yes	No	No	No	No
HO 898	Cornish Hill Mining Precinct, Daylesford	Yes	No	Yes	No	No	No	No
HO 907	Pinus quadifolia (Parry's Nut Pine), driveway Near the tennis court, Wombat Park, Daylesford	No	No	Yes	No	No	No	No
HO 908	Ulmus procera (English Elm) Avenue, along main drive to the homestead, Wombat Park, Daylesford	No	No	Yes	No	No	No	No
HO 909	Abies pinsapo (Spanish Fir), Queens Park, Clunes	No	No	Yes	No	No	No	No

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PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO 910	Cedrus atlantica f. glauca (Blue Atlas Cedar), Queens Park Botanic Gardens, Clunes	No	No	Yes	No	No	No	No
HO 911	Cedrus atlantica 'Fastigiata' (Fastigiated Blue Atlas Cedar), Queens Park Botanic Gardens, Clunes	No	No	Yes	No	No	No	No
HO 915	Lone Hand 2 Mine Site, CA pt74, Parish of Spring Hill, Allendale	No	No	No	No	No	No	No
HO 916	Lone Hand 1 Mine Site, CA pt69, Parish of Spring Hill, Allendale	No	No	No	No	No	No	No
HO 917	West Berry Consols 1 Mine Site, CA pt98, Parish of Spring Hill, Creswick North	No	No	No	No	No	No	No
HO 918	Dyke NW Mine Site, CA pt 85, Parish of Spring Hill, Allendale	No	No	No	No	No	No	No
HO 919	Ristori 1 Mine Site, CA pt 71, Parish of Spring Hill, Allendale	No	No	No	No	No	No	No
HO 920	Ristori 2 Mine Site, CA pt 70, Parish of Spring Hill, Allendale	No	No	No	No	No	No	No
HO 921	North Australasian Mine Site, CA pt3, Sec B, Parish of Creswick, Creswick North	No	No	No	No	No	No	No
HO 922	Australasian Extended Mine Site, CA pt96, No Section, Parish of Spring Hill, Creswick North	No	No	No	No	No	No	No
HO 923	Davies Junction 2 Mine Site, CA pt 1, Section C, Parish of Creswick, Broomfield	No	No	No	No	No	No	No
HO 924	Charleson and Davies No. 1 (Amalgamated Cooper) Mine Site, CA pt 94 and 95, No section, Parish of Spring Hill, Allendale	No	No	No	No	No	No	No

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PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO 925	Cooper Mine Site, CA pt 84, No section, Parish of Spring Hill, Broomfield	No	No	No	No	No	No	No
HO 926	Dyke FBD Mine Site, CA Pt 83, No Section, Parish of Spring Hill, corner Pascos and Henders Roads, Broomfield	No	No	No	No	No	No	No
HO 927	Ryan Junction Mine Site, Lot 10, LP 218423, Parish of Spring Hill, Allendale	No	No	No	No	No	No	No
HO 928	Part De Murska Mine Site, Pt CA 5, Parish of Spring Hill, Allendale	No	No	No	No	No	No	No
HO 929	Part De Murska Mine Site, Lot 1 TP123795 (formerly Pt CA 4), Parish of Spring Hill, Allendale	No	No	No	No	No	No	No
HO 930	Kingston Park Mine Site, 261 Grays Road, Allendale, CA pt 9, Parish of Spring Hill	No	No	No	No	No	No	No
HO 931	New Ristori Mine Site, 261 Grays Road, CA pt 4, Parish of Spring Hill, Allendale	No	No	No	No	No	No	No
HO 932	New Australasian 3 Mine Site, CA pt3, Section D, Parish of Creswick, Creswick North	No	No	No	No	No	No	No
HO 933	South Berry Mine Site, CA pt 2, Section C, Parish of Creswick, Broomfield	No	No	No	No	No	No	No
HO 934	Bunyan FHD Mine Site, 101 Stag Road, CA pt 16, Parish of Spring Hill, Kingston	No	No	No	No	No	No	No
HO 935	Colthards FHD Mine Site, 171 Stag Road, LP 211764 Lot 1, Parish of Spring Hill, Kingston	No	No	No	No	No	No	No
HO 936	Eaglehawk Mine Site, Wrigleys Road, CA pt11, Section E, Parish of Creswick, Creswick North	No	No	No	No	No	No	No

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PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO 937	Creswick Deep Leads 2 Mine Site, Red Streak Road, Creswick, CA 16 section K, Parish of Creswick	No	No	No	No	No	No	No
HO 938	Creswick Deep Leads 1 Mine Site, Carmody Drive and Red Streak Road, Creswick, Parish of Creswick	No	No	No	No	No	No	No
HO 939	High Junction Mine Site, 68 Red Streak Road, Creswick, CA 16, Section K, Parish of Creswick	No	No	No	No	No	No	No
HO 940	Grand Trunk Mine Site, 100 Red Streak Road, Creswick, UCLNW 42, Parish of Creswick	No	No	No	No	No	No	No
HO 941	Berry Consols 1 Mine Site, CA pt 89, Parish of Spring Hill, Lawrence	No	No	No	No	No	No	No
HO 942	Madam Berry West 1 Mine Site, 405 Beaconsfield Road, Lawrence, CA pt 91, Parish of Spring Hill	No	No	No	No	No	No	No
HO 943	Madam Berry 2 Mine Site, 305 Ewen Charlesons Road, Lawrence, CA pt 88, Parish of Spring Hill	No	No	No	No	No	No	No
HO 944	Madam Berry 1 Mine Site, 221 Beaconsfield Road, Allendale, CA pt 79, Parish of Spring Hill	No	No	No	No	No	No	No
HO 946	Crown Mine Site, 71 Carmody Drive, Creswick, CA 26A, Section Q, Parish of Creswick	No	No	No	No	No	No	No
HO 947	New Australasian 1 Mine Site, CA 7, Section K, Parish of Creswick, Creswick	No	No	No	No	No	No	No

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ATTACHMENT 10.2.3

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO 950	Spring Hill and Central Leads Mine Site, 95 Central Leads Road, Ullina, CA 51 and PT52, Section A, Parish of Smeaton	No	No	No	No	No	No	No
HO 951	Hepburn Estate Mine Site, CA pt 25, Section A, Parish of Smeaton, Smeaton	No	No	No	No	No	No	No
HO 952	West Berry Consols 2 Mine Site, Ca pt 86 and 86B, Section A, Parish of Spring Hill, Allendale	No	No	No	No	No	No	No
HO 953	Loughlin 1 Mine Site, CA pt 81 and 81A, Parish of Spring Hill, Allendale	No	No	No	No	No	No	No
HO 954	Creswick Deep Leads No 9 Mine Site, Section Q, CA 15D, Parish of Creswick, Creswick	No	No	No	No	No	No	No
HO 955	Bone and Party Mine Site, Creswick Creek Reserve, Section Q, CA 15D Parish of Creswick, Creswick	No	No	No	No	No	No	No
HO 956	Berry Consols 2 Mine Site, CA pt 89 and 90, Parish of Spring Hill, Lawrence	No	No	No	No	No	No	No
HO 957	Madam Berry West No 3 Mine Site, 656 Creswick-Lawrence Road North, CA pt 100, Parish of Spring Hill, Creswick	No	No	No	No	No	No	No
HO 959	Smeaton Reserve Mine Site, CA4, Section 7, Township of Smeaton, Smeaton	No	No	No	No	No	No	No
HO 960	Lord Harry Mine Site, 221 Beaconsfield Road, CA pt 75 Parish of Spring Hill, Smeaton	No	No	No	No	No	No	No
HO 961	West Loughlin Mine Site, CA pt 87, Parish of Spring Hill, Allendale	No	No	No	No	No	No	No

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ATTACHMENT 10.2.3

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO 962	West Ristori 1 Mine Site, CA pt 73, Parish of Spring Hill, Allendale	No	No	No	No	No	No	No
HO 963	Earl of Beaconsfield Mine Site, 180 Beaconsfield Road, CA pt 76B, Parish of Spring Hill, Smeaton	No	No	No	No	No	No	No
HO 964	Hepburn Consols Mine Site, 3250 Creswick-Newstead Road, CA pt 12, Section A, Parish of Smeaton, Smeaton	No	No	No	No	No	No	No
HO 965	Mine Tunnel, Tunnel Entrance and Rail Tracks, South Star Mine, between Boots Gully and Humbug Road, Kooroocheang	No	No	No	No	No	No	No
HO 966	Bluestone bridge abutments, over Wallaby Creek, Coomoora	Yes	No	No	No	No	No	No
HO 967	Leonards Bridge, Creswick Creek, Clunes-Mount Cameron Road, Clunes	Yes	No	No	No	No	No	No
HO 968	Old bluestone bridge with web trusses, Birch (Bullarook) Creek Road Bridge, Glengower Road, Clunes	Yes	No	No	No	No	No	No
HO 969	Former Railway Reservation, west of Coliban River, South Lyonville to Newtons Lane, Trentham	No	No	No	No	No	No	No
HO 970	Hepburn State School No. 767, Main Road, Hepburn	Yes	Yes	No	No	N	No	No
HO 973	Shops, 31-33 Fraser Street, Clunes Sect 14, CA 5, Township of Clunes	Yes	No	Yes	No	No	No	No
HO 974	Ore Crushing Battery, Battery Crescent, Creswick	Yes	Yes	No	No	No	No	No

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ATTACHMENT 10.2.3

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO 984	Roadside Avenue Planting of 12 Trees <i>Ulmus spp</i> (Elm) Elizabeth Street, Allendale (between Smeaton-Creswick Road and Victoria Street)	No	No	Yes	No	No	No	No
HO 985	Street Tree Planting of 21 Trees <i>Quercus robur</i> (English Oak) Barkly Street, Glenlyon (between Molesworth Street and Ford Street)	No	No	Yes	No	No	No	No
HO 987	Old Hepburn Hotel 236 Main Road, Hepburn. Statement of Significance, Old Hepburn Hotel 236 Main Road Hepburn, November 2021	Yes	No	No	No	No	Yes	No

31/07/2018
VC148**SCHEDULE TO CLAUSE 72.04 DOCUMENTS INCORPORATED IN THIS PLANNING SCHEME****1.0**

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Proposed C82hepb

Incorporated documents

Name of document	Introduced by:
Fibre Optic Project, Integrated Approval Requirements, December 2002	VC17
Goulburn-Murray Water Native Vegetation Code of Practice, February 2011	C58
Mildura –Geelong Rail Freight Upgrade Project September 2007	C44
Powerline Bushfire Safety Program - Native Vegetation Removal Code of Practice, August 2016	GC57
Rail Gauge Standardisation Project, Integrated Approval Requirements, December 2002	VC17
Regional Fast Rail Project, Integrated Approval Requirements, December 2002	VC17
Unigrain Project: Incorporated document pursuant to section 6(2)(j) of the Planning and Environment Act 1987, September 2010	C47
Statement of Significance, Old Hepburn Hotel, 236 Main Road, November 2021	C82hepb

**10.3 PA 3353 – 66 HIGH STREET TRENTHAM - ALTERATIONS AND EXTENSIONS TO AN EXISTING COMMUNITY FACILITY, INCLUDING PARTIAL DEMOLITION, REMOVAL OF TWO TREES, REDUCTION IN CAR PARKING REQUIREMENT, AND ALTERATION OF ACCESS TO ROAD ZONE CATEGORY
DIRECTOR COMMUNITY AND DEVELOPMENT**

In providing this advice to Council as the Acting Coordinator Statutory Planner, I James McInnes have no interests to disclose in this report.

ATTACHMENTS

1. PA 3353 - Complete application - 66 High Street, Trentham [10.3.1 - 34 pages]

EXECUTIVE SUMMARY

The purpose of this report is for Council to determine planning application PA 3353 for alterations and extensions to an existing building used for a place of assembly including partial demolition, removal of two trees, reduction in car parking requirement, and alteration of access to Road Zone Category 1 at 66 High Street, Trentham, known as Crown Allotment 6 Section 2A Township of Trentham Parish of Trentham (Attachment – PA 3353 Complete application – 66 High Street, Trentham).

OFFICER’S RECOMMENDATION

That Council makes a determination to issue a Planning Permit at 66 High Street, Trentham in accordance with the following recommendation and conditions.

That Council, having complied with the relevant sections of the Planning and Environment Act 1987, and having considered all the matters required under Section 60 of The Act, determines to issue a Planning Permit in respect of Application No. PA 3353 for alterations and extensions to an existing building used for a place of assembly including partial demolition, removal of two trees, reduction in car parking requirement, and alteration of access to Road Zone Category 1 at 66 High Street, Trentham, subject to the following conditions:

Amended plans

1. *Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale and fully dimensioned. The plans must be generally in accordance with the application plans but further modified to show:*
 - a. *The provision of no less than 35 car parking spaces contained within the parking area to the north of the development;*
 - b. *The provision of a bicycle rail providing no less than 8 visitor bicycle spaces;*

- c. *Dimensions for the bin enclosure being adequate to contain a compost bin and no less than five (5) 360 litre wheelie bins of 1100mm in height, 680mm in width, and 848mm in depth;*
- d. *A closable door to the cleaner's room.*

Schedule of materials, finishes, and colours

- 2. *Before the development starts, a full schedule of materials, finishes and colours, for all external hard surface areas, including colour samples in a form that is able to be endorsed and held on file, must be submitted to and approved by the Responsible Authority. When approved, the schedule will be endorsed and will then form part of the permit.*

Compliance with endorsed plans

- 3. *The layout of the use(s) and development as shown on the endorsed plans must not be altered or modified unless otherwise agreed in writing by the Responsible Authority.*

Mandatory stormwater requirements (Clause 42.01, Sch. 1 – 3.0)

- 4. *All stormwater must be managed and discharged to the satisfaction of the responsible Authority and generally in accordance with the principles described in Urban Stormwater: Best Practice Environmental Management Guidelines (Victorian Stormwater Committee 1999).*

General amenity

- 5. *All external materials must be non-reflective and finished in natural colours or shades to the satisfaction of the Responsible Authority.*
- 6. *All areas of disturbed ground must be stabilised and revegetated at the completion of the development to the satisfaction of the Responsible Authority.*
- 7. *Construction activities must be managed so that the amenity of the area is not detrimentally affected through the:*
 - a. *transport of materials, goods or commodities to or from the land;*
 - b. *inappropriate storage of any works or construction materials;*
 - c. *hours of construction activity;*
 - d. *emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste and storm water runoff, waste products, grit or oil; and*
 - e. *presence of vermin.**to the satisfaction of the Responsible Authority.*
- 8. *No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building unless otherwise agreed in writing by the Responsible Authority.*
- 9. *External lighting must be designed, baffled and located so as to prevent any adverse effect from light spill on adjoining land to the satisfaction of the Responsible Authority.*

Noise restrictions

10. *Noise emanating from the land must comply with the requirements of the Environment Protection Authority's Noise from Industry in Regional Victoria (Publication 1411, October 2011) to the satisfaction of the Responsible Authority*

Waste management

11. *All waste material not required for further onsite processing must be regularly removed from the land.*
12. *All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled, or dust or odour is created to the satisfaction of the Responsible Authority.*

Council Engineering

Stormwater Drainage

13. *All stormwater discharged from the subject land shall be connected to the legal point of discharge to the satisfaction of the Responsible Authority. No concentrated stormwater shall drain or discharge from the land to adjoining properties.*
14. *Prior to commencement of use, professionally prepared plans and calculations for the construction of all underground and/or surface drainage works, that are considered necessary by the Responsible Authority, shall be supplied to the Responsible Authority by the Applicant. Such drainage works shall be designed and installed to transport stormwater runoff from the subject land and surrounding land and/or adjoining road(s) to an approved point of discharge. No concentrated stormwater shall drain or discharge from the land to adjoining properties. Construction shall not commence until the plans have been approved by the Responsible Authority. All drainage construction shall be carried out in accordance with the approved plans. All works must be constructed and completed prior to commencement of use.*
15. *Return period for a Detention system is to be 20% AEP where there is overland escape path and 1% AEP if the failure of the detention system will cause property damage or inundation of freehold titles.*
16. *It is the responsibility of the developer to meet the requirements for stormwater quality as stated in the BPEM (Best Practice Environmental Management) Guidelines.*

Carparking

17. *Before construction works start associated with the provision of carparking, detailed layout plans demonstrating compliance with AustRoads Publication 'Guide to Traffic Engineering Practice: Part 11 Parking', Australian Standard "AS2890: Parking Facilities" and to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale with dimensions.*

18. *Before the use or occupation of the development starts, the area(s) set aside for parking of vehicles and access lanes as shown on the endorsed plans must be:*
 - a. *surfaced with an all-weather surface and treated to prevent dust;*
 - b. *drained in accordance with an approved drainage plan;*
 - c. *provision for vehicles to pass on driveways and*
 - d. *constructed and completed to the satisfaction of the Responsible Authority.*
 - e. *Allow for turning movements of delivery vehicle*
19. *Where the boundary of any car space, access lane or driveway adjoins a footpath or a garden area, a kerb or a similar barrier shall be constructed to the satisfaction of Responsible Authority.*

Completion of works

20. *Prior to commencement of use it is the responsibility of the developer to meet the requirements and standards as set out in the IDM (Infrastructure Design Manual) version 5.20.*
21. *All Council Engineering works must construct and complete prior to commencement of use.*
22. *All costs incurred in complying with the above Council Engineering conditions shall be borne by the permit holder.*

North Central Catchment Management Authority

23. *The finished floor level of the proposed extension must be no lower than the existing floor level of the current building.*

Coliban Water

24. *The proposed building over the existing sewer main is not acceptable. Coliban Water requires a mains extension application to realign the sewer main. Specific requirements for the sewer realignment will be provided to the applicant after a preliminary design has been referred to us by one of our Consulting Engineers.*
25. *Following Section 148 of the Water Act 1989, the land owner is to reach agreement with Coliban Water for any building or construction works that are undertaken closer than 1m to a Coliban Water Asset.*

Permit Expiry

26. *This permit will expire if one of the following circumstances applies:*
 - a. *The development is not started within two years of the date of this permit.*
 - b. *The development is not completed within four years of the date of this permit.*

The Responsible Authority may extend the permit if a request is made in writing in accordance with Section 69 of Planning and Environment Act 1987.

PERMIT NOTES:

Note 1: *This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.*

North Central Catchment Management Authority

Note 2: Flood levels for the 1% AEP probability (100-year ARI) have not been determined for this area under the Water Act 1989. However, information available at North Central CMA indicates that in the event of a 1% AEP flood event it is likely that the property may be subject to inundation from Trent Creek.

Coliban Water

Note 3: A list of our Registered Consulting Engineers is available on Coliban Water's website.

MOTION

That Council makes a determination to issue a Planning Permit at 66 High Street, Trentham in accordance with the following recommendation and conditions.

That Council, having complied with the relevant sections of the Planning and Environment Act 1987, and having considered all the matters required under Section 60 of The Act, determines to issue a Planning Permit in respect of Application No. PA 3353 for alterations and extensions to an existing building used for a place of assembly including partial demolition, removal of two trees, reduction in car parking requirement, and alteration of access to Road Zone Category 1 at 66 High Street, Trentham, subject to the following conditions:

Amended plans

1. *Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale and fully dimensioned. The plans must be generally in accordance with the application plans but further modified to show:*
 - a. *The provision of no less than 35 car parking spaces contained within the parking area to the north of the development;*
 - b. *The provision of a bicycle rail providing no less than 8 visitor bicycle spaces;*
 - c. *Dimensions for the bin enclosure being adequate to contain a compost bin and no less than five (5) 360 litre wheelie bins of 1100mm in height, 680mm in width, and 848mm in depth;*
 - d. *A closable door to the cleaner's room.*

Schedule of materials, finishes, and colours

2. *Before the development starts, a full schedule of materials, finishes and colours, for all external hard surface areas, including colour samples in a form that is able to be endorsed and held on file, must be submitted to and approved by the Responsible Authority. When approved, the schedule will be endorsed and will then form part of the permit.*

Compliance with endorsed plans

3. *The layout of the use(s) and development as shown on the endorsed plans must not be altered or modified unless otherwise agreed in writing by the Responsible Authority.*

Mandatory stormwater requirements (Clause 42.01, Sch. 1 – 3.0)

4. *All stormwater must be managed and discharged to the satisfaction of the responsible Authority and generally in accordance with the principles described in Urban Stormwater: Best Practice Environmental Management Guidelines (Victorian Stormwater Committee 1999).*

General amenity

5. *All external materials must be non-reflective and finished in natural colours or shades to the satisfaction of the Responsible Authority.*
6. *All areas of disturbed ground must be stabilised and revegetated at the completion of the development to the satisfaction of the Responsible Authority.*
7. *Construction activities must be managed so that the amenity of the area is not detrimentally affected through the:*
 - a. *transport of materials, goods or commodities to or from the land;*
 - b. *inappropriate storage of any works or construction materials;*
 - c. *hours of construction activity;*
 - d. *emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste and storm water runoff, waste products, grit or oil; and*
 - e. *presence of vermin.*

to the satisfaction of the Responsible Authority.
8. *No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building unless otherwise agreed in writing by the Responsible Authority.*
9. *External lighting must be designed, baffled and located so as to prevent any adverse effect from light spill on adjoining land to the satisfaction of the Responsible Authority.*

Noise restrictions

10. *Noise emanating from the land must comply with the requirements of the Environment Protection Authority's Noise from Industry in Regional Victoria (Publication 1411, October 2011) to the satisfaction of the Responsible Authority*

Waste management

11. *All waste material not required for further onsite processing must be regularly removed from the land.*
12. *All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled, or dust or odour is created to the satisfaction of the Responsible Authority.*

Council Engineering

Stormwater Drainage

13. *All stormwater discharged from the subject land shall be connected to the legal point of discharge to the satisfaction of the Responsible Authority. No concentrated stormwater shall drain or discharge from the land to adjoining properties.*
14. *Prior to commencement of use, professionally prepared plans and calculations for the construction of all underground and/or surface drainage works, that are considered necessary by the Responsible Authority, shall be supplied to the Responsible Authority by the Applicant. Such drainage works shall be designed and installed to transport stormwater runoff from the subject land and surrounding land and/or adjoining road(s) to an approved point of discharge. No concentrated stormwater shall drain or discharge from the land to adjoining properties. Construction shall not commence until the plans have been approved by the Responsible Authority. All drainage construction shall be carried out in accordance with the approved plans. All works must be constructed and completed prior to commencement of use.*
15. *Return period for a Detention system is to be 20% AEP where there is overland escape path and 1% AEP if the failure of the detention system will cause property damage or inundation of freehold titles.*
16. *It is the responsibility of the developer to meet the requirements for stormwater quality as stated in the BPEM (Best Practice Environmental Management) Guidelines.*

Carparking

17. *Before construction works start associated with the provision of carparking, detailed layout plans demonstrating compliance with AustRoads Publication 'Guide to Traffic Engineering Practice: Part 11 Parking', Australian Standard "AS2890: Parking Facilities" and to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale with dimensions.*
18. *Before the use or occupation of the development starts, the area(s) set aside for parking of vehicles and access lanes as shown on the endorsed plans must be:*
 - a. *surfaced with an all-weather surface and treated to prevent dust;*
 - b. *drained in accordance with an approved drainage plan;*
 - c. *provision for vehicles to pass on driveways and*
 - d. *constructed and completed to the satisfaction of the Responsible Authority.*
 - e. *Allow for turning movements of delivery vehicle*
19. *Where the boundary of any car space, access lane or driveway adjoins a footpath or a garden area, a kerb or a similar barrier shall be constructed to the satisfaction of Responsible Authority.*

Completion of works

20. *Prior to commencement of use it is the responsibility of the developer to meet the requirements and standards as set out in the IDM (Infrastructure Design Manual) version 5.20.*
21. *All Council Engineering works must construct and complete prior to commencement of use.*
22. *All costs incurred in complying with the above Council Engineering conditions shall be borne by the permit holder.*

North Central Catchment Management Authority

23. *The finished floor level of the proposed extension must be no lower than the existing floor level of the current building.*

Coliban Water

24. *The proposed building over the existing sewer main is not acceptable. Coliban Water requires a mains extension application to realign the sewer main. Specific requirements for the sewer realignment will be provided to the applicant after a preliminary design has been referred to us by one of our Consulting Engineers.*
25. *Following Section 148 of the Water Act 1989, the land owner is to reach agreement with Coliban Water for any building or construction works that are undertaken closer than 1m to a Coliban Water Asset.*

Permit Expiry

26. *This permit will expire if one of the following circumstances applies:*
 - a. *The development is not started within two years of the date of this permit.*
 - b. *The development is not completed within four years of the date of this permit.*

The Responsible Authority may extend the permit if a request is made in writing in accordance with Section 69 of Planning and Environment Act 1987.

PERMIT NOTES:

Note 1: *This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.*

North Central Catchment Management Authority

Note 2: *Flood levels for the 1% AEP probability (100-year ARI) have not been determined for this area under the Water Act 1989. However, information available at North Central CMA indicates that in the event of a 1% AEP flood event it is likely that the property may be subject to inundation from Trent Creek.*

Coliban Water

Note 3: *A list of our Registered Consulting Engineers is available on Coliban Water's website.*

Moved: Cr Brian Hood

Seconded: Cr Don Henderson
Carried

BACKGROUND

Site and Surrounds

The subject site is known as Crown Allotment 6 Section 2A Township of Trentham Parish of Trentham. The site is approx. 3028sq m in area and is irregular in shape. The site is developed with the Trentham Mechanics Hall, currently used as a community facility, at the south-western corner of the lot, and associated car parking in the northern part of the lot. The site is approx. 3028sq m in area and has vehicular access to both High Street to the south and Albert Street to the north. The site slopes downwards to south-eastern corner, and contains a mix of planted exotic vegetation, and one mature native tree. The site is bounded to the north, east, and south by roads, and an allotment containing a single dwelling to the west.

The surrounding area is a mix of Commercial 1 Zone to the west/south-west, Township Zone to the north, and Public Park and Recreation Zone to the east/south-east. The prevailing pattern of subdivision and development throughout the area is that of lots of similar size through to smaller allotments of approx. 380sq m in area, developed mostly with a mix of single dwellings and commercial premises, with most commercial premises being contained within the Commercial 1 Zone extending along High Street to the west of the site.

Proposal

The application seeks approval for alterations and extensions to the existing building upon the site, which includes elements of demolition works to the existing building, removal of several small outbuildings, removal of several small planted trees, and alterations to the existing vehicular access to the site. Also proposed is a reduction in the required provision of carparking associated with the extension of the existing use proposed upon the site.

The works will see the more modern brick extensions to the Mechanics Hall removed to re-establish those original weatherboard aspects of the building. The proposed extension adjoins the existing building via a flat-roofed linking portion, which then leads to the gabled roofed community hall portion of the works. This portion of the works is setback slightly further from the street frontage than that part to be retained.

Relevant Planning Ordinance applying to the site and proposal

Zoning:	Clause 34.01 Commercial 1 Zone (C1Z)
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Overlays:	<p>Clause 42.01 Environmental Significance Overlay – Schedule 1 (ESO1)</p> <p>Clause 43.01 Heritage Overlay (HO 352)</p>
Particular Provisions	<p>Clause 52.06 Car Parking</p> <p>Clause 52.29 Land Adjacent to a Road Zone, Category 1</p> <p>Clause 52.31 Local Government Projects</p> <p>Clause 52.34 Bicycle Facilities</p> <p>Clause 53.18 Stormwater Management in Urban Development</p>
Relevant Provisions of the PPF	<p>Clause 11.01-1S Settlement</p> <p>Clause 11.01-1R Settlement – Central Highlands</p> <p>Clause 11.03-1S Activity centres</p> <p>Clause 11.03-6S Regional and local places</p> <p>Clause 13.02-1S Bushfire planning</p> <p>Clause 13.05-1S Noise abatement</p> <p>Clause 13.07-1S Land use compatibility</p> <p>Clause 14.02-1S Catchment planning and management</p> <p>Clause 14.02-2S Water quality</p> <p>Clause 15.01-1S Urban design</p> <p>Clause 15.01-2S Building design</p> <p>Clause 15.01-5S Neighbourhood character</p> <p>Clause 15.03-1S Heritage conservation</p> <p>Clause 18.02-4S Car parking</p> <p>Clause 19.02-2S Education facilities</p> <p>Clause 19.02-3S Cultural facilities</p> <p>Clause 19.02-4S Social and cultural infrastructure</p> <p>Clause 19.03-3S Integrated water management</p> <p>Clause 21.01 Municipal Profile</p> <p>Clause 21.03 Vision and Strategic Framework</p> <p>Clause 21.07 Economic Development</p> <p>Clause 21.09 Environment and Heritage</p> <p>Clause 22.01 Catchment and Land Protection</p>

Under what clause(s) is a permit required?	Clause 43.01-1 (HO)	A permit is required to: <ul style="list-style-type: none"> - Demolish or remove a building - Construct a building or construct or carry out works - Remove, destroy, or lop a tree
	Clause 52.06-3 (Car Parking)	A permit is required to reduce the number of car parking spaces required under Clause 52.06-5
	Clause 52.29-2 (Alter access to RDZ1)	A permit is required to alter access to a road in a Road Zone, Category 1
Objections?	None	

KEY ISSUES

Heritage Impacts

The site is partially covered by the Heritage Overlay (HO 352) and partially falls within and is at eastern edge of the Trentham Township Heritage Area. The basis of significance of the heritage area is noted within the statement of significance as the "... historical, architectural and aesthetic interest..." and the area as being "... of special cultural value". The heritage schedule specifically notes the importance of ensuring that new development be detailed as such so it blends into the surroundings, and that new development adjoining

The nearest individually heritage listed sites are Saint George's Anglican Church – 58 High Street (approx. 65m to the west), the Old Commercial Hotel – 53 High Street (approx. 75m to the west), and Saint Mary's Roman Catholic Church – 68 High Street (approx. 100m to the east). The proposed works are sufficiently distanced from these individually significant sites that the appearance and bulk of the development will not impact on the significance of these heritage places. The proposed works are also located so that they will not interrupt any sightlines to these individually significant sites, and when viewing the Old Commercial Hotel from along High Street to the east of the site, the proposed extensions will be sited as such that they are behind an established tree at the south-eastern corner of the site for which removal would require further planning permissions.

Given there are no individually listed buildings on neighbouring sites it is more difficult for the design response to establish a direct relationship with those listed

buildings throughout the surrounding area. However, the pitched roof of the proposed extensions, and the alterations to the existing building to re-establish the weatherboard cladding show a design response which makes attempts ensure the proposal fits within the broader heritage character of the Trentham Township. The proposed finishes are generally sympathetic to the heritage characteristics of the surrounding area, however appropriate conditions are recommended to ensure the finer details of these materials, colours and finishes are to the satisfaction of Council.

Those trees which are proposed to be removed are identified as planted and reasonably immature vegetation. They are not identified as significant vegetation, and their removal will not impact upon the significance of the heritage precinct.

Neighbourhood Character

Whilst the proposal is of a modern architectural design, it sites well within the character of the surrounding area. The pitched roof design is responsive to the prevailing design detailing of surrounding development, and the siting of the extensions are such that they will not impose on existing development to the west of the site. Equally, the road reserve bordering the site to the east enquires the extensions are not overly imposing on the public open space to the east of the site.

Car Parking and Bicycle Facilities

A Car Parking Demand Assessment was submitted with the application to support the proposed reduction in provisioning of the required number of car parking spaces in accordance with the Planning Scheme. The assessment notes that whilst 50 car parking spaces are required to be provisioned under the requirements of the Scheme, the varying times at which the different facilities associated with the development will be used sees peak demand estimated at a lower rate of 24 spaces.

Whilst 25 car parking spaces are proposed, the submitted plans indicate that there is additional space upon the site within the proposed car parking area to accommodate an additional 10 spaces. A condition is recommended to include the provision of an additional 10 car parking spaces to utilise this space and ensure that any future expansion of the use and the subsequent associated parking demand is appropriately satisfied.

The submitted plans show the provision of 7 bicycle spaces. Based on the area of each proposed use, there is a requirement under the scheme for 8 spaces to be provisioned. It is recommended a condition be included to provision 8 bicycle spaces in accordance with the requirements of the Planning Scheme. There are no requirements for showers or change rooms for employees or visitors under the applicable provisions.

Vehicular Access

The existing vehicular access to High Street is proposed to be removed, and the existing vehicular access to Albert Street upgraded to include an additional vehicular

access point and an appropriate asphalt finish. The application was referred to VicRoads in relation to the removal of the existing access to High Street, to which there was no objection. The application was referred to Council's Engineering Department in relation to the proposed access to Albert Street, to which conditional consent with appropriate conditions was provided.

POLICY AND STATUTORY IMPLICATIONS

This application meets Council's obligations as Responsible Authority under the *Planning and Environment Act 1987*.

GOVERNANCE ISSUES

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report.

FINANCIAL IMPLICATIONS

Any application determined by Council or under delegation of Council is subject to appeal rights and may incur costs at VCAT if appealed.

RISK IMPLICATIONS

No risks to Council other than those already identified.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The application was exempt from advertising pursuant to Clause 52.31-2 of the *Hepburn Planning Scheme*. However, it should be noted that community consultation has taken place in relation to the proposal prior to the submission of the planning permit application. An overview of the consultation that has taken place to date has been provided by the project manager for the proposal, and they are as follows:


- Initial draft was informed by community input through engagement in previous iterations of the project.
- Project advisory group (PAG) established in 2019 through a public process of expression of interest. PAG is made up of six community members and the ward councillor. The PAG meets with the project manager every 2-4 weeks throughout the design process.
- Online and hardcopy survey of the draft concept plan in August 2020. The survey was promoted through social media, the Trentham Trumpet and a mail out to all Coliban Ward ratepayers, residents and businesses. The PAG worked with local community groups to raise awareness of the survey. 184 responses received.


- Following feedback on the draft concept plan, the design was revised and sent back out to the community in April/May 2021. The plans were posted online and promoted through social media and by the PAG. Two drop in sessions were held. Overall, 45 submissions of community feedback were received.
- Throughout the project, regular updates have been provided on the Participate Hepburn project page.


Planning Enquiries
Phone: (03) 5348 1577
Web: www.hepburnshire.vic.gov.au


Application for a Planning Permit

If you need help to complete this form, read MORE INFORMATION at the end of this form.

 Any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the *Planning and Environment Act 1987*. If you have any questions, please contact Council's planning department.

 Questions marked with an asterisk (*) must be completed.

 If the space provided on the form is insufficient, attach a separate sheet

 Click for further information.

Clear Form

The Land


Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

Street Address *

Unit No.:	St. No.: 66	St. Name: High Street
Suburb/Locality: Trentham		Postcode: 3458

Formal Land Description *


Complete either A or B.


 This information can be found on the certificate of title.

If this application relates to more than one address, attach a separate sheet setting out any additional property details.


A	Lot No.:	<input type="radio"/> Lodged Plan	<input type="radio"/> Title Plan	<input type="radio"/> Plan of Subdivision	No.:
OR					
B	Crown Allotment No.:	6		Section No.:	2A
Parish/Township Name: Trentham					


The Proposal

 You must give full details of your proposal and attach the information required to assess the application. Insufficient or unclear information will delay your application


 For what use, development or other matter do you require a permit? *

The proposal incorporates retenion and demolition of later additions to to the existing Trentham Mechanics Hall and and extension to accomodate community services.

 Provide additional information about the proposal, including: plans and elevations; any information required by the planning scheme, requested by Council or outlined in a Council planning permit checklist; and if required, a description of the likely effect of the proposal.

 Estimated cost of any development for which the permit is required *

Cost \$3.5

 You may be required to verify this estimate. Insert '0' if no development is proposed.

Existing Conditions i

ATTACHMENT 10.3.1

Describe how the land is used and developed now *

For example, vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

Community hall

Provide a plan of the existing conditions. Photos are also helpful.

Title Information i

Encumbrances on title *

Does the proposal breach, in any way, an encumbrance on title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?

- Yes (If 'yes' contact Council for advice on how to proceed before continuing with this application.)
- No
- Not applicable (no such encumbrance applies).

Provide a full, current copy of the title for each individual parcel of land forming the subject site. The title includes: the covering 'register search statement', the title diagram and the associated title documents, known as 'instruments', for example, restrictive covenants.

Applicant and Owner Details i

Provide details of the applicant and the owner of the land.

Applicant *

The person who wants the permit.

Name:		
Title: Mrs	First Name: Katja	Surname: Bode
Organisation (if applicable): Perkins Architects		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.: 153	St. Name: High Street
Suburb/Locality: prahran		State: Vic Postcode: 3181

Please provide at least one contact phone number *

Contact information for applicant OR contact person below	
Business phone: 95109697	Email: kbode@perkinsarchitects.com.au
Mobile phone: 0417120771	Fax:

Where the preferred contact person for the application is different from the applicant, provide the details of that person.

Contact person's details*		Same as applicant <input checked="" type="checkbox"/>
Name:		
Title:	First Name:	Surname:
Organisation (if applicable):		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.:	St. Name:
Suburb/Locality:		State: Postcode:

Owner *

The person or organisation who owns the land

Where the owner is different from the applicant, provide the details of that person or organisation.

Owner *		Same as applicant <input type="checkbox"/>
Name:		
Title:	First Name:	Surname:
Organisation (if applicable): Department of Environment, Land , Water and Planning		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.: 8	St. Name: Nicholson Street
Suburb/Locality: East Melbourne		State: VIC Postcode: 3002
Owner's Signature (Optional):		Date: 30.09.2021 day / month / year

Declaration

This form must be signed by the applicant *

Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit.

I declare that I am the applicant; and that all the information in this application is true and correct; and the owner (if not myself) has been notified of the permit application. **ATTACHMENT 10.3.1**

Signature: **Katja Bode**

Date: **30.08.2021**

day / month / year

If completing this form electronically, please tick the box to the right, include a date and type your name above to serve as a declaration that all the information in this application is true and correct; and the owner (if not myself) has been notified of the permit application.



Need help with the Application?

General information about the planning process is available at planning.vic.gov.au

Contact Council's planning department to discuss the specific requirements for his application and obtain a planning permit checklist. Insufficient or unclear information may delay your application

Has there been a pre-application meeting with a council planning officer

No Yes
 day / month / year

Checklist

Have you:

Filled in the form completely?
 Paid or included the application fee? Most applications require a fee to be paid. Contact Council to determine the appropriate fee.
 Provided all necessary supporting information and documents?
 A full, current copy of title information for each individual parcel of land forming the subject site.
 A plan of existing conditions.
 Plans showing the layout and details of the proposal.
 Any information required by the planning scheme, requested by council or outlined in a council planning permit checklist.
 If required, a description of the likely effect of the proposal (for example, traffic, noise, environmental impacts)
 Completed the relevant council planning permit checklist?
 Signed the declaration above?

Lodgement

Lodge the completed and signed form, the fee and all documents with:

Planning Department
Hepburn Shire Council
PO Box 21
Daylesford VIC 3460

Customer Service Centre
Cnr Duke & Albert Streets
Daylesford VIC 3460

Contact information:
Phone: (03) 5348 1577
Email: shire@hepburn.vic.gov.au

Deliver application in person, by post or by electronic lodgement.

Privacy Statement

Your application and the personal information on this form is collected by council for the purposes of the planning process as set out in the Planning and Environment Act 1987 (PE Act). If you do not provide your name and address, council will not be able to consider your application. Your application will be available at the council office for any person to inspect and copies may be made available on request to any person for the relevant period set out in the PE Act.

You must not submit any personal information or copyright material of third parties without their informed consent. By submitting the material, you agree that the use of the material as detailed above does not breach any third party's right to privacy and copyright. You can request access to your personal information by contacting Councils Governance Department.

AMENDMENT TO PLANNING APPLICATION

Pursuant to Sections 50, 50A and 57A of the Planning and Environment Act 1987

Is this form for me? This form is for making amendments to an application that has been lodged with Council, but which has not yet been decided.

Planning Permit

Permit number:

Address of the Land: 88 High Street, Trentham

The Applicant

Name: Katja Bode

Organisation: Perkins Architects

Postal Address: 88 High Street, Trentham

Postcode: 3181

Telephone no (Business hours):

Mobile phone no: 0417120771

Email Address: kbode@perkinsarchitects.com.au

Fax no:

Amendment sought

- Large existing tree in south east corner was not shown on application drawings, tree to remain
- Small existing tree north of large tree to be removed to allow for pedestrian path
- Pedestrian Path realigned to allow for Large tree to remain in south east corner
- Removal of access to a Road Zone Category 1: Note added for existing High street crossover to be removed
- Reduction in carparking requirement sought
- Removal of three trees in heritage Overlay area

Attach a full schedule of all changes, including all changes to plans. If plans are to be amended, three full sets of amended plans are required. If the amendment changes the description of the use or development, please make that clear.

Does the amendment breach a registered covenant, section 173 agreement or restriction on Title? Yes No

Prescribed Fee

To amend an application before advertising

To amend an application after advertising

No fee

40% of application fee for the relevant class of permit

Declaration

I declare that I am the applicant and that all the information in this application is true and correct, and the owner (if not myself) has been notified of the amendment to the application.

Name: Katja Bode Date: 17.09.2021

Signature: 

Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit.

Lodgement

Please lodge the completed form, appropriate fee and supporting documents with:

Planning Department

Hepburn Shire Council

Duke Street

Daylesford VIC 3460

Telephone: (03) 5348 1577

email: shire@hepburn.vic.gov.au

Privacy Statement

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CROWN FOLIO STATEMENT

Page 1 of 1

VOLUME 11807 FOLIO 575
No CofT exists

Security no : 124091189264N
Produced 15/07/2021 10:21 AM

CROWN FOLIO

LAND DESCRIPTION

Crown Allotment 6 Section 2A Township of Trentham Parish of Trentham.
Created by instrument MI291062Q 06/08/2016

CROWN LAND ADMINISTRATOR

SECRETARY TO THE DEPARTMENT OF ENVIRONMENT, LAND, WATER AND PLANNING of 8
NICHOLSON STREET EAST MELBOURNE VIC 3002
MI291062Q 06/08/2016

STATUS, ENCUMBRANCES AND NOTICES

RESERVATION MI291064L 06/08/2016
TEMPORARY
MECHANICS INSTITUTE

DIAGRAM LOCATION

SEE CD111620H FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

DOCUMENT END

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Document Identification	CD111620H
Number of Pages (excluding this cover sheet)	1
Document Assembled	15/07/2021 10:25

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CROWN DIAGRAM

Location of Land

Parish : TRENTHAM
Township : TRENTHAM
Section : 2A
Allotment : 6

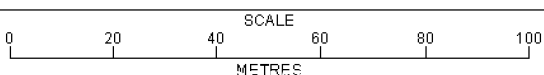
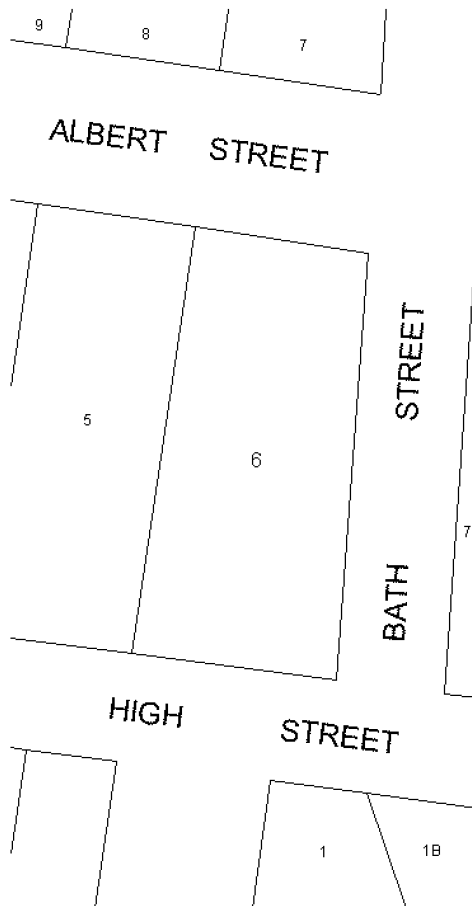
This plan has been created to assist in locating a Crown land parcel
Warning: No warranty is given as to the accuracy or completeness of this plan
Any derived dimensions are approximate

Standard Parcel Identifier (SPI) : 6~2A\PP5802
Vicmap Parcel PFI : 45052683

Coordinate Position
MGA : 263200, 5858640 (55)
Vicroads Directory Reference : 584 C10 (ed. 6)

Compiled from VICMAP cadastral mapping data

Date: 22/05/2009





Department of Environment, Land, Water & Planning

ATTACHMENT 10.3.1

402 – 406 Mair Street
BALLARAT VIC 3350
Telephone: 136 186
www.delwp.vic.gov.au

Ref: 0615947

Date: 1 September 2021

Hepburn Shire Council
Attn: Ms Elizabeth Atkin
Project Manager
PO Box 21
DAYLESFORD VIC 3460

Dear Ms Atkin

LAND OWNER CONSENT – TRENTHAM COMMUNITY HUB

I write in respect to your recent email of 17 August 2021 requesting consent to support the Re-development and construction of the Trentham Mechanics Institute into the Trentham Community Hub, being Crown Allotment 6 Section 2A in the Township and Parish of Trentham.

The proposed project is consistent with the use and purpose of the reservation and the Department of Environment Land Water and Planning (the department) in its capacity as landowner, is pleased to provide consent for the proposed activities to occur around the Trentham Mechanics Institute Reserve subject to the following conditions:

1. All construction, development and associated rehabilitation works are to be completed to the satisfaction of the Regional Director DELWP Grampians Region.
2. This consent will expire if the works are not completed within two years of the date of this consent.
3. All future costs associated with the management, maintenance and (where appropriate) replacement of the proposed development are to be met by the proponent.

Because the Crown land parcel is within the Dja Dja Wurrung Recognition and Settlement Agreement area under the Traditional Owner Settlement Act 2010, A Land Use Activity Agreement (LUAA) assessment of the proposed works is required and should be completed by Council along with any advisory, negotiation or agreement notifications. Work cannot commence until the assessment and associated notifications under the LUAA are satisfied. Please contact Megan Heap on 0438 327 378 or megan.heap@delwp.vic.gov.au for more information.

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Any personal information about you or a third party in your correspondence will be protected under the provisions of the Privacy and Data Protection Act 2014. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorised by law. Enquiries about access to information about you held by the Department should be directed to the Privacy Coordinator, Department of Environment, Land, Water and Planning, PO Box 500, East Melbourne, Victoria 8002



Environment,
Land, Water
and Planning

OFFICIAL

DELWP as land owner of the subject land consents to a planning permit application being made for the above if required. For the purposes of section 48 of the Planning and Environment Act 1987, this letter acknowledges that the applicant has notified the landowner about the proposed development.

It is noted that no native vegetation clearance has been proposed in respect to any use or development provided for under this consent. If native vegetation is to be removed, the proponent must first discuss the need for a planning permit to remove native vegetation with the local council. If native vegetation that includes protected flora is to be removed, the proponent must first obtain a Flora and Fauna Guarantee Act permit from DELWP before protected flora is removed.

The department is certain the local community and visitors will benefit from the works. If the department can be of further assistance, please email: publicland.ballarat@delwp.vic.gov.au.

Regards



Daniel McMahon
Program Manager
Land & Built Environment
Grampians Region

Trentham Community Hub



Legend



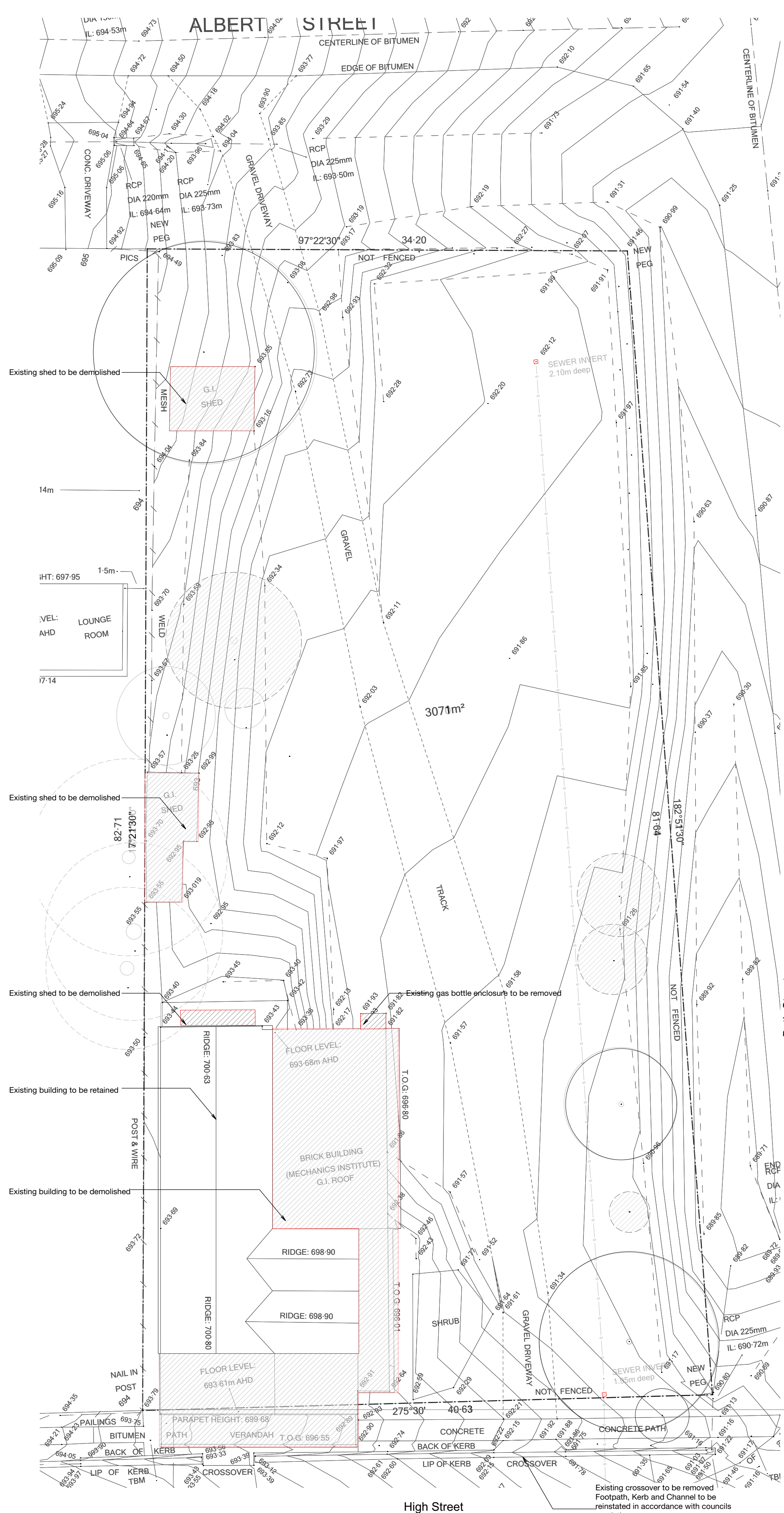
Existing Building Area ~492 sqm

Existing Building Area to be demolished ~254 sqm

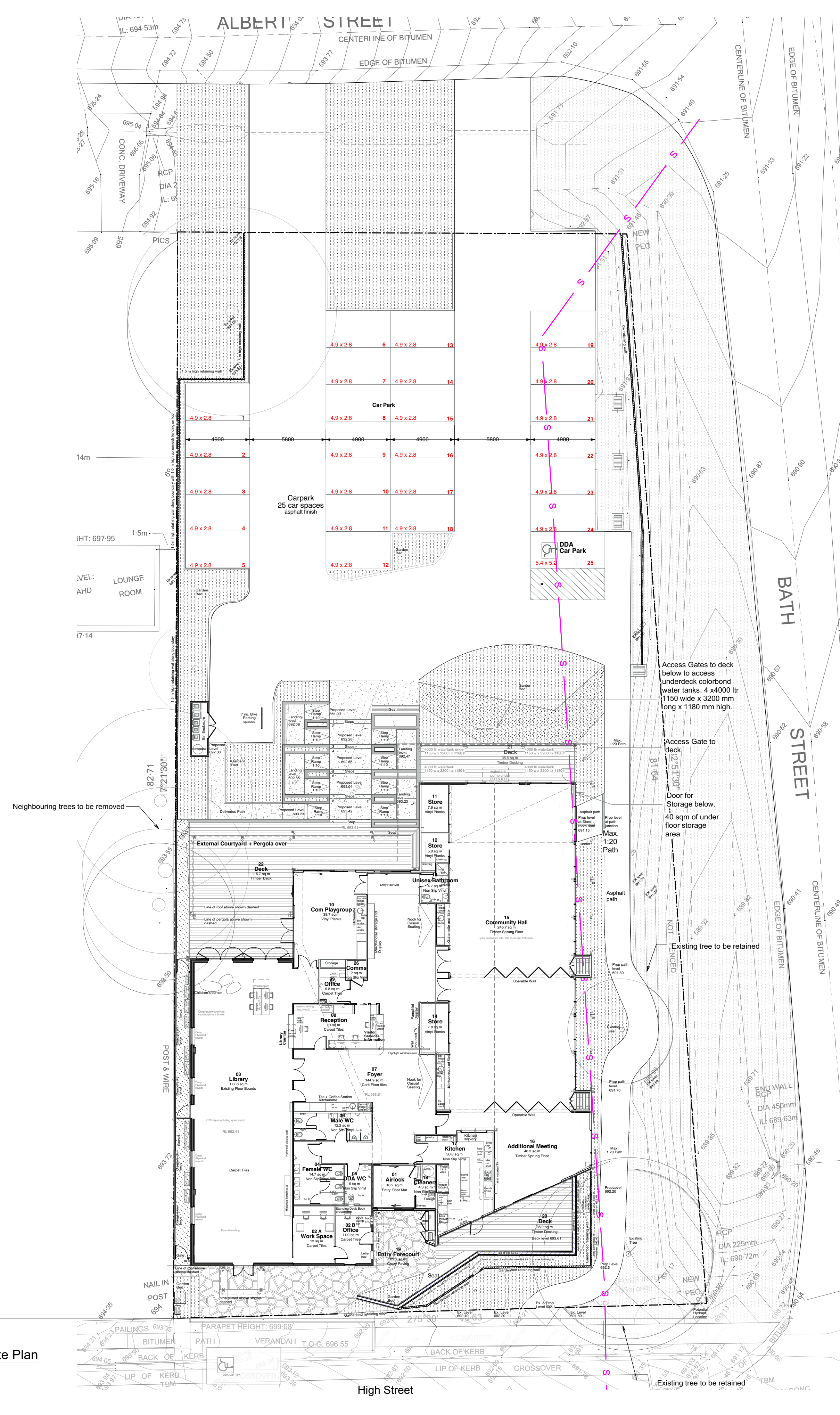
Existing Building Area to be retained 238 sqm

**New Building: ~598m²
Deck Areas: ~188m²**

Roofed Area : 998m²

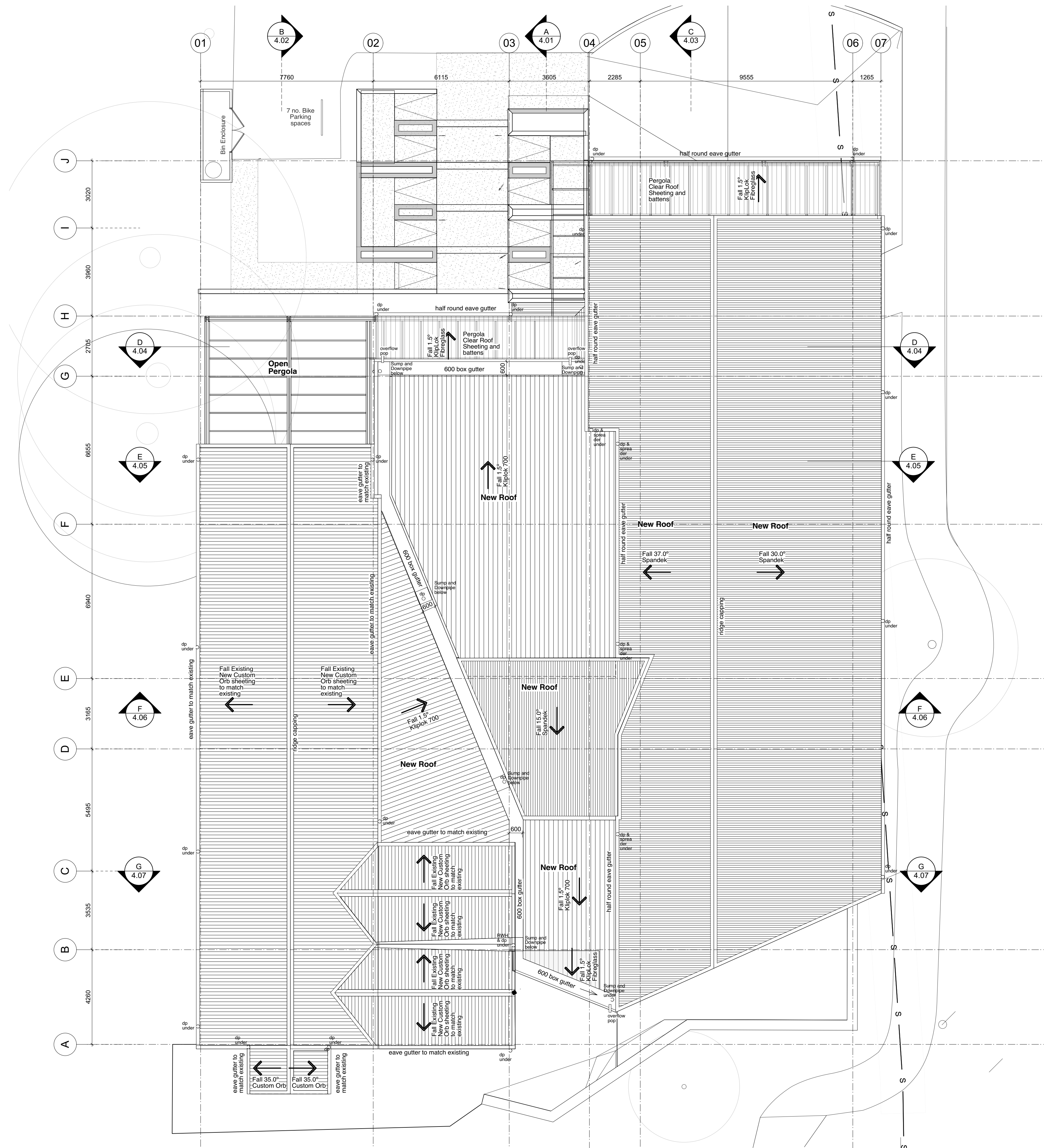


1 Existing Conditions
Scale: 1:200



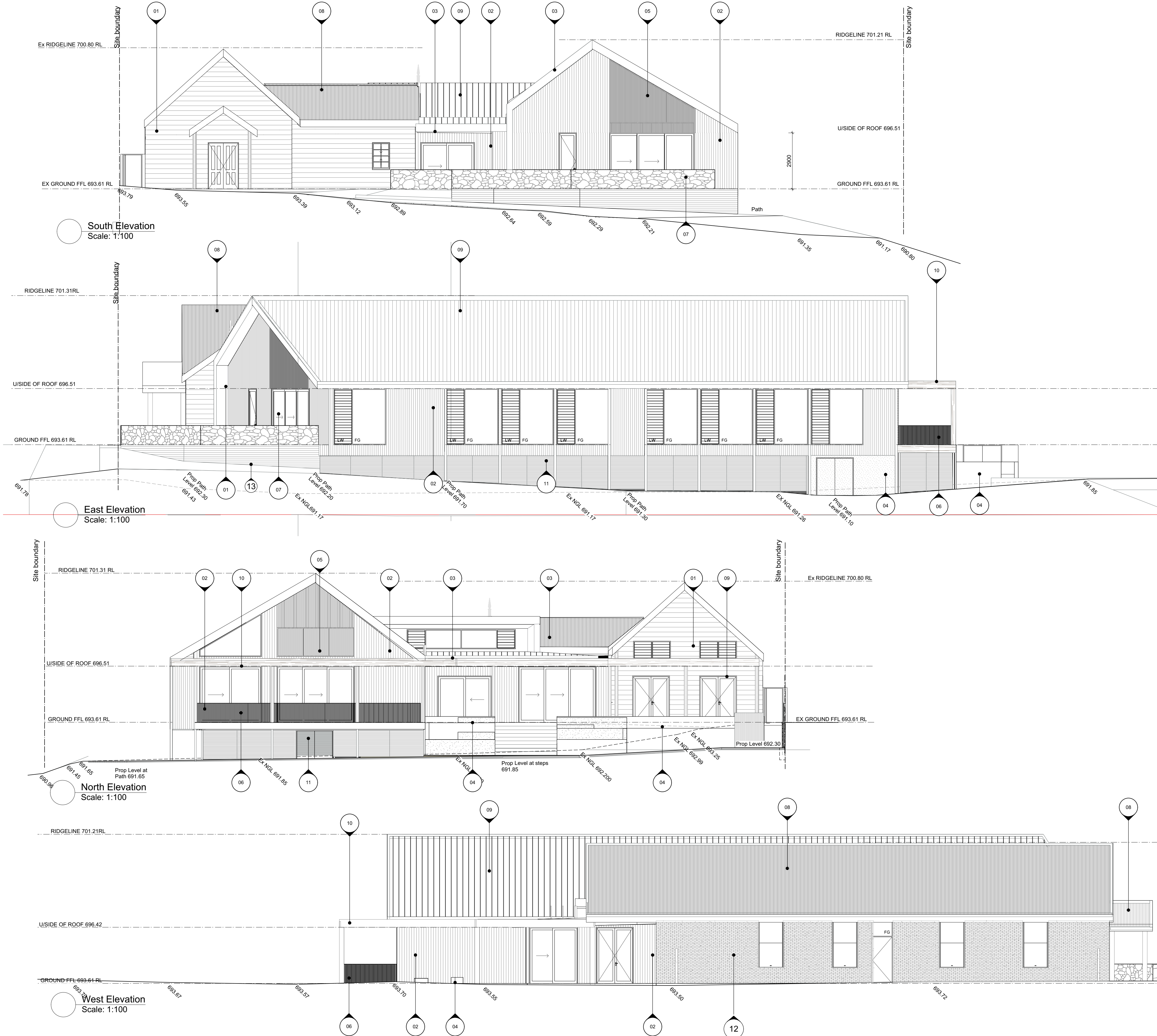
2 Proposed Site Plan
Scale: 1:200



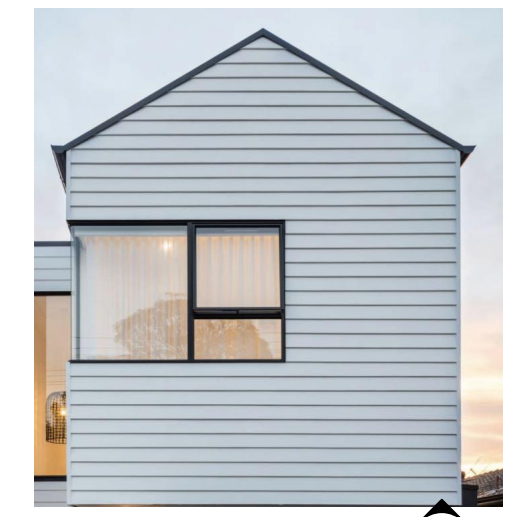


2 Proposed Roof Plan
Scale: 1:100





External Finishes



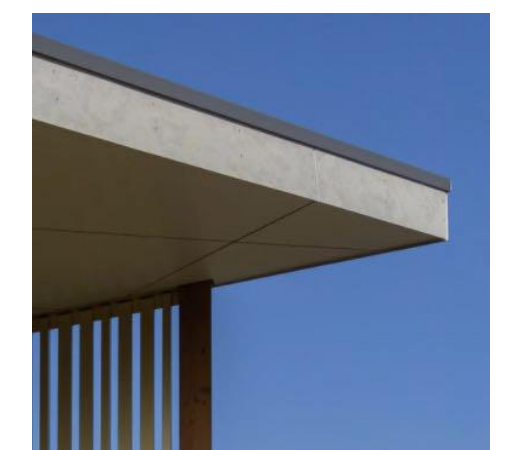
Weatherboards-off white colour

01



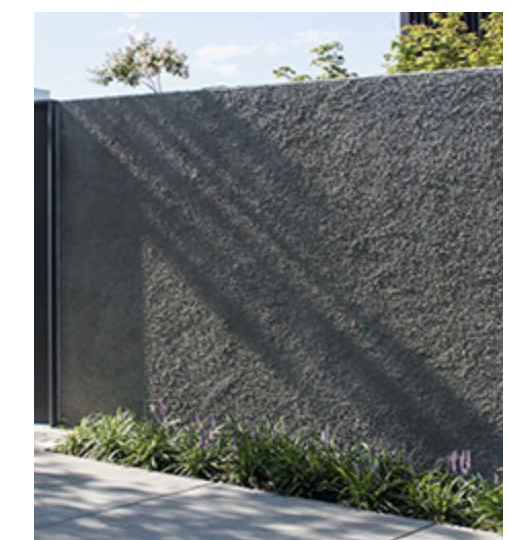
Timber Cladding with Charred Finish

02



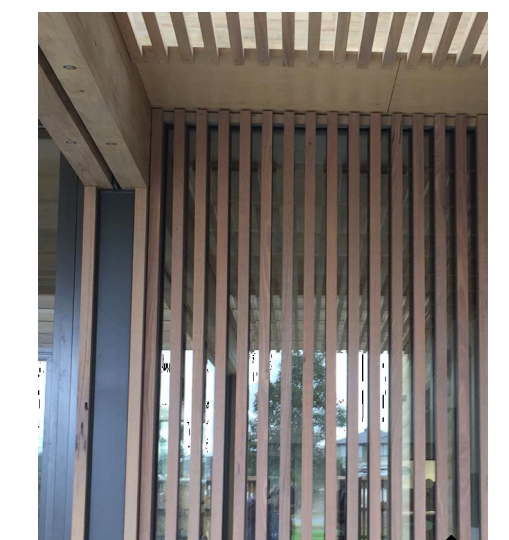
Barestone Fascia-light grey

03



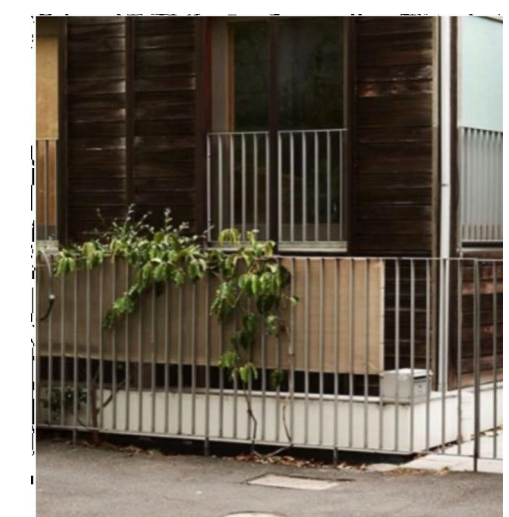
Rough cast render ramp walls-charcoal colour

04



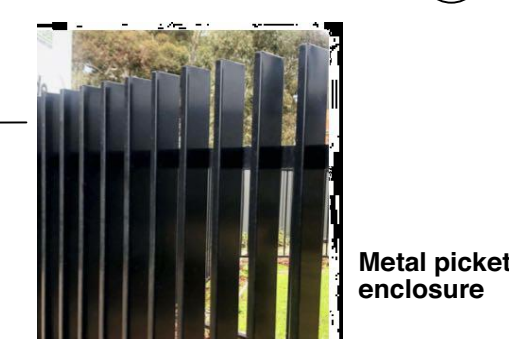
Timber battens-stain finish

05



Steel Vertical Balustrade-

06

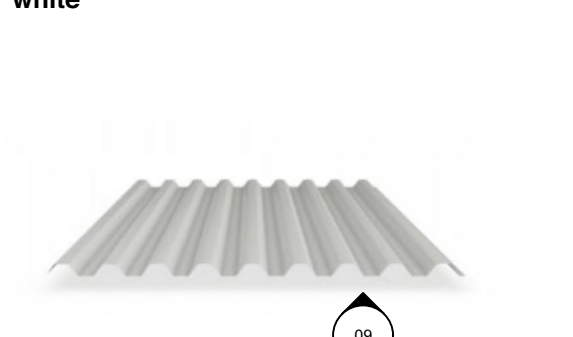


Metal picket fence to Bin enclosure



Colorbond Custom Orb Roofing-off white

08



Colorbond Spandek Roofing-off white

09



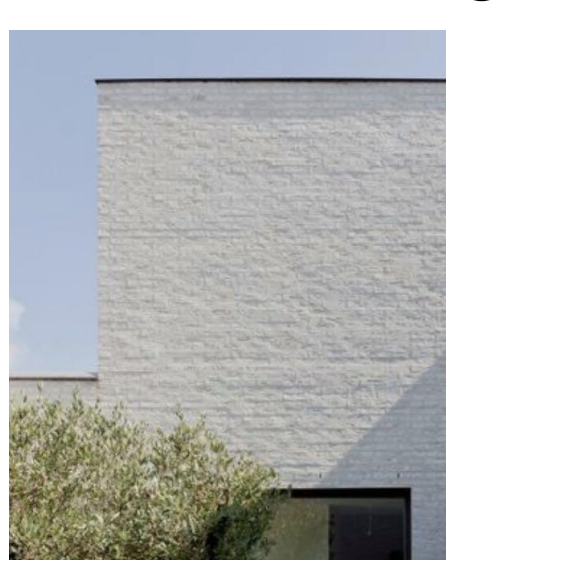
Timber Pergola stain finish & Steel Posts-paint finish charcoal

10



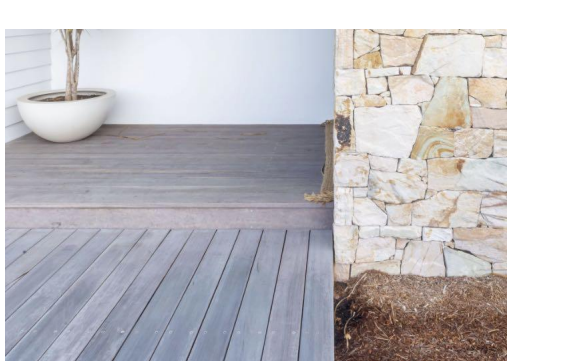
Corromesh screen black finish

11



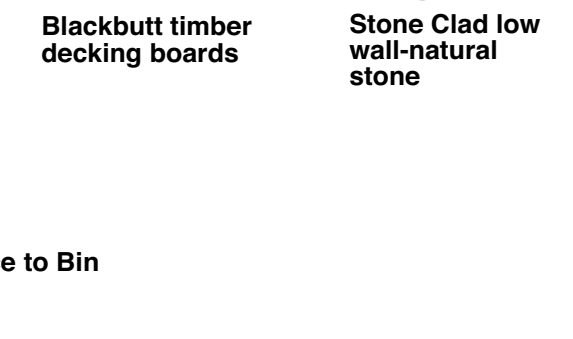
Bagged finish to existing brickwork-off white

12



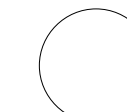
Blackbutt timber decking boards

13



Stone Clad low wall-natural stone

07





STORM Rating Report

TransactionID: 1231666
 Municipality: HEPBURN
 Rainfall Station: TRENTHAM
 Address: 66 High Street

Trentham
 VIC 3458

Assessor: Katja Bode
 Development Type: Other
 Allotment Site (m2): 3,071.00
 STORM Rating %: 117

Description	Impervious Area (m2)	Treatment Type	Treatment Area/Volume (m2 or L)	Occupants / Number Of Bedrooms	Treatment %	Tank Water Supply Reliability (%)
Roof	998.00	Rainwater Tank	16,000.00	0	0.00	99.00
Asphalt Carpark	1,296.00	Infiltration Sand	25.00	0	213.25	0.00
Paving	63.00	None	0.00	0	0.00	0.00

Date Generated: 16-Sep-2021

Program Version: 1.0.0

Perkins Architects Pty Ltd
ABN 85 007 172 670

153 High Street T 03 9510 9697
Prahran Victoria 3181 F 03 9510 8858
E info@perkinsarchitects.com.au
W www.perkinsarchitects.com.au

11.08.2021

Hepburn Shire Council
PO Box 21
Daylesford

Dear Sir/Madam

**Hepburn Shire Trentham Community Hub-Heritage Overlay Clause
43.01**

We would like to apply for a heritage permit under Clause 43.01 for the proposed Trentham Community Hub at 66 High Street, Trentham. The site accommodates the Trentham Mechanics Institute building that was originally built in 1881 and has since been subject to several extensions and additions.

Under Clause 43.01 Heritage Overlay a permit is required to demolish and remove a building, construct a building, and remove vegetation.

Schedule HO352- Trentham Township Heritage Area lists External Paint Controls and Tree Controls as applicable to part of the site.

The proposal incorporates the retention of the original Mechanics Hall and demolition of brick additions to the building including first floor projection room, verandah, ancillary facilities such as bathrooms and Kitchen and a small function room. The intention is to restore the original weatherboard clad gabled building both externally and internally. The extension to the existing building is sympathetic in height and style and mirrors the gable as a modern interpretation of the existing Mechanics Hall.

The proposal protects and enhances the original character of Trentham's Main Street. It is proposed to remove the extensions that currently conceal the form of the existing Mechanics Hall. The new building part of the proposal provides a flat roofed link and gabled community hall extension that are both further setback from the street frontage than the existing building. This creates a respectful balance between the original and proposed parts of the building.

A verandah roof with timber posts is located over the front double door of the existing mechanics hall and an additional verandah roof covers the main entry of the building. These elements further enhance the original character of the streetscape along High Street.

The proposed paint colours are sympathetic to the original colours and are all in the natural colour range from off white, light grey, charcoal, and natural timber. Please refer to elevation Drawings for Colour and Material Schedule.

Three existing trees have to be removed on site to accommodate for the extension and associated carpark. Please refer to arborist report

Please refer to the following drawing for details on the above

TP00 Cover Page
TP01 Existing and Proposed Site plan
TP02 Existing Conditions /Demolition Plan & Elevations
TP03 Proposed Plan
TP04 Proposed Roof Plan
TP05 Proposed Elevations

If you have any further queries, please do not hesitate to contact me on 0417 120771.

Kind regards

A handwritten signature in black ink, appearing to read 'K. Bode', with a long horizontal flourish extending to the right.

Katja Bode
Perkins Architects

27 August 2021

Perkins Architects

Via email: melanie@perkinsarchitects.com.au

Attention: Melanie Yard

Hepburn Shire Trentham Community Hub Car Parking Demand Assessment

INTRODUCTION

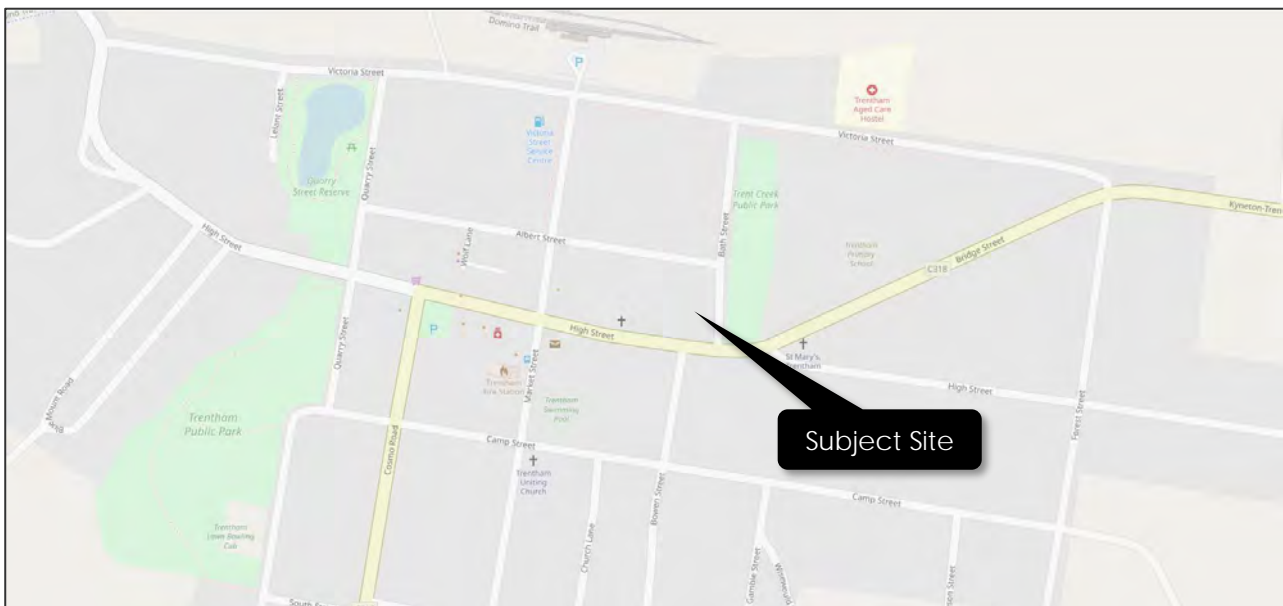
onemilegrid has been requested by Perkins Architecture to undertake a Car Parking Demand Assessment for the proposed redevelopment of the existing community facility at 66 High Street, Trentham.

EXISTING CONDITIONS

Site Location

The subject site is located on the northern side of High Street, and is bound by Bath Street to the east and Albert Street to the north, as shown in Figure 1.

Figure 1 Site Location



Copyright OpenStreetMap

The site is rectangular in shape and has a frontage to High Street for approximately 40.6 metres, a frontage to Bath Street for approximately 81.6 metres, a frontage to Albert Street for approximately 34.2 metres, and a total site area of 3,071m².

The site is currently occupied by the Trentham Mechanics Hall with a two-storey brick building located in the south-western corner of the site, with a total floor area of approximately and informal parking provided in the northern portion of the site.

Vehicular access is provided via two gravel crossovers to both High Street and Albert Street, with a gravel road bisecting the site connecting the two crossovers.

Land use in the immediately is typical of a regional town with a mixture of low-density residential dwellings and small commercial uses.

The site is located within a Commercial 1 Zone.

An aerial view of the subject site is shown in Figure 2.

Figure 2 Site Context (23 January 2021)



Road Network

High Street

High Street is an arterial road generally aligned east-west at the frontage of the site. High Street has a road width of approximately 13 metres which accommodates traffic in both directions and unrestricted kerbside parking on both sides of the road.

A signed 50km/h speed limit operates within the vicinity.

Albert Street

Albert Street is a local road generally aligned east-west, running between Bath Street and Quarry Street. Albert Street has a sealed road width of approximately 6 metres which accommodates traffic in both directions. Informal car parking is provided within the verge.

Bath Street

Bath Street is a local road generally aligned north-south, running between High Street and Victoria Street. Bath Street has a sealed road width of approximately 6 metres which accommodates traffic in both directions.

Sustainable Transport

Public transport in the vicinity of the site is limited to bus services. A bus stop is located 200 metres west of the subject site along Market Street. The 4 Kyneton – Trentham bus service and Daylesford – Melbourne V/Line coach service both operate from the bus stop.

EXISTING USE

As identified above, the site is currently occupied by the Trentham Mechanics Hall which is a community facility which is rented out for meetings and functions, as well as holding community events.

DEVELOPMENT PROPOSAL

General

It is proposed to redevelop the subject site for the purposes of a new community centre. The redevelopment will involve the partial demolition of the existing building on-site, and the construction of an adjoining building.

The new community hub will offer several services on-site including a community hall providing community events and social gatherings, a library, playgroup room, kitchen, as well as several areas for the administration component of the building.

A summary of the proposed development is shown in Table 1.

Table 1 Development Summary

Component	Proposed Area
Community hall including adjoining meeting room	288.2m ²
Library	177.6m ²
Playgroup room	38.7m ²
Kitchen	30.8m ²
Office (incl workspace)	62.7m ²
Total	598m²

Areas in the development summary do not include storage areas, toilets and foyers.

The operator has advised that the following services will be provided at the new community centre.

Table 2 Proposed Services

Component	Activity	Day	Time	No. of Patrons
Community Hall	Community Events	Once a month	5:00pm – 10:00pm	80
	Social Gatherings	Mon -Fri, a few times a week	5:00pm – 10:00pm	30
Office	Administration	Mon-Fri	9:00am – 5:00pm	2-3
		Tue-Fri	10:00am – 5:00pm	40
Library		Sat-Sun	10:00am – 1:00pm	
Community Playgroup		Once a week	9:00am – 11:00am	12

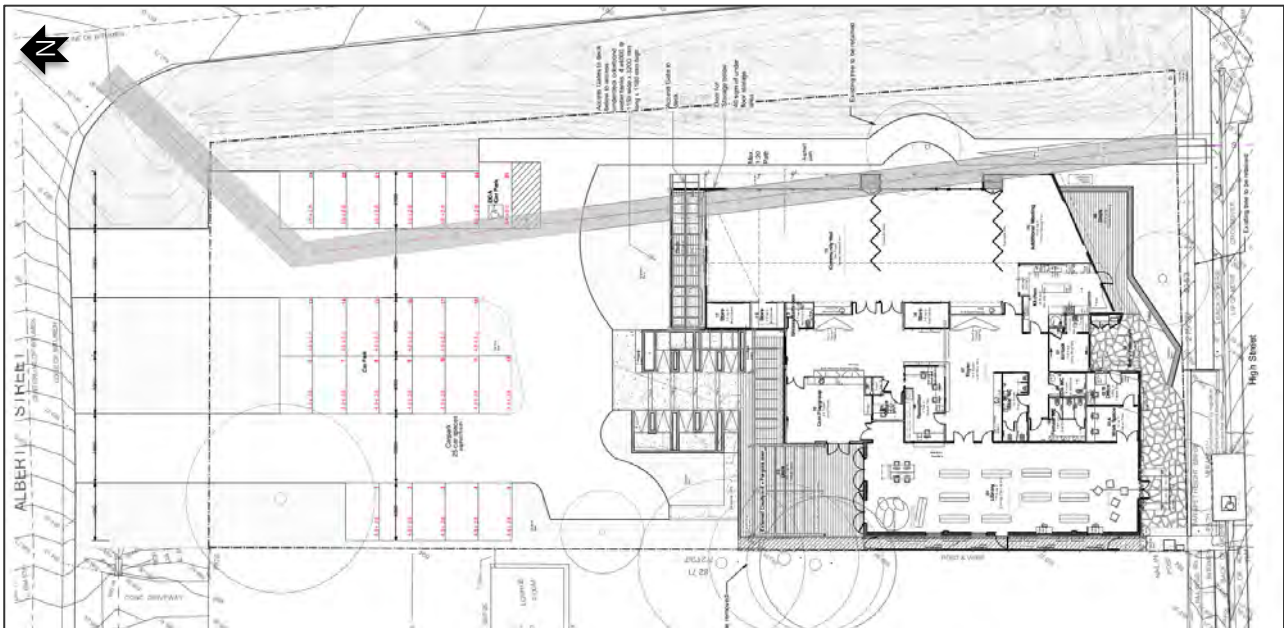
Car Parking and Vehicular Access

A total of 25 car parking spaces (inclusive of one accessible space) are proposed in an at-grade car park at the rear of the site and accessed from Albert Street.

The proposed development seeks to formalise the vehicular access to Albert Street and remove the crossover to High Street and reinstate as kerb and channel.

The proposed site layout is shown in Figure 3.

Figure 3 Proposed Site Layout



CAR PARKING

Statutory Car Parking Requirements

Car Parking Requirements – Clause 52.06

The car parking requirements for the subject site are identified in Clause 52.06 of the Hepburn Planning Scheme, which specifies the following requirements for the different components of the proposed development.

A complete assessment of the planning scheme requirements has been undertaken for the subject site considering that the existing site has no formal parking provided and is being partially demolished.

For the purposes of the below assessment, all uses will be considered as a 'place of assembly' except for the office.

Table 3 Clause 52.06 – Car Parking Requirements

Use	No/Area	Rate	Car Parking Measure	Total
Office	62.7m ²	3.5	to each 100m ² of net floor area	2
Place of assembly	162 patrons	0.3	to each patron permitted	48
Total				50

Based on the above calculations, a total of 50 parking spaces are required for the proposed development.

Proposed Car Parking Provision

It is proposed to provide a total of 25 car parking spaces on-site, which equates to a shortfall of 25 spaces when compared to the Planning Scheme requirements.

Clause 52.06-7 of the Hepburn Planning Scheme indicates that an application to reduce (including reduce to zero) the requirement for car spaces must be accompanied by a Car Parking Demand Assessment. The Assessment must assess the car parking demand likely to be generated by the proposed development, having consideration to:

- The likelihood of multi-purpose trips within the locality which are likely to be combined with a trip to the land in connection with the proposed use.
- The variation of car parking demand likely to be generated by the proposed use over time.
- The short-stay and long-stay car parking demand likely to be generated by the proposed use.
- The availability of public transport in the locality of the land.
- The convenience of pedestrian and cyclist access to the land.
- The provision of bicycle parking and end of trip facilities for cyclists in the locality of the land.
- The anticipated car ownership rates of likely or proposed visitors to or occupants (residents or employees) of the land.
- Any empirical assessment or case study.

An assessment of the likely parking demands and the appropriateness of reducing the car parking provision below them is set out below.

Car Parking Demand Assessment

For the purposes of a conservative assessment, the Planning Scheme parking rates will be adopted for the site.

Based on the above assessment, a total car parking demand of 50 spaces is projected assuming that each component peaks at the same time.

It is noted that this will not be the case, as the site is generally split into two components, with several components generating a peak car parking demand during the day (library and playgroup) and other components generating a car parking demand during the evening (community events and social gatherings).

In light of the above, a temporal car parking profile has been prepared to determine the occupancy levels at various periods. These periods include:

- Weekday: 10:00am, 12:00pm, 4:00pm and 7:00pm
- Weekend: 10:00am, 12:00pm and 7:00pm

Furthermore, for the purposes of a conservative assessment, the following assumptions will be made:

- The community events patronage will be adopted instead of social gatherings due to the higher patronage. It is understood based on discussion with the operator that these two events occur in the same space and therefore only the higher patronage assessment has been undertaken as this represents the peak occupation;
- The community events patronage will be adopted for both the weekday and weekend;
- The community playgroup patronage will be adopted for both the weekday and weekend; and
- The uses will be 100% occupied for the duration of their operation times.

A view of the expected car parking demand for each component at various times on weekday and a weekend is provided in Table 4 and 5 respectively.

Table 4 Anticipated Car Parking Demand – Weekday

Land Use	Peak Demand	10:00am Weekday		12noon Weekday		4:00pm Weekday		7:00pm Weekday	
		% Occupied	Demand	% Occupied	Demand	% Occupied	Demand	% Occupied	Demand
Office	2	100%	2	100%	2	100%	2	0%	0
Community Events	24	0%	0	0%	0	0%	0	100%	24
Library	12	100%	12	100%	12	100%	12	0%	0
Community Playgroup	3	100%	3	0%	0	0%	0	0%	0
Total	41		17		14		14		24

Table 5 Anticipated Car Parking Demand - Weekend

Land Use	Peak Demand	10:00am Weekend		12noon Weekend		7:00pm Weekend	
		% Occupied	Demand	% Occupied	Demand	% Occupied	Demand
Office	2	0%	0	0%	0	0%	0
Community Events	24	0%	0	0%	0	100%	24
Library	12	100%	12	100%	12	0%	0
Community Playgroup	3	100%	3	0%	0	0%	0
Total	41		15		12		24

As shown in the above tables, it is projected that the proposed development will generate a peak car parking demand for 24 car spaces which is projected to occur on weekday or weekends when a community event is held. For all other times, the maximum car parking demand will occur at 10:00am on weekday and weekends when a demand of 17 and 15 spaces are expected respectively.

Review of Car Parking Provision

As shown in the above analysis, a peak car parking demand for 24 spaces is anticipated during community events, whilst for all other days a car parking demand for between 15 and 17 spaces is projected.

With 25 spaces provided in the on-site car park, this provision comfortably satisfies the peak car parking demands at each of the periods.

CONCLUSION

It is proposed to redevelop the subject site to allow for a new community centre to operate, with 25 car parking spaces provided on-site.

Considering the analysis presented above, it is concluded that:

- Based on the Planning Scheme requirements, the site has a statutory requirement to provide 50 car parking spaces, and therefore a shortfall of 25 parking spaces results;
- Based on the temporal car parking demand for the site, a peak car parking demand for 24 spaces is anticipated during community events, whilst for all other days a car parking demand for between 15 and 17 spaces is projected; and
- The proposed provision of 25 parking spaces is in excess of the above temporal car parking demand and therefore is appropriate for the site.

Please do not hesitate to contact the undersigned, or Martin Kropiewnicki on (03) 9982 9754 or at martin.kropiewnicki@onemilegrid.com.au, should you wish to discuss the above.

Yours sincerely



Jamie Spratt

Director

onemilegrid

m: 0401 154 825

d: (03) 9982 9715

e: jamie.spratt@onemilegrid.com.au

P/R: Martin Kropiewnicki/Jamie Spratt



**BAL ASSESSMENT
66 High Street, Trentham
Ref No.21.238**



REPAIRED BY

**REGIONAL PLANNING & DESIGN PTY LTD
13 Bridport Street Daylesford 3460**

**PH 0447 073 107
Email: s.thompsondesign@bigpond.com**

June 2021

REV	DATE	DETAILS
A	25/6/2021	Issued as a draft for discussion
B		
C		
D		

1 INTRODUCTION

The following BAL Assessment was prepared by Sam Thompson in June 2021 to assess the level required for the construction an extension of a building to be used as a Community Centre at 66 High Street, Trentham. This report uses the data from AS 3959 2018 Section 2

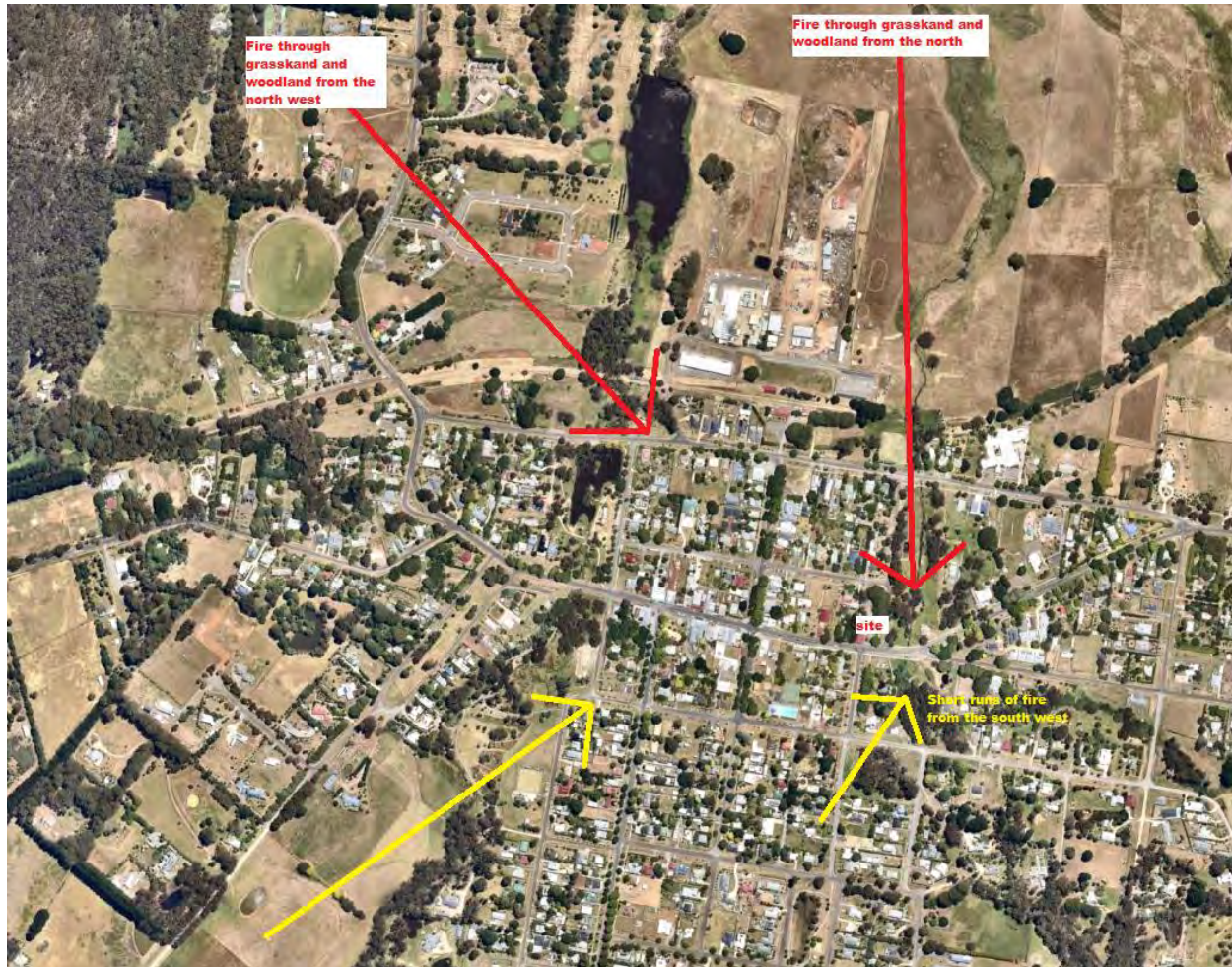


Figure 1 Location and context

2 LOCATION

The site is located on the corner of High Street and Bath Street, on the eastern edge of the town of Trentham. The site environs is likely to be affected by runs of grassfire from the north and runs of fire through forest, woodland and grassland from the north west and south west. The settled areas of Trentham will reduce the intensity of an approaching fire from the north west and south west. There is woodland which is connected to forest to the east of the site (beyond Bath Street). There is forest to the south east beyond managed gardens and woodland. This presents the greatest fire risk to the site

The site will be affected by ember attack which is the main cause of building loss in a bushfire. It is therefore important for the owners to manage the site to minimise the build up of fine fuels that could ignite from embers.

3 FIRE DANGER INDEX (FDI)

The FDI is 100 as the site is not located in an Alpine Area.



Figure 2 100m assessment area

4 VEGETATION TYPE

As shown on Figure 2 the vegetation within 100 metres of the site is mostly managed low threat vegetation around existing buildings (photos 1 to 3 and 7 to 10). There is woodland and forest along the creek beyond managed land to the east (photos 4 and 5). It should be noted the large cypress trees on the north east boundary of the site have recently been removed.

Site Photos



Photo 1 Looking south from the northern boundary of the site



Photo 2 Looking north from the south east corner of the site

Site Photos



Photo 3 Looking south west to the existing building in the south west corner of the site



Photo 4 Looking south west towards trees on the west boundary. It is recommended limbs be pruned so they do not overhang the building

Surrounding Landscape Photos



Photo 5 Looking south east across woodland to the east of site



Photo 6 Looking east across woodland to the east of site

Surrounding Landscape Photos



Photo 7 Looking south east across managed low threat vegetation to the east of site



Photo 8 Looking north west across managed land to the west of site

Surrounding Landscape Photos



Photo 9 Looking north west across managed low threat vegetation to the north west of site



Photo 10 Looking south west across managed land to the west of site

5 SLOPE

The slopes under fuels within 100 metres are in the 0 to 5 degree down slope category.

6 BAL ESTIMATION

Set-backs from the building are shown in the table below.

Direction	Distance to vegetation	Vegetation type	Slope under veg	Distance required for BAL 19	BAL
North	70m	Woodland	0 to 5	29 m	19
East	31m	Woodland	0 to 5	29 m	19
West	0m	Managed low threat veg	0 to 5	NA	19
South	84m	Forest	0 to 5	43 m	19

Table 1 Distances to vegetation and required BAL level in accordance with Table 2.4 of AS3959-2018

7 CONCLUSION

The building extension should be built the standard of BAL 19.

To reduce the risk it is vital the garden is maintained so that high threat vegetation (such as oil rich native trees and shrubs) are not planted around the house and that any trees are maintained and pruned so the canopy does not overhang the building.

It is recommended the owners consult the CFA publication *Landscaping for Bushfire, Garden Design and Plant Selection* in managing the garden and that owners maintain any plantings within the gardens to the meet the low threat classification from AS 39395-2018 – 2.2.3.2 listed below:

- (f) Vegetation regarded as low threat due to factors such as flammability, moisture content or fuel load. This includes grassland managed in a minimal fuel condition, mangroves and other saline wetlands, maintained lawns, golf courses (such as playing areas and fairways), maintained public reserves and parklands, sporting fields, vineyards, orchards, banana plantations, market gardens (and other non-curing crops), cultivated gardens, commercial nurseries, nature strips and windbreaks.

NOTES:

- 1 Minimal fuel condition means there is insufficient fuel available to significantly increase the severity of the bushfire attack (recognizable as short-cropped grass for example, to a nominal height of 100 mm).
- 2 A windbreak is considered a single row of trees used as a screen or to reduce the effect of wind on the leeward side of the trees.

11 STRATEGIC PLANNING

12 A RESILIENT AND SUSTAINABLE ENVIRONMENT

12.1 SUSTAINABLE HEPBURN - NOMINATIONS RECEIVED FOR SUSTAINABLE HEPBURN COMMUNITY REFERENCE GROUP DIRECTOR INFRASTRUCTURE AND DELIVERY

In providing this advice to Council as the Sustainability Officer, I Maree Grenfell have no interests to disclose in this report.

ATTACHMENTS

1. Sustainable Hepburn Community Reference Group Terms of Referenc [12.1.1 - 7 pages]

EXECUTIVE SUMMARY

At previous Councillor Briefings, Councillors reviewed the Terms of Reference for the Sustainable Hepburn Community Reference Group, which will comprise four (4) Technical Working Groups (one per Sustainable Hepburn theme).

The Terms of Reference state that there will be up to twenty-eight (28) community members on the Community Reference Group. Council called for Expressions of Interest from community members to participate on the Sustainable Hepburn Community Reference Group from 11 November to 5 December 2021 and Twenty-five (25) nominations are recommended to participate on the Sustainable Hepburn Community Reference Group.

OFFICER'S RECOMMENDATION

That Council appoints the following community members to the Sustainable Hepburn Community Reference Group:

- *Peter Rice*
- *Jo Taylor*
- *Taryn A Lane*
- *Juliet Summers*
- *Cheryl May*
- *Denise Christian*
- *Marita McGuirk*
- *Tanya Loos*
- *Lynn Johnson*
- *Margret Jean Lockwood*
- *Teresa Castley*
- *David Unwin*
- *Katherine Lewisohn*
- *Anne Margaret Milton*
- *Sarah Smith*
- *Michelle Stephenson*

- *Valerie Lawrence*
- *Trish Kevin*
- *Peter Geraeds*
- *Helen Tobias*
- *Patrick Hockey*
- *Tammi Jonas*
- *Stuart Jonas*
- *Greg Serafin*
- *Murray Ralph*

That Council appoints the following Councillors to the Sustainable Hepburn Community Reference Group representing the following Technical Working Groups:

- *Councillor Halliday: Climate and Water resilience*
- *Councillor Hewitt: Natural Environment and Biodiversity*
- *Councillor Bray: Low Waste*
- *Mayor Councillor Drylie: Beyond Zero Emissions*

MOTION

That Council appoints the following community members to the Sustainable Hepburn Community Reference Group:

- *Peter Rice*
- *Jo Taylor*
- *Taryn A Lane*
- *Juliet Summers*
- *Cheryl May*
- *Denise Christian*
- *Marita McGuirk*
- *Tanya Loos*
- *Lynn Johnson*
- *Margret Jean Lockwood*
- *Teresa Castley*
- *David Unwin*
- *Katherine Lewisohn*
- *Anne Margaret Milton*
- *Sarah Smith*
- *Michelle Stephenson*
- *Valerie Lawrence*
- *Trish Kevin*
- *Peter Geraeds*
- *Helen Tobias*
- *Patrick Hockey*
- *Tammi Jonas*

- *Stuart Jonas*
- *Greg Serafin*
- *Murray Ralph*

That Council appoints the following Councillors to the Sustainable Hepburn Community Reference Group representing the following Technical Working Groups:

- *Councillor Halliday: Climate and Water resilience*
- *Councillor Hewitt: Natural Environment and Biodiversity*
- *Councillor Bray: Low Waste*
- *Mayor Councillor Drylie: Beyond Zero Emissions*

Moved: Cr Tessa Halliday

Seconded: Cr Jen Bray

Carried

BACKGROUND

Sustainable Hepburn will be Council's updated commitment to environmental sustainability replacing three existing strategies which expire in 2021 (Towards Zero Roadmap, Biodiversity Strategy and Waste Management and Resource recovery Strategy). The project is a key priority in the Council Plan, Priority 1.5.1 in Focus Area 1 – A resilient, sustainable, and protected environment of the Council Plan 2021-25.

A number of engagement activities will be deployed during the Sustainable Hepburn strategy development that have varying levels of influence based on the stakeholder map developed for the project. The level of influence will range from involve to collaborate on the International Association of Public Participation spectrum. At its highest-level council will partner with the community to develop alternatives and identify preferred solutions for our shared priorities. We will consider advice and recommendations to the maximum extent possible.

To fulfil this commitment, council will convene a Sustainable Hepburn Community Reference Group to co-create our Sustainable Hepburn Strategy. The Terms of Reference for this group were provided to Councillors at the 9 November 2021 Briefing and a call for Expressions of Interest were announced on a dedicated Participate Hepburn – Sustainable Hepburn webpage from 11 November to 5 December 2021.

Expressions of Interest were encouraged across the community via Hepburn Shire Council's Facebook page, emails to all local and relevant community groups, Hepburn Life and announcements at community events.

KEY ISSUES

All Expressions of Interest received were assessed according to the criteria documented in the Terms of Reference:

1. Applicants agree to contribute to the *Sustainable Hepburn* Community Reference Group plus the specific Technical Working Group applied for.
2. Applicants can be a member of one Working Group only, to ensure diversity across the Shire.
3. Applicants will be chosen according to demonstrated subject matter knowledge, experience, and skills and how this will be beneficial to the Working group (and Reference Group as a whole).
4. Demonstrated ability to work collaboratively in a group and represent the interests of the wider Hepburn community.
5. Define interest for participation on the *Sustainable Hepburn* Community Reference Group and outline expertise relevant to nominated *Sustainable Hepburn* Working Group.
6. Due to the pandemic restrictions placed on the community by the State Government, ability to attend meetings electronically, either via teleconference or video conference if required.
7. Demonstrated understanding of Council's legislative responsibilities in the development of strategy.
8. Agreement to work collaboratively with Council and Reference/Working group members and respect the opinions of other members.
9. Availability for the dates presented above (*Availability to attend at least 80% of scheduled sessions*).

In addition, the Terms of Reference confirm a councillor representative on each of the Technical Working Groups and the Community Reference Group.

Councillors nominated are:

- Councillor Halliday
- Councillor Hewitt
- Councillor Bray
- Mayor Councillor Drylie

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2021-2025

A resilient, sustainable and protected environment

1.1 Adapt to and mitigate climate change to reach net-zero community emissions by 2030.

1.2 Prioritise environmental management, protection and regeneration.

1.5 Protect and regenerate the natural resources of the Shire including soils, water and ecological systems from both current and future threats

Diverse economy and opportunities

4.4 Develop and promote the circular economy to diversify our local economy and support our sustainability goals

1.5.1 Develop and implement the Sustainable Hepburn strategy to align waste, sustainability, and biodiversity strategies

GOVERNANCE ISSUES

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

SUSTAINABILITY IMPLICATIONS

Sustainable Hepburn will guide council's future environmental sustainability ambitions including greenhouse gas emissions, natural environment and biodiversity, waste and resource recovery and climate and water resilience.

FINANCIAL IMPLICATIONS

Council will engage an independent facilitator to work with Council and the Community Reference Group and this cost will be covered within current project budget allocations.

At the completion of the Sustainable Hepburn Strategy, there is expected to be financial implications for the implementation of actions. These financial implications will be considered in developing future annual budgets.

RISK IMPLICATIONS

Risks for this project are being assessed and managed as part of the project plan and the community engagement plan.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The Sustainable Hepburn Project Manager and our Engagement Specialist are working together on a comprehensive community engagement plan and stakeholder map to ensure the community and local community groups are consulted and involved in the development of Sustainable Hepburn.



Sustainable Hepburn
Community Reference Group and Working Groups
- Terms of Reference – November 2021

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INTRODUCTION

Hepburn Shire Council is inviting community members to nominate via Expression of Interest, to join the Sustainable Hepburn Community Reference Group to assist in the development of a new environmental sustainability strategy for the Shire, *Sustainable Hepburn*.

The Hepburn community prides itself as a leader in environmental sustainability and understands its importance to the Shire's local identity as heard during the *Hepburn Together* community engagement process (2020-21). Environmental sustainability was the top priority reported by the community during community consultation on *Hepburn Together* (2020-21), closely followed by Liveability.

The local identity of the Shire was summed up as: "*The beautiful natural environment that supports forests, bushlands, and rich agricultural land that is supported by a sustainable conscious and committed community (45.80 percent).*" (*Hepburn Together 2021*).

BACKGROUND

There are three Hepburn Shire Council environmental sustainability strategies requiring updating during 2021 as below:

1. [Waste Management and Resource Recovery Strategy 2014–21](#)
2. [Biodiversity Strategy 2018–21](#)
3. [Towards Zero Emissions Roadmap 2017-21](#)

In response to community sentiment during the Hepburn Together consultation process, Council will develop an integrated environmental sustainability Strategy, *Sustainable Hepburn*, providing an integrated approach to improve environmental sustainability across the Shire with four distinct themes:

- **A beyond zero emissions Shire:** Achieve and maintain beyond zero net emissions from council activities by installing and purchasing renewable energy, increasing energy efficiency, designing for local climates, offsetting where appropriate and providing options for low fossil fuel-based activities;
- **Natural environment and biodiversity:** Protect and enhance biodiversity values across the Shire through restoration of natural environmental values, appropriate land use, knowledge sharing, and improved capacity of Council;
- **A low waste Shire:** Reduce waste to landfill, increase and improve recycling and extend services across the Shire for reuse of materials and develop circular economy opportunities
- **A climate and water resilient Shire:** Council's infrastructure, services and the community can adapt to the impacts of a changing climate, know what actions to take in extreme weather, are more informed about climate risk and water is valued as a vital natural resource.

PURPOSE OF THE COMMUNITY REFERENCE GROUP AND WORKING GROUPS

Hepburn Shire will seek community input and feedback via various channels during the *Sustainable Hepburn* strategy development. To ensure the Hepburn Shire community has the opportunity to provide input on the development of *Sustainable Hepburn*, Council will convene the Sustainable Hepburn Community Reference Group.

The Community Reference Group will comprise four technical Working Groups (aligned with the four themes presented above) to ensure each of the themes proposed for the strategy receive equal attention and input. The Community Reference Group will meet as a whole to ensure an integrated approach to environmental sustainability is fostered and opportunities for co-benefits are maximised, as well as breaking into separate technical working groups. Interested members are asked to nominate for the Working Group where they can demonstrate greatest knowledge, interest and experience. The purposes for each of the thematic Working Groups is provided below:

Overarching strategic outcome:

Improved capacity of council and community to understand integrated / holistic environmental sustainability and co-benefits of actions

Beyond zero net emissions

Provide expertise, input and co-create actions to transition Hepburn Shire Council operations to beyond zero net emissions and facilitate the strategic outcomes below:

- *Reduced greenhouse gas emissions*
- *Increased use of renewable energy*
- *Offsets to reduce emissions of council facilities to below zero net*
- *Council assets and systems are prepared for impacts of climate change.*

Natural environment and biodiversity

Provide expertise, to review and co-create strategic actions to protect and enhance biodiversity values across the Shire, through appropriate land use, restoration of natural environmental values, knowledge sharing and improved capacity of Council and refine the strategic outcomes below:

- *Biodiversity is protected and enhanced across the Shire*
- *Landowners are empowered and supported to restore the natural environment and biodiversity on their land*
- *Degraded natural areas are restored*
- *Council has the capacity to protect and enhance biodiversity values on council and private land.*

Low waste

Provide expertise, input and co-create project ideas to reduce waste to landfill, increase percentage of waste reused and recycled and facilitate the strategic outcomes below:

- *Reduced waste to landfill*
- *Increased percentage of waste reused and recycled*
- *Improved capacity of community to recycle correctly*
- *Local opportunities for a circular economy established*

A climate and water resilient Shire

Provide expertise, input and co-create project ideas for Council and the community to better adapt to the impacts of a changing climate, know what actions to take in extreme weather, and value water as a vital natural resource and facilitate the strategic outcomes below;

- *Reduced risk from climate change impacts to infrastructure, services and community*

- Increased awareness of extreme weather events, impacts on health and lifestyle and knowledge of action to take to reduce impact
- Water resources are protected for the community and natural environment

AIMS OF THE COMMUNITY REFERENCE GROUP

- To foster an integrated, collective representation of community input, to co-develop Hepburn Shire Council's new environmental sustainability strategy, *Sustainable Hepburn*.
- The CRG will not be a decision-making body; it will be a targeted group of the community that will advise and work with Council Officers to develop *Sustainable Hepburn*.
- Its primary function is to ensure that the development of the strategy adequately reflects the interest and sentiment of the greater community, taking into account global environmental challenges of the 21st century, the current climate emergency and the local context of Hepburn Shire.

FUNCTION

By participating in the Community Reference Group, all members are asked to:

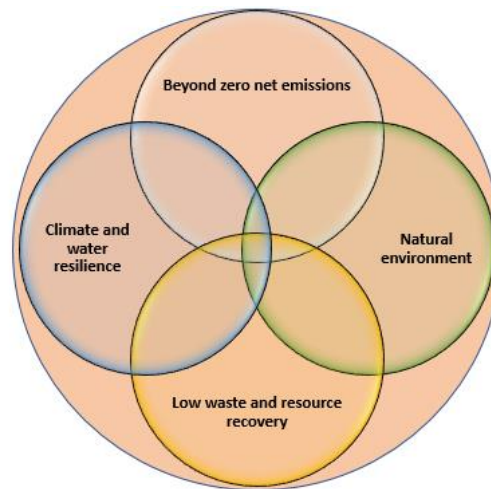
- Contribute the views of their local community;
- Collaborate with Community Reference Group members to explore options for the *Sustainable Hepburn* strategy;
- Support the dissemination of relevant, authorised project information within council and, where requested, community;
- Actively participate in discussions and idea generation in a manner conducive to constructive and positive discussion;
- Enable all members and guests to be heard equally, and listen and consider other points of view;
- Ensure a broad range of community perspectives are considered.

COMPOSITION

Sustainable Hepburn Community Reference Group will comprise up to 37 members including:

- Five (5) Hepburn Shire Council officers (two Sustainability Officers plus additional Officers providing background and context)
- Four (4) Hepburn Shire Councillors (one Councillor on each Technical Working Group)
- Up to twenty eight (28) community representatives selected through EOI process
 - Up to seven members on each of the four Technical Working Groups representing the geographic diversity and sustainability aspirations of the Hepburn community (at least one representative from each Municipal Ward in the Shire)
- An independent facilitator

Sustainable Hepburn CRG comprising four technical working groups



ROLES AND RESPONSIBILITIES

Organisation	Key Responsibilities
Hepburn Shire Council	<ul style="list-style-type: none"> • Schedule and host Reference group meetings • Develop and present background information, relevant subject matter and discussion papers for consideration • Perform administration tasks for the Reference group • Take meeting minutes/notes and distribute to Reference group members • Perform any allocated actions or tasks that result from Reference group meetings
CRG members	<ul style="list-style-type: none"> • Provide strategic advice, support and guidance • Work with other Reference group members to identify strategy timelines, key actions, general ambition and areas of focus to input into strategy development • Perform any allocated actions or tasks that result from Reference group meetings • Make timely contributions to reports where applicable/required • Attend meetings and workshops • Provide advice on how to best share Sustainable Hepburn updates with the local community • Present findings of Community Reference Group to Councillor panel at conclusion of Community Reference Groups activities

OPERATION

Key operational details of the group include:

- An independent facilitator will facilitate group meetings/workshops. The role of the facilitator will be to chair the meetings and facilitate discussion and involvement with all members.

- The CRG will meet for a minimum of three times (and no more than ten times) once appointed and before the strategy finalisation.
- The meetings will be held either virtually or in person, subject to the current COVID-19 restrictions and depending on the preferences of participating members (members to provide proof of double vaccination for face to face meetings).
- The Council Officer will be responsible for administration associated with the CRG including the organisation of meetings and support activities such as the distribution of agendas, minutes, briefing papers.
- The CRG will operate for the duration of the development of *Sustainable Hepburn*.
- The project team will seek input on and circulate the meeting agenda and any supporting documents to the group at least three days prior to a meeting.
- A standing meeting agenda will be developed, with additional agenda items for the next scheduled meeting to be nominated and agreed at meeting close of the previous meeting.
- The facilitator will determine matters to be dealt with in accordance with the Terms of Reference and for ensuring the proper and professional conduct of the group.

PROCESS AND SCHEDULE

What	When
Expressions of Interest opens	9 November 2021
Assessment of nominations against criteria	6 - 21 December 2021
Council resolution on membership (Council meeting)	21 December 2021
Community Reference Group notified	23 December 2021

Workshop 1: CRG meets as large group, break into technical working groups (5/2/22)

- CRG meets as a large group
- Background and context to Sustainable Hepburn
- Break into Technical Working Groups

Workshop 2: Technical working groups (19/2/2022)

- CRG divides into four technical groups and meets separately
- Information provided on technical areas and ideas for strategy development
- Activities to seek input on overall direction, gaps, priorities and outcomes

Workshop 3: CRG meets as large group and breakout groups (technical working groups) (26/2/2022 and/or 12/3/2022)

- Each technical group reports back on progress
- CRG divides into four technical groups and meets separately
- Activities facilitated to agree on outcomes, targets and actions as a pathway

MEETING PROCEDURE

Member responsibilities and behaviours

Confidentiality

Confidential material may be discussed as part of the CRG.

All CRG members are requested to ensure compliance with the Local Government Act 1989 and associated codes of conduct relating to confidential when confidential material is disclosed.

Any materials shared in CRG meetings will be identified as:

- Confidential – Not for distribution
- Confidential – For internal distribution only (within Council)
- Due for public release – Treat as confidential until release date
- Publicly available – Not confidential

CRITERIA FOR SUSTAINABLE HEPBURN COMMUNITY REFERENCE GROUP

SELECTION

- 1) Applicants agree to contribute to the *Sustainable Hepburn* Community Reference Group plus the specific Technical Working Group applied for.
- 2) Applicants can be a member of one Working Group only, to ensure diversity across the Shire.
- 3) Applicants will be chosen according to demonstrated subject matter knowledge, experience and skills and how this will be beneficial to the particular Working group (and Reference Group as a whole).
- 4) Demonstrated ability to work collaboratively in a group and represent the interests of the wider Hepburn community.
- 5) Define interest for participation on the *Sustainable Hepburn* Community Reference Group and outline expertise relevant to nominated *Sustainable Hepburn* Working Group.
- 6) Due to the pandemic restrictions placed on the community by the State Government, ability to attend meetings electronically, either via teleconference or video conference if required.
- 7) Demonstrated understanding of Council's legislative responsibilities in the development of strategy.
- 8) Agreement to work collaboratively with Council and Reference/Working group members and respect the opinions of other members.
- 9) Availability for the dates presented above (*Availability to attend at least 80% of scheduled sessions*).

13 A HEALTHY, SUPPORTED, AND EMPOWERED COMMUNITY

13.1 COMMUNITY GRANTS PROGRAM 2021 2022 ROUND 2 DIRECTOR COMMUNITY AND DEVELOPMENT

In providing this advice to Council as the Community Development Officer, I Inga Hamilton have no interests to disclose in this report.

ATTACHMENTS

- Nil

EXECUTIVE SUMMARY

The Community Grants Program 2021/2022 aligns with the Council Plan to support the strength and resilience of the community. Eligible community groups can access funds in four rounds annually across five categories that support a range of community needs. Round 2 opened on 1 October and closed at 12am 29th October to allow for applications which were unable to submit due to the October weather event.

Thirteen applications were received for Round 2, 2021/2022. Eight applications are recommended for full funding, with one application recommended for partial funding and one application not recommended for funding. Three applications were deemed ineligible for funding.

Officers recommend that Council award Round 2 funding totalling \$18,660.30 as outlined in the Table 1 below. The grant monies awarded will support community projects worth in total \$47,080.

OFFICER'S RECOMMENDATION

That Council:

1. *Awards Round Two Community Grant Program funding totalling \$8,829 supporting community projects worth \$22,844 to applicants in the following categories:*

'Category A' Grants

Project Name	Community Group	Grant Amount Requested
<i>Indigenous Component Cresfest</i>	<i>Creswick Neighbourhood Centre</i>	<i>\$2,400</i>
<i>Purchase of Instrument</i>	<i>Creswick Brass Band</i>	<i>\$2,500</i>
<i>Trumpet Equipment</i>	<i>Trentham trumpet (auspice Trentham Neighbourhood Centre)</i>	<i>\$1,929</i>

<i>The royal tour of Daylesford</i>	<i>Daylesford and district Historical Society Inc</i>	<i>\$2,000</i>
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2. Awards Round Two Community Grant Program funding \$4,831.30 supporting community projects worth in total \$9,036 to applicants in the following categories:

'Category B' Grants

Project Name	Community Group	Grant Amount Requested
<i>Safe workbench electricity access</i>	<i>Cool Country Men's Shed (Trentham)</i>	<i>\$2,250</i>
<i>Kitchen stove replacement</i>	<i>Creswick Smeaton RSL</i>	<i>\$2,086</i>
<i>Expansion consultation</i>	<i>Clunes Men's Shed</i>	<i>\$495.30</i>

3. Awards Round One Community Grant Program funding \$2,500 supporting community projects worth in total \$10,800 to applicants in the following categories:

Project Name	Community Group	Grant Amount Requested
<i>Solar Panel installations</i>	<i>Mt Prospect Tennis Club</i>	<i>\$2,500</i>

4. Awards Round Two Community Grant Program funding \$2,500 supporting community projects worth in total \$4,400
5. to applicants in the following categories:

Project Name	Community Group	Grant Amount Requested
<i>Cyber safety student incursion</i>	<i>Creswick Primary</i>	<i>\$2,500</i>

Cr Tim Drylie declared a material conflict of interest in relation to item 13.1 Community Grants Program 2021/2022 - Category A Grants

MOTION:

That Councillor Bray be appointed as temporary chairperson.

Mover: Cr Tessa Halliday

Seconded: Cr Don Henderson

Carried

Cr Tim Drylie left the meeting at 7:56pm

MOTION

That Council:

1. Awards Round Two Community Grant Program funding totalling \$8,829 supporting community projects worth \$22,844 to applicants in the following categories:

'Category A' Grants

Project Name	Community Group	Grant Amount Requested
<i>Indigenous Component Cresfest</i>	<i>Creswick Neighbourhood Centre</i>	<i>\$2,400</i>
<i>Purchase of Instrument</i>	<i>Creswick Brass Band</i>	<i>\$2,500</i>
<i>Trumpet Equipment</i>	<i>Trentham trumpet (auspice Trentham Neighbourhood Centre)</i>	<i>\$1,929</i>
<i>The royal tour of Daylesford</i>	<i>Daylesford and district Historical Society Inc</i>	<i>\$2,000</i>

Moved: Cr Don Henderson

Seconded: Cr Tessa Halliday

Carried

Cr Tim Drylie returned to the meeting at 8:01pm

That Council:

2. Awards Round Two Community Grant Program funding \$4,831.30 supporting community projects worth in total \$9,036 to applicants in the following categories:

'Category B' Grants

Project Name	Community Group	Grant Amount Requested
<i>Safe workbench electricity access</i>	<i>Cool Country Men's Shed (Trentham)</i>	<i>\$2,250</i>
<i>Kitchen stove replacement</i>	<i>Creswick Smeaton RSL</i>	<i>\$2,086</i>
<i>Expansion consultation</i>	<i>Clunes Men's Shed</i>	<i>\$495.30</i>

3. Awards Round One Community Grant Program funding \$2,500 supporting community projects worth in total \$10,800 to applicants in the following categories:

Project Name	Community Group	Grant Amount Requested
<i>Solar Panel installations</i>	<i>Mt Prospect Tennis Club</i>	<i>\$2,500</i>

4. Awards Round Two Community Grant Program funding \$2,500 supporting community projects worth in total \$4,400 to applicants in the following categories:

Project Name	Community Group	Grant Amount Requested
<i>Cyber safety student incursion</i>	<i>Creswick Primary</i>	<i>\$2,500</i>

Moved: Cr Don Henderson

Seconded: Cr Lesley Hewitt

Carried

BACKGROUND

The Hepburn Shire Council Community Grants Program 2021/2022 receives applications and awards funding on a quarterly basis. Key Program dates are as follows:

Round 1	
Round Opens:	1 July 2021
Round Closes:	29 July 2021
Council Meeting:	21 September 2021
Round 2	
Round Opens:	1 October 2021
Round Closes:	29 October 2021
Council Meeting:	21 December 2021
Round 3	
Round Opens:	8 February 2022
Round Closes:	1 March 2022

Council Meeting:	19 April 2022
Round 4	
Round Opens:	31 March 2022
Round Closes:	28 April 2022
Council Meeting:	21 June 2022

The Community Grants program has five categories that support a range of community needs. These include:

- A. Active and Engaged Communities (up to \$2,500)
- B. Quality Community Infrastructure (up to \$2,500)
- C. Sustainable Environments (up to \$2,500)
- D. Children’s Program (up to \$2,500)
- E. Charitable Purposes (up to \$2,000) Round 3

The overall Program budget is \$65,000. Categories A-C are funded through the Community Grants Program Fund of \$45,000, including \$3,000 for New Resident Sessions. Category D is funded through the Children’s Program Fund of \$10,000. Category E is funded through the Charitable Purposes Fund of \$10,000, of which a maximum of \$2,000 can be awarded per Council ward.

KEY ISSUES

Officers implemented the communications plan for Round 2 of Community Grants prior to the round opening. This included Councillor Bulletin, print media, multiple Facebook posts, phone calls and emails to community groups.

Consideration for the delivery of projects in the evolving Coronavirus (COVID-19) pandemic was given by the Assessment Panel.

Applications opened on 1 October 2021 and closed on 29 October 2021. During this time Council Officers promoted the opportunity to community groups across the Shire and advertised in both printed and digital platforms.

An assessment of the applications was conducted by an evaluation panel consisting of two Community Assessment Panel members, Council’s Reconciliation Officer, Community Development Officer and Council’s Sustainability Officer.

Funding Distribution Model

Thirteen applications were received in Round 2 of the 2021/2022 Community Grants Program. Eight applications are recommended for full funding with one application recommended for partial funding and one application not recommended for funding. Three applications were ineligible due to successful funding in the previous round

and the appropriate category not being open. Officers will work with those ineligible applicants for the next round.

Funding Recommendations

Table 1

Category	Project Name	Community Group	Description	Grant Amount Requested	Total Project Amount	Recommendation
A	Indigenous Component Cresfest	Creswick Neighbourhood Centre	Welcome to Country, Guided walks, artist fee	\$2,400	\$7,400	Recommended for full funding
A	Purchase of Instrument	Creswick Brass Band	Purchase of Timpani Percussion Instrument	\$2,500	\$8,850	Recommended for full funding
A	Trumpet Equipment	Trentham trumpet (auspice Trentham Neighbourhood Centre)	Laptop Computer	\$1,929	\$2,094	Recommended for full funding
A	The royal tour of Daylesford	Daylesford and district Historical Society Inc	Self guided walk booklet	\$2,000	\$4,500	Recommended for full funding
B	Safe workbench electricity access	Cool Country men's Shed (Trentham)	Power supply for work benches	\$2,250	\$2,250	Recommended for full funding
B	Smiling Septic	Plum Village – Stream entering Monastery	Irrigation Field and Grease trap added to existing septic system	\$2,500	\$28,215	Not recommended for funding
B	Kitchen stove replacement	Creswick Smeaton RSL	Kitchen stove replacement	\$2,086	\$2,086	Recommended for full funding
B	Expansion consultation	Clunes Men's Shed	Consultation and	\$495.30	\$4,700	Recommended for

			administratio n			partial funding
C	Solar Panel installations	Mt Prospect Tennis Club	Solar Panel Installations	\$2,500	\$10,800	Recommen ded for full funding
D	Cyber safety student incursion	Creswick Primary	Interactive session for students	\$2,500	\$4,400	Recommen ded for full funding

Total amount eligible requested: Category A- C \$16,160.30

Total amount eligible requested: Category D \$2,500.00

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2021-2025

A resilient, sustainable and protected environment

1.1 Adapt to and mitigate climate change to reach net-zero community emissions by 2030.

A healthy, supported, and empowered community

2.5 Improved mental wellbeing within the community.

Embracing our past and planning for the future

3.1 Partner with and empower our Traditional Owners and broader community to acknowledge, understand, celebrate and preserve our area's cultures, traditions and environs.

3.3 Build and maintain quality infrastructure that supports and promotes liveability and active living in the community.

Diverse economy and opportunities

4.1 Work in partnership to attract and retain young people in our area through the provision of improved digital connectivity, education opportunities, employment pathways, affordable housing, improved public and active transport options, and leadership opportunities.

4.3 Support and facilitate a diverse and innovative local economy that encourages an increase of local businesses with diverse offerings to achieve positive social, economic and environmental impacts.

GOVERNANCE ISSUES

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

SUSTAINABILITY IMPLICATIONS

The Community Grants Program supports projects by volunteer community groups. The focus of these projects is to strengthen community resilience and connection, promote sustainability and to assist in the implementation of community priorities.

FINANCIAL IMPLICATIONS

A verbal presentation of all recommendations will be provided in the meeting.

Category	Total Eligible Funds Requested	Annual Budget	Available Funds
A. Active and Engaged Communities	\$8,829	\$45,000	\$37,531.00
B. Quality Community Infrastructure	\$4,831.30		
C. Sustainable Environments	\$2,500		
D. Children's Program	\$2,500	\$10,000	\$7,543.50
E. Charitable Purposes	NIL	\$10,000	\$10,000
Total funding to be approved A-C	\$16,160.30	Remaining funds to be allocated in the 2020/2021 year	\$21,370.70
Total funding to be approved D	\$2,500	Remaining funds to be allocated in the	\$5,043.50

		2020/2021 year	
Total Funding to be approved E	NIL	Remaining funds	\$10,000

FUNDS REMAINING FOR ROUNDS 3 & 4: \$36,414.20

RISK IMPLICATIONS

All applicants are required to identify how project risk and safety issues will be managed and this formed part of the assessment process. Insurance, not-for-profit-status and ABNs are checked for all applications to determine eligibility. Applicants were asked to supply COVID Safe Plans where appropriate. All successful applicants are required to sign grant terms and conditions prior to receiving the grant allocation. Council Officers monitor the receipt of acquittals and follow up any outstanding acquittals.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The Communications Plan was implemented with Facebook posts, advertising on Council's page in The Local, Councillor Bulletin and direct contact with community groups. Council Officers also offered over two hours of one-on-one phone support to a variety of groups during and post the application process. Ten enquiries were made directly with the Community Development Officer with sixty percent of those enquiries submitting an application for this round.

Twenty percent of applicants did not submit their application before the close of this Round. This was due to various reasons including ineligibility, poor timing, group capacity to complete the application, group capacity to complete the project (in part due to ongoing Covid restrictions), and ongoing Council support of the project. Council Officers continue to work with all organisations wanting to progress their applications.

14 EMBRACING OUR PAST AND PLANNING FOR OUR FUTURE

14.1 CONTRACT AWARD HEPBU.RFT2021.138 -TRENTHAM COMMUNITY HUB DIRECTOR ORGANISATIONAL SERVICES

In providing this advice to Council as the Project Manager, I Elizabeth Atkin have no interests to disclose in this report.

ATTACHMENTS

- CONFIDENTIAL – Report – Request for Tenders Evaluation – Trentham Community Hub

EXECUTIVE SUMMARY

This report seeks Council's endorsement to award contract HEPBU.RFT2021.138 to undertake the construction of the Trentham Community Hub to S J Weir for the fixed lump sum of \$4,885,121 (ex GST).

One (1) tender submission was received through a public tender process undertaken in accordance with Council's Procurement Policy. Given the minimum number of submissions (three) were not received through the public tender process, a procurement exemption was sought. The tender submission was evaluated against all mandatory criteria to determine if this contractor was suitable to undertake the project. A probity advisor was engaged throughout the procurement process. No probity concerns were identified.

The Trentham Community Hub is a priority project for Council, and a key project to help realise community need and vision for both Trentham and the Coliban Ward. The project was identified in the 2013 Trentham Community Facilities Review. From 2019 to the present the project has gained traction and undergone a rigorous process of community consultation and review that has served to shape the design of the facility.

The report also seeks Council's endorsement to engage the project architect and sub-consultant team to provide construction stage services for the fee of \$78,000 (ex GST)

OFFICER'S RECOMMENDATION

That Council:

- 1. Subject to the granting of a planning permit, award contract number HEPBU.RFT2021.138 for the fixed lump sum of \$4,885,121 exclusive of GST to S J Weir;*
- 2. Acknowledges a current shortfall of funding totalling \$1,432,372 (excl. GST) and commit Council to funding the shortfall in the 2022/23 financial year budget.*
- 3. Direct officers to seek funding opportunities through State and Federal Government to reduce the identified funding shortfall.*
- 4. That the Chief Executive Officer be delegated to sign and seal the contract documents on behalf of Council;*
- 5. Resolve that the attached Tender Evaluation Report remain confidential and that the minutes record the successful tenderer and the accepted tender price;*
- 6. That contract variations be delegated to the financial delegate for each variation, up to a cumulative variation amount of 10% of the original contract sum; and*
- 7. Approve the engagement of the project architect and sub-consultant team for construction stage services for the fee of \$78,000 exclusive of GST*

MOTION

That Council:

- 1. Subject to the granting of a planning permit, award contract number HEPBU.RFT2021.138 for the fixed lump sum of \$4,885,121 exclusive of GST to S J Weir;*
- 2. Acknowledges a current shortfall of funding totalling \$1,432,372 (excl. GST) and commit Council to funding the shortfall in the 2022/23 financial year budget.*
- 3. Direct officers to seek funding opportunities through State and Federal Government to reduce the identified funding shortfall.*
- 4. That the Chief Executive Officer be delegated to sign and seal the contract documents on behalf of Council;*
- 5. Resolve that the attached Tender Evaluation Report remain confidential and that the minutes record the successful tenderer and the accepted tender price;*

6. *That contract variations be delegated to the financial delegate for each variation, up to a cumulative variation amount of 10% of the original contract sum; and*

7. *Approve the engagement of the project architect and sub-consultant team for construction stage services for the fee of \$78,000 exclusive of GST*

Moved: Cr Brian Hood

Seconded: Cr Juliet Simpson

Carried

BACKGROUND

The Community Hub (currently known as the Trentham Mechanics Institute) is located on Crown land. Hepburn Shire Council is the current Committee of Management as appointed by the Department of Environment, Land, Water and Planning.

The Trentham Community Hub is a priority project for Council, and a key project to help realise community need and vision for both Trentham and the Coliban Ward. The project was identified in the 2013 Trentham Community Facilities Review.

A Project Advisory Group (PAG) was instated by Council in late 2019, to help represent the diverse community interests in the design process, as well as assist in planning and delivering community engagement activities for the project. Subsequent to this, Council awarded a contract for design of the facility in 2020.

The architect developed a draft concept design, with the PAG's involvement, in the first half of 2020. This design was used to undertake broad community engagement in the Coliban Ward. The feedback from this survey was used to revise the design, which was then used for a second round of community engagement.

The new facility will incorporate the key Council services of library, customer service and visitor information services as well as large community hall that is serviced by a commercial-style kitchen, a playgroup room, on-site parking and landscaped surrounds.

KEY ISSUES

The tendered price for the current design of the facility has been shaped over the past two years by various factors. Involvement of the PAG and responding to community consultation have served to shape the design and composition of the facility.

The building and construction industry is experiencing a period of high volumes of available work on which to tender. Subsequently, contractors are able to be selective in tendering for works that best suit their core business, current and expected workloads and current project locations.

Material prices are also rising to reflect demand and are expected to continue increasing into 2022.

Tenders for HEPBU.RFT2021.138 Trentham Community Hub were invited via public advertisement on Council's website, on Tenders.net on 2 October 2021 and appeared in the Ballarat Courier Bendigo Courier on 2 October 2021.

A single tender submission was received and evaluated by a panel against the mandatory criteria as set out in the Procurement Policy.

Criteria	Weighting
Criterion One (1) – Price	25%
Criterion Two (2) – Risk / OHS/ Quality Management	5%
Criterion Three (3) - Local Content	10%
Criterion Four (4) – Response to Specification	25%
Criterion Five (5) - Experience and Qualifications	25%
Criterion Six (6) - Business and Financial Capacity	5%
Criterion Seven (7) - Sustainability	5%

The outcome of the tender evaluation is detailed in the attached Confidential Tender Evaluation Report.

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2021-2025

Embracing our past and planning for the future

3.3 Build and maintain quality infrastructure that supports and promotes liveability and active living in the community.

GOVERNANCE ISSUES

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

The project is governed by a Project Control Group with Hepburn Shire Council executive and Regional Development Victoria membership. Council's Audit and Risk Advisory Committee also receive regular reports on the project.

SUSTAINABILITY IMPLICATIONS

The project had the aspiration of achieving a high informal Greenstar rating. A Greenstar sub-consultant was included in the project team and has guided the architect, the other sub-consultants and Council officers in their decision making to

achieve a 5-star Greenstar rating. The rating considers a broad range of factors from materiality, sustainable features such as solar and water harvesting to how the building is accessed and occupied.

The facility incorporates a diesel-powered generator that will automatically provide power during outages due to storms, floods, bushfires or other scenarios. In this respect, the facility will provide a high level of service to affected community members and aid recovery efforts.

FINANCIAL IMPLICATIONS

The funding for the project will be drawn from a potential budget allocation of \$5,812,598 pending a successful outcome in the Living Libraries Victoria (LLV) grant program.

The cumulative expenditure under this contract is expected to exceed current approved Council budget and secured external funding in the order of \$259,774 (excl. GST). If unsuccessful with the LLV grant, the shortfall is in the order of \$1,432,372 (excl. GST).

Options to Proceed

The officer recommended option to proceed is, subject to a planning permit, award the contract to S J Weir for \$4,885,121. This option delivers a facility that meets PAG and community expectations.

Two further options may be considered:

1. Resolve to award the contract to S J Weir for \$4,885,121 subject to a positive outcome on the LLV grant. The outcome of the grant is expected by February 2022. The current tendered price is valid for 55 days from submission (expires 23 January 2021) therefore S J Weir can withdraw their submitted price potentially before an outcome on the LLV grant is received. Negotiation would be required to secure an extension on the validity current contract price or a revised contract price. This assumes the contractor wants to continue pursuing the project.
2. Defer a decision to the February Council meeting. At this time, a re-tender would be required. If the current design is re-tendered, it is highly likely that the re-tendered price will be higher than the current price under consideration. If a significant reduction in cost is required, a fundamental re-design of the facility will be required before entering into construction procurement. This approach will add to the project timeline which will impact on the RDV funding. A variation would be required. This approach will require additional design fees.

RISK IMPLICATIONS

Project risks are recorded in a risk register with mitigation strategies identified. The risk register will be reviewed on a monthly basis throughout the construction period.

If the current design is re-tendered, it is highly likely that the re-tendered price will be higher than the current price under consideration.

If a significant reduction in cost is required, a fundamental re-design of the facility will be required before entering into construction procurement. This will also trigger the requirement for comprehensive community engagement in accordance with the Community Engagement Policy.

Any re-design will require further negotiation with Department Jobs, Precincts and Regions regarding retaining the Regional Development Victoria funding contribution and the Living Libraries Grant Funding.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

At this stage of the Trentham Community Hub project, procurement for construction delivery, the outcome community engagement matrix indicates a low level of community engagement is required. The driving factor for this outcome is that the design of facility is finalised and that further changes will impact on the contract sum for delivery.

Engagement methods that will be utilised throughout the construction period include: social media and Participate Hepburn website updates, article/s in Hepburn Life and site visits for the Project Advisory Group and key members of the user groups.

14.2 DAYLESFORD MACEDON RAIL TRAIL / DAYLESFORD SPA COUNTRY RAIL EXTENSION FEASIBILITY STUDY DIRECTOR INFRASTRUCTURE AND DELIVERY

In providing this advice to Council as the Manager, Projects, I Ben Grounds have no interests to disclose in this report.

ATTACHMENTS

- 1. Hepburn Trails Rail Trail Feasibility Daylesford to Trentham 291121 [14.2.1 - 61 pages]

EXECUTIVE SUMMARY

In late 2020, Council commissioned a feasibility study to investigate the potential of two major projects: a rail trail from Daylesford to Hanging Rock (in partnership with Macedon Ranges Shire Council) and extending the existing tourist rail from Bullarto to Trentham.

In July - August of 2021, Council sought community input as part of this body of work. Engagement methods included direct contact to stakeholders and community groups with relevant interest, Participate Hepburn page, interactive mapping exercise, survey and media release. Response to the engagement process was strong with over 2,500 individuals reached through the variety of methods used. The community voiced their support for the creation of an iconic experience in the Shire as an important benefit together with providing high-quality informal recreation outcomes. Additional comments included biodiversity considerations, the provision of connections between communities and the potential economic benefits.

Input has been sought at this early stage of the project's lifecycle to ensure that community feedback and priorities are embedded in the project from the preliminary stages.

The feasibility study, *Daylesford to Tylden Rail Trail Feasibility Project Incorporating an Economic Assessment for the extension of the Daylesford Spa Country Rail November 2021*, (feasibility study) is now complete and contains recommendations for Council to consider regarding each of these projects.

Given the costs of planning and design for either or both projects, external funding is required to continue the work. A State Government grant called the Enabling Tourism fund is anticipated to be announced in December 2021 or January 2022 that offers the opportunity for funding support for planning of projects with large-scale tourism benefits such as these.

OFFICER'S RECOMMENDATION

That Council:

- 1. Notes the Daylesford to Tylden Rail Trail Feasibility Project Incorporating an Economic Assessment for the extension of the Daylesford Spa Country Rail November 2021 report.*
- 2. Approves the submission of a grant application for funding in the State Government's Enabling Tourism program to undertake further planning of the Daylesford Macedon Rail Trail/ Daylesford Spa Country Rail Extension, noting that significant government funding will be required to construct the project, and*
- 3. Notes its ongoing support of the exploration of the Daylesford Spa Country Rail Extension.*

MOTION

That Council:

- 1. Notes the Daylesford to Tylden Rail Trail Feasibility Project Incorporating an Economic Assessment for the extension of the Daylesford Spa Country Rail November 2021 report.*
- 2. Approves the submission of a grant application for funding in the State Government's Enabling Tourism program to undertake further planning of the Daylesford Macedon Rail Trail/ Daylesford Spa Country Rail Extension, noting that significant government funding will be required to construct the project, and*
- 3. Notes its ongoing support of the exploration of the Daylesford Spa Country Rail Extension.*

Moved: Cr Lesley Hewitt

Seconded: Cr Jen Bray

Carried

BACKGROUND

Both the Daylesford to Hanging Rock Rail Trail concept, and the Crossing the Divide Rail Extension have been previously identified as key council advocacy projects. A significant amount of planning and development work is required to bring either project to construction stage. Presently, Council is in the early pre-project stages of the work which include engagement and feasibility.

Daylesford Spa Country Rail (DSCR) have a strategic plan that includes the investigation of extending the rail line and tourist rail services from Bullarto to Trentham.

KEY ISSUES

Progress stages

Planning and design for complex projects such as these requires several stages of information gathering, testing, engagement and design progression before it is shovel ready. Currently, the project has progressed through the first stage, Feasibility and Preliminary Alignment, which has included research, site work, community engagement, stakeholder engagement and initial permissions research. The project is presently at its first decision point.

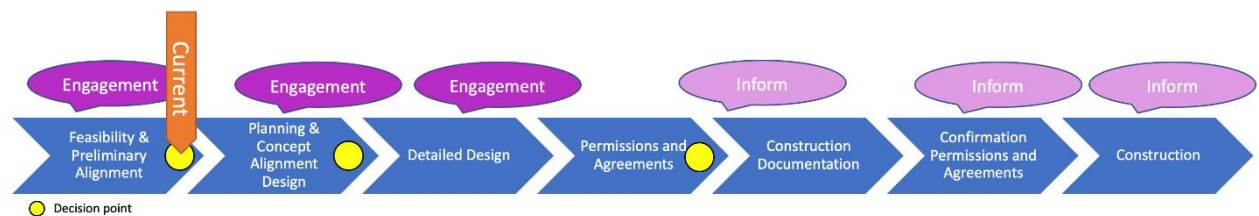


Figure 1 Project Stages

The next stage in the process is Planning and Concept Alignment Design. This stage involves detailed desktop and site-based work along the rail bed including:

- Route analysis and testing including feature and level survey
- GPS data collection and mapping
- Vegetation, heritage and cultural heritage analysis and investigation
- Cultural Heritage Investigation and Cultural Heritage Management Plan (CHMP)
- Historic Heritage Survey and Report
- Ecological Heritage Survey and Report – Flora and Fauna Assessment
- Native Vegetation Removal assessment
- Engineering Assessment – Bridges, gates and ramps
- Support Infrastructure Planning – Signage, parking, toilets, bins
- Land Valuation (necessary for Land Use Activity Agreement negotiations)
- Land contamination investigation.

While the rail bed offers a clear starting point for most alignments, it is likely that several potential paths for the complementary trail will need to be investigated to determine the best outcome given the terrain, gradient, land use, vegetation types, creek/stream crossings and other site-specific factors.

This body of work will enable officers to identify vegetation offsets, negotiations and permissions required to receive land manager consent to apply for a planning permit and consent to construct. They will also be required to progress the design for the

project, more accurately understand and estimate cost, undertake community engagement and participate in the planning permit process.

Collaboration with Macedon Ranges Shire Council

The proposed Daylesford Macedon Rail Trail would connect Daylesford to Woodend, Kyneton and Hanging Rock across over two municipalities; Hepburn Shire and Macedon Ranges Shire (MRSC). Given the similarities in planning and design requirements, a Project Working Group (PWG) has been established to collaboratively plan the project with Macedon Ranges Shire Council.

Regional Development Victoria (RDV) is supportive of collaborative co-working with MRSC in planning, design, engagement and funding opportunities. The extended rail trail connecting two major rural destinations of Daylesford and Hanging Rock creates a strongly iconic offer that is more appealing when taken together.

State Government Grant Funding Opportunity

In December 2021 or January 2022, a new State Government funding opportunity called Enabling Tourism is expected to launch. This funding program seeks to support major projects that will have a benefit to the local economy and regional tourism by awarding funding for planning and design (not construction). While the guidelines have not yet been introduced, it is anticipated that grants of up to \$500,000 will be available for eligible projects. A contribution from Council will be required - the percentage is unknown.

Should Council and MRSC submit collaboratively, this funding ask may be increased. A collaborative approach to this project is supported by RDV given that it spans two local government areas and is made stronger through the participation of the two municipalities together.

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2021-2025

Embracing our past and planning for the future

3.3 Build and maintain quality infrastructure that supports and promotes liveability and active living in the community.

Progression of the Daylesford to Hanging Rock Rail Trail is supported by a body of strategic work including:

- Hepburn Shire Council Plan
- Fertile Ground: Hepburn Shire Economic Development Strategy
- Hepburn Walking and Cycling Strategy Priority Projects (2017)
- Hepburn Recreation and Open Space Strategy (2006-2021)
- Victorian Trails Strategy (2014-2024)
- RDV Grampians 10 Year Cycling and Business Master Plan.

Progression of the DSCR rail extension is supported by their *Crossing Borders Tracks and Trails Volume 2 Daylesford to Macedon Ranges Rail Trail (2013)* strategic plan.

GOVERNANCE ISSUES

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

A Project Working Group has been established to govern the joint Daylesford Hanging Rock Rail Trail project with membership from Macedon Ranges Shire Council and Hepburn Shire Council. This group may be expanded to include membership from land management agencies and funding bodies should the project be progressed to planning and design.

Should a funding proposal to State Government be successful, advice will be sought regarding management of the funds jointly between the two Shires.

SUSTAINABILITY IMPLICATIONS

Progressed designs for the rail trail and/or rail extension will investigate economic, social and sustainability implications of one or both projects.

Tree and vegetation removal will be required to complete either project.

A Gender Impact Assessment will be undertaken for this project.

FINANCIAL IMPLICATIONS

Cost estimates for trail planning and construction have been estimated in the feasibility study, however the accuracy should be considered as +/- 40% due to lack of detailed site-based information. The next stage of planning and design will help to bring these costs into clearer focus.

It is worth noting that it is likely that Council would not receive direct financial return from either outcome as money from ticket sales on the extended DSCR extension would be collected by the external party running the rail service and participation in the rail trail would be free of charge.

Given that the extension of the tourist rail is fully contained in Hepburn Shire, grant contribution for planning of this asset from Council may be greater. This will be tested as part of the funding process should an application be submitted.

The State Government's Enabling Tourism program funding guidelines have not yet been released. Council's exact contribution is not known at this time, this will be subject to the requirements of the funding guidelines. Funding for the project is included in Councils Long Term Financial Plan, which includes an allocation of \$291,667 in the 2022/23 financial year.

RISK IMPLICATIONS

There are several risks associated with the project including reputational, physical, financial and management. These risks will change through each stage of the project

lifecycle and will be managed through ongoing engagement with the Project Working Group (PWG), stakeholders and the community.

Grant funding may not be awarded through the upcoming funding opportunities.

Given the high-risk nature of the project, it is recommended that the project be considered by Council's Audit and Risk Committee as a Major Project should one or both of the proposed options progress to planning and design.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

As part of the feasibility work, the following major stakeholders have been engaged:

- Emergency Services/Ambulance Victoria
- Daylesford Spa Country Rail (DSCR)
- Domino Rail Trail
- HSC Maintenance
- Heritage Victoria
- Djarra (Dja Dja Wurrung)
- Department of Transport
- Vic Track
- Central Highlands Water
- North Central Catchment Management Authority
- Department of Environment, Land, Water and Planning (DELWP)
- Office of Geographic Names (DELWP).

From 28 July 2021 to 16 August 2021, Council undertook community engagement as part of the feasibility work for this project. The goals of the engagement were:

- Begin a conversation with the lease holders, residents and community close to the rail corridor in Trentham as well as those across the Shire.
- To gather information from the community and stakeholders regarding the proposed rail trail (opportunities, constraints, concerns, perceived benefits, benefits, path of travel etc).

Community engagement and consultation will continue in subsequent stages of the project. The project has a **high** level of engagement under in Council's Community Engagement Policy.

Community Engagement Methods

- e-Newsletter to 200 addresses of individuals or groups known to have an interest in the project from within the Shire as well as Ballarat, Bendigo, Melbourne and other state groups
- Letter – 600 physical addresses immediately adjacent to disused rail corridor
- Social Media Campaign
- Participate Hepburn page
- Interactive Mapper online tool
- Media Release

- Courier Newspaper – 1 article
- Frequently asked questions downloadable from Participate Hepburn
- Hepburn Life – 2 editions of the publication
- Email for private and direct submission to Project Manager.

Community Engagement Response Rates

Response to the engagement process was strong with over 2,500 individuals reached through the variety of methods used.

- Visits to Participate Hepburn page – 2,274 from 1,574 unique individuals
- Total Contributions – 822 submissions from 614 unique individuals.
 - Surveys completed – 767 from 609 unique individuals
 - Pins dropped in the map – 55 by 19 unique individuals
- Community Site Meetings – 2 (COVID regulations permitting)
- Major Stakeholder Sessions – 14 groups
- Email Contributions – 21 emails from 11 individuals
- Phone Contributions – 9 calls from 4 individuals.

Community Engagement – Sentiment

Response to the engagement process was strong with over 2,500 individuals reaching through the variety of methods used. Just over half of the of respondents (52%) identified as being residents of Hepburn Shire with Greater Melbourne and Regional Victoria identified as home for a majority of the balance. Of the respondents representing Hepburn Shire, the majority were from Trentham (22%) and Bullarto (18%).

Bushwalking was the most popular outdoor recreation pursuit with 28% of respondents reporting having participated in the past year. Observing nature and riding the Daylesford Spa Country Rail were the next most popular forms of recreation. The majority of respondents (64%) responded that they had ridden the Daylesford Spa Country Rail at some time.

The respondents saw the creation of an iconic experience for the Shire as an important benefit together with providing high-quality informal recreation outcomes. Additional comments included biodiversity considerations, the provision of connections between communities and the potential economic benefits.

When asked about any concerns regarding future developments associated with the rail trail or rail extension responses included the cost of building the assets, the management and maintenance of the assets and the ability for local government to deliver and complete planned projects.

The potential impacts on natural, cultural or historic heritage were considered important, as well as the potential impact on people’s homes, businesses, quality of life, lifestyles and safety.

The respondents were asked which proposed activities, being the DSCR and the rail trail, appeals to them. The results showed a strong preference for both activities.

Whilst there was an interest in the train's operation, there were also concerns that a train operation on its own would exclude the community from enjoying the open space and recreational activity and if it cannot be complementary, it should not happen. The rail trail should be a free public space and not exclusive, this reflecting the importance of public space for communities, visitors and families to recreate and exercise.

There were many comments relating to both activities and around safety, comfort and enjoyment with the condition that both activities could proceed on condition that the rail trail experience is not compromised, does not involve roads and should be safe and comfortable for users. A complementary rail trail would need to be suitable for families, kids and for tourists that do not like to ride up and down hills. If the DSCR was operating without a complimentary purpose-built rail trail, then there would be no space for walking or cycling.

Responses of highest concern were received from farmers utilising land encompassing or adjacent to the rail corridor, individuals with homes close to the rail corridor, the community organisation associated with the Domino Trail and DSCR.

Daylesford to Tylden Rail Trail Feasibility Project

Incorporating an Economic Assessment of options for the
extension of the Daylesford Spa Country Railway

November 2021



This report was prepared for Hepburn Shire Council by TRC Tourism.

Disclaimer

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Acknowledgement

We acknowledge the Indigenous peoples of the lands, waters and communities we work together with. We pay our respect to their cultures; and to their Elders – past, present and emerging.

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Executive Summary

Hepburn Shire Council is seeking advice about the feasibility of a walking and cycling trail along the rail corridor between Daylesford and the Council boundary at Tylden. The proposal is part of a longer rail trail concept from Daylesford to Hanging Rock in the adjacent Macedon Shire.

Part of the proposed rail trail route from Daylesford to Bullarto is occupied by the Daylesford Spa Country Railway, a popular tourist heritage railway consistently operated by a community organisation for over 25 years.

Hepburn Shire Council is concurrently considering a proposal to extend the Daylesford Spa Country Railway operations to Trentham. This extension would impact on an existing section of rail trail, the Domino Trail, between Lyonville and Trentham, as well as impacting on the feasibility of the broader Daylesford to Tylden rail trail.

TRC Tourism and Michael Connell and Associates Economists have undertaken a trail feasibility analysis and economic impact assessment of the rail trail and extended railway, considering their interrelated impacts.

The Economic Impact Analysis considered what was determined to be the two most feasible options:

1. A walking and cycling trail within the rail corridor from Daylesford to Bullarto and then a traditional 'rail trail' on the disused rail bed from Bullarto to Tylden with the existing heritage railway continuing to operate to Bullarto only.
2. A walking and cycling trail within the rail corridor from Daylesford to Trentham and then a traditional 'rail trail' on the disused rail bed from Trentham to Tylden. This would allow for the extension of the heritage railway to Trentham. There is a direct conflict between establishing a high quality rail trail for walkers and cyclists and the operation and extension of the existing heritage tourist railway.

Rail trails attract a particular type of walking and cycling user that seek comfortable easy routes through scenic and attractive settings with a good level of associated facilities and services. The most attractive section of the proposed rail trail is from Musk to Trentham where the rail corridor forms an easy route through interesting and varied scenery and is assessed to be the highlight feature and most attractive part of the proposed rail trail experience.

This report has identified limited opportunities to achieve the high-quality standard of trail, and this shows:

- the only acceptable option for the trail in the section from Daylesford to Bullarto where the existing train operates is within the existing heritage rail corridor, travelling alongside the existing railway
- there is potential to accommodate both a walking and cycling trail and an extended tourist railway in the section from Bullarto to Trentham however this will compromise the trail user experience, environmental values and incur additional costs when compared to a trail on the disused rail bed
- a walking and cycling trail can readily be constructed along the section from Trentham to Tylden.

This means that an optimal walking and cycling route - a rail trail - is not compatible with the existing and proposed use of the railway corridor between Daylesford and Trentham. An alternate walking and cycling route in the Bullarto to Trentham section would compromise the attractiveness of the rail trail and reduce participation in the experience.

The economic analysis shows that the first option (rail trail only) has the best return on investment for Council.

The analysis shows the second option, which combines the walking and cycling trail with the extended railway, generates a higher level of economic benefit, but a lower return on investment. There is a higher economic benefit because the capital investment in the two projects is much larger than in either single project. Despite a predicted lower participation rate in the rail trail experience there is still a greater number of participants overall across the two attractions than for option one.

Given the Musk to Trentham section of the proposed Daylesford to Hanging Rock rail trail is the most interesting and attractive section of the whole route, it is essential this be developed to the best possible standard for the overall proposal to be a success.

It should be noted there are significant tenure and technical design issues which need to be considered and resolved before a final decision can be made on which option and route will be achievable for the project.

Main findings:

- Implementing a rail trail between Daylesford and Tylden as part of the overall Daylesford to Hanging Rock Rail Trail is a feasible and desirable outcome with benefits for HSC residents, locals and regional tourism
- A rail trail between Daylesford and Tylden should be given priority over other uses and located as much as practicable on the disused rail bed that runs between the existing stations
- Extending the existing DSCR from Bullarto to Trentham would compromise the rail trail experience because a more expensive and less attractive cycle and walking trail would be required.

Recommendation:

Council should maximise the opportunity for a rail trail which uses the existing rail bed between Bullarto and Trentham.

Next steps:

- Council determines its support and commitment to either a rail trail, rail extension or both together. This decision will direct the next planning, design and consultation steps
- progress the concept alignment for a rail trail between Daylesford and Tylden to detailed design investigating implications for Native Title, flora and fauna, heritage, cultural heritage, engineering and site based testing
- develop a clear and robust communications strategy for design, planning and delivery of the identified project
- develop a partnership approach with Macedon Ranges Shire Council to allow for a collaborative approach to planning and designing the complete Daylesford to Hanging Rock Rail Trail. Consider joint funding applications and site analysis to ensure a consistent and cost-effective approach
- investigate measures required for biosecurity along the rail corridor where there are active farms
- investigate management and maintenance requirements and delivery arrangements for the selected option.



1 Introduction

1.1 THE BRIEF

A rail trail has been proposed that connects Daylesford to Woodend, Kyneton and Hanging Rock to provide shared trail experiences that connect visitors with rural landscapes, towns and heritage. The experience will link to events, local food and produce. Like all rail trails, it is proposed to reuse an old, decommissioned railway alignment to create a shared-use pathway for pedestrians and cyclists. The Rail Trail will cross over two municipalities, Hepburn Shire and Macedon Ranges Shire.

Concurrently with the rail trail proposal the Hepburn Shire Council is investigating the potential to extend the Daylesford Spa Country Railway's (DSCR) current operations a further 9.15 kilometres to Trentham. The Railway currently operates between Daylesford and Bullarto. There is an existing station building at Trentham that is suitable for use as a terminus. The route for the Railway extension incorporates part of the same rail corridor as the proposed Rail Trail.

Hepburn Shire Council (the Council) made the decision to incorporate the DSCR Feasibility Project into the investigations required for the Daylesford to Hanging Rock Rail Trail (Daylesford to Tylden) Feasibility Project. This feasibility study will explore options associated with the two proposals.

Glossary of terms

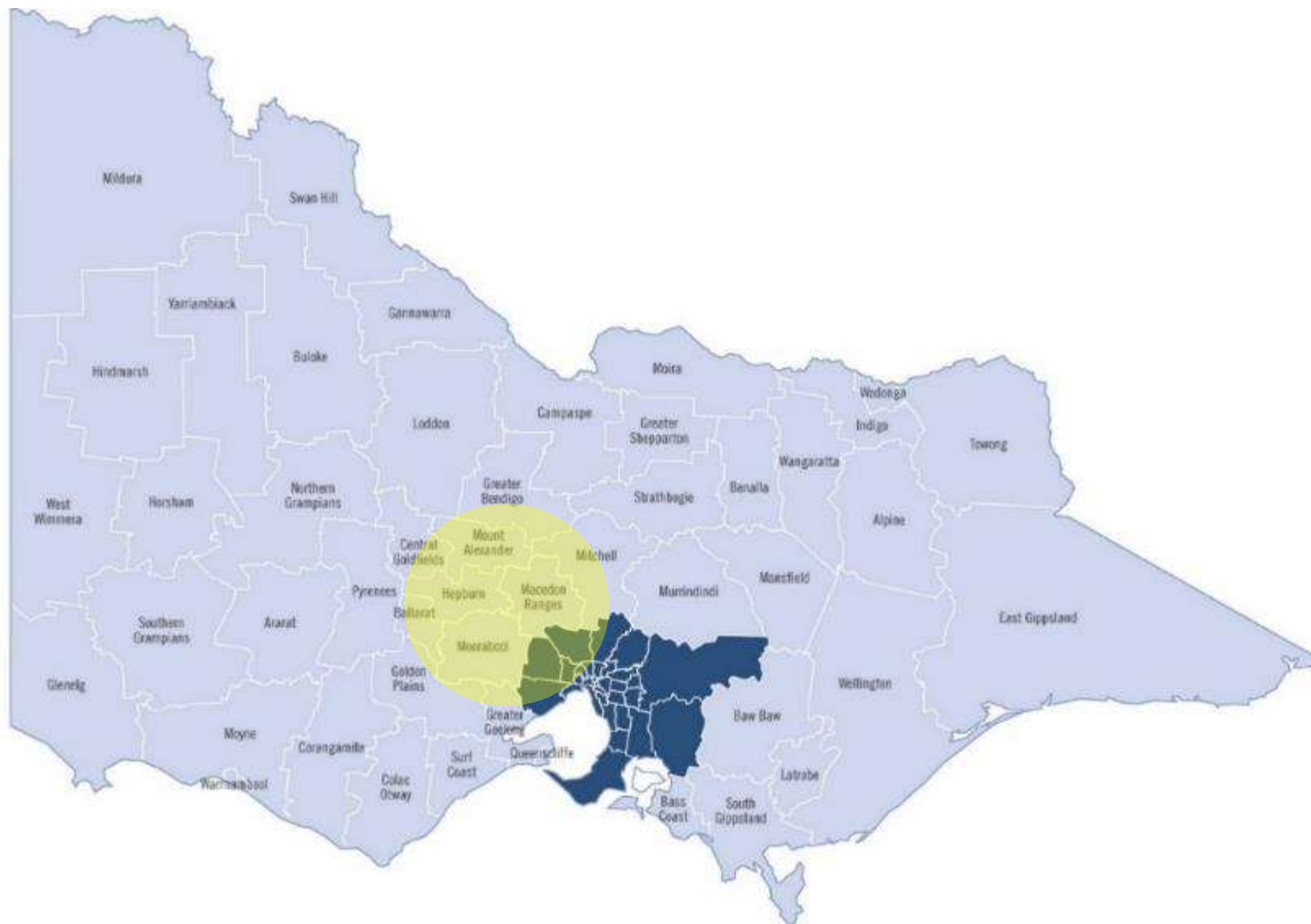
Rail Corridor: The area of land set aside by law for railway use. It may be fenced, and generally extends from fence to fence either side of the track, or everywhere within 15m of the outermost rails.

Rail Bed: The ballast layer supporting the sleepers of a railway track.

Rail Trail: Shared-use path recycled from abandoned railway corridors. They can be used for walking, cycling and horse riding, and traditionally travel along the rail bed

Walking and Cycling Trail: A shared use path providing a travel area separate from motorised traffic for bicyclists, pedestrians, wheelchair users, joggers, and other users.

Figure 1. Victorian rural and regional council map highlighting Hepburn Shire¹



¹ www.viccouncils.asn.au/find-your-council/council-map

1.2 BACKGROUND

The Shire of Hepburn sits in Central Victoria – an area collectively known as the Central Highlands.

The Shire covers 1,473km² of land and has many towns that offer country liveability while commuting distance to Melbourne, and visitor experiences attracting people for predominantly short stays.

Towns within the Hepburn Shire include Bullarto, Clunes, Creswick, Daylesford, Dean, Glenlyon, Hepburn Springs, Lyonville, Newlyn, Smeaton and Trentham. There are many other smaller hamlets and rural farming areas within the Shire.

The Shire has a population of over 16,059 people and is bounded by Central Goldfields Shire, Mount Alexander Shire, Macedon Ranges Shire, Moorabool Shire, City of Ballarat and Pyrenees Shire.

The proposed rail trail will cross over two municipalities, Hepburn Shire and Macedon Ranges Shire. The overall length of the proposed rail trail is approximately 43.1km. Around 26.5km (61.5% of the entire distance) is within the Hepburn Shire and 16.6km (38.5% of the entire distance) is within the Macedon Ranges Shire.

VicTrack owns Victoria's rail transport land, assets and infrastructure and make underused land and buildings available through the VicTrack lease program including for the development of rail trails.

VicTrack's *Preserving our rail history: A blueprint for the future* supports rail heritage history and through its *Release of Surplus Material* policy which allows for transfer of state-owned parts, equipment and resources (including rail, ballast, sleepers and turn-outs) as they become available.²

VicTrack has been consulted through the development of this feasibility study regarding the future of the land and the existing leases on the rail corridor.

² Preserving our rail history: A blueprint for the future, VicTrack Australia 2021

Figure 1. shows the location of Hepburn Shire within the Victorian Local Government Area context. Hepburn Shire is located within Dja Dja Wurrung traditional country. Dja Dja Wurrung Clans Aboriginal Corporation is centred in Bendigo.

Hepburn Shire has a strong visitor economy currently based upon four Brand Pillars (see tourism section later in this report and trend data in Appendix A):

- Food and Drink - Indulge
- Escape and Rejuvenate – Refresh
- History and Culture – Learn
- Art and Artisans – Make.

Trails including rail trails are an important element of the Escape and Rejuvenate Brand Pillar, and also act as integral components by connecting townships within walking or riding distance (Food & Drink motivation), interpreting historical and cultural nodes (History & Culture i.e. natural springs or First Nation sites and stories of significance).

The Central Highlands Tourist Railway, which operates as Daylesford Spa Country Railway (DSCR) and the Daylesford Sunday Market, have been operating consistently for 40 years.

The railway between Daylesford and Bullarto is one of the few remaining examples of the construction methods and standards of the 20th century branch line railways that linked so many Victorian communities.

The 9 km railway operates railmotors through the picturesque Wombat State Forest from Daylesford to Bullarto attracting over 10,000 patrons annually, mainly families and couples enjoying the attractions offered in the Spa Country. The Sunday Market, which attracts over 180,000 patrons annually, has been operating every Sunday for 40 years until 2020 Covid lockdowns, when only three Sunday markets were cancelled due to public health measures.

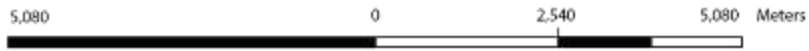
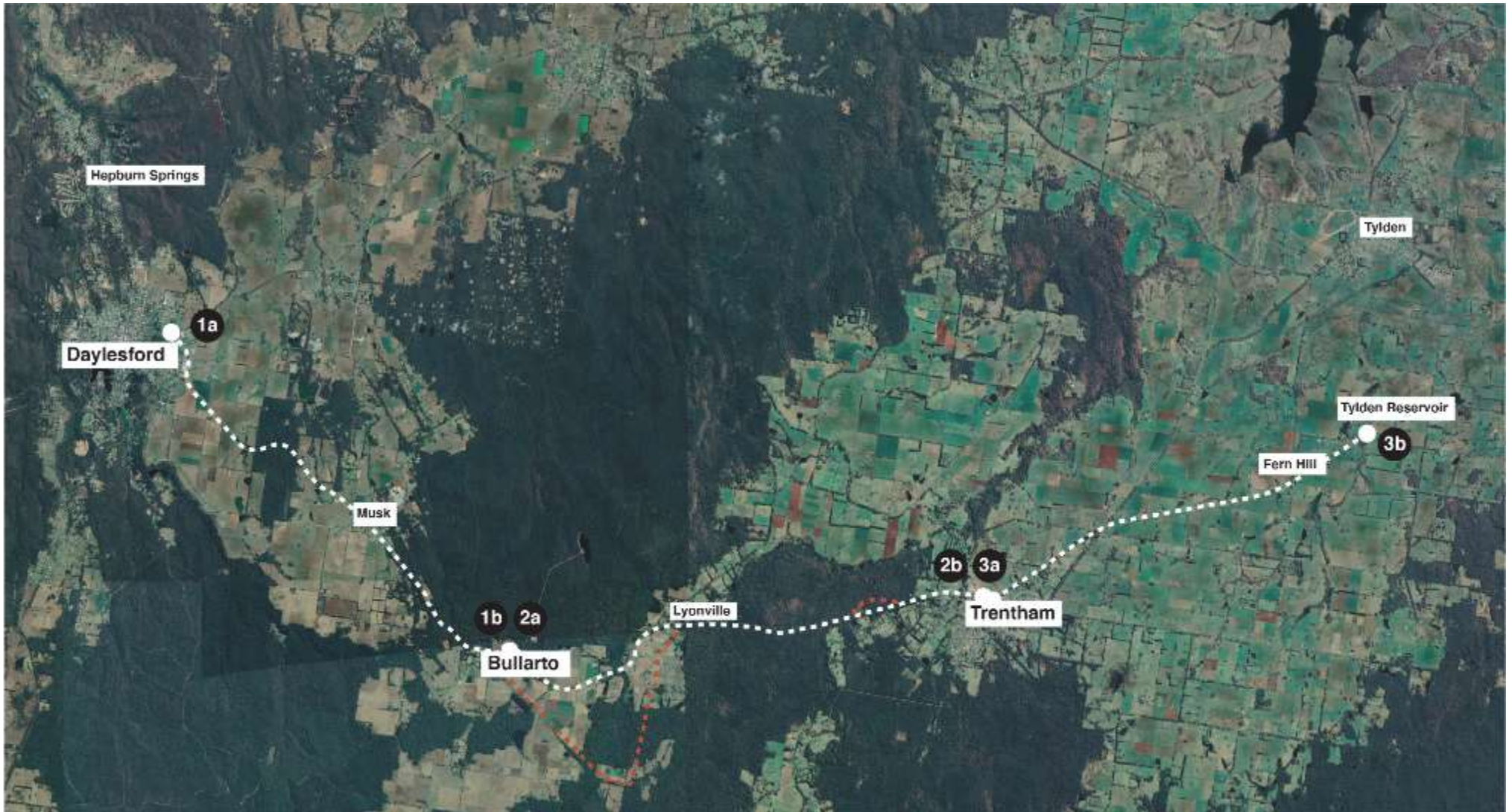
The heritage rail started operating in 1981 initially just two kilometres to the Musk Forest, then was extended in 1990 the full five kilometres to Musk. In 1996 it was extended to Bullarto.

Marketing of the region is undertaken primarily through the Regional Tourism Board Daylesford Macedon Ranges Tourism (DMT).

Regional Development Victoria (RDV) operates in partnership with regional businesses and communities and all tiers of government to deliver the Government's regional development agenda and instigate positive change for regional and rural Victorians. Hepburn is part of the Grampians RDV Region.

A summary of tourism data and strategies for the region are at **Appendix A**.

Figure 2. Proposed Daylesford to Tylden Rail Trail Corridor



Daylesford to Tylden (Rippers Lane) Rail Trail Corridor

Daylesford to Tylden Rail Trail Feasibility Project | November 2021

- 1a – 1b Existing Tourist Train Route
- 2a – 2b Proposed New Tourist and Heritage Train Route
- 3a – 3b Rail Trail Only

White hatched lines indicate existing rail trail corridor.
 Red hatched lines indicate potential alternative or temporary trail routes off the corridor.

1.3 DAYLESFORD MACEDON TOURISM

Daylesford Macedon Tourism (DMT) is the Regional Tourism Organisation (RTO) which represents both Hepburn Shire and Macedon Ranges Shire. Tourism Victoria and local government are the key financial stakeholders in the organisation, which is an independent body and operates as a not-for-profit business.

The four ‘brand pillars’ for the region are:

- Food and drink (indulge)
- Escape and rejuvenate (refresh)
- History and culture (learn)
- Art and artisans (make).

Both the proposed Daylesford-Trentham-Hanging Rock Rail Trail and Daylesford Spa Country Railway both strongly connect with three of these brand pillars – food and drink, escape and rejuvenate, and history and culture.

Trail experiences in general connect strongly with the Escape and Rejuvenate (refresh) pillar, with a focus on short, accessible walks that provide connection to nature, health and well-being experiences, from slow movement recreation (short walks) to challenge-based pursuits (mountain biking, trail running).

Target Markets

Daylesford Macedon Tourism has identified certain target markets that future visitor economy growth can be based upon. These markets are not exclusive as many markets will travel to and enjoy the experiences on offer in the Shire.

Figure 3. Map of Daylesford Macedon Tourism Region.³



The target markets are:

The Primary Target Market

Affluent females and couples from Melbourne with the strongest age segment (according to Tourism Events and Visitor Economy Branch) being 45-54 years, followed by 65+.

The Secondary Target Market

The ‘pre-kids demographic, in their 30s, also an affluent Double Income No Kids (DINK) market, enticed by the shift in product offering.

The local wine industry is important for these markets, as are the ‘makers’ market, the ‘pampering’ reputation of the destination and cutting-edge accommodation.

The rail trail is particularly attractive to these target markets. Some of the product offerings on the DSCR such as the Silver Streak dining service and Passing Cloud packages are also attractive for this market as they include local product and unique experiences.

³ Daylesford Macedon Ranges Visitor Guide accessible from www.DMTtourism.com.au



2 What Makes a Great Rail Trail Destination?

Several factors play into the question of what makes a great trail or rail trail destination. The following list and brief description provide a snapshot of the elements required.

2.1 DIVERSITY OF TRAILS

Whether or not a destination offers a significant diversity of trails depends on its positioning and target markets. In the case of Hepburn, with a defined target market and trail offering, shorter walks that are curated would be ideal.

A diversity of trail types that fit the targeted markets can be achieved in several ways. These may include offering trails to different and particular trail markets such as walking, hiking, multi-use, cycling and mountain biking. Rail trails cover a range of these markets all within one corridor. As well as different types of trails, they should also be offered to people with different fitness, skill levels and equipment. Local people have a strong interest in local trails, the rail trail will provide great opportunity for fitness and wellbeing through exercise and use of open space and the outdoors. This may include degree of difficulty in use, length of trail, the number of points at which people can stop for refreshments or rests, or technical equipment requirements.

2.2 ICON AND SUPPORTING TRAILS

Great trails destinations are very likely to have drawcard trails that provide the ‘hook’ to bring people into the region to experience a trails-based holiday. In the case of Hepburn Shire, the Goldfields Track is likely to be that trail for a more challenging experience whilst a future Daylesford to Hanging Rock Rail Trail (Daylesford to Tylden) would be the “alternative” iconic trail available to a wider range of users able to ride with hybrid bikes, E-bikes or walking without the challenge of hills.

While the iconic trails are important, it is also important to have a variety of supporting trails in the area to keep people in the region as long as possible (increased length of stay generally equates to increased yield) and to develop repeat visitation and contribute to the area’s attractiveness as a trail locality.

The supporting trails will generally be aligned to the product strength of the region.

2.3 CONCENTRATION OF TRAIL OPPORTUNITIES

Transport between rail trail sections can be a barrier for visitors seeking a one-way or section based trail experience. The nature of historic rail corridors is that they connect historic towns where trail heads can be linked to accommodation and hospitality and other services. These services could include shuttles, commercial tour operators, taxis and connections with Daylesford through the DSCR.

2.4 HIGH QUALITY INFRASTRUCTURE

Rail trails particularly when placed on the disused rail corridor are environmentally sustainable and generally sit well within the landscape, usually without the need for vegetation clearance, disturbance to wildlife and changes to land use.

Contemporary, professional trail construction promotes good design with a strong emphasis on sustainability and enjoyable user experiences.

Importantly, rail trail design and associated infrastructure, including trails surfaces and bridges, can in many situations be lightweight and should be fit for purpose for pedestrians, bikes and in some cases horses. Heavy emergency or maintenance vehicles can access the trail via road crossings and access points, the location and frequency of which are considered in conjunction with emergency services during the detailed design phase. Supporting infrastructure includes trail heads, toilets, information and car parks which are important particularly for the type of users attracted to rail trails. These services are often already located within the small towns along the way.

Rail trails and infrastructure should be designed and managed to be comfortable and safe for the proposed users and a culture of shared use should be promoted and encouraged. To contribute to the comfort safety and enjoyment information should be clear and accessible (on signs and online sources) for orientation and wayfinding, and to provide appropriate advice on user behaviour and journey length.

2.5 ACCESSIBILITY

Rail trails need to be accessible to user markets with transport and access needs to be aligned to those using the trail. Considerations include:

- Where and how would the high numbers of Melbourne visitors easily access the trail?
- Can users use public transport to reach the trail or trail head?
- The role of the DSCR in providing access to the trail.
- Access for all, particularly radiating from towns encouraging community use across all user groups.

2.6 DISTINCTIVE EXPERIENCES

Destinations attracting strong growth and market position offer something distinctive that positions them uniquely in the market. Generally, that point of difference will include:

- showcasing the natural or cultural landscape in which the trails sit and enable the users to have a memorable experience
- the experience of riding the corridor through the ranges and along historic embankments, cuttings, bridges, over rivers and watercourses and through rural settings
- the proximity and nature of supporting infrastructure and services that add to the overall experience – including accommodation, wineries, breweries, local produce and food and beverages
- events and other activities including the Daylesford Markets and trail based events
- story-telling and local interaction including interpretation that is well presented.

2.7 ATTRACTIVE NATURAL AND CULTURAL SETTING

The setting in which the rail trail is located is vitally important to attracting visitors. Trail destinations often use hero marketing shots of trails to showcase the area. This includes forests and waterfalls.

Trails based on cultural elements including Aboriginal culture are also important.

2.8 QUALITY PRE-TRIP INFORMATION

Visitors more and more are researching their trip based on on-line content. Quality pre-trip information to provide prospective visitors with the information they need to decide where is best for them to jump on and jump off the rail trail section.

2.9 SUPPORT BUSINESSES IN FOOD AND BEVERAGE

Rail trail destinations attract visitors not only for the trail itself but also for the range of support services that can make the trail experience a highlight. The towns along the way have cafes, showcase regional and local produce, have strong beverage offerings including historic pubs, cellar doors and distilleries. These are generally located close to the historic rail transport routes and are easily accessible.

Other businesses include bike and walking equipment shops, repair services, trail shuttles/transport etc.

Rail trail destinations are important equipment rental depots and with access to E-bikes important when catering for international visitors and domestic markets that travel some distance and look for convenience.

2.10 STRONG POSITIONING AND MARKETING

Strong marketing is required to ensure a trail is noticed in what is becoming an increasingly crowded marketplace. Each destination must ensure it positions itself well and aligns its core strengths and experiences to the market and promotes it accordingly.

Consistent application of a brand across the destination and the partners involved is also critical to avoid mixed signals and inconsistent messaging.

Strong planning and collaboration between partners, land managers, businesses and the tourism industry more generally are essential to getting the marketing and positioning delivered well.

2.11 STRONG GOVERNANCE

Good governance provides for well made, collaborative decisions based on evidence and aligned to a strong sense of vision and long-term planning. An effective governance structure and mechanism is important for each destination including the trails, and it is important that the governance model is fit for purpose for the area.

Elements of a good governance model include:

- the partners and operators have a clear sense of a vision for the destination
- the partners have a clear understanding of their roles and accountabilities and work together in that framework
- teams with the right skills and experience to drive outcomes
- having access to the necessary financial, human and support resources they need to develop and maintain the destination.

Effective governance and management of a future Daylesford to Tylden section of the Daylesford to Hanging Rock Trail is required to implement the recommendations of this report, pursue funding and resources and facilitate collaboration between partners and stakeholders.

Management arrangements will need to have the capacity to provide the leadership and management of cross-tenure trails, lease arrangements with the principle land manager VicTrack, neighbour relations, trail development approval processes and risk management. There will also need to be mechanisms in place to coordinate partnerships (such as commercial operators, volunteer groups such as the Domino Trail, events, tourism, marketing and promotion) to ensure they are consistent in the delivery of the Daylesford to Tylden section of the Daylesford to Hanging Rock trail. The Hepburn Shire Council would be the best placed agency to take the lead role in these future management arrangements.

2.12 COMMUNITY ENGAGEMENT

Strong community engagement with local communities about plans, issues and opportunities helps ensure that the trail experiences are delivered by managers, businesses and community alike. It also helps ensure that local needs are considered in the trail management and development.

Strong engagement can occur in a variety of ways. Most local government areas have strong channels for engagement such as the ‘Participate Hepburn’ page or through the Victorian State Government’s Engage Victoria.

The Hepburn Shire Council’s Community Engagement Policy (March 2021) is a framework to guide all community engagements regarding trails and trail development. This recognises that the Hepburn community represents an important local user group of all trails – including those flagged as important to the visitor/tourism economy. It also recognises that the Hepburn community offers a resource of creativity and expertise in identifying strengths and challenges, as well as developing solutions.

2.13 EVENTS

A strong events calendar can help bring trails and a destination to life, particularly in shoulder and off seasons for trail-based visitors, given the year-round attraction of trails including rail trails, especially those in the low altitude Hepburn region. Events also assist in providing trail related businesses in the area an income opportunity and provide some business certainty based on a strong calendar of events.

Trails and trail networks represent important assets for commercial and not-for-profit event operators, enabling nature-based events (including challenge walks and trail runs) that drive visitation in large numbers on event dates. Further benefit is derived by events creating destination exposure and driving non-event day visitation pre- and post-event.



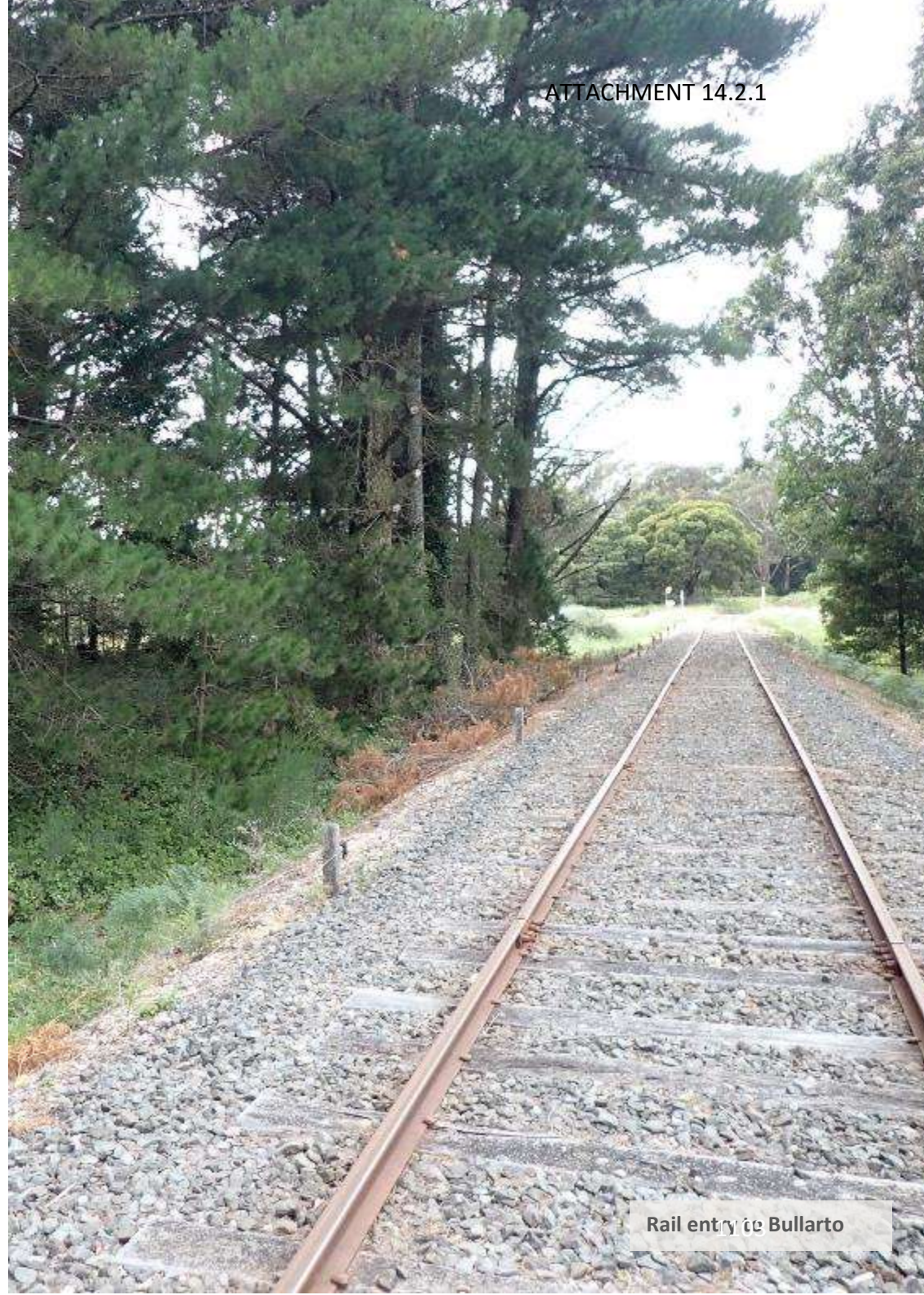
2.14 THE HEPBURN TRAIL FRAMEWORK

The Hepburn Trails Audit report (2020)⁴ focused on the visitor economy potential of trails. The report identifies which trails are likely to have the greatest visitor economy benefits identified within a three-tier trail classification system. This system is used in other destinations and has been modified to reflect the Shire of Hepburn trail offering and target markets.

The proposed Daylesford to Hanging Rock Rail Trail (Daylesford to Tylden) would clearly sit as a Significant Experience in that it would:

- showcase Hepburn as a trails and experience destination
- be a high-quality trail experience that can be offered to the target market
- showcase the natural and cultural elements of the region and the ranges
- be easily accessible from the start and finish with potential to connect with sections along the route
- be well designed, managed and maintained with high quality infrastructure and levels of service
- have a strong focus on visitor information, interpretation and marketing.

⁴ Hepburn Trails Audit: Tourism Development and Linkages 2021



3 The Daylesford to Tylden Rail Trail

The Daylesford to Tylden Rail Trail is part of a larger proposal for a rail trail and shared use trail between Daylesford and Hanging Rock, located in the Macedon Shire. Macedon Ranges Shire Council completed the Daylesford (Tylden) to Woodend, Kyneton and Hanging Rock Shared Trails Feasibility Report in 2019.⁵

3.1 RAIL TRAIL USER MARKETS

Hepburn Shire boasts a myriad of tracks, trails and shared pathways used by a variety of trail users including walkers, hikers, trail runners, cyclists (on and off road) and horse riders.

Each of the user groups, or trail markets, has experience needs. Aligning these to the target markets being sought by the Shire of Hepburn and Daylesford Macedon Tourism will provide a product strength for the Shire. The following table has been adapted to describe the market groups and experience needs of the proposed Daylesford to Hanging Rock Rail Trail (Daylesford to Tylden).

⁵ Daylesford (Tylden) to Woodend, Kyneton and Hanging Rock Shared Trails Feasibility Report 2019



Table 1. Table of users and their experience needs and preferences

MARKET	DESCRIPTION	EXPERIENCE NEEDS AND PREFERENCES
Walkers and Hikers	<ul style="list-style-type: none"> Wide range of users and ability levels including people using trails for exercise, relaxation and leisure activities, or to immerse themselves in nature Some groups using shared trails, rail trails and local paths, some seeking nature and adventure experiences in the region's outstanding scenery and visitor attractions. 	<ul style="list-style-type: none"> Safe short trails for daily use Loop trails for easy logistics A range of all-ability access trails Short to long trails for leisure activities both close to town centres and within easy travel from the accommodation. Appealing feature nodes (i.e. waterfalls, viewpoints, historical markers) and desirable destinations including spas and wineries. Linked to nearby activities, attractions Short to long trails in a variety of locations at a range of distances, including multiday Accessible trailheads with adequate parking and facilities including toilets Immersive trails that seek 'wilderness' experiences (even if remaining nearby safety of population centres).
Trail Runners	<ul style="list-style-type: none"> People running on trails for exercise, training for events and for adventure. 	<ul style="list-style-type: none"> Range of short and long trails in and near town areas, parks and reserves, and along river corridors. Connected trails suitable for running events into the future Range of participative and competitive trail running events.
Leisure Cyclists	<ul style="list-style-type: none"> Wide range of users and ability levels including people cycling for exercise, commuting, relaxation and leisure activities and touring This group generally includes 'road riders' but the rail trail surface would preclude high performance road bikes Can include backcountry and gravel grind sub-groups. 	<ul style="list-style-type: none"> Safe cycling on shared use trails for daily use Short to long cycle trails for leisure use both close to population centres and at visitor hubs within appealing feature nodes (i.e. waterfalls, viewpoints, historical markers) and desirable destinations including spas and wineries. Appealing destinations. Linked or nearby activities, attractions and accommodation such as wineries, cafes and good food Some may require bike hire or transport services Accessible trailheads with adequate parking and facilities.
Horse Riders	<ul style="list-style-type: none"> Likely to be members of local horse-riding clubs Independent riders riding with family groups or other friends. 	<ul style="list-style-type: none"> Bridle trails accessible from horse agistment areas/ equestrian centres or with adequate horse trailer parking and unloading facilities Some further dedicated bridle trails with the appropriate facilities and signage
General Visitors	<ul style="list-style-type: none"> People on a holiday or visiting friends and relations (VFR) For Hepburn Shire, this is likely to be shorter easy to access trails connecting to the main rail towns of Daylesford, Bullarto, Lyonville and Trentham. 	<ul style="list-style-type: none"> Trails of different types to or at points of interest provided by the rail trail experience suited to a range of interests (heritage, environmental, geological, historical, cultural) and abilities Accommodation and hospitality services provided along the way Something different to do while on holiday Equipment, bike and E-bike hire Short-guided tours with interpretation Easily available information and packaged tours/product to provide the experience in an easily accessible way, linking to other local and regional offerings Picnic and toilet facilities close to the trail so that the stop can be an enjoyable one and made easy for them Connections to the Daylesford Spa Country Railway.
Local Users	<ul style="list-style-type: none"> Likely to be family groups Wide range of users and ability levels including for exercise, wellbeing, relaxation and leisure 	<ul style="list-style-type: none"> Safe short trails for daily use Accessible trailheads connected to towns with adequate parking and facilities including toilets

Source: TRC Tourism 2021

Daylesford to Tylden Rail Trail Feasibility Project | November 2021

3.2 THE DAYLESFORD TO TYLDEN RAIL TRAIL OPTIONS AND TRAIL ASSESSMENTS

Rail Trail Options

The proposed Daylesford to Tylden Rail Trail would run between Daylesford Station and the Macedon Range LGA boundary near Tylden (Rippers Lane). The initial concept for the trail is that it would generally follow the original disused rail line between Bullarto and Tylden and follow a route as close as practicable to the current Daylesford Spa Country Railway between Daylesford and Bullarto.

The rail corridor between Lyonville and Trentham currently incorporates the Domino Trail, a shared use trail which sits on the rail bed providing a 6 kilometre one way cycling walking and a horse riding experience.

This report is based on initial assessments of the rail corridor including assessment of the rail trail visitor experience and preliminary trail feasibility assessment. The concept is subject to further detailed design and potential engineering assessments and planning and approvals, including culture and heritage, environment and land ownership considerations.

Guiding Principles

The rail trail assessment was guided by the desire to establish a distinctive visitor experience and brand and was guided by the six principles established by the Hepburn Shire Council and Macedon Ranges Shire Council for the whole Daylesford to Hanging Rock Rail Trail.

3.3 GUIDING PRINCIPLES FOR THE DAYLESFORD TO HANGING ROCK RAIL TRAIL EXPERIENCE

1	The Daylesford to Hanging Rock Rail Trail experience will become a distinctive brand for visitor and community trails within one hour of the Melbourne CBD.
2	The trails will contribute strongly to community spirit and wellbeing by being fun, enjoyable and safe and well used by visitors and locals of all ages and be popular with children. The trails will encourage a culture of shared use similar to successful Victorian low volume shared use trails. ⁶
3	The Daylesford to Woodend, Kyneton and Hanging Rock shared use trail will provide the links and connections to future Hepburn trails and will ensure visitors and the local community (including commuters) are well served with good trails.
4	Safety and the comfort of all trail users on the Daylesford to Hanging Rock Trails will be fundamental to the experience and will be evidenced by an increase in trail use for recreation, tourism and healthy travel by users of all ages and ability.
5	Trail experiences will be designed to encourage shared, low volume cycling, walking and running across a range of abilities, and with a trail surface suitable for most bike types. Trail routes will be planned off roads where possible with great trail experiences being the priority. Sections of the disused rail corridor from Carlsruhe to Tylden will be designed to incorporate safe horse riding.
6	The management, maintenance, marketing and information services for the trail will be facilitated through an effective and sustainable management model. Trails will protect, enrich and contribute to regional biodiversity.

⁶ www.ridehighcountry.com.au/rail-trails/murray-to-mountains

3.4 RAIL TRAIL OPTIONS BY SECTION, INVESTMENT REQUIREMENTS, CONSTRAINTS, AND ESTIMATED COSTS

The following section describes the characteristics and issues for each section of the proposed rail trail in Hepburn Shire, and preliminary assessments of what would be required to develop a rail trail focussed on the very best trail for the market and considering development constraints.

Details of the proposed costings are also included, based on a preliminary assessment of the rail corridor and reflecting the needs and requirements of the rail trail market, what is achievable and with consideration of emerging environmental, community and sustainability issues.

The cost estimates relate to rail trail concept maps 1A - 1B, 2A - 2B and 3A - 3B.



Bullarto Trail Station Terminus for the heritage and tourist railway.

Section 1A – 1B Daylesford to Bullarto

Figure 4. Daylesford to Bullarto Complementary Rail Trail alongside existing Daylesford Spa Country Railway



1A - 1B Daylesford to Bullarto “Complimentary Trail” 9.5 km
 DSCR 9 km train service Daylesford to Bullarto with corridor managed by DSCR as a heritage asset. Concept for rail trail adjacent to existing railway.

LENGTH	Trail requirements/considerations	Trail assessment / Key observations	Opportunities/Constraints
9.5 km	<ul style="list-style-type: none"> • Generally flat path required with minimal slope. • Trail to avoid major/fast roads and follow the rail corridor where possible. • Attractive path options providing users with the forest, rural scenery and connections with visitor attractions including Passing Cloud Winery and local produce. • Asphalt path connections from the trail head station/market area in Daylesford and in small sections through towns and stations to provide access for all. • Some diversion off the rail corridor via quiet roads (option west of Musk). • Links to other visitor features such as the Lost Children Memorial near Musk. 	<ul style="list-style-type: none"> • Rail corridor after leaving Daylesford includes broad open ground and forest tracks ideal for rail trail construction. • Minimum 2.5 m wide crushed rock path suitable for a range of bikes but not suitable for high end road bikes. • Beyond Musk the rail corridor passes Olive Groves and enters Crown Land, forest and forested watercourses. • Preliminary site assessment has indicated options are available include bridging over the small water course adjacent to the olive grove or construction of a boardwalk keyed into the side of the railway embankment. • Beyond this area there is trail access through Crown Land forested areas which will require environmental assessment, application, approvals and likely offsets. • To the west of Bullarto, Leitchers Creek will need to be crossed. This could be achieved through a Cable Bridge or a boardwalk keyed in to the side of the railway embankment. • Entrance to Bullarto Station through quiet town roads. • DSCR operates 9 km of railway via railmotors through this picturesque country from Daylesford to Bullarto. They also operate the Daylesford Market every Sunday from the Daylesford Historic Railway Station. 	<p>Innovative design and approvals will be required to provide a sustainable trail enjoyed by the targeted users.</p> <p>The corridor is considered a heritage asset (Heritage Museum accredited by Australian Museums and Galleries Association). DSCR have stated that the identified heritage values of the corridor are not consistent with construction of a walking or cycling track. The rail corridor is not listed on the Victorian Heritage Register.</p> <p>DSCR are the lease holders with VicTrack for the section where they operate the rail motors.</p> <p>DSCR suggested an alternate route which would use existing roads and forest tracks. This route would require crossing the Daylesford to Trentham Road. The route includes some attractive features but traverses hilly country. The distance from the rail corridor and relative difficulty does not provide the rail trail experience sought by the market.</p> <p>The area beyond Musk provides constraints to good trail development. The best access is along the corridor and within the areas of adjacent Crown Land. A built boardwalk solution keyed into the embankment would require the support of DSCR and additional engineering assessments to ensure the integrity of the embankments.</p>

Preliminary Rail Trail Costs Estimates: 1A - 1B Daylesford to Bullarto

9.5 km

“Complimentary Trail” alongside the existing tourist train operations

Placement of the trail can be found close to or within the rail corridor alongside the existing tourist train operation (Daylesford to Bullarto). Some challenges include crossing wetland and forested areas requiring approvals and infrastructure design, e.g., cable bridges and boardwalks. Concerns have been raised by DSCR about the impact of this construction on the Heritage Rail status of the rail corridor. DSCR has also expressed the opinion that trails will detract from the tourist train experience in this section and had previously advised that there is no space anywhere along the existing rail corridor for trails to share cuttings or the embankment with trains.

Estimated Cost \$3,338,400 to \$4,119,300*

Trails off the existing corridor

Crossing and utilising existing roads and forest track (note this option is considered unsuitable as it involves crossing the fast Daylesford to Tylden Road more than once and uses hilly roads and tracks). **Option not further investigated as unsuitable for a rail trail**

***Preliminary costs include allowance for planning, environment and cultural assessments and has not included detailed design and potential engineering assessments.**

Section 2A – 2B Bullarto to Trentham

Figure 5. Issues and options analysis between Bullarto and Trentham where DSCR have proposed a tourist train extension

**2A – 2B Bullarto to Trentham 9km**

Attractive open forest, river corridors, water frontage and through the new National Park established from Wombat State Forest. The Domino Trail currently utilises the disused rail alignment from Lyonville to Trentham.

LENGTH	TRAIL REQUIREMENTS / CONSIDERATIONS	TRAIL ASSESSMENT / KEY OBSERVATIONS	OPPORTUNITIES / CONSTRAINTS
<p>3.5 km Add 3 km using road alternative</p>	<ul style="list-style-type: none"> This section includes the proposed extension of the DSCR from Bullarto to Trentham. sections close to the rail alignment. Wet areas commence at the first bridge crossing requiring alternative access or rebuilding. Some vegetation clearances would need to be assessed. The wet areas create issues for trail access if the trail is off the embankment. An off corridor low level boardwalk for 250 metres would be required to resolve the wet areas issue. 	<ul style="list-style-type: none"> Attractive open forest enabling the trail to be constructed in sections close to the rail alignment. Wet areas commence at the first bridge crossing requiring alternative access or rebuilding. Some vegetation clearances would need to be assessed. The wet areas create issues for trail access if the trail is off the embankment. An off corridor low level boardwalk for 250 metres would be required to resolve the wet areas issue. operations and change in land use with the rail corridor. Alternative but not preferred road option would be from Bullarto to use Old Blackwood Road and South Lyonville Road which would extend the trail to 6.7 km adding over 3 km to the journey to Lyonville and would take the trail off the corridor. The on-corridor alignment would encounter the Loddon River where the river is crossed by a substantial embankment on which trail decking could be attached subject to further design and engineering assessments. Beyond the Loddon River the rail corridor is being impacted by springs which would require treatment. The rail trail could resolve this issue with boardwalks. Entrance to Lyonville has existing leases and encroachments on to the rail corridor. This is not a big issue for the rail trail as alternative access can be provided to the historic Radio Spring Hotel and the next trail section. 	<p>DSCR are happy to consider sharing the corridor with a rail trail. They would require a lease over the actual rail bed so other parts of the corridor could be leased to Council for the rail trail.</p> <p>This section is not a DSCR “heritage” area so there is more flexibility about how the corridor is developed.</p> <p>There are properties within this section that have encroached on the rail corridor with a dam and gardens 1 km from Bullarto and Wombat Forest Organics have operations on both sides of the corridor.</p> <p>DSCR have been consulted about the Loddon River crossing and agree that subject to further engineering assessments the rail trail could share the Loddon River embankment with any future train operations.</p> <p>Neighbour negotiations are required due to the encroachment of gardens and dams. Wombat Forest Organics have some concerns regarding their farm.</p>

LENGTH	TRAIL REQUIREMENTS / CONSIDERATIONS	TRAIL ASSESSMENT / KEY OBSERVATIONS	OPPORTUNITIES / CONSTRAINTS
5.5 km	<ul style="list-style-type: none"> The historic Radio Springs Hotel adjacent to the rail corridor at Lyonville is an interesting hospitality addition to the rail trail experience. The Domino Trail is an existing trail between Lyonville and Trentham utilising the disused rail bed. This section includes attractive forest with the Domino Trail well signed and popular with walkers, runners and at times horse riders. Extensive boardwalks off the corridor would be required through the swampy and riparian areas. 	<ul style="list-style-type: none"> An old rail bridge crosses the Coliban River. The bridge has been closed for some time and trail users currently cross the river by informal steppingstones. An off-rail corridor would encounter many low-lying areas situated in the flood plain of the Coliban River extending both sides of the embankment. A trail on the disused rail bed (existing Domino Trail) would provide a popular rail trail. The numerous water courses would require crossings including the Coliban River and Domino Creek. Other alternative options considered included existing forest tracks. These tracks would be subject to inundation and any new trails to be established off the corridor would be subject to environmental assessment due to rare plants and animals and the area being a water catchment zone and identified as a potential location for cultural sites. 	<p>The corridor passes through forest recently transferred from being the Wombat Sate Forest to the Wombat- Lerderderg National Park and to Blackwood Regional Park closer to Trentham. The changes from State Forest to land managed under the National Parks provide greater protection and also allow for bushwalking. This section includes attractive forest with the Domino Trail well signed and popular with walkers, runners and at times horse riders.</p>

Preliminary Rail Trail Costs Estimates: 2A -2B Bullarto to Trentham 9km

1) Walking and cycling trail off the existing rail corridor to allow for DSCR railway extension

This route alignment raises serious constraints to achieving satisfactory visitor trail experience, trail sustainability and minimising environmental impact. There are significant watercourses and wetland crossings requiring infrastructure such as boardwalks and new bridges. Environmental approvals would be required considering the presence of endangered species and much of this area will be transferred from State Forest to National Parks. There are some creative options available, such as placing boardwalks alongside rail embankments, but this will be subject to a detailed engineering assessment. In conclusion, this route alignment may be feasible, but is subject to environmental approvals, a detailed design assessment, and will result in an inferior visitor experience.

Estimated Cost \$4,020,600*

2) The placement of the rail trail on the existing rail bed

Clearly the preferred option for high quality visitor experiences. The very best rail trail would follow the level surface and provide great views and comfortable walking, riding, running, cycling and in some cases horse riding. Infrastructure required for this option is reduced however there are still some bridges that require repair and in most cases for low weight loads unless emergency services vehicles and others are required to cross.

Estimated Costs \$2,430,600*

* Preliminary costs include allowance for planning, environment and cultural assessments and has not included detailed design and potential engineering assessments



Section 3A – 3B Trentham to Rippers Lane

Figure 6. Trentham to the boundary with Macedon Ranges LGA, generally over level farming country

**3A – 3B Trentham to Tylden (Rippers Lane) 8 km**

Open farming country with farming practices operating either side and across rail corridor under existing licence agreements.

LENGTH	TRAIL REQUIREMENTS / CONSIDERATIONS	TRAIL ASSESSMENT / KEY OBSERVATIONS	OPPORTUNITIES / CONSTRAINTS
8 km	<ul style="list-style-type: none"> DSCR do not intend to seek access to operate their railmotor rail service in this area. The building of road crossings would be required to ensure the safety and comfort of the users at three locations. 	<ul style="list-style-type: none"> Open generally flat attractive farming country with some wet areas encroaching on the rail corridor. Easy trail building that would suit the users' preferences. 	<p>There is established agriculture use of the rail corridor and there will be some resistance to a change in land use and concerns regarding biosecurity risks. Previous investigations into a proposed Casterton to Branxholme Rail Trail and investigation into previous Port Fairy Rail Trail indicated that biosecurity risks were minimal and can be addressed with the provision of fencing and other risk management actions provided.</p> <p>There is interest within the Trentham area to establish visitor attractions associated with the rail corridor including local produce, accommodation and links to other sites such as Trentham Falls.</p> <p>Further negotiations with neighbouring landowners will be required to ensure there is local support and the rail trail remains on the rail corridor.</p>

3A - 3B Trentham to Tylden (Rippers Lane) 8km

This section would appear less complex however it crosses fast roads and areas of traditional farming with some low lying wet areas and where some farmers have expressed concerns regarding biosecurity and land management issues. These concerns may be addressed through understanding of the issues and providing logical solutions such as fencing, stock crossings and weed and vegetation management as part of the trail development. Biosecurity advice has been sought for other rail trails and has been considered a low risk. The experience of riding or walking through this farm country has its appeal particularly for diversity after visitors have experienced the hilly forested country and historic Trentham.

Estimated Costs \$1,200,000*

*Preliminary costs include allowance for planning, environment and cultural assessments and has not included detailed design and potential engineering assessments

Additional notes on Costs Estimates, Detailed Design, Documentation, Contingencies and Planning Approvals

The preliminary surveys undertaken during 2020 identified options for the development of rail trail experiences that reflect the market and where possible work cooperatively with landowners and the community. Further analysis of the trail corridor will be required to establish a more detailed design for a future rail trail. This will include environmental and cultural assessments as the water catchment areas where much of an off-rail bed would be situated and where important areas of conservation significance requiring assessments permit applications and potentially offsets linked to approvals. Planning and assessments costs were included in the initial indicative budgets. It is anticipated that as more focussed details develop regarding alignments further planning, consultation and engineering costs may be incurred.

Table 2. Cost estimates included in initial costs for planning and assessment

Biodiversity assessment and native vegetation planning, application approvals and offsets	\$60,000
Engineering, assessment, survey and design for rail and rail trail visitor and rail infrastructure	\$80,000
Heritage place assessment, survey, planning and approvals	\$30,000
Aboriginal Cultural heritage assessment, management, planning, permits and agreements	\$50,000
Rail Trail alignment survey and trail detail design including visitor information and interpretation	\$30,000
Lessee negotiations and biosecurity mitigation planning	\$20,000
Risk assessment and road crossing design	\$20,000
Order of cost estimates	\$10,000
Total Ex GST	\$300,000



4 Daylesford Spa Country Railway

4.1 BACKGROUND

The Victorian Government's strategy for preserving the state's rail history demonstrates strong support for rich and diverse heritage and visitor railway experiences, and the contribution of these railways to regional tourism spend and visitor numbers.⁷

The Central Highlands Tourist Railway, which operates the Daylesford Spa Country Railway and the Daylesford Sunday Market, has been operating consistently for 40 years.

DSCR is also a museum which includes the Daylesford Railway Complex heritage site (recognised in the National Trust Heritage Register), the railmotor rolling stock and the railway corridor to Bullarto. The railway between Daylesford and Bullarto is one of the few remaining examples of the construction methods and standards of the 20th century branch line railways that linked so many Victorian communities.

The 9 km railway operates railmotors through the picturesque Wombat State Forest from Daylesford to Bullarto, attracting over 10,000 patrons annually, mainly families and couples enjoying the attractions offered in the Spa Country. The railway also runs a fully catered music train, the Silver Streak, that operates on the first Saturday of each month. The Sunday Market, which attracts over 180,000 patrons annually, has been operating every Sunday for 40 years until 2020 Covid lockdowns.

The heritage rail started operating in 1981 initially just two kilometres to the Musk Forest, then was extended in 1990 the full five kilometres to Musk. In 1996 it was extended to Bullarto.

The 2009 bushfire damaged the track and visitor numbers were impacted while repairs were undertaken. It was closed in 2020 reopening with limited services in December. The storms of 2021 damaged sections of the track particularly due to trees falling on the track which is awaiting repair.

DSCR has a strong governance structure in place with a skills-based volunteer Board, an active volunteer base and a small number of paid staff and contractors.

A 2012 Business Plan (updated in 2017) by Linqage International proposed a redevelopment of Bullarto Station precinct to provide an enhanced visitor experience at the terminus including event spaces, school education programs and improved amenities and services. The Business Plan predicted a doubling of patronage over a 3 year period once an additional rail motor was operational and the Bullarto redevelopment completed, with 3% growth beyond that.

This proposal did not proceed and to a certain extent has been replaced by the current proposal to extend the railway experience to Trentham.

The extension of the tourist railway to Trentham is not proposed as a commuter service in the foreseeable future and it is extremely unlikely that there would ever be sufficient demand or frequency of services offered. DSCR is not established to be a regular service provider, with services running Sunday and Wednesday during school holidays, and Saturday on some holidays and long weekends. The last commuter services on the line ceased in 1978.

⁷ VicTrack, *Preserving our rail history: A blueprint for the future*, 2021.

4.2 DAYLESFORD SPA COUNTRY RAILWAY VISITORS

The average total passengers per annum over the four years to end of 2019 was 10,724. On popular days demand can exceed the capacity of the railmotors and the timetable. The railway was closed from March to December 2020 because of Covid lockdowns and partially re-opened in late December 2020. There have been subsequent closures as lockdowns have restricted activities in regional Victoria and prevented visitors from Melbourne.

Passenger numbers for the Sunday (only) operation in January 2021 were strong, with numbers exceeding previous years' figures for single days. The passenger numbers include the Silver Streak (evening dining) and charters in addition to normal timetabled trips.

To date, of the estimated 2.9 million visitors to the Daylesford and Macedon regions approximately 10,000 visit the railway each year – only about 0.4% of regional visitors. Advice from DSCR based on their online booking portal is that most rail customers are from the eastern and northern suburbs of Melbourne, with much of the balance from central Victoria. There are relatively few interstate visitors.

The 2017 Business Plan noted that of the 180,000 Sunday Market patrons, 94% were from Victoria, with 13% of the Victorians coming from Daylesford, 33% from the local region and 30% from Melbourne. It is likely the railway attracts a lower proportion of locals than the markets.

Advice from DSCR is that only 2% of passengers consider themselves “train buffs” and the majority are family groups and couples. Cyclists can take their bicycles on the train however to date there are reportedly few one-way journeys purchased, presumably because there is no attractive return route for cyclists.

4.3 CAPACITY OF THE RAILWAY

The largest railmotor in the fleet currently has a capacity of 94 passengers per trip. There are usually 5 trips on a Sunday. This gives a theoretical capacity of 470 passengers per day under normal operations, which may be reduced by pandemic related health measures. Historically on some peak days actual patronage reached in excess of 460 passengers - 98% of capacity.

This gives a theoretical annual capacity for Sunday operations of 24,440 passengers each year. Given there are also Wednesday operations, Silver Streak dining experiences and other charters there appears to be sufficient capacity in normal operations to cater for a potential growth in demand.

Despite this, there is unmet demand on peak days when guests are turned away. This demand could be met through the addition of trailers to the railmotors. This could double the capacity of some trains on peak days. Adding a trailer to two of the five services on 20 busy Sundays each year could add 180 passengers on those days which is an additional 3,600 passengers annually.

Adding trailers increases operational complexity and may impact on timetabling as turn-around operations take more time.

The current journey times are a one hour return to Bullarto or a 40 minute return to Musk. With the proposed extension to Trentham the return trip would be one and a half hours with an additional half hour if trailers were used. Additional rolling stock (and train crew) would allow for overlapping services with trains crossing at Bullarto Station.

At present 95% of customers purchase a return ticket. There may be an increased number of one way trips in the future if patrons combine the rail with walking and cycling experiences. Depending on capacity issues and pricing of one way trips this could negatively impact on overall passenger numbers and revenue.

4.4 GROWTH POTENTIAL POST EXPANSION

Extending the length of the railway experience to Trentham is likely to increase visitor numbers in the following ways:

- There will be a greater number of services with short return trips to Musk or Bullarto being possible while longer services to Trentham are beyond the Bullarto Station. On busy days this additional timetabling will satisfy demand not currently being met.
- The option of alighting in Trentham for a Daylesford service will attract additional customers.
- Having the rail connecting two destination towns adds potential for transit journeys as an alternate method for accessing the towns.
- Additional experiences such as the Radio Springs Hotel at Lyonville and similar attractions in the other towns will attract additional customers. Packaging these experiences with the destinations or tour operators will further increase use of the railway.
- Connections to walking and cycling trails will attract new customers to use the train to access these experiences and shorten their effort. One way train trips with cycling returns to the origin are likely to become popular. Packaging these experiences with tour operators will further increase use of the railway.
- Silver Streak dining services will benefit from the recent partnership with professional food and beverage operators with the longer (one and a half hour return) journey better suited to a dining experience.

These factors suggest there is potential to increase visitation with the extension of the railway experience all the way from Daylesford to Trentham.

Combining the railway with regional walking and cycling experiences potentially makes it of interest to the 60% of Australians that participate in cycling and 91% that participate in walking for recreation. With compelling must do packages for walkers and riders there is potential for this market to exceed the capacity of the railway to supply services.

⁸ Tourism Research Australia, Tourism Recovery Scenarios December 2020

4.5 VISITOR NUMBER SCENARIOS

A wider visitor market is potentially attracted by the extension of the railway to Trentham and additional visitor experiences that interact with the train, as described above. There is a latent capacity in the railway which can be realised through its extension, rolling stock enhancements and timetabling changes. These factors combine to indicate there is strong potential to significantly increase visitor numbers by both capturing an increased proportion of existing visitors in the region and attracting new visitors to new experiences.

A conservative estimate of visitor numbers post extension of the railway would start with an immediate return to pre-Covid numbers, that is 10,000. This assumption is supported by patronage in January 2021 being close to pre-Covid levels despite a reduction in the number of services.

Domestic tourism is predicted to return to pre-Covid levels in Victoria by September 2022⁸, with international tourism recovering by October 2023. Given the long lead time involved with the rail project we can assume this recovery will be in place before the extension is operational.

Beyond this time, forecasts for growth in tourism in Victoria were for an average of 3.5% pa growth over ten years, a significant slowing of growth over the previous years⁹.

Using existing passenger data and assumptions and modelling for each of the development options (See **Appendix C**), TRC and MCA have developed two scenarios for growth of railway patronage.

⁹ Tourism Research Australia, Visitor nights forecast 2019

Table 3. Passenger Number scenarios

PASSENGER NUMBERS	NO EXTENSION	WITH EXTENSION
Post extension, year 1	10,000	12,000
year 2	10,150	15,000
year 3	10,302	18,750
year 5	10,614	24,258
year 10	11,434	28,811

The continuation of the existing operation to Bullarto with no extension is expected to see a starting visitation at the existing level of 10,000pa, with subsequent modest growth at 1.5%.

With the extension of the railway to Trentham a higher growth scenario is estimated with a starting point at 12,000pa and significant growth over the first four years as new products are realised (25% pa growth for 4 years) followed by an annual increase of 3.5%pa.

All of the 10,000 base case visitors should be considered existing visitors to the region. It is assumed 40% of the additional customers will stay overnight in the region because of their participation in the railway experience.

Ultimately the upper limit for passenger numbers is dependent on timetabling and train capacity. Operating on additional days such as Saturdays and public and school holidays could also increase passenger numbers but would also place more pressure on the volunteer pool. The ability of the current and future DSCR volunteer pool to respond to this additional scheduling would need to be determined. For more on future governance and operations see Section 4.9.

4.6 REVENUE

Current fares are adult \$20, child \$15 with a \$35 family pass. Average fare per passenger varies dependent on the mix of tickets sold on a particular day, but for scheduled Sunday services the average fare is between \$9.50 and \$12.50. The overall average for 2019 was \$14.00, reflecting the greater returns of the Silver Streak and charter operations. Income to DSCR from the Silver Streak will reduce when food and beverage services are offered by a third party.

With the increased length of the experience a higher fare could be charged at an assumed average of \$20 per rail user.

Further detail of these assumptions and the detailed economic analysis is contained in the MCA Daylesford to Hanging Rock Economic Impact Assessment in Section 6.

4.7 COMPARISON WITH OTHER HERITAGE RAILWAYS

There are around 25 operating heritage railways in Australia, with many of these being in Victoria. Table 3 shows pricing for a selection of these experiences.

Most railway experiences have packaged options including food and other experiences, as well as numerous fare types including first class, child and concession. For clarity only the basic adult and family return fares are shown as a basis for comparison between the operations.

Most of the railways have a standard timetable but also run services on demand or for special holidays. Most of the steam trains are subject to restrictions during fire danger periods. The Gulflander has seasonal closures.

All the listed railways are operated by not for profit community organisations except for the Gulflander and Kuranda Scenic which are operated by Queensland Rail, and the West Coast Scenic Railway and Puffing Billy which are both ultimately owned by the relevant state governments.

Pricing for the existing Daylesford Spa Country Railway is consistent with other experiences of similar length such as Walhalla and the Yarra Valley railways.

Pricing for the expanded rail experience to Trentham could increase to those achieved on the nearby Victorian Goldfields Railway at Castlemaine.

The 2020 Business Case was based on a starting average fare per passenger of \$20.00. The standard adult fare would need to be in the order of \$30 to achieve this return if the split of ticket sales remains similar to the existing.

The Business Case also assumes a 3% pa rise in the ticket price beyond the starting year. In practice this is not practical as it results in prices which are complex for cash transactions (e.g. \$21.22). Annual price rises can also impact on the reputation of the destination. A better approach would be to make a larger increase associated with the opening of the extended railway and then limit price increases to every 3 to 5 years.

A ticket price of around \$30 adult, \$22 child and \$50 family would be required to achieve the \$20.00 average fare. This pricing model would be in line with other tourist rail journeys. Increasing Silver Streak and charter operations would further assist to realise this outcome.

This fare level gives an operating profit so fares could be kept below this level if this was seen as desirable.

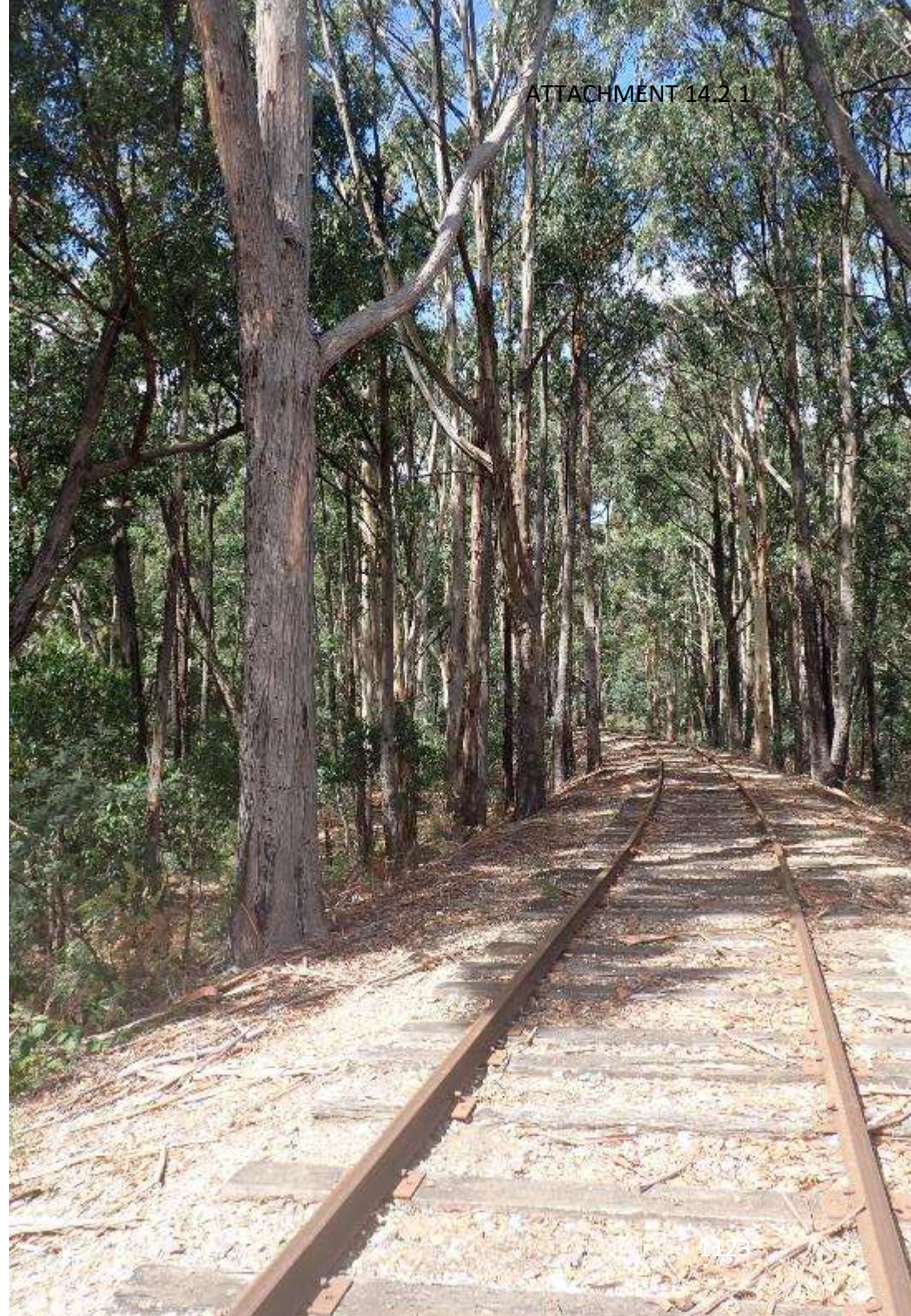


Table 4. Other heritage railways

	ADULT TICKET PRICE \$	FAMILY TICKET PRICE \$	DISTANCE KM LENGTH OF OPERATING RAIL LINE	FREQUENCY	COMMENTS
DSCR now	20	45	9	Wednesdays, Sundays and holidays	railmotor, scenic
DSCR future	30	50	18	Wednesdays, Sundays and holidays	railmotor, scenic
Red Cliffs Historical Steam Railway	8	20	1.5	once monthly	narrow gauge, steam
Walhalla Goldfields Railway	20	50	4	three day per week	narrow gauge, scenic
Yarra Valley Railway	18	50	4.5	Sundays plus Wednesday in school holidays	long tunnel, railmotor,
Mornington Railway	n/a	60	5.5	Sundays	steam and diesel
Bellarine Railway	16	45	16	Sundays and events	steam and diesel
Puffing Billy Steam Railway	61	153.50	24	Weekly Friday, Saturday, Sunday	steam, narrow gauge, scenic
Victorian Goldfields Railway	50	110	17	Sundays, Wednesdays and school holiday Saturdays	steam
Kuranda Scenic Railway, Cairns, Qld	76	190	75	Daily	scenic, can be packaged with Skyrail Cableway
Zig Zag Railway, Lithgow, NSW	25*	na	7	Daily*	*Currently closed, reopening late 2021
Mary Valley Rattler, Gympie, Qld	62	165	40	Wed, Thurs, Saturday, Sunday	steam and railmotor
Gulflander, Normanton, Qld	115	na	150	weekly	railmotor
West Coast Wilderness Railway, Strahan, Tas	115	260	34	Daily	steam, narrow gauge, scenic
Pichi Richi, Port Augusta, SA	95	237	39	Saturdays and holidays	steam, narrow gauge, scenic

4.8 CAPITAL AND OPERATING COSTS

DSCR have advised that estimates of capital and operating costs were updated for the May 2020 Addendum to the Strategy and Business Plan. We have therefore used these figures in our financial and economic benefit analysis.

Operational costs will not rise significantly with the doubling of the track length as much of the base costs are already incurred for the existing operation.

Asset maintenance costs will increase although the new section of track is planned with concrete sleepers and this will reduce relative costs compared with maintaining the existing heritage rail track. Expanded facilities at Bullarto, and the additional stations at Trentham and Lyonville and other stations will add to maintenance liabilities.

The cost estimate provided by DSCR is \$8.4 million, this does not include any discount for material such as sleepers, ballast and rail lines provided by VicTrack from track upgrades.

A separate assessment by a suitably qualified engineering company would be required to check these capital and operating estimates.

DSCR has estimated capital works required for the rail extension proposal however has not indicated a likely source for this funding. They have had discussions with VicTrack and the Victorian Government in the context of the Vintage Rollingstock Strategy. There does not appear to be any item in their estimated operational costs to allow for the repayment of loans for the financing of capital works. The current Victorian Government process of preparing a Vintage Rolling Stock Strategy may lead to greater levels of funding and support to organisations such as DSCR.

4.9 FUTURE GOVERNANCE AND OPERATING CONSIDERATIONS

DSCR is the operating name of the Central Highlands Tourist Railway, a charitable company registered with the Charities and Not for profits Commission.

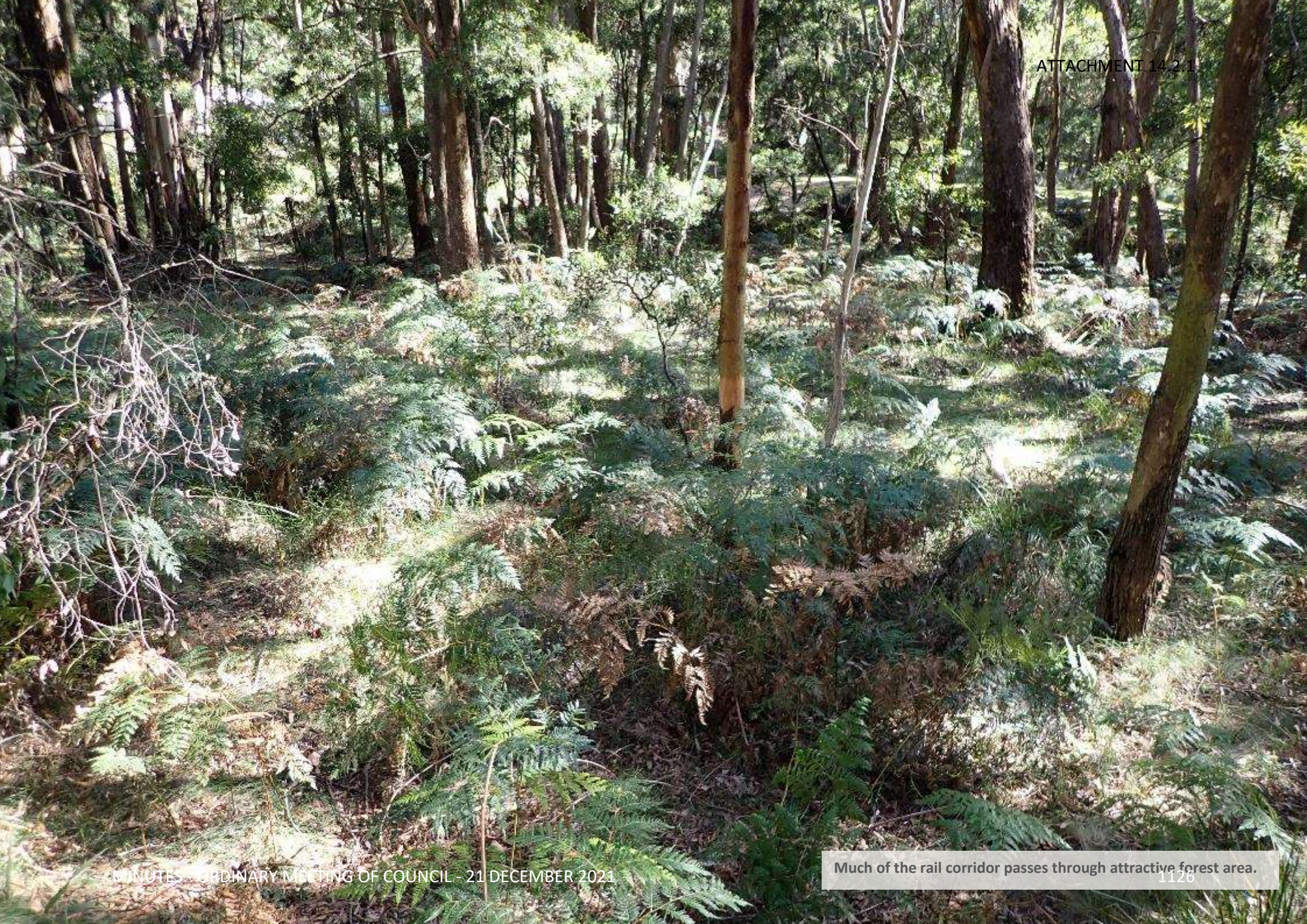
DSCR established the railway in two stages and has operated it for many years. They have also re-established operations on the line after significant bushfire and storm events, most recently in June 2021.

DSCR is managed by a Board and currently has a part time Sunday Markets Manager with the railway operation managed by volunteers. The Company has a Strategy and Business Plan with a clear vision and mission for the organisation and a comprehensive analysis of the strengths and opportunities for the business.

This study has not included a review of organisational governance however based on available documentation and discussions with their representative, the organisation appears to be well managed and capable of delivering its current operations and potentially future plans.

The VicTrack strategy for the future of the heritage and visitor railway industry notes that there is an important need to attract an increasing number of diverse and skilled volunteers as the current workforce is ageing, and this volunteer pool is central to the viability of the industry.¹⁰ Despite this trend, DSCR has advised they have a good mix of age groups and are confident of maintaining a future volunteer workforce. Volunteer management is a key focus of their strategic planning. DSCR has also indicated that the organisation will not necessarily be volunteer led in the future.

¹⁰ VicTrack, *Preserving our rail history: A blueprint for the future*, 2021.



5 What the Community is saying

To gather an understanding of community views regarding the future of the rail corridor the Hepburn Tracks and Trails – Have Your Say was undertaken by Council. The survey sought community views regarding:

- A **walking and cycling rail trail connecting Daylesford to Hanging Rock** in partnership with Macedon Ranges Shire Council.
- **extending the existing heritage tourist rail** from Bullarto to Trentham.

676 community responses informed a strong understanding of local values and interests.

The survey concluded on 16 August 2021 and received 676 responses with the majority coming from the Hepburn Shire Council area. The respondents indicated a strong interest in the rail corridor and its future use.

The important values and aspects of the rail corridor included:

- the existing DSCR tourist train experience
- opportunity to connect with communities along the corridor
- the existing trail experiences including the Domino Trail
- tourism benefit based around tourist trains
- experiencing and conserving the natural environment
- the contribution the corridor makes to liveability
- future tourism activity based around shared use trails.

In addition, agricultural production, future access for production across the rail corridor and the value of free and safe open space for outdoor recreation activities including families were considered important values.

The community responses indicated a desire for both the extension of the Daylesford Spa Country Rail and creation of a rail trail and importantly there was strong support for both activities. Whilst generally comments supported the two activities a common theme emerged that the rail trail should not have to use roads and should be close to or part of the corridor and provide great, comfortable and safe experiences particularly for families and children.

The respondents saw the creation of an iconic experience for the Shire as an important benefit together with providing high-quality informal recreation outcomes. Additional comments included biodiversity considerations, the provision of connections between communities and the potential economic benefits.

When asked about any concerns regarding future developments associated with the rail trail or rail extension responses included the cost of building the assets, the management and maintenance of the assets and the ability for local government to deliver and complete planned projects.

The potential impacts on natural, cultural or historic heritage were considered important, as well as the potential impact on people's homes, businesses, quality of life, lifestyles and safety.

The respondents were asked which proposed activities, being the DSCR and the rail trail, appeals to them. The results showed a strong preference for both activities. Whilst there was an interest in the train's operation, there were also concerns that a train operation on its own would exclude the community from enjoying the open space and recreational activity and if it can't be complementary it shouldn't happen. The rail trail should be a free public space and not exclusive unlike a future train operation, this reflecting the importance of public space for communities, visitors and families to recreate and exercise.

There were many comments relating to both activities and around safety, comfort and enjoyment with the condition that both activities could proceed on condition

that the rail trail experience isn't compromised, doesn't involve roads and should be safe and comfortable for users. A complementary rail trail would need to be suitable for families, kids and for tourists that don't like to ride up and down hills. If the DSCR was operating without a complimentary purpose-built rail trail then there would be no space for walking or cycling.

It appeared that there was an impression that the DSCR could become a train service for commuting and connecting communities, this was not the objective of the tourist train proposal.

5.1 LANDOWNER DISCUSSIONS

The Council has made contact with a number of neighbours and adjacent landowners and officers have met with several farmers along the corridor who have discussed their concerns. These are initial discussions only, and as the project progresses, further engagement with landowners is required to address these issues and concerns.

Some farmers have expressed concern that their ongoing operations will be impacted particularly where their operations are on both sides of the rail corridor.

Their concerns include:

- biosecurity risks where pathogens could be brought in from neighbouring farms that could lead to stock losses
- fire risk with cyclists or walkers throwing cigarette butts
- animal welfare perspectives during lambing where sheep who could be subject to stress by trail users frightening them or entering pastures
- animal welfare perspective where animal rights activists may gain access to their land
- access across and around for stock but also with locking gates etc.

These views will need to be addressed and would be considered in future planning for a rail trail or DSCR extension. Some farmers and landowners also expressed that they are unlikely to gain any benefit from increased tourism as they are in agriculture not tourism. Options have been proposed where the trail could bypass farm properties and run along road reserves instead. The trail may run through streets in the town or on quiet road reserves however it is important that a future rail trail remain the very best experiences possible and also be safe and comfortable for users, particularly families with children.

Concerns may also be alleviated by communicating that trail planning and budgeting will include allowances for improved fencing, stock crossings and weed and fire fuel management as was considered in the Macedon Ranges section of the rail trail. Previous planning for rail trail access across established farmland has included discussions with biosecurity specialists within government agencies and other organisations. These specialists have indicated a low biosecurity risk from current rail trail operations. A thorough investigation into biosecurity considerations is recommended should the proposal be developed further.

These matters will require additional liaison activities throughout the development process to address and alleviate landowners' concerns.

6 Economic Analysis

An economic analysis has been conducted by MCA Economists for the two most likely rail trail options as identified in the feasibility assessment:

Option 1: Walking and cycling trail within the rail corridor Daylesford to Bullarto and a rail trail on the rail bed Bullarto to Tylden and then to Hanging Rock, with the existing heritage railway continuing to operate only along the current 9 kilometre journey.

Option 2: Walking and cycling trail within the rail corridor Daylesford to Trentham and then a rail trail on the rail bed Trentham to Tylden and then to Hanging Rock. This would allow for the extension of the heritage railway to Trentham, with the rail trail taking the less desirable route alignment not along the rail bed for this section.

Option 1 has the highest Benefit Cost Ratio (or return on investment) of the analysed scenarios. All options have a positive benefit cost ratio for the 7% discount rate.

Option 2 assumes a decrease in participation by walkers and cyclists on the rail trail because of the less attractive nature of the route from Bullarto to Trentham. This negatively impacts on the benefit cost ratio for this option.

Option 2 combines the multi use trail with the extended train and therefore generates the highest level of economic benefit in the region, despite a much higher capital spend on the two projects. This combined option also generates a higher number of jobs and the total visitation to the two experiences is higher despite the forecast drop in rail trail participation.

The analysis is based on the initial land and feature surveys, cost estimates undertaken during 2021 and on cost estimates contained in the previous studies by DSCR. The final cost of the project will be subject to further analysis and design by Council.

The economic analysis considered trail users and spending, railway users and spending, and the economic benefits of the construction and economic phases for both options. Employment and spending are calculated for Hepburn Shire so the benefits arising from construction and operations of the railway and rail trail activities are likely to occur mostly within that Shire.

6.1 TRAIL USERS & SPENDING

Option 1: trail users increase from 27,000 in year 1 to around 66,000 in year 10. The major growth is in visitors to the region (day and overnight). Spending in the region (the two LGAs) by trail users increases from \$2.4 million in year 1 to \$6.4 million in year 10.

The major driver is spending by visitors (day and overnight) who ride the trail.¹¹

Option 2: trail users increase from 24,300 in year 1 to around 59,300 in year 10. The major growth is in visitors to the region (day and overnight). Spending in the region (the two LGAs) by trail users increases from \$2.2 million in year 1 to \$5.8 million in year 10.

¹¹ Spending in the region was estimated for trail users and rail passengers. Average spending per person is

based on TRA data for the 2 shires – Hepburn LGA and Macedon LGA

6.2 RAILWAY VISITORS AND SPENDING

Existing railway: passenger numbers are largely static, showing limited growth. They increase from 10,000 in year 1 to around 11,400 in year 10.

Extended railway: the extension of the rail line enables a new experience and increases the capacity of the rail to accommodate significantly more passengers. Based on modelling and growth assumptions, total passengers increase from 12,000 in year 1 to around 29,000 in year 10. The extension is treated as a new experience in the Cost Benefit analysis.

With this new extended experience, total spending increases from \$1.4 million in year 1 to \$3.4 million in year 10. Local and day visitor spending would be mainly in Daylesford and Trentham. Overnight stays and spend are likely to be spread across the 2 LGAS – Hepburn and Macedon.

6.3 CONSTRUCTION PHASE

For Option 1, the multi use rail trail and existing railway, the trail capital costs were \$20.056 million.

For Option 2 (with the railway extension to Trentham) additional costs are incurred in trail construction as the trail must follow an alternate route between Bullarto and Trentham of around \$1.6 million for a total of \$21.647 million.

With only a difference of around \$1.6 million (not including the railway extension costs for the DSCR) jobs generated during construction are similar for both - total 23.4 FTE jobs for Option 1 and 24.3 FTE jobs for Option 2.

¹² Spending in the region was estimated for trail users and rail passengers. Average spending per person is based on TRA data for the 2 shires – Hepburn LGA and Macedon LGA

6.4 OPERATIONS PHASE

Detailed economic analysis was undertaken for each of the trail options.

Option 1 Economic Impacts

- **Jobs:** For the Option 1 trail, a total of 11.8 full time equivalent jobs would be generated in year 1, increasing to 30.7 FTE jobs in year 10. Overnight visitors and day visitors generate most of these jobs due to their spending levels.¹²
- **Measured benefits:** include growth in regional income, health benefits and consumer/user valuation. For 10 years of operations these benefits total \$39.1 million.
- **BCR:** the Option 1 trail delivers a Benefit Cost Ratio (BCR) of 1.26 (7% discount rate).

Option 2 TRAIL ONLY Economic Impacts

- **Jobs:** For the Option 2 trail, a total of 10.6 full time equivalent jobs would be generated in year 1, increasing to 27.7 FTE jobs in year 10. Overnight visitors and day visitors generated most of these jobs due to their spending levels.
- **Measured benefits:** include growth in regional income, health benefits and consumer/user valuation. For 10 years of operations these benefits total \$35.2 million.
- **BCR:** The Option 2 trail delivers a Benefit Cost Ratio (BCR) of 1.05 (7% discount rate).

Option 2 (EXTENDED RAILWAY ONLY) Economic Impacts

- **Jobs:** For the extended rail, a total of 6.7 full time equivalent jobs would be generated in year 1, increasing 16.2 FTE jobs in year 10. Overnight visitor and day visitors generated most of these jobs due to their spending levels.
- **Measured benefits:** include growth in regional income, health benefits and consumer/user valuation. For 10 year of operations these benefits total \$14.4 million.
- **BCR:** the Option 2 trail delivers a Benefit Cost Ratio (BCR) of 1.02 (7% discount rate).

Option 2 (COMBINED TRAIL & EXTENDED RAILWAY PROJECTS)– Economic Impacts

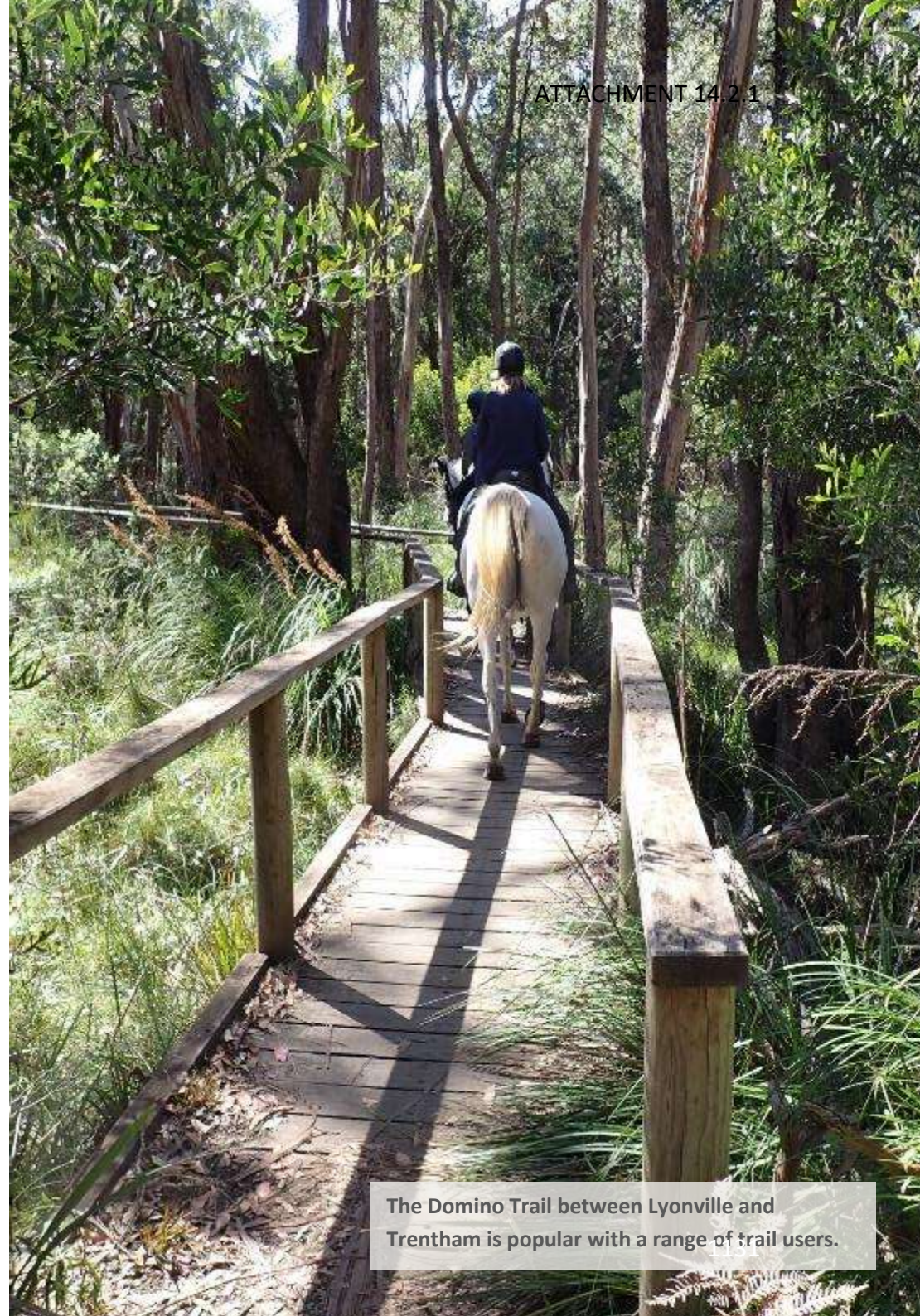
The economic impacts of Option 2 - the Daylesford to Hanging Rock Trail and the total impacts of the extension of the railway to Trentham (a new experience with a major growth in passengers) were examined together.

- **Jobs:** Spending in the region by trail users and rail passengers combined accounts for a total of 17.3 full time equivalent jobs in year 1, increasing to 43.9 FTE jobs in year 10.
- **Measured benefits:** include growth in regional income, health benefits and consumer/user valuation. In combination for 10 years of operations these benefits total \$49.6 million.
- **Costs:** the combined costs of the Daylesford to Hanging Rock trail and the extended railway to Trentham are \$33.9 million (capital cost and maintenance).
- **BCR:** the Option 2 trail and rail projects deliver a Benefit Cost Ratio (BCR) of 1.04 (7% discount rate).

6.5 ECONOMIC SUMMARY ASSESSMENT

Option 1, the rail trail and existing railway, has a higher Benefit Cost Ratio (or return on investment) than the combined Option 2, the rail trail and the extended train, however Option 2 still has a positive benefit cost ratio.

Option 2, combining the walking and cycling trail with the extended tourist railway, generates a higher level of economic benefit in the region. This also generates a higher number of jobs. This is mainly because of the much higher capital spend and also because the overall visitation to the two experiences is higher.



The Domino Trail between Lyonville and Trentham is popular with a range of trail users.

7 Final Assessment

7.1 VISITOR EXPERIENCE

A rail trail that connects Daylesford to Woodend, Kyneton and Hanging Rock could provide one of Australia's great shared trail experiences. The rural landscapes, forests, rivers, springs, towns and heritage are all within 1.5 hours from Melbourne, Australia's second largest city making the rail trail an attractive destination.

The Daylesford to Tylden section within Hepburn Shire has some of the most appealing sections of the rail trail linked to activities, attractions and interesting feature nodes including waterfalls, viewpoints, historical markers and desirable destinations including spas and wineries.

To make the rail trail a success requires a clear and realistic focus on what the market is seeking and delivering on what the rail trail users desire.

There are significant constraints in delivering the very best Daylesford to Tylden section of the rail trail experience if the most attractive sections are to be shared with an active heritage tourist railway service.

In a future scenario where funding was available for both projects to proceed, the attractiveness of the rail trail experience would be significantly reduced if the railway was extended to Trentham. The sections from Musk to Bullarto, and from Bullarto to Trentham, are the most attractive for a rail trail and it would be difficult to replicate this experience alongside the railway.

Key considerations for Council

The rail trail should be developed with a clear focus on market needs and realistic options for delivery.

The trail route and options should prioritise accessibility and proximity to activities, attractions and interesting feature nodes.

The level surface, embankments, cuttings and forest and riverine environment on which the rail bed sits between Bullarto and Tylden would provide one of the very best rail trail experiences close to Melbourne CBD.

The trail route should follow the rail bed between Daylesford and Trentham to achieve the most attractive route for visitors.

7.2 COMMUNITY VIEWS

The results of the *Daylesford to Tylden Rail Trail Feasibility Survey* indicated support for both the proposed rail trail and the DSCR tourist railway service. Many respondents supported a “Complimentary Trail” alongside the existing tourist train operations between Daylesford and Musk and alongside any new train service between Bullarto and Trentham.

There was also strong support for public access along the rail corridor with respondents enthusiastic about the development of easily accessible, safe and comfortable trail connections between the Hepburn communities along the rail corridor space.

Based on the survey comments, the development of a standalone tourist railway service along the rail corridor without the provision of sustainable, safe, popular and free access for local people and visitors would not be supported.

The future recreational trail or tourist railway use of the rail corridor will need to consider the views of current lease and licence holders (including the DSCR), neighbours, businesses owners and farmers along the length of corridor. People have also invested in the remarkable lifestyle provide by the landscape and small towns along the corridor and some of these people have expressed concern about future development.

The rail corridor traverses important forest and wetland areas where species of conservation significance are found. The importance of this area for conservation has been reflected in the change of status of Wombat Forest to National Park providing increase protection. Any future development of the corridor will need to have a focus on the protection of these biodiversity values and sustainability.

An important principle for the future use of the rail corridor is that it is available for broad community access and not restricted through exclusive use by the tourist railway.

The challenge and priority for Council is to ensure the very best rail trail experience is provided that reflects the needs of the community and the visitor market, whilst environmental and landscape values are protected.

Rail trails are valued for their minimal gradients which encourage enjoyment by many different users who seek their own ‘wilderness’ experiences whilst remaining in comfort and safety connected to attractive small towns. Well-designed rail trails when placed on the rail bed are environmentally sustainable and generally sit well within the landscape.

The preferred option is to place the rail trail on the rail bed within the rail corridor between Bullarto and Tylden because this provides the best setting and cost-effective opportunity for great sustainable rail trail experiences.

The addition of a rail trail will complement the existing DSCR tourist train experience and would provide opportunities to combine walking and cycling with the railway experience. It will provide an important public link between Daylesford and other local towns.

Key considerations for Council

The rail corridor is public space and the future use of this land should consider how trail and railway access can provide the very best community benefit.

The proposals’ potential impact on the environment should be carefully considered and the rail trail should travel on the existing rail bed where possible for minimal impact.

7.3 ECONOMIC BENEFIT

The analysis of the economic benefit provided by the two activities shows that the option of utilising the rail bed from Bullarto to Tylden for the rail trail would provide the highest return on investment.

The Daylesford to Hanging Rock trail will deliver significant economic benefits for the region. These assessments are based on conservative modelling assumptions, with experience from elsewhere showing potential to increase user numbers beyond these estimates.

7.4 CONCLUDING DISCUSSION

There is a direct conflict between establishing a high-quality rail trail for walkers and cyclists and the operation and extension of the existing heritage tourist railway.

The best rail trail experience would be to route the trail along the existing rail bed, particularly in the more hilly and varied terrain between Musk and Trentham, which is the most attractive section of the overall rail trail.

Constructing a walking and cycling trail along the rail corridor between Daylesford and Bullarto may compromise the railway historic heritage values of this corridor however there are no viable alternatives to create the right walking and cycling experience along this section.

Utilising the rail bed for the rail trail between Bullarto and Trentham would provide the best walking and cycling experience in this section. The alternative of constructing the trail within the corridor but not on the rail bed would be less attractive, more expensive and have greater impact on sensitive environments along this section.

Given the Musk to Trentham section of the proposed Daylesford to Hanging Rock rail trail is the most interesting and attractive section of the whole route it is essential this be developed to the best possible standard for the overall rail trail proposal to be a success.

It should be noted there are significant tenure and technical design issues which need to be considered and resolved during the technical design phase before a final decision on which option and route will be most achievable for the project.

7.5 FINAL RECOMMENDATION

Main findings:

- Implementing a rail trail between Daylesford and Tylden as part of the overall Daylesford to Hanging Rock Rail Trail is a feasible and desirable outcome with benefits for HSC residents, locals and regional tourism.
- A rail trail between Daylesford and Tylden should be given priority over other uses and located as much as practicable on the disused rail bed that runs between the existing stations
- Extending the existing DSCR from Bullarto to Trentham would compromise the rail trail experience because a more expensive and less attractive cycle and walking trail would be required.

Recommendation:

Council should maximise the opportunity for a rail trail which uses the existing rail bed between Bullarto and Trentham.

Next steps:

- Council determines its support and commitment to either a rail trail, rail extension or both together. This decision will direct the next planning, design and consultation steps
- progress the concept alignment for a rail trail between Daylesford and Tylden to detailed design investigating implications for Native Title, flora and fauna, heritage, cultural heritage, engineering and site-based testing
- develop a clear and robust communications strategy for design, planning and delivery of the identified project
- develop a partnership approach with Macedon Ranges Shire Council to allow for a collaborative approach to planning and designing the complete Daylesford to Hanging Rock Rail Trail. Consider joint funding applications and site analysis to ensure a consistent and cost-effective approach
- investigate measures required for biosecurity along the rail corridor where there are active farms
- investigate management and maintenance requirements and delivery arrangements for the selected option.



Appendix A: Tourism Data and Strategies

Current Tourism Performance

Travel in 2020 has been severely impacted by the coronavirus (COVID-19) pandemic, with significant rates of decline recorded across all top-level measures as a result of the restrictions on travel that were progressively implemented from February 2020.

Tourism is an important industry for regional Victoria. In the year ending June 2020, regional Victoria received approximately 50 million domestic (overnight and daytrip) and international overnight visitors combined, who spent an estimated \$9.8 billion.¹³

In establishing the most accurate benchmark visitation levels, where available, a combination of both pre COVID-19 and the latest visitor numbers should be considered.

Hepburn Shire

Tourism statistics for the Shire at an LGA level are compiled by Tourism Research Australia.

The following table provides the most recent figures for Hepburn Shire as compiled by Tourism Research Australia (TRA).

Table 5. Tourism Statistics for Hepburn Shire 2019¹⁴

	INTERNATIONAL	DOMESTIC OVERNIGHT	DOMESTIC DAYTRIP	TOTAL
Visitors	9,000	416,000 (Interstate 58,000 and Intrastate 357,000)	763,000	1,187,000
Nights	97,000	929,000 (Interstate 159,000 and Intrastate 770,000)	---	1,026,000
Average nights	11	2	---	2
Expenditure	Np	\$196 million	\$73 million	
Spend per trip	Np	\$471	\$96	
Spend per night	Np	\$211	---	\$194
Spend per night commercial accommodation	Np	\$273	---	np

¹³ Regional Victoria Tourism Summary – Year Ending June 2020

¹⁴ Local Government Area Profile, 2019, Hepburn (S), VIC | Tourism Research Australia

Daylesford and Macedon Ranges Tourism Region

At a regional level, in the year ending June 2020 Daylesford and the Macedon Ranges received approximately 2.9 million domestic (overnight and daytrip) and international overnight visitors combined, who spent an estimated \$432 million.¹⁵

The year-on-year change gives an indication of how the region has been affected by COVID-19 disruptions. For example, the severe drop of total visitor nights as show in Table 2 would be attributable to both the lack of international visitors and the restrictions placed on Melbourne residents who also frequent the area.

Table 6. Daylesford and the Macedon Ranges Visitors, Nights and Expenditure

VISITORS, NIGHTS AND EXPENDITURE	YE JUN 2019	YE JUN 2020	YOY CHANGE (YE JUN 2019-20)
Domestic Daytrip Visitors	2,385,000	2,295,000	-4%
Domestic Overnight Visitors	893,000	601,000	-33%
International Overnight Visitors	20,000	18,000	-11%
Domestic Visitor Nights	1,949,000	1,160,000	-40%
International Visitor Nights	293,000	---	---
Domestic expenditure (daytrip and overnight)	\$508 million	\$409 million	-19%
International expenditure	\$9 million	---	---

Source: Daylesford and the Macedon Ranges Regional Tourism Summary – Year Ending June 2020

The following table provides a comparison summary across the previous 2 years – again highlighting the impact of COVID- 19 on the region’s visitor economy.

Table 7. Comparison of 2019 and 2020 totals for Daylesford & Macedon Ranges

TOTALS	YE JUN 2019	YE JUN 2020	YOY CHANGE (YE JUN 2019-20)
Visitors	3,298,000	2,914,000	-12%
Visitor nights	2,242,000	1,323,000	-41%
Expenditure	\$516 million	\$432 million	-16%

Source: Daylesford and the Macedon Ranges Regional Tourism Summary – Year Ending June 2020

¹⁵ Daylesford and the Macedon Ranges Regional Tourism Summary – Year Ending June 2020

Hepburn and Daylesford LGAs

Customised data for the combined Hepburn and Macedon LGAs provided by Tourism Research Australia reveals the following insights into the domestic market (total overnight and daytrip visitors combined).

- 64% of domestic visitors to the region are from Melbourne, 31% are from regional Victoria and the next largest domestic market is from NSW with 2% of visitors
- Social activities followed by outdoor/nature are the most popular activities for both domestic overnight and domestic daytrip visitors
- 91% of all domestic visitors to the region are aged 25+ years. Only 9% of visitors are in the 15-24 years age group. One specific age group aged 25+ years does not stand out for visitation, with very little variation and all age groups above this recording between 17-19% of visitors each
- In relation to Daylesford Spa Country Railway, 8% of domestic visitors visit history/heritage buildings, sites or monuments.

Note: Data is based on a four-year average from 2016 to 2019.



Tourism Australia

Tourism Australia is the Australian Government agency responsible for attracting international visitors to Australia, both for leisure and business events. The organisation is active in 15 key markets and activities include advertising, PR and media programs, trade shows and industry programs, consumer promotions, online communications and consumer research.

Tourism 2030

Tourism 2030 has been placed on hold while industry and government focus on tourism recovery from the impacts of COVID-19.

Tourism 2020

Tourism 2020 was developed to respond to ongoing challenges and emerging opportunities for the Australian tourism industry. Providing a framework for growth, Tourism 2020 sought to assist tourism businesses remain competitive into the future in a dynamic global environment.

The six strategic areas were:

1. Grow demand from Asia
2. Build competitive digital capability
3. Encourage investment and implement the regulatory reform agenda
4. Ensure tourism transport environment supports growth
5. Increase supply of labour, skills, and Indigenous participation
6. Build industry resilience, productivity and quality.

Tourism 2020 was successful in supporting the industry to achieve record growth in the last decade, however due to the impact COVID-19 has had on international travel, agreement was reached to cease reporting on Tourism 2020 targets at the end of 2019 and focus on tourism recovery.

Tourism Australia is currently focussed on supporting domestic tourism, helping businesses survive and grow through the COVID- 19 pandemic recovery program initiated by the Federal Government. Campaigns initiated by Tourism Victoria include:

- **‘Holiday Here This Year’** (February 2021) - campaign encourages Australians to explore their home country, be it a city escape or an epic adventure across the country, all the while helping tourism businesses and communities to thrive.
- **‘Be The First’** (April 2021) – targeting and inviting New Zealanders to take advantage of the newly-created travel bubble.

With inbound international travel likely to remain in ebb well into 2022, Tourism Australia has recognised that the Australians who would have travelled internationally represent a major domestic travel target market looking to rediscover their ‘backyard’. Its campaigns reflect and promote the concept of Australia hosting desirable getaways that match the experiences once sought internationally, from short breaks to extended stays. Further, with lockdowns enforcing limited movement and extended housebound periods, it has been recognised that outdoor recreation and the ability to interact with natural environments is now a key driver of travel decisions. Destinations will be increasingly intra and interstate focused for the short to mid-term based on instability of travel restrictions and a desire to remain closer to home.

Recognising the desire for a return to the outdoors, campaigns such as Tourism Australia’s feature nature-based experiences as a primary pillar of promotion. This reflects well on Hepburn Shire as an accessible location to a large population that hosts a multitude of outdoor, trail-based experience opportunities matched to health and wellbeing (spa), high quality food, drink, historical and cultural attractions.

Visit Victoria

Visit Victoria is the primary tourism and events company for the State of Victoria. Visit Victoria's objective is to build Melbourne and Victoria into Australia's number one tourism destination by delivering strong and sustainable growth across priority markets.

Their goal is to revitalise the visitor economy, by generating \$36.5 billion in visitor spending by 2025 and support more than 320,700 jobs.

Victorian Visitor Economy Strategy

Priorities for action are:

- More private sector investment
- Build on the potential of regional and rural Victoria
- Improved branding and marketing
- Maximise the benefits of events
- Improved experiences for visitors from Asia
- Better tourism infrastructure, improved access into and around Victoria
- A skilled and capable sector
- More effective coordination.

In response to COVID, Visit Victoria has launched campaigns that double-down on Tourism Australia's approach by encouraging Victorians to support local businesses and regions by holidaying at home.

Its 'Stay close, go further' (November 2020) campaign is an intrastate drive tourism marketing initiative designed to help rebuild Victoria's visitor economy by promoting visitation and expenditure within the state, following the easing of travel restrictions designed to slow the spread of COVID-19.

The campaign is set to help rebuild the visitor economy by generating a 'call-to-arms' to get Victorians moving again by reigniting their passion for their home state. The campaign will also target visitors from bordering regions of New South Wales and South Australia once practical.

Stay close, go further follows the successful *Click for Vic* campaign, which encourages Victorians to buy Victorian and support our makers, creators, growers and producers while travel was restricted throughout Victoria.

As with Tourism Australia, Visit Victoria's messaging is a good match for Hepburn Shire's offering with a reputation for a talented community of artisans and craftspeople, desirable yet accessible landscapes, providing an ideal context for attracting the intrastate market from Melbourne and surrounding regions.

Hepburn Shire

Financial support is provided by HSC to DMT to attract visitation to the region and the Shire.

HSC also funds the management and operation of four Visitor Information Centres (VICs) across the Shire to help increase tourism spend and disperse tourists.

Tourism is managed under the Economic Development portfolio of HSC. Tourism is recognised as a key contributor to the local economy and an economic strength that must continue to be developed. Projects and initiatives related to tourism are addressed in the current Economic Development Strategy.

Tourism is directly related to the 'Visit' pillar of growth in the Economic Development Strategy, described as:

Invite the world to experience Hepburn Shire and all it has to offer. Mineral springs, forests and trails, food and wine, events, art and culture; these assets are a part of the unique experience that can be found in the Shire. Ensure the visitor experience is positive by presenting a place that is easy to navigate and attractive.

Visitor Markets

This study focuses on the strongest potential for market appeal – it is important therefore to understand the region’s brand, positioning, and chosen markets.

Branding

Daylesford Macedon Tourism (DMT) markets the Hepburn Shire and its main experiences through a comprehensive positioning statement and brand.

The branding is nestled underneath Victoria’s ‘Compact Diversity’ – delivered through rich intimate experiences’ brand essence. Nature sits as a brand attribute for the State although DMT is not specifically referenced in that attribute.

The branding for Daylesford and Macedon Ranges has a brand essence that is ‘Naturally Rejuvenating’. The key product strengths and offerings that deliver on that essence include ‘Outdoor experiences and attractions’. This includes walks, picnics, manicured gardens, Lavandula, national parks, botanic gardens (Wombat Hill, Kyneton, Malmsbury and Gisborne).

The Brand Pillars for the region include:

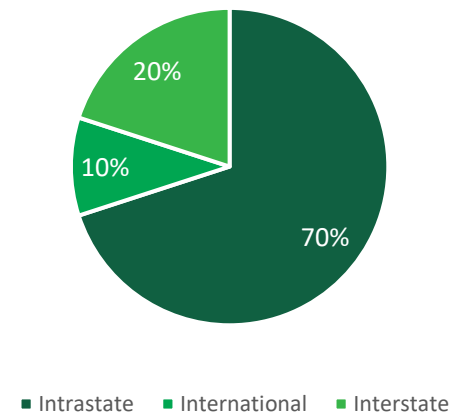
- Food and Drink – Indulge
- Escape and Rejuvenate – Refresh
- History and Culture – Learn
- Art and Artisans – Make.

The region’s walks, trails and the Daylesford Spa Country Railway support the delivery of these pillars and experiences and are important to the target markets being sought in the region.

Visitor Markets

The current market split is as shown in the figure below. The clear market in terms of volume is Intrastate with Melbourne providing a significant portion of those.

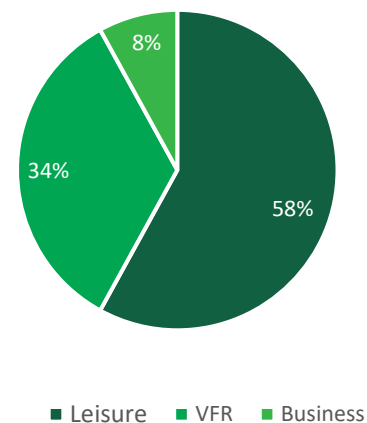
Figure 7. Visitor Source Markets - DMT



Source – DMT 2021

The visitor type is important, and the figure below shows the predominance of leisure visitors and visiting friends and relatives (VFR) markets.

Figure 8. Visitor Type for DMT Region



Source – DMT 2021

Appendix B: Rail Trail Cost Estimates

The following cost estimates are based on preliminary assessment of the rail corridor and reflect the needs and requirements of the rail trail market, what is achievable and with consideration of emerging environmental, community and sustainability issues.

The cost estimates relate to rail trail concept maps 1A - 1B, 2A - 2B and 3A - 3B and descriptions provided in Section 5.2 above; *Daylesford to Hanging Rock Rail Trail (Daylesford to Tylden) Rail Trail Options and Rail Trail Assessments*.

1A - 1B Daylesford to Bullarto 9.5 km

“Complimentary Trail” alongside the existing tourist train operations

Placement of the trail can be found close to or within the rail corridor alongside the existing tourist train operation (Daylesford to Bullarto). Some challenges include crossing wetland and forested areas requiring approvals and infrastructure design, e.g., cable bridges and boardwalks. Concerns have been raised by DSCR about the impact of this construction on the Heritage Rail status of the rail corridor. DSCR has also expressed the opinion that trails will detract from the tourist train experience in this section and had previously advised that there is no space anywhere along the existing rail corridor for trails to share cuttings or the embankment with trains.

Estimated Cost \$3,338,400 to \$4,119,300

Trails off the existing corridor

Crossing and utilising existing roads and forest track (note this option is considered unsuitable as it involves crossing the fast Daylesford to Tylden Road more than once and uses hilly roads and tracks). **Option not further investigated as unsuitable for a rail trail**

2A -2B Bullarto to Trentham 9km

Trails off the existing rail corridor to allow for future tourist train operations

There are serious challenges for visitor trail experience, trail sustainability and the environment the trail would pass through. There are significant watercourses and wetland crossings requiring infrastructure such boardwalks and new bridges. Significant approvals would be required including for endangered species and much of this area has now transferred from State Forest to National Parks. There are some creative options such as placing boardwalks alongside rail embankments, but this will be subject to significant engineering assessment.

Estimated Cost \$4,020,600

Trails on the existing rail bed exclusively without a tourist train.

The placement of the rail trail on the existing rail bed

Clearly the preferred option for high quality visitor experiences. The very best rail trail would follow the level surface and provide great views and comfortable walking, riding, running, cycling and in some cases horse riding. Infrastructure required for this option is reduced however there are still some bridges that require repair and in most cases for low weight loads unless emergency services vehicles and others are required to cross.

Estimated Costs \$2,430,600

3A - 3B Trentham to Tylden (Rippers Lane) 8km

This section would appear less complex however it crosses fast roads and areas of traditional farming with some low lying wet areas and where some farmers have expressed concerns regarding biosecurity and land management issues. These concerns may be addressed through understanding of the issues and providing logical solutions such as fencing, stock crossings and weed and vegetation management as part of the trail development. Biosecurity advice has been sought for other rail trails and has been considered a low risk. The experience of riding or walking through this farm country has its appeal particularly for diversity after visitors have experienced the hilly forested country and historic Trentham.

Estimated Costs \$1,200,000

Detailed Design, Documentation, Contingencies and Planning Approvals

The surveys undertaken during 2020 identified options for the development of rail trail experiences that reflect the market and where possible work cooperatively with landowners and the community. Further analysis of the trail corridor will be required to establish a more detailed design for a future rail trail. This will include environmental and cultural assessments as the water catchment areas where much of an off-rail bed would be situated and where important areas of conservation significance requiring assessments permit applications and potentially offsets linked to approvals. Planning and assessments costs were included in the initial indicative budgets. It is anticipated that as more focussed details develop regarding alignments further planning, consultation and engineering costs may be incurred.

Table 8. Cost estimates included in initial costs for planning and assessment

Biodiversity assessment and native vegetation planning, application approvals and offsets	\$60,000
Engineering, assessment, survey and design for rail and rail trail visitor and rail infrastructure	\$80,000
Heritage place assessment, survey, planning and approvals	\$30,000
Aboriginal Cultural heritage assessment, management, planning, permits and agreements	\$50,000
Rail Trail alignment survey and trail detail design including visitor information and interpretation	\$30,000
Lessee negotiations and biosecurity mitigation planning	\$20,000
Risk assessment and road crossing design	\$20,000
Order of cost estimates	\$10,000
Total Ex GST	300,000

Appendix C: Assumptions and Modelling – Trail Development Options

The following table shows the assumptions used in modelling each of the trail development options. The assumptions cover: trail users and rail experience users estimates and growth; and spending in the region (average per person), User estimates were developed for a 10 year period of operations.

ASSUMPTIONS	DESCRIPTION
Option 1	Trail extended from Daylesford to Hanging Rock Railway to Bullarto only (existing)
Trail Users	<p>Year 1 users: 5000 locals & 22,000 visitors = total 27,000¹⁶ Reaches around 66,000 in year 10</p> <p>Mix visitors: 60% day visitors; 40% overnight visitors</p> <p>Strong initial growth as trail is established and recognised.</p> <p>Growth rates (annual) locals -2.5%; Visitors: Years 1-5 25%; Years 6-10 5.5%</p> <p>Spending per person/day: Locals = \$30; Day visitors = \$71.50; Overnight visitors = \$153¹⁷ Overnight stays = average 1 night.</p>
Rail Users	<p>Year 1 10,000 passengers : 10% locals and 90% visitors. Largely static reaches around 11,400 in year 10.</p> <p>Mix visitors: 60% day visitors; 40% overnight visitors</p> <p>Growth rates (annual) all passengers 1.5%</p> <p>Spending per person/day: Locals = \$30; Day visitors = \$71.50; Overnight visitors = \$153 Overnight stays = average 1 night.</p> <p>Rail fare : average per person \$11 (midpoint \$9.50 & \$12.50)</p>
Option 2	Trail extended from Daylesford to Hanging Rock Railway track extended to Trentham
Trail Users	<p>Year 1 users: 90% of Option 1 - 4500 locals & 19,800 visitors Reaches around 59,000 in year 10. (i.e. 10% reduction due to change in trail route)</p> <p>Mix visitors: 60% day visitors: 40% overnight visitors.</p> <p>Strong initial growth as trail is established and recognised.</p> <p>Growth rates (annual) locals=2.5%; Visitors: Years 1-5 25%; Years 6-10 5.5%</p> <p>Spending per person/day: Locals = \$30; Day visitors = \$71.50; Overnight visitors = \$153¹⁸ Overnight stays - average 1 night.</p>
Rail Users	<p>Year 1 12,000 passengers : 10% locals and 90% visitors Reaches around 29,000 in year 10.</p> <p>Mix visitors: 60% day visitors: 40% overnight visitors</p> <p>Growth rates (annual): visitors 25% years 1-4 & 3.5% years 5-10; locals 1.5%</p> <p>Spending per person/day: Locals = \$30; Day visitors = \$71.50; Overnight visitors = \$153 Overnight stays = average 1 night.</p> <p>Rail fare : average per person \$20 (extended trail) derived from 2020 DSCR Business Plan 2020¹⁹</p>

Source: MCA modelling August 2021

¹⁶ Based on Loddon Campaspe Regionally significant Trails Strategy 2018-2023, RMCG, November 2017, P31

¹⁷ A simple average was calculated based the 2019 survey results for the 2 shires. Tourism Research Australia, LGA Profiles 2019, Hepburn LGA & Macedon LGA

¹⁸ A simple average was calculated based the 2019 survey results for the 2 shires. Tourism Research Australia, LGA Profiles 2019, Hepburn LGA & Macedon LGA

¹⁹ Addendum to Daylesford Spa Country Railway Strategy and Business Plan 2020, DSCR

Appendix D: Overview of Trail – Tylden to Hanging Rock.



15 DIVERSE ECONOMY AND OPPORTUNITY

15.1 AWARDING OF CONTRACT - HEPBU.RFT2021.216 - BULLARTO RAILWAY STATION BUILDING DIRECTOR COMMUNITY AND DEVELOPMENT

In providing this advice to Council as the Project Manager, I Elizabeth Atkin have no interests to disclose in this report.

ATTACHMENTS

1. CONFIDENTIAL - Report Request For Tenders Evaluation Bullarto Railway Station Pr [15.1.1 - 5 pages]

EXECUTIVE SUMMARY

This report seeks Council's endorsement to award contract HEPBU.RFT2021.256 to undertake the construction of the Bullarto Railway Station Building to 4Front construction for the fixed lump sum of \$557,730 (ex GST).

Four (4) tender submissions were received through a public tender process undertaken in accordance with Council's Procurement Policy. The tender submissions were evaluated against all mandatory criteria.

OFFICER'S RECOMMENDATION

That Council:

1. *Award contract number HEPBU.RFT2021.256 for the fixed lump sum of \$557,730 exclusive of GST to 4Front Construction;*
2. *That the Chief Executive Officer be delegated to sign and seal the contract documents on behalf of Council;*
3. *Resolve that the attached Tender Evaluation Report remain confidential and that the minutes record the successful tenderer and the accepted tender price; and*
4. *That contract variations be delegated to the financial delegate for each variation, up to a cumulative variation amount of 10% of the original contract sum.*

MOTION

That Council:

1. *Award contract number HEPBU.RFT2021.256 for the fixed lump sum of \$557,730 exclusive of GST to 4Front Construction;*

2. *That the Chief Executive Officer be delegated to sign and seal the contract documents on behalf of Council;*
3. *Resolve that the attached Tender Evaluation Report remain confidential and that the minutes record the successful tenderer and the accepted tender price; and*
4. *That contract variations be delegated to the financial delegate for each variation, up to a cumulative variation amount of 10% of the original contract sum.*

Moved: Cr Don Henderson

Seconded: Cr Brian Hood

Carried

BACKGROUND

The Bullarto Railway Station project will see the demolition and reconstruction of the current station building to replicate the original station building. A DDA amenity will be added to the station building and the precinct enhanced by the completion of the platform gardens and fencing to the south-eastern end of the platform.

This project forms a part of the broader aspirations of the Daylesford Spa Country Railway (DSCR) and aims to expand the unique tourism product offered through the current vintage rail that operates between Daylesford and Bullarto. The nine kilometre railway operates railmotors through the picturesque Wombat State Forest from Daylesford to Bullarto.

KEY ISSUES

Tenders for HEPBU.RFT2021.256 Bullarto Railway Station Building were invited via public advertisement on Council's website, on Tenders.net, the Bendigo Advertiser and the Ballarat Courier on 13 November 2021.

Tenders were received from four (4) tenderers and evaluated by an evaluation panel consisting of:

Name	Title
Chair: Elizabeth Atkin	Project Manager
Ben Grounds	Manager Projects
Rebecca Pedretti	Coordinator Economic Development

The Evaluation Panel evaluated the tenders received against the mandatory criteria as set out on the procurement policy.

Criteria	Weighting
Price	25%
Risk / OHS/ Quality Management	5%
Local Content	10%
Response to Specification	25%
Experience and Qualifications	25%
Business and Financial Capacity	5%
Sustainability	5%
SUBTOTAL	100%

The outcome of the tender evaluation is detailed in the attached Confidential Tender Evaluation Report.

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2021-2025

A healthy, supported, and empowered community

2.3 Optimise the use of public spaces to increase participation and community connection.

Embracing our past and planning for the future

3.3 Build and maintain quality infrastructure that supports and promotes liveability and active living in the community.

GOVERNANCE ISSUES

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report

FINANCIAL IMPLICATIONS

The funding for the project will be drawn from a budget allocation of \$677,430.

The cumulative expenditure under this contract is expected to exceed current approved Council budget and secured external funding in the order of \$45,024 (excl. GST), which will be referred to the midyear budget review.

RISK IMPLICATIONS

There are no risk implications associated with this report.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

There are no community or stakeholder engagement implications associated with this report.

16 A DYNAMIC AND RESPONSIVE COUNCIL

16.1 INSTRUMENTS OF APPOINTMENTS TO AUTHORISED OFFICERS UNDER THE PLANNING AND ENVIRONMENT ACT 1987 DIRECTOR ORGANISATIONAL SERVICES

In providing this advice to Council as the Governance Advisor, I Danielle Kraak have no interests to disclose in this report.

ATTACHMENTS

1. S11A Instrument of appointment authorisation Planning and Environ [16.1.1 - 1 page]

EXECUTIVE SUMMARY

The appointment of authorised officers enables appropriate staff within the organisation to administer and enforce various Acts, Regulations or Council local laws in accordance with the powers granted to them under legislation or a local law.

Instruments of Appointment and Authorisation are prepared based on advice from the Maddocks Authorisations and Delegations Service, which Council subscribes to.

Whilst the appointment and authorisation of authorised officers under other relevant legislation is executed by the Chief Executive Officer under delegation, Maddocks recommend that officers enforcing the *Planning and Environment Act 1987* be authorised by Council resolution.

Maddocks recommends that Council execute the appointment and authorisation of authorised officer under the *Planning and Environment Act 1987* because this Act place limitations on what powers can be sub-delegated, so by delegating direct from Council, the risk of decisions being challenged on the basis that the delegation was not appropriate is mitigated.

OFFICER'S RECOMMENDATION

That Council:

1. *In the exercise of the powers conferred by s 147(4) of the Planning and Environment Act 1987, resolves that:*
 - a. *The members of Council staff referred to in the instrument attached be appointed and authorised as set out in the instrument.*
 - b. *The instrument comes into force immediately it is signed by Council's Chief Executive Officer, and remains in force until Council determines to vary or revoke it.*

MOTION

That Council:

1. *In the exercise of the powers conferred by s 147(4) of the Planning and Environment Act 1987, resolves that:*

- a. *The members of Council staff referred to in the instrument attached be appointed and authorised as set out in the instrument.*
- b. *The instrument comes into force immediately it is signed by Council's Chief Executive Officer, and remains in force until Council determines to vary or revoke it.*

Moved: Cr Tessa Halliday

Seconded: Cr Lesley Hewitt

Carried

BACKGROUND

Instruments of Appointment and Authorisation empower relevant staff to exercise the powers granted to authorised officers by legislation or a local law.

The Instruments of Appointment and Authorisation prepared for Council's consideration are based on advice from the Maddocks Authorisations and Delegations Service.

Maddocks recommend that officers enforcing the *Planning and Environment Act 1987* be authorised by Council resolution and that Instruments of Appointment and Authorisation be refreshed on a regular basis.

The instruments have been prepared by the Governance Team after consultation with the internal departments of Council and have been recently updated to ensure new employees have been added to the S11a Instrument of Appointment .

The Instruments of Appointment to Authorised Officers that do not relate to the *Planning and Environment Act 1989* will be executed by the Chief Executive Officer as per legislation.

KEY ISSUES

Planning and Environment Act 1989

There a no legislative changes to the authorisation under the *Planning and Environment Act 1989*. The instrument has been updated in line with the revised organisation structure.

Powers are delegated to individuals, not positions.

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2021-2025

A dynamic and responsive Council

5.3 A sustainable and agile organisation with strong corporate governance that supports excellent operations

GOVERNANCE ISSUES

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

RISK IMPLICATIONS

There are no risk implications associated with this report.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Council subscribes to the Maddocks Authorisations and Delegations Service, and relevant advice has been considered in the preparation of this report.

This Instrument of Appointment and Authorisation has been prepared following feedback from Development and Community Services Department. There are no other community or stakeholder engagement implications or requirements associated with this report.

For transparency purposes, Council is required to prepare a register of Instruments of Appointment to Authorised Officers and Delegations on Council's website.

S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

Hepburn Shire Council

**Instrument of Appointment and Authorisation
(*Planning and Environment Act 1987* only)**

In this Instrument 'officer' means –

**Bronwyn Southee – Manager Planning and Development
Anita Smith – Statutory Planner**

**Callum Murphy – Statutory Planner
James McInnes – Statutory Planner
Donna Clode – Statutory Planner
Alison Blacket – Principal Strategic Planner
Glenn Musto – Principal Strategic Planner
Caroline Reisacher – Strategic Planner
Wallie Cron – Development Services Enforcement Officer
Norman Latta – Subdivision Officer**

By this instrument of appointment and authorisation Hepburn Shire Council -

1. under s 147(4) of the *Planning and Environment Act 1987* - appoints the officers to be authorised officers for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under s 313 of the *Local Government Act 2020* authorises the officers either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument -

- (a) comes into force immediately upon its execution;
- (b) remains in force until varied or revoked.

This instrument is authorised by a resolution of the Hepburn Shire Council on 21 December 2021.

This Instrument is made by the Chief Executive Officer of Hepburn Shire Council in the exercise of his authority to act on Council's behalf, which includes the authority conferred by resolution of Council made on 21 December 2021.



**Bradley Thomas
Chief Executive Officer
Hepburn Shire Council**

Date: 21 December 2021

16.2 CHIEF EXECUTIVE OFFICER (CEO) EMPLOYMENT AND REMUNERATION POLICY DIRECTOR ORGANISATIONAL SERVICES

In providing this advice to Council as the Manager People and Governance, I Krysten Forte have no interests to disclose in this report.

ATTACHMENTS

1. CEO Employment and Remuneration Policy December 2021 DRAFT [16.2.1 - 18 pages]

EXECUTIVE SUMMARY

The *Local Government Act 2020* has been in force since March 2020. Progressively, Council has been required to implement a range of documents, policies, strategies and plans and understand and apply the revised statutory and compliance obligations that are enshrined in the 'principle based' legislation.

By 31 December 2021, the Council are required to adopt a Chief Executive Officer (CEO) Employment and Remuneration Policy. This is the first of its kind for Hepburn Shire Council and for many local government agencies across Victoria.

OFFICER'S RECOMMENDATION

That Council adopt the Chief Executive Officer (CEO) Remuneration and Employment Policy in accordance with section 45 of the Local Government Act 2020.

MOTION

That Council adopt the Chief Executive Officer (CEO) Remuneration and Employment Policy in accordance with section 45 of the Local Government Act 2020.

Moved: Cr Lesley Hewitt

Seconded: Cr Tessa Halliday

Carried

BACKGROUND

Local Government Act 2020

The *Local Government Act 2020* came into force in March 2020 and has progressively been implemented in stages as provisions of the Act come in force. Gradually the *Local Government Act 1989* has been repealed and replaced.

There are new obligations that are set out in the *Local Government Act 2020* that relate to the CEO and the Policy and establishment of a committee. These obligations are extracted from the legislation below:

Division 7 – Chief Executive Officer & members of Council staff

- 1) A Council must develop, adopt and keep in force a Chief Executive Officer Employment and Remuneration Policy.**
- (2) A Chief Executive Officer Employment and Remuneration Policy must—**
 - (a) provide for the Council to obtain independent professional advice in relation to the matters dealt with in the Chief Executive Officer Employment and Remuneration Policy; and**
 - (b) provide for the following—**
 - (i) the recruitment and appointment process;**
 - (ii) provisions to be included in the contract of employment;**
 - (iii) performance monitoring;**
 - (iv) an annual review; and**
 - (c) include any other matters prescribed by the regulations.**
- (3) A Council must have regard to—**
 - (a) any statement of policy issued by the Government of Victoria which is in force with respect to its wages policy (or equivalent); and**
 - (b) any Determination that is currently in effect under section 21 of the Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019 in relation to remuneration bands for executives employed in public service bodies in developing the Chief Executive Officer Employment and Remuneration Policy.**
- (4) A Council must adopt the first Chief Executive Officer Employment and Remuneration Policy under this section within 6 months of the commencement of this section.**

Key elements of the Policy

Overview-

This Policy outlines the mechanisms which support Council in fulfilling its obligations regarding the CEO's employment and remuneration under the Act, including performance monitoring, annual review, and end of contract processes.

Aims/ role of the CEO -

- Work collaboratively with the Committee in determining the Performance Plan on an annual basis
- Participate in the performance appraisal process
- Make sure of constructive feedback from Council and the Committee members
- Undertake professional development on a needs basis, or via the Performance Plan

- Promptly draw to the attention of the Committee to required variations to the Performance Plan as required

Aims/ role of the Council -

- Establish the Committee
- Provided a process for the recruitment and appointment of the CEO
- Draft and approve the Contract of Employment
- Seek and be provided by legal advice in relation to the policy matters
- Provide a process for determining and reviewing the CEOs remuneration package
- Provide the process for monitoring the CEO's performance, inc. Setting the Performance Plan
- Provide the process for conducting an annual review of the CEO performance
- Determine whether variations to the conditions of the CEO employment package, as well as the remuneration package
- Provide the process for the appointment of an Acting CEO for a period of more than 28 days

The CEO Employment and Remuneration Committee -

- Council have to establish a CEO Employment and Remuneration Committee
- The Committee acts as an 'advisory' committee to Council
- Key functions of the Committee to provide advice and make recommendations to Council with respect to:
 - o A PD for the CEO
 - o Selection and appointment of a consultant to undertake the recruitment process leading to the recommendation to Council f a preferred candidate & recommended remuneration package
 - o The annual review of the CEO's performance, including the KPI's
 - o Provisions in the contract of employment & determining the performance plan
 - o The CEO's remuneration after assessing the performance against the Performance Plan
 - o The appointment of an Acting CEO for a period excessing 28 days
 - o Implementation of this Policy

Membership / composition of the Committee -

The committee will compromise of the following:

- Mayor – to chair
- All councillors
- The Chair of the Audit and Risk Committee
- An independent committee member

Other committee details such as meeting frequency (must meet at least twice a year), meeting procedure determination, preparation of council reports, including recommendations

Quorum – to be determined by Committee but not less than Mayor & two Councillors

Format of meeting - virtual, in person or hybrid

Secretariate function – minute taking.

****Noting requires the Council to accept any or all of the Committee recommendations****

Independent member -

Appointment

- Appointed by Council after a public process seeking EOI's for the role

Qualifications

- Must have human resource qualifications and demonstrated management skills, senior business experience incl. Local government and/or employment law background
- Experience in senior level performance appraisal

Term

- Appointment term - 3 years
- Able to reapply at discretion of Council for a second 3 year term.
- Min. 2 x 3 year terms
- Officers propose that the remuneration of the Independent member is the same as a sitting fee that is paid to an Independent Audit and Risk Committee member, as per the Audit and Risk Committee Charter being \$335 (with alignment with the rate cap % each 1 July. This will be rounded up to the nearest \$5).
- The recruitment panel for the role of Independent Member will be the
 - Mayor
 - Deputy Mayor
 - Audit and Risk Committee Chair
 - Manager People and Governance

Duties

- Independent advice
- Actively participate in the Committees review of the CEO performance against the Performance Plan

Remuneration

- Sitting fee- in line with Victorian Government guidelines for Committees
- Reimbursement for travel fees

Recruitment Process for the CEO -

- Can seek independent professional advice from consultant in line with procurement policy for recruitment process

- The Committee to determine
 - Key factors consultant should consider for candidate review
 - Initial remuneration package & other employment conditions based on industry benchmarks
 - Key accountability of CEO
 - Selection criteria
 - Search and selection process
 - Must seek Council approval
 - Must have regard to the Recruitment Policy to
 - Ensure based on merit
 - Transparency in recruitment, public advertising
 - Regard to gender equality, diversity, and inclusiveness
- Committee to oversee the candidate pool
- Interview relevant candidates

Appointment -

- Council to receive a report from Committee post recruitment process
- Council proceeds to decide on preferred candidate with support from Committee to negotiate
- Appointment must be made by Council resolution
- Committee with consultant if appointed, develop an onboarding program for new CEO.
- Appointment considerations should be informed by the **Local Government Inspectorate Report released in 2019 titled Managing the Employment Cycle of a CEO as attached to this report.**

Reappointment of CEO -

- Within 6 months of expiry of contract Committee to recommend to Council of
 - Re appointment
 - If reappoint – contract of employment
 - Current CEO appointment again made by council resolution

Contract of employment -

- Cannot exceed 5 years in accordance with legislation
- Responsibilities, duties
- Leave entitlements
- Dispute resolution procedures
- Managing unsatisfactory performance
- Conflict of interest management requirements
- Process for early termination
- Can only be varied by a resolution of Council and accepted by the CEO

Performance monitoring -

Council:

- Responsible for adopting the Annual Performance Plan – including. KPI's

Committee:

- Prepare the draft Performance Plan
- Consult with CEO on KPI's - 21 month period
- Ensure CEO submits quarterly Performance Plan to Committee
- Present the performance plan to council
- Ensure all councillors available to provide comment on appraisal of CEO performance

CEO:

- First 3 or 6 months of Term to present overview of findings during early months

Annual Review -

Committee:

- Required to submit an annual review report to Council, incl:
 - o CEO achievements against performance plan
 - o Proposed variation (if any) to remuneration package
 - o KPI's etc to be varied under Performance Plan
 - o Personal / professional development Plan for CEO
- Submits to Council only after a meeting with the CEO to discuss proposed recommendations

Remuneration and Expenses -

- Remuneration Package to statement of policy issued by the Government of Victoria which is in force with respect to its wages policy AND Public Sector Wages Determination.
- considered as part of the Committee's annual review
- will be reviewed on an annual basis within one month following the Performance Review
- Council will meet expenses incurred by the CEO in relation to
 - o membership and subscription fees payable to professional associations
 - o reasonable costs incurred where attending conferences, seminars or other networking functions;
 - o reasonable costs incurred in performance of required duties

Acting Chief Executive Officer -

- Must be appointed by Council via a Council resolution
- The exemption to this if the appointment is for an Acting CEO for less than 28 days (less than 28 days, CEO is delegated to determine).
- The Committee may advise Council on the selection and appointment of an Acting CEO

Delegation -

- Council cannot delegate the power to appoint a CEO – permanent, acting basis only for a period of not exceeding 28 days
- Council must not delegate the power to make any decision in relation to the employment, dismissal, or removal of the CEO

Review

First review - The CEO Employment and Remuneration Policy will be reviewed within six-months (6) of its adoption by Council = 31 June 2022.

Second review - This Policy will thereafter be reviewed at least every two years by the Committee = 31 June 2024

Third review - Within 6 months of each Council election = 30 April 2025

KEY ISSUES

Next steps post policy establishment:

- Committee establishment
- Membership appointment
- Quorum determination
- Meeting procedure
- Meeting frequency
- Report preparation
- Appointment of an independent committee member
- Engagement with ARC chair about role on the Committee

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2021-2025

A dynamic and responsive Council

5.4 Improve staff resourcing, support, and capacity building.

GOVERNANCE ISSUES

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

RISK IMPLICATIONS

There are no risk implications associated with this report.

There risks associated with non compliance with the Local Government Act 2020 if this Policy is not adopted by Council before 31 December 2021.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

There are no community or stakeholder engagement implications associated with this report.

CEO EMPLOYMENT AND REMUNERATION POLICY

POLICY NUMBER:	XX (C)
NAME OF POLICY:	CEO EMPLOYMENT AND REMUNERATION POLICY
DATE OF NEXT REVIEW:	Within six-months of adoption by Council, and then within six-months of each Council Election
DATE APPROVED:	
RESPONSIBLE OFFICER:	Manager People & Governance
REFERENCES:	Local Government Act 2020 Charter of Human Rights and Responsibilities Act 2006 (Vic) Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019 Procurement Policy and Procedure

CEO EMPLOYMENT AND REMUNERATION POLICY

Service Performance Principles as defined in section 106 of the Local Government Act 2020

Service performance principles

(1) A Council must plan and deliver services to the municipal community in accordance with the service performance principles.

(2) The following are the service performance principles—

(a) services should be provided in an equitable manner and be responsive to the diverse needs of the municipal community;

(b) services should be accessible to the members of the municipal community for whom the services are intended;

(c) quality and costs standards for services set by the Council should provide good value to the municipal community;

(d) a Council should seek to continuously improve service delivery to the municipal community in response to performance monitoring;

(e) service delivery must include a fair and effective process for considering and responding to complaints about service provision.

CEO EMPLOYMENT AND REMUNERATION POLICY

INTRODUCTION

This is the Chief Executive Officer Employment and Remuneration Policy (**Policy**) of Hepburn Shire Council (**Council**), made in accordance with section 45 of the *Local Government Act 2020*.

This Policy provides for the following matters which Council is responsible for under the Act or as a requirement of this Policy:

- (a) the recruitment and appointment of the Chief Executive Officer;
- (b) approving the Contract of Employment entered into between Council and the Chief Executive Officer;
- (c) the appointment of an Acting Chief Executive Officer for a period in excess of 28 days in accordance with section 11(3) of the *Local Government Act 2020*;
- (d) the provision of independent professional advice in relation to the matters dealt with in the Policy;
- (e) the monitoring of the Chief Executive Officer's performance;
- (f) an annual review of the Chief Executive Officer's performance; and
- (g) determining the Chief Executive Officer's remuneration.

SCOPE

This policy applies to the employment and remuneration of the Chief Executive Officer.

The Policy relates to all parties who are involved, determined by legislation, in the employment, remuneration and performance monitoring of a CEO.

The CEO, or the Acting CEO, is a member of Council staff (Section 45) of the Act.

OVERVIEW

This Policy outlines the mechanisms which support Council in fulfilling its obligations regarding the CEO's employment and remuneration under the Act, including performance monitoring, annual review and end of contract processes.

The aims of the CEO in relation to this Policy are to:

CEO EMPLOYMENT AND REMUNERATION POLICY

- work collaboratively with the Committee in determining the Performance Plan on an annual basis;
- actively participate in the performance appraisal process as required by the Committee;
- make use of constructive feedback from Councillors and Committee Members in relation to performance appraisals;
- undertake professional development on an as needed basis, or as part of the Performance Plan; and
- promptly draw the Committee's attention to any situation where any variation of the Performance Plan may be required in light of the current circumstances.

The aims of Council (including via the Committee) in relation to this Policy are to:

- establish the Committee;
- provide processes for the recruitment of a natural person, and their appointment, to the position of CEO;
- draft and approve the Contract of Employment entered into between Council and the CEO;
- seek and be guided by independent professional advice in relation to the matters dealt with in this Policy;
- provide processes for determining and reviewing the CEO's Remuneration Package;
- provide processes for the monitoring of the CEO's performance including setting the Performance Plan and conducting an annual review;
- determine, as required, whether any variations to the Remuneration Package and terms and conditions of employment of the CEO; and
- provide processes for the appointment of an Acting Chief Executive Officer for a period in excess of 28 days in accordance with section 11(3) of the Act.

POLICY

CEO EMPLOYMENT AND REMUNERATION POLICY

Council will carry out its functions relating to the appointment, remuneration and performance appraisal of the CEO in accordance with the following best practice principles:

- decision-making principles that are fair, transparent, and applied consistently;
- decision-making criteria that are relevant, objective, and available to the person subject to the decision:
- decisions and actions that are conducive to ongoing good governance;
- documentation that is clear and comprehensive to render decisions capable of effective review;
- employment decisions that are based on the proper assessment of an individual's work-related qualities, abilities, and potential against the genuine requirements of the role; and
- decisions to appoint a new employee are based on merit.

1. CEO Employment and Remuneration Committee

Council will establish a CEO Employment and Remuneration Committee (**the Committee**) in accordance with section 45(1) of the Act.

The Committee will be an advisory committee to Council.

The purpose of the Committee is to consider and make recommendations to Council with respect to:

- a Position Description for the CEO;
- the selection and appointment of a recruitment consultant (**the Consultant**) to undertake the recruitment process leading to the recommendation to Council of a preferred candidate for the CEO position and a recommended remuneration package;
- the annual review of the CEO's performance, including against the KPIs;
- the provisions to be included in the Contract of Employment from time to time (including any agreed modifications to the Position Description) and determining the Performance Plan;

CEO EMPLOYMENT AND REMUNERATION POLICY

- the CEO's remuneration, after assessing the CEO's performance against the Performance Plan;
- appointment of an Acting CEO for a period in excess of 28 days in accordance with section 11 (3) of the *Local Government Act 2020*; and
- implementation of this Policy.

Composition of the Committee

The Committee will comprise of the following:

- the Mayor;
- all Councillors;
- the Chair of the Audit and Risk Committee;
- an Independent Member.

The Committee is to be chaired by:

- the Mayor, or
- if the Mayor is absent, a Councillor who is present at the Committee meeting and is appointed by the members of the Committee who are also present, or
- An associated workplace lawyer of the organisation may appoint a Chair.

The Committee is to hold meetings as often as is necessary to:

- undertake actions in respect of the recommendations as outlined under the purpose of the committee above;
- prepare documentation relevant to the CEO's employment and remuneration, including Council reports and contractual documents;
- conduct and maintain appropriate records regarding performance monitoring and annual reviews of the CEO; and
- review the Remuneration Package and conditions of employment of the CEO,

for the approval of Council, provided that the Committee meets at least twice in each year.

CEO EMPLOYMENT AND REMUNERATION POLICY

The Committee will provide a report to Council following each meeting describing its activities and making recommendations about any action to be taken by Council.

The Committee will determine its procedures at its first meeting, which will include:

- the rules for its meetings, noting that meetings should be conducted with as little formality and technicality as appropriate to fulfil the Committee's purposes;
- how often the Committee will meet, provided that the Committee meets at least twice in each year;
- quorum, provided that the quorum is not less than the Mayor and two Councillors;
- means of attendance at Committee meetings (e.g. in person or electronically); and
- the taking of the minutes of the Committee meetings,

and will communicate the procedures to Council.

For avoidance of doubt, nothing in this Policy requires Council to accept any or all of the Committee's recommendations.

2. Independent Member

Appointment

The Independent Member will be appointed by Council following a public process seeking Expressions of Interest from suitably qualified and experienced candidates to fill the position of Independent Member.

The Independent Member will have:

- human resource qualifications and demonstrated management skills, senior business experience (including Local Government) and/or and employment law background;
- demonstrated ability in relation to executive level performance appraisal, professional development, and remuneration;
- significant experience working with Executives and Board Members in a similar professional advisory role.

CEO EMPLOYMENT AND REMUNERATION POLICY

- The Mayor, Deputy Mayor, Audit and Risk Committee Chair and Manager People and Governance will undertake the recruitment to this role, including shortlisting and a recommendation to the Committee and Council.

Term

The Independent Member will be appointed for a term of three years.

At the conclusion of the three-year term, the Independent Member will be eligible to apply to be reappointed at the discretion of Council for a second three-year term.

A maximum of two 3-year terms may be served by the Independent Member.

Duties

The Independent Member is responsible for providing independent professional advice in relation to the matters dealt with under this Policy in accordance with section 45(2)(a) of the Act.

Duties of the Independent Member are to actively participate in the Committee's review of the CEO's performance against the Performance Plan.

Independent Member remuneration will be based on a sitting fee per meeting, in line with Victorian Government guidelines for like committees.

The Independent Member will be reimbursed for all travel expenses incurred in the course of providing independent professional advice to Council, in accordance with ATO allowances.

Other matters

Council, or the Committee with the approval of a Resolution, can, on an as needed basis, obtain additional independent professional advice in relation to the matters dealt with under this Policy.

3. Recruitment of the CEO

Process

The Committee will establish and manage the process to recruit the CEO, designed to ensure that Council can select the best available candidate from a short list of preferred candidates (with or without a recommendation from the Committee).

CEO EMPLOYMENT AND REMUNERATION POLICY

Independent Professional Advice from the Consultant

In accordance with Council's procurement policy and with the assistance of the Manager People & Governance, if required, the Committee may seek and appoint a Consultant to:

- manage and assist in the process of selecting suitable candidates and managing interviews for the position of CEO;
- provide advice on remuneration;
- provide advice on contract conditions; and
- provide advice on the Performance Plan.

A track record of successful CEO appointments should be the main criteria for appointment of the Consultant.

If the Consultant is engaged, the Committee must liaise with the Consultant in connection with the recruitment process.

Recruitment

In conjunction with the Consultant (if appointed), the Committee will develop and agree upon:

- the key factors that the Consultant should consider when preparing a list of candidates to be recommended for the Committee to interview;
- the initial Remuneration Package and other employment conditions based on industry benchmarks (refer to Remuneration and Expenses below);
- key accountabilities of the CEO;
- selection criteria based on the key accountabilities; and
- a search and selection process and timeframe.

The Committee will seek approval from the Council in relation to all preparatory work once completed.

The Committee must have regard to Council's Recruitment Policy when considering the recruitment of the position of CEO to:

- ensure that the recruitment decision is based on merit;

CEO EMPLOYMENT AND REMUNERATION POLICY

- support transparency in the recruitment process and the public advertising of the position; and
- ensure that regard is had to gender equity, diversity and inclusiveness.

In conjunction with the Consultant (if appointed), the Committee will:

- oversee the development of the candidate pool by the Consultant, providing feedback on the quality of candidates being identified;
- review the Consultant's report on the candidate pool and make decisions regarding which candidates should be carried forward to interviews by the Committee; and
- interview relevant candidates identified by the Consultant and select/refer the final candidates for short list interviews with Council.

Appointment

Council will receive a report from the Committee on the completion of its role in the recruitment process, and Council will proceed to decide on a preferred candidate with the support of the Committee to negotiate and finalise the Contract of Employment.

The Committee will provide a recommendation to Council on the provisions to be contained in the proposed Contract of Employment.

The appointment of the CEO must be made by a resolution of Council.

The Committee will, in consultation with the Consultant, develop and recommend to the Council an onboarding program for the new CEO.

Reappointment of the CEO

Within six-months (6) prior to the expiry of the current CEO's Contract of Employment, the Committee will provide a recommendation to Council on:

- whether the CEO should be reappointed under a new Contract of Employment; and
- if the recommendation is to reappoint the CEO, the proposed provisions of the further Contract of Employment.

Any reappointment of the current CEO must be made by a resolution of Council.

CEO EMPLOYMENT AND REMUNERATION POLICY

Contract of Employment

The Contract of Employment is to be read in conjunction with this Policy (but the terms of the Policy are not incorporated into the Contract of Employment).

The Contract of Employment will, at a minimum, outline the following:

- the employment term, which must not exceed 5 years in accordance with section 44(2) of the Act;
- the responsibilities and duties of the position, including compliance with the Act and the Code of Conduct;
- the conflict of interest management requirements;
- the Remuneration Package and other entitlements;
- any legislative and contractual obligations, including those during and continuing after appointment;
- the CEO's leave entitlements;
- dispute resolution procedures;
- processes for managing unsatisfactory performance;
- processes for early termination, including notice of termination provisions [optional noting that the Protecting integrity: Leading the Way Report (February 2019) notes that the general view from the sector is the suggested range should be 6-12 months for termination for any reason, and the standard VPS Executive Contract provides for 4 months] with notice of termination by Council being restricted to a maximum of six (6) months; and
- any other matters required to be contained in the Contract of Employment by the Regulations.

The Contract of Employment may only be varied by a resolution of Council and accepted by the CEO, recorded in a deed of variation.

Performance Monitoring

CEO EMPLOYMENT AND REMUNERATION POLICY

Council is responsible for adopting an annual Performance Plan for the CEO, which will include KPIs. The Performance Plan must be developed collaboratively between the CEO and the Committee.

Following the CEO's appointment, the Committee's role is to:

- prepare a draft Performance Plan in consultation with the CEO for Council's consideration;
- seek (if required) external advice on facilitation and criteria for the Performance Plan and review;
- in consultation with the CEO, identify and agree on the KPIs to be included in the Performance Plan that the CEO should work towards achieving over a 12-month period;
- ensure that the CEO submits a Performance Plan report to the Committee on a quarterly basis and is given the opportunity to present the CEO's self-assessment to Council;
- ensure all Councillors are invited to provide comments of appraisal of the CEO's performance to the Committee;
- attend to the collection and collation of Councillor feedback in relation to the CEO's performance as measured against the Performance Plan;
- provide feedback to the CEO about their performance and proposed outcome of the remuneration review.

Following the initial three (3) or six (6) months of the CEO's term, a workshop with Councillors and the CEO should be coordinated so that:

- the CEO can prepare and present an overview of their findings during the early months, and highlight any projections or forecasts of relevance to Council during their tenure;
- Councillors can provide feedback to the CEO on their perspective of the CEO's performance during the initial period; and
- Council and CEO can agree to projects and priorities for inclusion in the CEO's Performance Plan and KPIs.

CEO EMPLOYMENT AND REMUNERATION POLICY

Nothing in this Policy prevents the Committee and/or Council from monitoring the CEO's performance on an ongoing basis.

Annual Review

In preparation for Council's review, the Committee is required to submit an annual review report (Annual Review Report) to Council which includes recommendations on the following:

- the CEO's achievement of the Performance Plan (including the KPIs);
- any proposed variation to the Remuneration Package as set out in Remuneration and Expenses below;
- any KPIs or other criteria that ought to be varied under the Performance Plan;
- any personal and/or professional development plan for the CEO for the next 12-month period; and
- any other necessary matters.

The Committee will submit the Annual Review Report to Council only after meeting with the CEO to discuss the Committee's proposed recommendations.

Council shall, after receipt of the Annual Review Report, review the recommendations in the Annual Review Report and advise the CEO of the outcomes of the review process.

Remuneration and Expenses

The Remuneration Package provided to the CEO will have regard to (in accordance with section 45(3) of the Act) any:

- statement of policy issued by the Government of Victoria which is in force with respect to its wages policy (or equivalent);¹ and
- Public Sector Wages Determination².

¹ Section 45(3)(a) of the Act requires Council to have regard to any statement of policy issued by Government of Victoria which is in force with respect to its wages policy (or equivalent). The current Victorian Government Wages Policy applies in the public sector until 31 December 2021. See: <https://www.vic.gov.au/wages-policy-and-enterprise-bargaining-framework>

² Section 45(3)(b) of the Act requires Council to have regard to the published remuneration bands for executives employed in public service bodies. See: <https://www.vic.gov.au/tribunals-determination-vps-executive-remuneration-bands>

CEO EMPLOYMENT AND REMUNERATION POLICY

The Remuneration Package will be considered as part of the Committee's annual review.

The Remuneration Package will be reviewed on an annual basis within one month following the Performance Review, in accordance with the CEO's Performance Plan and contractual requirements, having regard to:

- Any statement of policy issued by the Government of Victoria which is in force with respect to its wages policy (or equivalent);³
- Public Sector Wages Determination⁴.
- the CEO's achievement of the Performance Criteria;
- the extent of any increase over the preceding 12 months in the Consumer Price Index (All Groups, Melbourne) as issued by the Australian Statistician;
- market rates for comparable positions, including:
 - McArthur Annual CEO Remuneration reviews
 - Municipal Association CEO Annual Remuneration reviews;
 - Reviews with comparable councils; and
- the acquisition and satisfactory utilisation of new or enhanced skills by the Officer if beneficial to or required by the Council.

Council will meet expenses incurred by the CEO in relation to:

- membership and subscription fees payable to professional associations which are reasonably necessary in order to carry out duties;
- reasonable costs incurred where attending conferences, seminars or other networking functions; and
- reasonable costs incurred in performance of required duties.

³ Section 45(3)(a) of the Act requires Council to have regard to any statement of policy issued by Government of Victoria which is in force with respect to its wages policy (or equivalent). The current Victorian Government Wages Policy applies in the public sector until 31 December 2021. See: <https://www.vic.gov.au/wages-policy-and-enterprise-bargaining-framework>

⁴ Section 45(3)(b) of the Act requires Council to have regard to the published remuneration bands for executives employed in public service bodies. See: <https://www.vic.gov.au/tribunals-determination-vps-executive-remuneration-bands>

CEO EMPLOYMENT AND REMUNERATION POLICY

The Committee will review and confirm the memberships and subscription fees payable as part of the annual remuneration review. The Council may require reasonable documentary evidence of expenses before meeting the expenses outlined above.

ACTING CHIEF EXECUTIVE OFFICER

Council must appoint an Acting CEO when there is a vacancy in the office of the CEO or the CEO is unable to perform their duties of the office of Chief Executive Officer.

The appointment of the CEO must be made by a resolution of Council unless the Acting CEO is appointed for a period not exceeding 28 days, in which case the CEO may appoint an Acting CEO under delegation from Council pursuant to section 11(3) of the Act.

The Committee may advise Council on the selection and appointment of an Acting CEO.

INDEPENDENT ADVICE

The Independent Advisor is responsible for providing independent professional advice in relation to the matters dealt with under this Policy in accordance with section 45(2)(a) of the Act.

The Independent Advisor will be appointed on the recommendation of the Committee to Council, following a process to seek experienced and suitably qualified persons but must not be the Executive Search Consultant appointed by Council to assist in the recruitment process.

Council will determine the:

- term of appointment of the Independent Advisor; and
- remuneration of the Independent Advisor,

and ensure that it is a term of the Independent Advisor's engagement that the Independent Advisor keep confidential all information which the Independent Advisor acquires by virtue of the engagement.

Council, or the Committee with the approval of a Resolution, can, on an as needed basis, obtain additional independent professional advice in relation to the matters dealt with under this Policy.

Administrative Support

CEO EMPLOYMENT AND REMUNERATION POLICY

Council acknowledges that, in implementing this Policy, it, the Committee and/or the Independent Advisor will from time to time require the assistance of members of staff, including assistance in relation to governance and human resources matters.

Council, the Committee and/or the Independent Advisor may from time to time request a member of staff to provide assistance in implementing this Policy, recognising that the position of the member of staff is made difficult because he or she is accountable to the CEO (or a person acting as CEO) and therefore acknowledging that requests for assistance need to be limited to no more than those which are reasonably necessary.

INTERACTION WITH ACT AND REGULATIONS

This Policy applies subject to any inconsistent obligations in the Act or the Regulations.

CONFIDENTIALITY

Council is not required to disclose any personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

DELEGATIONS

Council must not delegate the power to appoint the CEO, whether on a permanent or acting basis, however, it may delegate to the CEO the power to appoint an Acting CEO for a period not exceeding 28 days (sections 11(2)(d) and 11(3) of the Act).

Council must not delegate the power to make any decision in relation to the employment, dismissal or removal of the CEO (section 11(2)(e) of the Act).

DEFINITIONS

The following terms are referred to in the policy.

Term	Definition
Council	Hepburn Shire Council
Council Staff	Includes permanent and temporary full-time and part-time council employees, and contractors and consultants while engaged by Council.

CEO EMPLOYMENT AND REMUNERATION POLICY

Term	Definition
Act	<i>Local Government Act 2020</i>
Annual Review Report	Has the meaning on page 13
ATO	Australia Taxation Office
Chief Executive Officer	Chief Executive Officer of Council
Committee	CEO Employment and Remuneration Committee established under this Policy
Contract of Employment	Contract of employment between Council and the CEO, including any schedules
Council	Hepburn Shire Council
Councillors	Individuals holding the office of a member of Hepburn Shire Council
Council meeting	Has the same meaning as in the Act
Executive Search Consultant	Consultant with specialist expertise in sourcing and evaluating candidates for senior executive roles
Independent Advisor	Consultant appointed by Council from time to time to provide independent advice in accordance with section 45(2)(a) of the Act.
KPIs	Key Performance Indicators or performance criteria however prescribed.
Mayor	Mayor of Council
Performance Plan	Annual performance plan setting out KPIs for the CEO
Policy	CEO Employment and Remuneration Policy adopted in accordance with section 45 of the Act.
Public Sector Wages Determination	Determination that is currently in effect under section 21 of the <i>Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019</i> in relation to remuneration bands for executives employed in public service bodies.
Recruitment Policy	Recruitment policy adopted by the CEO under section 48(2) of the Act.
Regulations	Regulations made under Division 7 of Part 2 of the Act.
Remuneration Package	Total gross remuneration package paid to the CEO pursuant to the Contract of Employment.

CEO EMPLOYMENT AND REMUNERATION POLICY

Term	Definition
Resolution	Resolution of Council made at a properly constituted Council meeting.

FURTHER INFORMATION

Any enquiries about the CEO Employment and Remuneration Policy should be directed to Council's Manager People & Governance.

IMPLEMENTATION

Legal Counsel will advise on the implementation of the CEO Employment and Recruitment Policy in practice, and People and Culture Advisory will support the implementation by supporting process, file notes and undertaking to seek services as required by The Committee.

REVIEW

The CEO Employment and Remuneration Policy will be reviewed within six-months (6) of its adoption by Council.

This Policy will thereafter be reviewed at least every two years by the Committee and within six-months (6) of each Council election, and the Committee will make a recommendation to Council with respect to any suggested changes.

The officer responsible for the review of this policy is the Manager People and Governance.

16.3 PROCUREMENT POLICY 2021 DIRECTOR ORGANISATIONAL SERVICES

In providing this advice to Councillors as the Manager People and Governance, I Krysten Forte have no interests to disclose in this report.

This report will be presented by:

- Krysten Forte, Manager Governance and Risk

ATTACHMENTS

1. Draft Procurement Policy 2021 - v 2.4 - to be adopted - 21 December 2021
[16.3.1 - 22 pages]

EXECUTIVE SUMMARY

Section 108 of the **Local Government Act 2020** commenced on 1 July 2021, and, amongst other things, it requires Council to adopt a Procurement Policy by 31 December 2021.

Therefore, the Procurement Policy 2021 was prepared, and it is attached.

It complies with the legislative requirements, and it specifies the principles and procedures which apply in respect of the purchases of goods, and services by the Council, including the carrying out of works.

OFFICER'S RECOMMENDATION

That Council:

1. *Revokes the Procurement Policy, adopted on 22 December 2020; and*
2. *Adopts the Procurement Policy 2021.*

MOTION

That Council:

1. *Revokes the Procurement Policy, adopted on 22 December 2020; and*
2. *Adopts the Procurement Policy 2021.*

Moved: Cr Jen Bray

Seconded: Cr Brian Hood

Carried

BACKGROUND

Section 186A of the **Local Government Act 1989** required Council to prepare and approve a Procurement Policy. Subsection 186A (7) required Council, at least once in

each financial year, to review the policy. The policy was previously reviewed during 2020 and it was previously adopted by Council on 22 December 2020.

Section 108 of the **Local Government Act 2020** commenced on 1 July 2021. It requires Council to:

- Prepare a Procurement Policy.
- Adopt the first Procurement Policy, under section 108, by 31 December 2021.

Therefore, to comply with the **Local Government Act 2020**, the Procurement Policy 2021 was prepared, and it is attached.

It reflects the Council Plan 2021 – 2025 and it defines fourteen procurement principles.

It describes:

- Procurement methods, including tenders, quotes, collaborative purchasing, supply panels, evaluation criteria and evaluation panels.
- Delegations and risk management including internal controls.
- Policy exemptions, including a list of expenditure types which are not applicable to the Policy.

KEY ISSUES

Although the Procurement Policy 2021 has the same intent and scope as the 2020 version of the policy, the 2021 policy was prepared with five objectives in mind:

1. Complying with the **Local Government Act 2020**.
2. Promoting the “procurement” aspects of the Council Plan 2021 – 2025.
3. Capturing best practice procurement principles and methods.
4. Empowering Managers and relevant Staff to undertake procurement activities with efficiency and transparency.
5. Simplifying the competitive processes and streamlining the procurement procedures.

Key Issue - Compliance and Guidance

Section 109 of the **Local Government Act 2020** states that “A Council must comply with its Procurement Policy before entering into a contract for the purchase of goods or services or the carrying out of works.”

Although the **Local Government Act 2020** requires Council to adopt a Procurement Policy, in practice, it is an operational policy which directs the way in which Procurement Owners (the relevant Managers and Staff) must undertake procurement activities.

Therefore, in addition to the policy, a range of other documents are available to provide guidance in the complex and multi-layered environment of local government procurement.

This range of documents includes Council's Best Practice Procurement Guidelines which will be reviewed after the adoption of the policy.

Key Issue – Council Plan

Attention has been given to ensuring that the Procurement Policy 2021 reflects the Council Plan 2021 – 2025. In particular, the policy references Priority Statement 4.3, Priority Statement 4.4, Strategy 1.1.2, Strategy 4.3.9 and Strategy 5.3.9.

This means that all procurement activities shall endeavour to support the Council Plan by:

- *Supporting and facilitating a diverse and innovative local economy that encourages an increase of local business with diverse offerings to achieve positive social, economic and environmental impacts (Priority Statement 4.3).*
- *Developing and promoting the circular economy to diversify our local economy and support our sustainability goals (Priority Statement 4.4).*
- *Focusing on sustainable practices (Strategy 1.1.2).*
- *Developing a meaningful partnership with Dja Dja Wurrung (Strategy 4.3.9).*
- *Supporting local businesses (Strategy 4.3.9).*
- *Ensuring the procurement practices of staff are in line with policies, procedures and guidelines that have a focus on transparency, accountability and probity (Strategy 5.3.9).*

Key Issue – Exemptions (clause 2)

Clause 6 of the policy defines a range of procurement expenditures which are exempt from the Procurement Policy.

There are numerous exemptions, including emergency response, relief or recovery.

Under the **Local Government Act 1989**, Council was not required to publicly advertise tenders for a contract above Council's dollar value threshold if Council resolved that a contract was required because of an emergency. The **Local Government Act 2020** is a principles-based Act and there is not a similar provision.

Therefore, the Procurement Policy 2021 is clear that procurement expenditure on emergency response, relief or recovery is excluded from the policy.

Key Issue – Procurement Principles (clause 6)

In accordance with Section 108(1) of the **Local Government Act 2020**, Council's procurement principles are described in the policy.

The principles reflect our Codes of Conduct in terms of procurement. They are primarily concerned with ensuring that procurement is undertaken:

- Ethically and with probity (clause 6.1).
- Without conflict of interest (clause 6.3).
- Without bias (clause 6.4).
- With confidentiality (clause 6.5).

- With accountability (clause 6.6).
- With responsible financial management and achieving value for money (clauses 6.9 and 6.11).

The principles also reflect the Council Plan and include:

- Sustainability (clause 6.12).
- Support of Local Business (clause 6.13).
- Social Procurement (clause 6.14).

Key Issue – Collaborative Purchasing (clause 7.1)

Collaborative purchasing is now emphasized in the *Local Government Act 2020*. This means that when undertaking a procurement process, Council Staff should firstly consider collaboration with other Councils and public bodies or utilise collaborative procurement arrangements.

The purpose is to achieve value for money outcomes and benefit from economies of scale.

However, there are multiple layers to procurement in local government and of course one of these is the contrasting objectives of collaborative procurement, on the one hand, compared with supporting the local economy, on the other.

Different contracts, situations or outcomes may sometimes benefit from different procurement methods and options. This is particularly important when making choices about major contracts. There will be instances when flexibility is required particularly if public interest requires it, or public benefit is paramount.

Key Issue – Giving public notice of contracts (clause 7.2)

In accordance with Section 108(3)(a) of the *Local Government Act 2020*, the policy states that the contract value above which Council will give public notice calling for Tenders or Expressions of Interest is \$300,000.

This means, buying goods or services or carrying out works, for which the expenditure is estimated to be more than \$300,000 must be undertaken by either:

- inviting tenders by giving public notice; or
- inviting expressions of interest by giving public notice.

The threshold of \$300,000 aligns with the limit of the CEO's delegation.

After being publicly advertised, the evaluation report and recommendation (for any contract over \$300,000) will be submitted to Council to allow Council to award the contract.

Key Issue – Quotations (clause 7.3)

The purchase of goods or services or the carrying out of works, for which the expenditure is estimated to be less than \$300,000 may be undertaken by obtaining a minimum number of quotations as follows. Two quotations are required for contracts valued between \$10,000 and \$50,000 and three quotations are required for contracts valued between \$50,000 and \$300,000.

Key Issue – Supply Panels (clause 7.4)

Supply Panels, provide Council with efficiency, transparency, compliance and potential savings in quotation-based procurement from preferred suppliers and contractors.

Suppliers and contractors are appointed to a Supply Panel after successfully participating in a public tender process and being assessed as compliant with requirements.

Suppliers and contractors may be called on at any time to supply goods, services or works, but being a member of a Supply Panel does not give any guarantee.

Key Issue – Evaluation Criteria (clause 7.7)

There are eight mandatory evaluation criteria that the Procurement Owner must include in the Request for Tenders or the Request for Quotations, where the value of the contract is estimated to exceed \$50,000.

- Price.
- Sustainability.
- Local Content.
- Social Procurement Value.
- Risk / OHS/ Quality Management.
- Response to Specification.
- Experience and Qualifications.
- Business and Financial Capacity.

There were previously seven mandatory evaluation criteria. Now, in line with the priority statement 4.3 of the Council Plan, Social Procurement Value has been added to the mandatory evaluation criteria.

The Procurement Owner may include additional evaluation criteria according to specific circumstances or requirements of the contract.

The Procurement Owner may request approval to exclude one or more of the above evaluation criteria by providing the justification for doing so in the Procurement Plan.

Key Issue – Evaluation Criteria weightings (clause 7.8)

Due to the diverse range of goods, works and services being purchased by Council, different contracts will attract different evaluation criteria weightings.

The Procurement Owner is responsible for determining the weightings to be applied to the Evaluation Criteria. This responsibility recognises that the weighting of the Evaluation Criteria should reflect their importance and relevance according to the contract and the specific goods, services or works which are being purchased.

When determining the weightings, the Procurement Owner must apply the following minimum weightings, except if one or more of the Evaluation Criteria have been excluded from the Procurement Plan.

- Price: a minimum of 10%
- Sustainability: a minimum of 7.5%
- Local Content: a minimum of 7.5%
- Social Procurement Value: a minimum of 7.5%
- Risk/OHS/Quality Management: a minimum of 5%
- Response to Specification: a minimum of 5%
- Experience and Qualifications: a minimum of 5%
- Business and Financial Capacity: a minimum of 5%.

The evaluation criteria must be disclosed in the request for tender or request for quotation, but not necessarily their weighting.

The Evaluation Panel must not change the weighting after tenders have been publicly advertised or after quotations have been selectively invited.

Key Issue – Staff Training

This is an operational policy, and the quality of application in practice will be enhanced if Council Staff have the necessary skill and ability. In particular, Sustainability has been identified and the policy states that training, tools and resources will be provided to Council Staff in the practical and efficient application of sustainability principles in procurement. This training may include the preparation of tender specifications to ensure that Council's sustainability requirements are clearly communicated to potential contractors.

After the adoption of the policy, there will also be ongoing Staff training including (a) procurement methods, (b) contract variations, (c) the formation and use of supply panels, (d) the formation and use of annual supply contracts, (e) the use and situations for collaborative purchasing arrangements and (f) improving communication channels and developing relationships and with local businesses.

POLICY AND STATUTORY IMPLICATIONS

1. Council Plan 2021-2025

A dynamic and responsive Council

5.3 A sustainable and agile organisation with strong corporate governance that supports excellent operations.

2. Local Government Act 2020

Council is required:

- To prepare and adopt a Procurement Policy under Section 108 of the **Local Government Act 2020** prior to 31 December 2021.
- To comply with its Procurement Policy before entering a contract for the purchase of goods or services or the carrying out of works.
- To review its Procurement Policy at least once during each 4-year term of the Council.

GOVERNANCE ISSUES

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report. Sustainability considerations are made during the procurement process including contract specifications and evaluation criteria.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report apart from the Officer time in preparation of the report and associated briefing paper. Financial considerations including value for money are made during the evaluation process.

RISK IMPLICATIONS

The risk implications to this report would be that Council would not be compliant with its statutory obligation if it did not adopt a Policy in accordance with the requirements of Sections 108 and 109 of the *Local Government Act 2020*.

Other than (a) this statutory obligation and (b) the risk management practices, and internal controls contained within the Policy, there are no other risk implications associated with this report.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The Community Engagement Matrix Tool was completed to assess the level of community engagement that may be required. It attracted a score of 7, which is the lowest score possible. The required level of community engagement is therefore within the “low” category.

A Community Engagement Plan was prepared and in summary it is to:

1. Consult with Executive Team, Managers, Audit and Risk Committee and Councillors during November and December leading up to the Ordinary Council meeting on 21 December 2021.
2. Inform our community after the Policy has been adopted.

Consultation with Council Staff from across the organisation during 2020 assisted in the review of the Procurement Policy.

After it has been adopted, the policy will be made available to our community on Council’s website.

► PROCUREMENT POLICY 2021

POLICY NUMBER:	46 (C)
NAME OF POLICY:	PROCUREMENT POLICY 2021
DATE OF NEXT REVIEW:	In accordance with section 108 (5) of the <i>Local Government Act 2020</i> , Council must review the Policy at least once during its 4-year term.
DATE APPROVED:	21 December 2021
RESPONSIBLE OFFICER:	Manager People and Governance
REFERENCES:	This policy should be read in conjunction with the following: <i>Local Government Act 2020</i> <i>Competition and Consumer Act 2010</i> <i>Freedom of Information Act 1982</i> <i>Independent Broad-based Anti-corruption Commission Act 2011</i> <i>Privacy Act 1988</i> <i>Public Records Act 1973</i> Policy 45 (C) Fraud Prevention Policy 51 (O) Acceptance of Gifts, Hospitality, and Other Gratuities by Employees Policy 54 (O) Corporate Credit Card Policy 57 (O) Employee Code of Conduct Policy 47 (C) Councillor Code of Conduct Policy 74 (C) Public Interest Disclosure Procedures Policy 84 (C) Councillor Gifts, Benefits and Hospitality CEO Instrument of Delegation – Purchasing Council Plan 2021 – 2025 Council Best Practice Procurement Guidelines Procedure Manual and related documents – Procurement Procedure Manual and related documents – Contract Management

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1. INTRODUCTION

This Procurement Policy is made under Section 108 of the *Local Government Act 2020* (the Act).

It specifies the principles, procedures and processes which will be applied to the purchase of goods and services, including the carrying out of works.

It seeks to promote open and fair competition and provide value for money.

All procurement activities shall endeavour to:

- Support the Council Plan 2021 – 2025 priority statements and strategies including, but not limited to:
 - Supporting and facilitating a diverse and innovative local economy that encourages an increase of local business with diverse offerings to achieve positive social, economic and environmental impacts (Priority Statement 4.3).
 - Developing and promoting the circular economy to diversify our local economy and support our sustainability goals (Priority Statement 4.4).
 - Focusing on sustainable practices (Strategy 1.1.2).
 - Developing a meaningful partnership with Dja Dja Wurrung (Strategy 4.3.9).
 - Supporting local businesses (Strategy 4.3.9).
 - Ensuring the procurement practices of staff are in line with policies, procedures and guidelines that have a focus on transparency, accountability and probity (Strategy 5.3.9).
- Use strategic procurement practices and innovative procurement solutions to promote sustainability.
- Use social procurement to effectively contribute towards building stronger communities and meeting wider social objectives.
- Ensure that potential risk is identified, assessed and managed at all stages of the procurement process.

2. SCOPE

This policy applies to all procurement activities other than those expressly excepted. It contains both legislative requirements as well as good practice requirements. It provides direction on the conduct of procurement activities but does not extend to the related accounts payable processes.

The following procurement expenditure is excluded from this policy:

- Payments for utilities where no other provider is available, such as water authorities;
- Payments to Local, State and Federal Governments where funds are requested for shared good, services of works.
- Payments to Dja Dja Wurrung Clans Aboriginal Corporation and associated entities up to \$100,000
- Expenditure on Emergency response, relief or recovery (refer section 5. Definitions and abbreviations);
- Loans and investments;

- Expenditure on the Purchase of land or an interest in land, including an easement;
- Auspice of outside organizations;
- Shop supplies (such as supplies and publications for the purpose of resale in a Visitor Information Centre);
- Regional library supplies;
- Plant and equipment servicing/spare parts where applicable to maintain warranty protection or to maintain plant to Original Equipment Manufacturer (OEM) standard;
- Expenditure on Legal Services
- Insurance schemes (when there is a statutory requirement such as Workcover);
- Payroll expenses and deductions;
- Expenditure on Electoral services or valuation services for rating purposes;
- Exhibitions and performances (such as art exhibitions and musical performances);
- Professional memberships and subscriptions (including professional workshop and conference registration fees and associated costs);
- All refunds;
- Rates, taxes, levies or other State or Federal government charges; and
- Any statutory fees, including payments made under the Land Use Activity Agreement.

Notwithstanding that such expenditure is excluded from this policy, the procurement principles (refer section 6) should be considered when carrying out the procurement activity.

If any aspect of this policy should be unclear, then reference should be made to Council's Best Practice Procurement Guidelines.

3. PURPOSE

The purpose of this policy is to:

- promote open and fair competition and achieve value for money;
- provide guidance on ethical behaviour in public sector purchasing;
- demonstrate accountability to rate payers;
- apply best practice and achieve consistency and control in purchasing;
- support the achievement of Council's sustainability and social procurement objectives;
- support local economies and communities; and
- promote collaborative procurement.

4. LOCAL GOVERNMENT ACT 2020

In accordance with Section 109 of the Act, Council must comply with its Procurement Policy before entering into a contract for the purchase of goods or services or the carrying out of works.

In accordance with Section 108(3) of the Act, this policy includes:

- (a) the contract value above which Council must invite a tender or seek an expression of interest;

- (b) a description of the criteria to be used by Council to evaluate whether a proposed contract provides value for money;
- (c) a description of how Council will seek collaboration with other councils and public bodies in the procurement of goods or services;
- (d) the conditions under which Council may purchase goods or services without inviting a public Tender or Expression of Interest; and
- (e) a description of the process to be undertaken in inviting a public Tender or Expression of Interest.

5. DEFINITIONS AND ABBREVIATIONS

Term	Definition
CEO	Chief Executive Officer of Council.
Commercial in Confidence	Information that, if released, may prejudice the business dealings or commercial interests of Council or another party, e.g. prices, discounts, rebates, profits, manufacturing methodologies and intellectual property.
Contract	Means an agreement between two or more legal entities, to supply goods, perform services or carry out works, that is enforceable by law. A contract may be verbal, written or implied by the conduct of the parties.
Council Staff	Includes full time, part-time and casual Council officers, and temporary employees, contractors and consultants while engaged by Council.
Cumulative spend	Is the spend limits with a single supplier over the previous and current financial year that triggers the requirement under the policy to undertake a Request for Tender or Expression of Interest process.
Emergency response, relief or recovery	Includes: <ul style="list-style-type: none"> • Any urgent circumstance which may present a risk to public health and/or safety, such as a community health issue, earthquake, explosion, fire, flood, hazardous material or substance spill or exposure, storm, terrorism or transport accident. • The failure of an essential service provider or disruption to an essential service; • Significant damage to municipal building (where it is no longer safe); and • Major business disruptions, such as an extensive IT failure resulting in a loss of services to the community.
Expression of Interest (EOI)	A formal expression of interest, submitted usually in response to a Request for Expressions of Interest, by a potential contractor or supplier to undertake a proposed contract.

Term	Definition
GST	Has the same meaning as in <i>A New Tax System (Goods and Services Tax) Act 1999</i> . All procurement and contract values, in this policy, include GST.
Local Business	A business whose registered business address is within the Shire of Hepburn, or within a neighbouring municipality or within the Central Highlands Region (being Ararat, Pyrenees, Ballarat, Moorabool and Golden Plains municipal districts).
Probity	The practice of conducting business in a fair, impartial, honest and ethical manner, demonstrating high levels of integrity consistent with the public interest.
Procurement	The process (including planning, specifying, sourcing, evaluating, negotiating, recommending and approving) of acquiring goods, services and works. This process spans the whole life cycle from the initial concept through to the end of the useful life of the goods or works (including disposal) or the end of a service contract.
Procurement Owner	Means the Council Staff member who has overall responsibility for the budget from which the purchase of goods, services or works will be funded.
Public Notice	Means a notice published in a newspaper generally circulating within the municipal district of the Shire of Hepburn. In addition, the public notice may also be published on Council's website as well as Council's preferred online tendering and procurement system (currently "tenders.net").
Quote or Quotation	A formal statement of offer, submitted usually in response to a Request for Quotation (RFQ), by a potential contractor or supplier to provide the specified goods, services or works at a specified price(s) and within a specified period.
Request for Expressions of interest	The process of giving public notice calling for expressions of interest to be submitted within a set timeframe, followed by an evaluation of responses and the selection of respondents to be invited to submit a Tender or quotation.
Request for Quotation (RFQ)	The process of inviting quotations to be submitted within a set timeframe, followed by an evaluation of quotations and the selection of a successful submitter.
Request for Tender (RFT)	The process of giving public notice calling for tenders to be submitted within a set timeframe, followed by an evaluation of tenders and selection of a successful Tenderer. The RFT includes a set of clearly defined and specified requirements, including the conditions of tendering and proposed contract conditions.
Supply Panels	Panels of suppliers or contractors who can supply goods, works or services (examples include trade services, materials and plant hire).

Term	Definition
	Council Staff may appoint a supplier from the Supply Panel or, if required, request a quotation from suppliers on the Supply Panel. Supply Panels are also known as Approved Supplier Lists or Approved Contractor Lists.
Social Procurement	Occurs when organisations use their buying power to generate social value above and beyond the value of the goods, services or works being procured.
Sustainability	Activities that meet the needs of the present without compromising the ability of future generations to meet their needs.
Tender	A formal statement of offer, submitted usually in response to a Request for Tender (RFT), by a potential contractor or supplier to provide the specified goods, services or works at a specified price(s) and within a specified period.
Value for money	Includes both the monetary costs and non-monetary impacts over the whole life of the goods, services or works.

6. PROCUREMENT PRINCIPLES

In accordance with Section 108(1) of the Act, Council's procurement principles are explained below.

They are further elaborated in Council's Best Practice Procurement Guidelines.

6.1 ETHICS AND PROBITY

Councillors and Council Staff must exercise the highest standards of integrity in a manner able to withstand scrutiny.

Councillors must always act according to Policy 47 (C) Councillor Code of Conduct.

Council Staff must always act according to Policy 57 (O) Employee Code of Conduct.

A probity advisor and auditor and probity plan are required for projects above \$3,000,000 and are recommended when the Procurement Owner considers the project is high-risk or there are probity risks.

A probity auditor and advisor does not take part in the evaluation process and/or decision-making process but may advise the Evaluation Panel on probity matters.

The role of a probity advisor and auditor is to review all processes and documentation throughout the procurement and evaluation process and then report to the CEO and Council.

6.2 CONDUCT OF COUNCILLORS AND COUNCIL STAFF

Council's procurement activities shall be performed fairly, impartially and honestly. Council Staff and Councillors must:

- treat potential and existing suppliers with equality and fairness;
- not seek or receive personal gain;

- maintain the confidentiality of Commercial in Confidence information;
- present the highest standards of professionalism and probity;
- deal with suppliers in an honest and impartial manner;
- provide all suppliers and tenderers with the same information and equal opportunity; and
- be able to account for all decisions and provide feedback on them.

6.3 CONFLICT OF INTEREST

In accordance with sections 126 to 131 of the Act, Councillors and Council Staff shall always avoid situations which may give rise to an actual or perceived conflict of interest. A conflict of interest may be a 'general' or a 'material' conflict of interest.

A member of Council Staff has a general conflict of interest in a matter if an impartial, fair-minded person would consider that the Council Staff member's private interests could result in the Staff member acting in a manner that is contrary to their public duty.

A member of Council Staff has a material conflict of interest in a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter. The benefit or loss may be direct or indirect and pecuniary or non-pecuniary. Affected persons include, among others, the member of Council Staff and their family members.

Council Staff must not participate in any procurement process where that Staff member has a general conflict of interest or a material conflict as defined by the Act.

Councillors and Council Staff involved in the procurement process must declare any potential interest that may conflict or could be perceived to conflict with an impartial assessment of the purchasing decision being made.

All potential conflicts of interest (or the absence of them) must be reported promptly in accordance with the Councillor Code of Conduct or the Employee Code of Conduct (as appropriate) and using the Conflict of Interest and Confidentiality Declaration Form.

Following the declaration of a potential conflict of interest by a Council Staff member, that Council Staff member's supervisor or manager will determine how the conflict will be managed (this may include an exclusion from the procurement process or a determination that a conflict of interest does not exist).

6.4 OPENNESS AND TRANSPARENCY

Procurement processes must be undertaken in an open and transparent manner without any bias, or perception of bias, so that potential suppliers and the public have confidence in the outcome.

All potential suppliers and contractors must be treated (and be seen to be treated) fairly, impartially and honestly and given the same information about the procurement to enable them to submit Expressions of Interest, Tenders or Quotations on the same basis.

6.5 DISCLOSURE OF INFORMATION

The commercial interests of existing and potential suppliers and contractors must be protected. Subject to the *Freedom of Information Act 1982*, information provided by existing

and potential suppliers and contractors must not be disclosed, particularly information that is commercial in confidence.

The *Freedom of Information Act 1982* provides members of the public with a legally enforceable right of access to documents held by Council, subject to certain restrictions (or exemptions) that are set out within the legislation. Where practicable, Council will consult with the relevant supplier and contractor to seek its view before deciding on whether to grant access to documents under a Freedom of Information (FOI) application.

6.6 ACCOUNTABILITY

Council Staff must be able to account for all procurement decisions.

Discussions during the evaluation of Tenders and Quotations should not go beyond the extent necessary to resolve doubt on what is being offered.

Other than authorised pre-contract negotiations, there should not be any discussions with existing and potential contractors or suppliers which could improperly influence the procurement process or negotiation of a contract prior to the procurement process being finalised.

All documentation (such as specifications, correspondence, meeting notes, tenders, quotations, and evaluation notes) related to procurement activities must be saved in Council's records management system (Content Manager).

Records will be kept in accordance with the *Public Records Act 1973* - Public Record Standard PROS 09/05 (Retention and Disposal Authority for Records of Local Government Functions).

6.7 ACCEPTANCE OF GIFTS AND HOSPITALITY

Councillors must always act according to Policy 84 (C) Councillor Gifts, Benefits and Hospitality.

Council Staff must always act according to Policy 51 (O) Acceptance of Gifts, Hospitality and Other Gratuities by Employees.

Under section 128(4) of the Act, a material conflict of interest exists if a Councillor or a Council Staff member has, over the specified period, accepted a gift or gifts greater than \$500 in value from a person or supplier involved in a procurement process.

No Councillor or member of Council Staff shall, either directly or indirectly, solicit or accept gifts from any member of the public who is involved, either directly or indirectly, with any matter that is connected with the duties of the officer, or in which Council is interested. Councillors and members of Council Staff must not use their position, knowledge, contacts or influence to extract, demand, intimidate, cajole or coerce any supplier, customer or competitor of Council to provide or offer any gift, hospitality or gratuity to any person or organisation.

6.8 GOVERNANCE

Council operates a decentralized procurement framework where all strategy, policy, guidelines, procedures, and document controls are the responsibility of the People and Governance Department.

Council will ensure that the procurement framework:

- encourages competitive processes;
- is flexible enough to purchase in a timely manner the diverse range of material, goods, works and services required by Council; and
- gives potential suppliers and contractors the same opportunity to submit an Expression of Interest, Tender or Quotation.

Council will:

- maintain a procurement delegation structure that enables accountability, traceability and auditability of all procurement decisions;
- ensure that purchasing procedures and guidelines are communicated and implemented; and
- ensure that Council Staff are adequately trained in relation to competitive processes and other procurement activities.

6.9 VALUE FOR MONEY

Council's procurement activities will be carried out based on achieving value for money. This means minimising the total cost of ownership over the life cycle of the goods, services or works consistent with acceptable quality, reliability and delivery considerations.

Value for Money is best achieved by:

- undertaking competitive processes;
- using collaborative purchasing arrangements where appropriate;
- identifying and rectifying inefficiencies in procurement processes;
- working with suppliers to create relationships that are professional and productive;
- understanding and applying the risk assessment for each major contract or project;
- considering non-cost factors, such as fitness for purpose, quality, and support services; and
- considering cost-related factors, including whole-of-life costs and transaction costs associated with acquiring, using, holding and maintaining goods, services or works.

6.10 BEST AND FINAL OFFER (BAFO)

A BAFO is a means to assist selection of a preferred contractor or supplier. In an RFT or RFQ, where a lump sum price is requested Council may include relevant clauses to provide Council with the option to initiate a BAFO with short listed tenderers.

A BAFO process is conducted after the close of the tender process and during the evaluation stage.

6.11 RESPONSIBLE FINANCIAL MANAGEMENT

The principle of responsible financial management shall be applied to all procurement activities.

To give effect to this principle:

- the availability of existing funds within an approved budget, or source of funds, shall be established prior to the commencement of any procurement activity; and
- Council Staff must not authorise the expenditure of funds in excess of their financial delegations.

6.12 SUSTAINABILITY

Council is committed to procuring goods, services and works which align with its values of environmental, social, economic and cultural sustainability.

Council is committed to addressing the climate emergency and has adopted a Community Transition Plan which sets out our role, and the ambitions of the Hepburn community in responding to this challenge. Council's procurement activities will be carried out in a manner that responds to the climate emergency.

Council is committed to supporting the circular economy by reducing the consumption of resources and minimising waste through re-use and repair, acquiring goods manufactured from recycled materials, maximising resource recovery and effectively managing waste.

Council Staff are empowered to and responsible for appropriately considering the environmental impact of goods, services and works, and factoring this into their procurement decision-making together with operational performance and fit-for-purpose. At the same time, Council Staff must also be aware of the other principles of this policy, including value for money, support of local business and social procurement values.

Training, tools and resources will be provided to assist Council Staff in the practical and efficient application of sustainability principles in procurement. This training may include the preparation of Requests for Tenders or Requests for Quotation to ensure that Council's sustainability requirements are clearly communicated to potential suppliers.

6.13 SUPPORT OF LOCAL BUSINESS

Council is committed to supporting procurement from local businesses in order to build a stronger local community. As such, Council will consider those local businesses in procurement decisions in determining best value for money and as may be considered and recommended by the evaluation panel. This support to local business will have regard to local production and employment.

6.14 SOCIAL PROCUREMENT

Council is committed to using social procurement to effectively contribute towards building stronger local communities and meeting its wider social objectives. In particular, Council's social procurement focus is on producing local employment outcomes whilst achieving value for money.

During the evaluation of Tenders and Quotations, the evaluation panel will remain cognisant of whether the supplier's offer includes:

- engagement of services from Dja Dja Wurrung or other registered Aboriginal and Torres Strait Islander groups;
- employment of persons from disadvantaged groups (including but not limited to groups that experience a higher level of unemployment than the general population, due to social or education factors);
- employment of apprentices and recognised traineeships;
- employment of youth and mature aged persons; and/or
- other social and community benefits.

Under Council's Disability Access and Inclusion Plan 2018 – 2022, Council should provide services and facilities that are accessible to all people who live, work in or visit the municipality. During the evaluation of Tenders and Quotations, the evaluation panel will remain cognisant of whether the supplier's offer provides services and facilities that are accessible to all people who live, work in or visit the municipality.

7. PROCUREMENT METHODS

All procurement methods are subject to the relevant procurement thresholds set out in clauses 7.2 and 7.3 of this policy.

Council's standard methods for purchasing goods, services and works include:

- Purchase Orders under a contract following a Request for Tender or Request for Quotation process;
- Purchase Orders following a Request for Quotation;
- Purchase Orders using collaborative purchasing arrangements;
- Purchasing cards or corporate credit cards; and
- Other arrangements authorised by Council or the CEO as required by exceptional circumstances.

The Procurement Owner must ensure that:

- A Procurement Plan is prepared for any procurement where the expenditure is estimated to exceed \$50,000.
- The most appropriate method of procurement is utilised.
- An approved purchase order or contract is created prior to incurring any expenditure.
- Where any terms or conditions for the supply of goods, services or works differ from Council's standard Purchase Order Terms and Conditions, the appropriate and relevant contract documentation is used.

7.1 COLLABORATIVE PURCHASING ARRANGEMENTS

In accordance with section 108(3)(c) of the Act, when undertaking a procurement process Council Staff should firstly consider collaboration with other councils and public bodies or utilise Collaborative Procurement Arrangements in order to achieve value for money outcomes and benefit from economies of scale.

Council Staff should be aware of contracts available from:

- Procurement Australia.
- MAV Procurement.
- the Victorian Government (Whole of Victorian Government Contracts).
- Regional Procurement Excellence Networks (RPEN), such as Barwon South West Region Councils.

The pricing for the supply of goods and services through these collaborative purchasing arrangements have been market tested and generally list multiple suppliers/prices.

All procurement under a collaborative purchasing arrangement must be approved by the Officer with the appropriate level of delegated financial authority.

If a collaborative purchasing arrangement is utilised and the spend exceeds the CEO's financial delegation, an evaluation report must be presented to Council for approval.

When an evaluation report recommending awarding of a contract is presented to Council for approval, it must include information relating to any collaborative arrangement opportunities that were explored as part of the procurement process.

7.2 TENDERS AND EXPRESSIONS OF INTEREST

In accordance with Section 108(3)(a) of the Act, the contract value above which Council will give public notice calling for Tenders or Expressions of Interest is \$300,000.

In accordance with Section 108(3)(e) of the Act, this process will be undertaken by either:

- inviting Tenders by giving public notice; or
- inviting Expressions of Interest by giving public notice.

All Tenders or Expressions of Interest must remain open for a minimum period of 15 Business Days from the date of the public notice, unless prior written approval has been given by the CEO.

Where Council invites Expressions of Interest it will register those Expressions of Interest; and when it is ready to enter into the contract, it will invite Tenders from some or all of those who registered their interest in undertaking the contract.

To demonstrate best value for money and policy compliance and for audit purposes, the Procurement Owner must ensure that a copy (or other evidence) of:

- the public notice calling for Tenders or Expressions of Interest to be submitted; and
- the list of all Tenders or Expressions of Interest and Tenders received

is saved in Council's records management system (Content Manager).

The threshold of \$300,000 aligns with the limit of the CEO's financial delegation therefore the evaluation report and recommendation (for any contract over \$300,000) will be submitted to Council to allow Council to award the contract.

The threshold of \$300,000 dictates when the Procurement Owner must give public notice of the contract. However, if the estimated contract value is below that threshold and the CEO or Procurement Owner considers that the nature of the contract and the characteristics of the market are such that a public notice would lead to a better result for Council, then Tenders or Expressions of Interest may be called for by the giving of public notice.

Refer to clause 7.10 for the exemptions to compliance with clause 7.2.

7.3 QUOTATIONS

The purchase of goods or services or the carrying out of works for which the expenditure is estimated to be less than \$300,000 may be undertaken by obtaining a minimum number of quotations as listed in the following table:

Estimated Expenditure Threshold	Minimum Number of Quotations	Conditions
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Up to \$5,000	One (1) Verbal	Prices should be obtained from known or Supply Panel Suppliers. A Purchase Order must be approved by the Council Staff member with the appropriate level of financial delegation.
\$5,001 - \$10,000	One (1) Written	Prices should be obtained from known or Supply Panel Suppliers. A Purchase Order must be approved by the Council Staff member with the appropriate level of financial delegation.
\$10,001 - \$50,000	Two (2) Written	Prices should be obtained from known or Supply Panel Suppliers. Quotations must be evaluated, and an evaluation report and recommendation must be prepared and presented to the Council Staff member with the appropriate level of financial delegation.
\$50,001 - \$300,000	Three (3) Written	Quotation process should be conducted using Council's preferred online tendering and procurement system (currently "tenders.net"). Quotations must remain open for a minimum of 3 clear business days, unless prior written approval has been given by the Council Staff member with the appropriate level of financial delegation. Quotations must be evaluated, and an evaluation report and recommendation must be prepared and presented to the Council Staff member with the appropriate level of financial delegation.

The application of the above purchasing ranges and associated minimum quotation numbers will assist the Procurement Owner to demonstrate best value for money has been sought and achieved by Council.

To demonstrate best value for money and policy compliance and for audit purposes, the Procurement Owner must ensure that a copy (or other evidence) of the request for quotation and the list all quotations received is saved in Council's records management system (Content Manager).

Refer to clause 7.11 for exemptions to compliance with clause 7.3.

7.4 SUPPLY PANELS

Council recognises the importance of effective and open working relationships with its suppliers and contractors and is committed to maintaining Supply Panels. These provide Council with efficiency, transparency, compliance and potential savings in quotation-based procurement from preferred suppliers and contractors.

Suppliers and contactors are appointed to a Supply Panel after successfully participating in a tender process and being assessed as compliant with requirements. Whilst a Supply Panel provides benefits in the procurement process, the Procurement Owner should still consider the specific goods, services or works being sought and confirm the approach is going to get the best value outcome.

Suppliers and contractors may be called on at any time to supply goods, services or works, but being a member of a Supply Panel does not give any guarantee.

Following the appointment of a Supply Panel and the creation of a Supply Panel agreement, the following procurement thresholds and procedures must be followed:

- Value \$0 to \$50,000 – direct appointment of a panel member.
- Value \$50,001 to \$300,000 – a minimum of 3 written quotations must be obtained from panel members.

When the purchase value can be fully derived from the schedules of rates within the Supply Panel prices, the minimum number of quotations is not required. An example of this would be the supply of materials that are charged per tonne. This exemption is not able to be applied if there is any uncertainty in the total purchase value.

When the purchase value is estimated to be more than \$300,000, then the Procurement Owner must comply with clause 7.2.

Following the appointment of a Supply Panel and the creation of a Supply Panel agreement, care should be taken in relation to the engagement of one or more of the panel members. Some aspects to consider are:

- Which panel member is available to provide the required goods, services or works in the required timeframe;
- If all panel members are offering a similar service, the panel member offering the lowest price may be the best option, providing they are available;
- Avoiding situations where, over the contract term, one or two members of the panel are allocated most of the work.

7.5 EXCLUDED RESPONDENTS

When a consultant has substantially developed or determined a contract specification, the consultant must be excluded from providing a Tender or Quotation for the contract.

7.6 CUMULATIVE SPEND

Prior to selectively seeking a Quotation from a supplier, the Procurement Owner must determine whether their proposed procurement will cause the cumulative spend with that supplier to exceed the threshold of \$300,000 (as defined in clause 7.2) during the current and previous financial years.

In determining the cumulative spend with a supplier, the Procurement Owner must make reasonable attempts (including an examination of Council's financial management system) to establish the cumulative spend with that supplier, including any current commitments.

If their proposed procurement will cause the cumulative spend with that supplier to exceed the threshold of \$300,000, then the Procurement Owner must comply with clause 7.2.

Expenditure already incurred or committed with a supplier as a result of a public tender process under clause 7.2 is excluded from the calculation of cumulative spend.

7.7 EVALUATION CRITERIA

In accordance with Section 108(3)(b) of the Act, the following evaluation criteria describe how Council will evaluate whether a proposed contract provides value for money.

- Price – Suppliers and contractors are to respond by providing the price for which they offer to undertake the scope of the goods, services or works of the contract.
- Sustainability – Suppliers and contractors are to respond by describing the environmental sustainability of the good, works and services being provided.
- Local Content – Suppliers and contractors are to respond by describing their local production and local processing activities which produce local employment outcomes.
- Social Procurement Value – Suppliers and contractors are to respond by describing how their offer addresses social and community values, such as the engagement of services from local registered Aboriginal and Torres Strait Islander groups; employment of persons from disadvantaged groups; employment of apprentices and recognised traineeships; employment of youth and mature aged persons; and/or other social and community benefits.
- Risk / OHS/ Quality Management – Suppliers and contractors are to respond by outlining their relevant systems and processes that are in place relating to the goods, services and works of the contract.
- Response to Specification – Suppliers and contractors are to respond to those elements of the specification which require a response.
- Experience and Qualifications – Suppliers and contractors are to respond by describing their experience and qualifications relating to the goods, services and works of the contract.
- Business and Financial Capacity – Suppliers and contractors are to respond by providing information and evidence about their history and current business and financial capacity, including references and testimonials.

The Procurement Owner must use all the above evaluation criteria when the value of the contract is estimated to exceed \$50,000.

The Procurement Owner may request written approval to exclude one or more of the above evaluation criteria by providing the justification for doing so in the Procurement Plan.

The Procurement Owner may include additional evaluation criteria according to specific circumstances or requirements of the contract.

7.8 EVALUATION CRITERIA WEIGHTINGS

Due to the diverse range of goods, works and services being purchased by Council, different contracts will attract different Evaluation Criteria weightings.

The Procurement Owner is responsible for determining the weightings to be applied to the Evaluation Criteria. This responsibility recognises that the weighting of the Evaluation Criteria should reflect their importance and relevance according to the contract and the specific goods, services or works which are being purchased.

When determining the weightings, the Procurement Owner must apply the following minimum weightings, except if one or more of the Evaluation Criteria have been excluded from the Procurement Plan.

- Price: a minimum of 10%
- Sustainability: a minimum of 7.5%

- Local Content: a minimum of 7.5%
- Social Procurement Value: a minimum of 7.5%
- Risk/OHS/Quality Management: a minimum of 5%
- Response to Specification: a minimum of 5%
- Experience and Qualifications: a minimum of 5%
- Business and Financial Capacity: a minimum of 5%.

The evaluation criteria, which will be used in the evaluation, must be included in the Request for Tender or Request for Quotation, but not necessarily their weighting.

The Evaluation Panel must not change the weighting after tenders have been publicly advertised or after quotations have been selectively invited.

7.9 EVALUATION PANELS

An evaluation panel must be formed for the evaluation of Tenders and Quotations as follows:

Estimated Contract Value	Minimum Number of Panel members	Conditions
\$10,001 - \$50,000	Two	None
More than \$50,001	Three	If the estimated contract value exceeds \$300,000 then at least one panel member must be from a different Directorate. If the estimated contract value exceeds \$1,000,000 then: <ul style="list-style-type: none"> • the Panel must also include a representative from the Financial Services Department. • the evaluation process must include an external third-party review of the financials of the preferred Tenderer prior to the contract being awarded. Note: if the estimated contract value exceeds \$3,000,000 then a probity auditor must be engaged (refer to clause 6.1).

The formation and role of Evaluation Panels and the evaluation process is described in Council's Best Practice Procurement Guidelines.

7.10 EXEMPTIONS TO COMPLIANCE WITH CLAUSE 7.2

In accordance with Section 108(3)(d) of the Act, the following exemptions describe the conditions under which Council may purchase goods, services or works without giving public notice calling for Tenders or Expressions of Interest.

- A contract is entered into with another council that is acting as agent for several councils (collaborative agreement);
- There is only one supplier in Victoria (or Australia), or where the goods, services or works can only be supplied by a specific supplier and no reasonable alternative or substitute

goods, services or works exist. This condition must have been previously tested by a public Tender or public quotation process within the previous two years.

- If, after giving public notice calling for Tenders or Expressions of Interest, no Tenders were received, or the Tenders received do not conform to the specification, or after evaluation the Tenders are deemed to be unsuitable, then the Procurement Owner may seek Tenders for the same contract from known suppliers or contractors without publicly readvertising the contract.
- The goods and services are replacement parts from an original supplier, an extension of the original goods and services, or a continuing service for existing equipment and software upgrades or licensing.
- The procurement of goods, services or works is specified as part of a government grant or similar arrangement.

If any of the above exemptions apply, the Procurement Owner must complete and submit the Procurement Policy Exemption Form.

Written approval may be granted by the CEO.

7.11 EXEMPTIONS TO COMPLIANCE WITH CLAUSE 7.3

When the minimum number of quotations cannot be obtained after being requested, (for example, six quotations were requested but only two quotations are received) the Procurement Owner may seek written approval to proceed with one of the quotations that has been received.

If this circumstance applies, the Procurement Owner must complete and submit the Procurement Policy Exemption Form.

Written approval may be granted by the Council Staff member with the appropriate level of delegated financial authority.

A procurement exemption must not be used as a substitute for proper procurement processes.

A procurement exemption should not be used if the procurement will cause the cumulative spend with that supplier to exceed the threshold of \$300,000 (as defined in clause 7.2) during the current and previous financial years.

8. DELEGATED AUTHORITY

8.1 FINANCIAL DELEGATIONS

Financial delegations define the financial limitations within which Council Staff are permitted to authorise expenditure.

This enables procurement activities to be undertaken in an efficient and timely manner whilst maintaining transparency and integrity.

The limits of the financial delegations are set out in the Instruments of Delegation, "S5 Instrument of Delegation to Chief Executive Officer" and "Instrument of Delegation - Purchasing".

If the value of the contract exceeds the CEO's financial delegations, then, unless Council has resolved to delegate specific authority to the CEO, an evaluation report including a recommendation shall be submitted to a Council meeting for a decision.

Council Staff without a financial delegation are unable to make purchasing commitments in writing or verbally to a supplier, until a purchase order has been approved by a Council Staff member with appropriate financial delegation or by a formal Council resolution.

8.2 CONTRACT VARIATIONS

Each contract variation may be approved by Managers, Directors and the CEO in accordance with their financial delegations, provided that:

- The cumulative contract variations do not exceed 10% of the total contract price.
- The total contract price (including variations) does not exceed the approved budget amount for the procurement.

The CEO may grant written approval to Directors to exceed the contract variations limits described above.

If the cumulation of contract variations is greater than the CEO's financial delegation, they must be referred to the Council for approval.

8.3 INTERNAL CONTROLS

Council will maintain a framework of internal controls over procurement processes that will ensure:

- independent approval of purchase orders by a Council Staff member with an appropriate financial delegation (different to the staff member who raised the order);
- dual authorisation of payments;
- a clearly documented audit trail exists for procurement activities;
- appropriate authorisations are obtained and documented; and
- systems are in place for appropriate monitoring of expenditure within the thresholds and performance measurement.

9. RISK MANAGEMENT

Risk Management will be appropriately applied at all stages of procurement activities to ensure that:

- risks, are identified, analysed, evaluated and treated in accordance with Council policies and Australian Standards; and
- Council's ability to prevent, withstand and recover from interruption to the supply of goods and services and the undertaking of works is protected and enhanced.

Detailed procedures for Risk Assessment and Contingency Planning are provided in the Procurement Procedure Manual, the Contract Management Procedure Manual and Council's Best Practice Guidelines.

9.1 SUPPLY BY CONTRACT

Council will minimise its procurement-related risk exposure by measures such as:

- using standard contract documentation;
- establishing Supply Panels, where appropriate, of preferred suppliers and contractors;

- establishing Annual Supply Contracts, where appropriate;
- requiring security deposits, where appropriate;
- requiring contracts or agreements before works commence;
- referring complicated technical specifications to relevant experts; and
- adhering to Council's Risk Management Policy and OH&S contractor compliance procedures.

9.2 CONTRACT TERMS AND CONDITIONS

Council's standard Purchase Order Terms and Conditions are issued when a Purchase Order is raised for goods, services or works.

Due to the wide variety of goods, services and works, these terms and conditions may not be appropriate or relevant. In these instances, the appropriate and relevant contract documentation must be used.

9.3 DISPUTE RESOLUTION

All Council contracts shall incorporate dispute management and alternative dispute resolution provisions to minimise the chance of disputes leading to claims of loss or legal action.

9.4 CONTRACT MANAGEMENT

In order to continually improve its procurement and contract management processes and outcomes, Council will evaluate and seek to improve on all aspects of procurement and contract management, in accordance with its documented procurement and contract management procedures and guidelines.

A contract manager (sometimes referred to as a contract supervisor or superintendent) will be assigned for each contract to:

- ensure that Council, receives the goods, services or works to the required standards of quality and quantity and within the required timeframes in accordance with the contract;
- manage the performance of both parties' responsibilities and obligations under the contract;
- recognise performance issues and problems and identify solutions; and
- adhere to the Council's Risk Management Framework and relevant Occupational Health and Safety and requirements.

9.5 RECRUITMENT OF CONTRACT STAFF

This policy, including all financial thresholds, shall apply to the recruitment of all contract staff.

10. FRAUD CORRUPTION AND COMPLAINTS

Council has a Fraud Prevention Policy 45(C) which provides a framework for preventing the risk of fraud and strengthening organisational integrity.

Members of the public, suppliers, contractors, Councillors and Council Staff are encouraged to report fraud or corruption allegations or complaints about procurement processes or activities to the CEO or Public Interest Disclosure Coordinator.

The CEO must notify the Independent Broad-based Anti-Corruption Commission (IBAC) of any matter they suspect on reasonable grounds to involve corrupt conduct occurring or

having occurred in accordance with mandatory reporting requirements under the *Independent Broad-based Anti-corruption Commission Act 2011*.

11. GOVERNANCE

11.1 POLICY OWNER

The Manager People and Governance is currently responsible for this policy, including its implementation and managing the review.

11.2 FURTHER INFORMATION

For further information, including any questions, contact Council's Procurement Officer via email to procurement@hepburn.vic.gov.au

11.3 COMPLIANCE RESPONSIBILITY

The CEO is primarily responsible for ensuring compliance with the policy. If exceptional circumstances exist or if a matter is in the public interest, then the CEO is empowered, up to the CEO's financial delegation of \$300,000, to exempt any expenditure, procurement activity or competitive process from compliance with the policy.

In the event this power is exercised, the CEO will cause a brief description of the circumstances, including the date and the reason for the decision, to be made in a register of Procurement Policy exemptions. The CEO will present the register at a Councillor Briefing on an annual basis.

11.4 OPERATION

This policy is operational from the date it is adopted by Council until the date it is revoked by Council unless its operation becomes obsolete by circumstances beyond the control of Council.

The CEO is authorised to make minor administrative amendments to the policy.

11.5 REVIEW

In accordance with section 108 (5) of the Act, Council must review the policy at least once during each 4-year term of Council.

The CEO may cause the policy to be reviewed before then if there is a significant change in organisational circumstances or changes in legislation.

16.4 RISK MANAGEMENT FRAMEWORK DIRECTOR ORGANISATIONAL SERVICES

In providing this advice to Council as the Manager People and Governance, I Krysten Forte have no interests to disclose in this report.

ATTACHMENTS

1. Draft Risk Management Framework [**16.4.1** - 31 pages]

EXECUTIVE SUMMARY

The Risk Management Framework (RMF) has been written to document Council's approach to managing risk. It is attached.

The RMF is divided into three sections, which are built around three Focus Areas:

Focus Area 1: Key Policy Drivers (the **commitment**)

Focus Area 2: Risk Management Workplan (the **workplan**)

Focus Area 3: Risk Management Process (the **guidelines**)

The RMF is a comprehensive document that specifies:

1. The commitment to risk management in terms of principles, risk appetite, objectives, key performance indicators, accountabilities, resources, implementation, and evaluation.
2. The workplan that will develop and improve Council's level of risk maturity and drive continuous improvement.
3. The guidelines for a consistent method of identifying, assessing and evaluating risk including recording, reporting, monitoring and reviewing risk.

OFFICER'S RECOMMENDATION

That Council adopts the Risk Management Framework.

MOTION

That Council adopts the Risk Management Framework.

Moved: Cr Brian Hood

Seconded: Cr Don Henderson

Carried

BACKGROUND

The purpose of managing risk is to continuously improve performance and support the achievement of Council's strategic objectives.

Council's risk management project was initiated earlier this year to progress the development of the Risk Management Framework (RMF).

In looking for a framework that would enable continuous improvement and drive a positive risk management culture, it was determined that the RMF would be aligned to ISO 31000:2018 Risk Management Guidelines (the Standard).

The Standard is a principles-based standard, which is focused on driving continuous improvement. It is also the Standard used within Australia and internationally by governments, the private sector and the not-for-profit sector.

The RMF recognises that Council's approach to risk management is (a) dynamic and (b) operates across the five elements of risk culture, risk governance, risk resources, risk process and risk assurance.

KEY ISSUES

There are three key issues which are aligned to the three key performance indicators described in section 1.4 of the RMF.

1. Measuring Risk Compliance.
2. Measuring Risk Maturity.
3. Measuring Risk Appetite.

1. Measuring Risk Compliance

Compliance with the RMF is measured using the key performance indicators outlined in Table 1.1 on pages 8 and 9 of the RMF.

A "State of the Framework" will be reported annually to the Audit and Risk Committee.

2. Measuring Risk Maturity

Improving risk maturity will be achieved by developing the five elements of risk culture, risk governance, risk resources, risk process and risk assurance.

The Leadership Team have undertaken a self-assessment of risk maturity and found that the current level of risk maturity is "**Foundation** working towards **Developed**." Refer to Table 1.2 on page 10 of the RMF.

Over the next two years, the Leadership Team is committed to working towards a desired risk maturity level of "**Integrated**".

The RMF describes the accountabilities for managing risk. The Risk Management Workplan (Sections 2.1 to 2.5) describes the success factors (shown in the workplan as "Improvement Focus") that must be achieved if the Leadership Team is able to deliver on its aspiration to reach a risk maturity level of **integrated**.

There are 17 success factors across the five previously mentioned elements of risk culture, risk governance, risk resources, risk process and risk assurance.

Council's progress towards a risk maturity level of **integrated** will be monitored over the next 24 months by (a) assessing the level of compliance against the key

performance indicators and (b) the successful delivery of the success factors as shown in the Workplan.

3. Measuring Risk Appetite

A key part of the Risk Management Framework is the strategic Risk Appetite Statements shown in table 1.3, on pages 10 and 11 of the RMF. Strategic risk appetite is the type and amount of risk Council is willing to take in the pursuit of its strategic objectives as described in the Council Plan.

Councillors and the Executive Team have a role in determining strategic risk appetite because risk appetite supports decision making. Therefore, the Statements are forward looking and linked to the appropriate Focus Area in the Council Plan.

OTHER ISSUES

The allocation of resources is an important aspect of the RMF, which states *“Council is committed to identifying and allocating the necessary physical and financial resources to the management of risk across the organisation. When determining resource requirements consideration will be given to the following:*

- *People, skills, experience and competence*
- *Resources needed for each step of the risk management process*
- *The processes, methods and tools to be used for managing risk*
- *Documented processes and procedures*
- *Information and knowledge management systems*
- *Training programs.*

The use of (a) organisation wide risk management processes and (b) risk registers are two more equally important aspects of the RMF.

Section 3 of the RMF describes the risk management process and guidelines for a consistent method of identifying, assessing and evaluating risk including recording, reporting, monitoring and reviewing risk.

The RMF also makes a commitment to maintaining three risk registers:

- Strategic and Organisational Risk Register.
- Operational Risk Register.
- Project Risk Register.

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2021-2025

A dynamic and responsive Council

5.3 A sustainable and agile organisation with strong corporate governance that supports excellent operations.

GOVERNANCE ISSUES

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report (except for Officer and Consultant time in the development of the Risk Management Framework and the preparation of this report).

Resources and costs associated with the Risk Management Project have been included in the adopted annual Budget.

In due course, implementation of the Risk Management Workplan will require Officer time and resources.

RISK IMPLICATIONS

There are no risk implications associated with this report.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

There are no community engagement implications associated with this report.

In terms of stakeholder engagement, the development of the RMF has included, and will continue to include engagement with the Executive Team, Managers, Audit and Risk Committee and Councillors.

Risk Management Framework

Date: 21 December 2021

Preamble

The purpose of risk management is to create value, improve performance, encourage innovation and support the achievement of objectives.

The Risk Management Framework [the Framework] outlines Hepburn Shire Council's risk management approach.

In determining the type of Framework that would enable continuous improvement and drive a positive risk management culture, it was determined that the Framework be aligned to the principles based standard – ISO 31000:2018 Risk Management Guidelines (the Standard).

The Standard is focused on driving continuous improvement. It is also the Standard used within Australia and overseas by governments and both the not-for-profit and private sectors.

As a result, when working in partnership with business and government, there is a foundation to drive sound risk management practice.

The success of risk management depends of the effectiveness of the Framework to enable us to drive growth, opportunity and focus on the risks that matter.

The Framework was developed in consultation with Council's Leadership Team and Councillors.

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Glossary

Risk Management Definitions	
Communication and consultation	Continual and iterative processes that an organisation conducts to provide, share or obtain information and to engage in dialogue with stakeholders regarding the management of risk.
Consequences	Outcome of an event affecting the objectives. <ul style="list-style-type: none"> • <i>A consequence can be certain or uncertain and can have positive or negative direct or indirect effects on objectives.</i>
Control	Measure that maintains and or modifies risk. <ul style="list-style-type: none"> • <i>Controls are not limited to, any process, policy, device, practice or other conditions and or actions which maintain and or modify risk.</i> • <i>Controls may not always exert the intended or assumed modifying effect.</i>
Establishing the context	Defining the external and internal parameters to be considered when managing risk and setting the scope and risk criteria for the risk management policy.
Event	Occurrence or change of a set of circumstances. <ul style="list-style-type: none"> • <i>An event can have one or more occurrences and can have several causes and several consequences.</i>
Executive Team	At Hepburn Shire Council, the Executive Team is the combination of the CEO and Directors.
External context	External environment in which the organisation seeks to achieve its objectives.
Internal context	Internal environment in which the organisation seeks to achieve its objectives.
Leadership Team	At Hepburn Shire Council, the Leadership Team is the combination of the CEO, Directors and Managers.
Level of risk	Magnitude of a risk or combination of risks expressed in terms of the combination of consequences and their likelihood.
Likelihood	Chance of something happening.
Monitoring	Continual checking; supervising, critically observing or determining the status to identify change from the performance level required or expected.
Residual risk	Risk remaining after risk treatment.
Review	Activity undertaken to determine the suitability, adequacy and effectiveness of the subject to achieve established objectives.
Risk	Effect of uncertainty on objectives. <ul style="list-style-type: none"> • <i>An effect is a deviation from the expected. It can be positive, negative, or both and can address, create or result in opportunities or threats.</i>
Risk analysis	Process to comprehend the nature of risk and to determine the level of risk.

► Risk Management Framework

Risk Management Definitions	
Risk appetite	The type and amount of risk Council is willing to take in pursuit of objectives.
Risk assessment	Overall process of risk identification, risk analysis and risk evaluation.
Risk attitude	Organisation's approach to assessing and eventually pursuing, retaining, taking or turning away from risk.
Risk criteria	Terms of reference against which the significance of a risk is evaluated.
Risk evaluation	Process of comparing the results of risk analysis with the risk criteria to determine whether the risk and/or its magnitude are acceptable or tolerable.
Risk identification	Process of finding, recognising and describing risks.
Risk management	Coordinated activities to direct and control an organisation in relation to risk.
Risk management Framework	Set of components that provide the foundations and organisation arrangements for designing, implementing, monitoring, reviewing and continually improving risk management throughout the organisation.
Risk management plan	Scheme within the risk management Framework specifying the approach, components and resources to be applied to the management of risk.
Risk management policy	Statement of overall intentions and direction of an organisation related to risk management.
Risk management process	Systematic application of management policies, procedures and practices to the activities of communicating, consulting, establishing the context, and identifying, analysing, evaluating, treating, monitoring and reviewing risk.
Risk maturity	The measure to help organisations better understand their overall risk position including the value created from risk management initiatives.
Risk owner	Person or entity with the accountability and authority to manage a risk.
Risk profile	Description of any set of risks.
Risk source	Element which, either alone or in combination, has the potential to give rise to risk.
Risk treatment	Process to modify a risk.
Stakeholder	Person or organisation that can affect, be affected by or perceive themselves to be affected by a decision or activity.
Reference: AS/NZS ISO 31000:2018 Risk Management–Principles and Guidelines	

► Risk Management Framework

Design of the Framework

The Framework is built around three focus areas

- Focus Area 1 Key policy drivers
- Focus Area 2 Risk maturity drivers
- Focus Area 3: Risk management process – tools for assessing risk

Focus Area 1-Key policy drivers

The Framework supports and enables us to deliver against our strategic vision –

A place where all people in our community are valued, partnerships are fostered, the environment is protected, diversity is supported, and innovation embraced.

The Framework for managing risk requires a systematic approach so it is relevant, effective, efficient and adequate.

Focus Area 1 outlines the key risk management elements for the risk management policy.

These elements are:

- Principles of risk management
- Risk appetite
- Risk management objectives
- Key performance indicators
- Three lines of defence and assurance
- Accountabilities
- Risk structure
- Allocation of resources
- Communication and consultation
- Implementation
- Continuous improvement
- Evaluation



Focus Area 2-Risk maturity drivers workplan

The Framework supports strategies to enable and drive maturity and provides a clear focus. Risk management is both dynamic and mechanic and is multi-dimensional and links to culture, governance, resources, process and assurance.

Council has identified strategies across all these dimensions to enable and support maturity. These are listed in the plan and implementation will be reported annually to ARC and Council.

The elements are:

- Risk culture
- Risk governance
- Risk resources
- Risk process
- Risk assurance

Focus Area 3 - Risk management process

The Framework supports guidance for identifying, assessing and evaluating risks.

These elements are:

- Communication and consultation
- Scope, Context, Criteria
- Risk Identification
- Risk Analysis
- Risk Evaluation
- Recording and Reporting
- Monitoring and Review

▶ Risk Management Framework

Focus Area 1 – Key policy drivers (mandate and commitment)

1.1 Principles

For risk management to be effective it needs to be right size and resources of a small Council. We have outlined the principles Council are working towards. Risk management is:

- integrated and an integral part of all our activities;
- structured and comprehensive – risk management contributes to consistent and comparable results;
- customised and proportionate to the organisation;
- inclusive of knowledge, views of stakeholder and perceptions to be considered;
- dynamic and anticipates, detects, acknowledge and responds to those changes and events in an appropriate and timely manner;
- driven by the best available information;
- human and cultural factors – risk management takes into accounts human and cultural factors; and
- focused on continual improvement through learning and experience.

1.2 Strategic risk appetite

There is a strong and sustained commitment to ensure the ongoing effectiveness of risk management in the organisation. Council is responsible for setting risk appetite. Risk appetite represents the types and degree of risk Council is willing to take or accept in pursuit of achieving its objectives.

Within our Council Plan, the Key Focus Areas are:

- A resilient and sustainable environment
- A healthy supported, and empowered community
- Embracing our past and planning for our future
- Diverse economy and opportunity
- A dynamic and responsive Council.

Council has determined its strategic risk appetite and it is expressed as risk appetite statements in Table 1.3. They are aligned with the Council Plan Focus Areas.

1.3 Risk management objectives

Effective risk management requires the Leadership Team and staff to understand the business risks in their area and actively manage those risks as part of their day-to-day activities.

All staff have a role in managing risk and inherently do so in the day-to-day operations. It is important that all members of Hepburn Shire Council are familiar with the Framework. To provide for the maintenance of an effective risk management program the Council is committed to ensuring:

- That we work towards risk management becoming an integral part of Council planning and decision-making processes.
- There is a consistent approach to the management of risks across Council
- Clear roles, responsibilities and accountabilities are clearly defined.
- All staff with risk management roles and responsibilities are provided with the necessary authority to undertake these responsibilities.
- All staff with risk management roles and responsibilities are provided with the necessary skills to undertake these responsibilities.
- Communication within Council stakeholder community in relation to the identification and management of risk is promoted and encouraged.

Council accepts that, on occasions, even with sound risk management practices, things may go wrong. On such occasions, we will take the opportunity to review the reasons for the failure and endeavour to further strengthen controls to reduce the likelihood of a reoccurrence.

1.4 Key Performance Indicators

Risk management supports a culture of continuous improvement. Performance will be measured as follows.

Area 1 – Measuring risk compliance:

- Compliance with the Framework is measured using the key performance indicators outlined in Table 1.1
- A “State of the Framework” will be reported annually to the Audit and Risk Committee.

Area 2 – Measuring risk maturity:

- Increasing maturity is a combination of developing an enterprise risk culture that is supported by systems and processes. We assessed our risk maturity as *Foundation working towards Developed*. Our high-level assessment is outlined in Table 1.2
- Our desired risk maturity is nominated as *Developed working towards Integrated*. The RMF workplan (road map) to increase maturity is provided at Section Two.

Area 3 – Measuring risk appetite:

- Council has determined its risk appetite and it is expressed as risk appetite statements in Table 1.3. They are aligned with Council Plan Key Focus Areas.

Table 1.1: Key Performance Indicators - Measuring compliance

	Requirement	Key Performance Indicator (KPI)	Measure and Target	Accountability
1.0	Setting risk appetite			
1.1	ET and Councillors to determine strategic risk appetite	Risk appetite statements developed and linked to the Council plan and health and wellbeing focus areas and endorsed by Council	100% February	CEO
2.0	Training			
2.1	Managers and coordinators are to receive risk management training to improve their risk management skills.	Nominated managers and coordinators that have received Hepburn Shire Council approved risk management training.	100% To be determined	Managers and coordinators
2.2	Managers and coordinators are to receive training in using templates, systems and software	Nominated managers and coordinators that have received Hepburn Shire Council approved risk management training	100% When software becomes available	To be determined
3.0	Strategic and Organisational risk profiles			
3.1	The strategic risk profile is critically reviewed annually.	Annual risk reviews conducted and linked to Council Plan priority areas.	100% February	Directors

	Requirement	Key Performance Indicator (KPI)	Measure and Target	Accountability
3.2	The organisational risk profile is critically reviewed every six months	Bi-annual risk reviews conducted and linked to Council Plan priority areas.	100% November and March	All Managers
3.3	Strategic risk profile reports to be provided to ET and ARC and Councillors every 6 months	Reports provided to the appropriate committees within specified timeframes.	100% August and February.	Manager People and Governance
4.0	Operational risk profiles			
4.1	Operational Risk Profiles are reviewed every six months as part of the business planning process. They are discussed and reported to the Executive Team	Quarterly risk reviews conducted and reported as part of the quarterly report to ET and Councillors	100% March	Managers
4.2	All operational risk profiles are maintained on risk register in a specified format and critically review the risk register as part of Business Planning, at least once a year.	% of organisation maintaining a risk register.	100% September and March	All Managers
4.3	Council delivers services in partnership with external agencies and as a consequence shares risk. Interagency risk profiles should be developed	Determination of key external agencies that risk profiles should be developed	100% of nominated Programs	To be determined
4.4	Specialist Risk Profiles are maintained for: *Safety *Disruption risk (business continuity planning and emergency management) Project risk management	Nominated specialist areas maintaining a risk register will be developed for Health and Safety	100% of nominated Specialist Areas	To be confirmed
4.5	The existing controls for the risks rated with severe or major consequences are to be maintained, as far as possible, as effective, with evidence to support the assessment.	% of controls for risks with severe or major consequences are effective, with evidence to support the assessment.	100% Reviewed as part of risk reviews	All Managers
4.6	Managers are to demonstrate that operational risk profiles they are responsible for have been reviewed in the last 12 months.	Attestations have been reported to ET and ARC.	100% June	All Directors and Managers
5.0	Audit and Risk Committee			
5.1	The Audit and Risk Committee review the annual 'state of the RMF' report and associated risk instruments.	Outcome of review of compliance measurement.	Annually June	Manager Risk and Governance

Table 1.2: Measuring maturity

Maturity Areas	Foundation	Partially Developed	Developed	Partially Integrated	Integrated	Optimised
1.Culture	[Progress bar from Foundation to Integrated]					
2.Governance	[Progress bar from Foundation to Developed]					
3.Resources	[Progress bar from Foundation to Integrated]					
4.Process	[Progress bar from Foundation to Developed]					
5.Assurance	[Progress bar from Foundation to Integrated]					
6.Interagency	[Progress bar from Foundation to Integrated]					

Risk maturity is not a static concept. Over time the working environment changes, and risk management also needs to evolve to ensure it continues to support Council in achieving its objectives.

Consistent with leading practice, the Leadership Team have undertaken a self-assessment of risk maturity and determined that the current maturity of risk management practice is assessed as “**Foundation** working towards **Developed**.”

Over the next two years, they are working towards a desired maturity level of **Integrated**.

The Risk Management Framework workplan (refer Key Focus Area 2) outlines the roadmap for moving towards Council’s desired level of maturity.

Table 1.3: Measuring risk appetite

Risk appetite statements aligned with Council Plan Key Focus Areas (and category, in brackets)

Focus Area: A resilient, sustainable and protected environment

- Council has a moderate appetite for advocacy, strategic planning, land use assessments to maintain our heritage and town character in line with our policies and community expectations. (Environment)
- Council has a high appetite for innovation as we continue to protect and enhance our environment for future generations. (Environment)
- Council has no appetite for Council led activities which may negatively affect the health or sustainability of our natural environment. (Environment)

Focus Area: A healthy, supported and empowered community

- Council has a moderate appetite for innovative customer centric plans, strategies and initiatives. (Community & Engagement)
- Council has no appetite for Council led activities that may compromise or diminish the health, safety of our people, employees, contractors and community. (Safety)

Focus Area: Embracing our past and planning for the future

- Council has a high appetite to build the trust of its customers and community and engage in the decision-making process. (Community & Engagement)
- Council has a low appetite for Council led activities that could result in significant loss of key assets and infrastructure (Operations)

Focus Area: Diverse economy and opportunities

- Council has a moderate appetite for innovation and development of new ideas to increase the local economy and deliver long term financial sustainability. (Financial)
- Council has a low appetite for activities that may decrease business confidence (Financial)

Focus Area: A dynamic and responsive Council

- Council has a moderate appetite for risks associated with improving efficiency, levels of service to the community and reducing service costs. (Operations)
- Council has no appetite for any breaches in statute, regulation, fraud, corruption or proven ethical complaints. (Legal & Regulatory)
- Council has a low appetite for activities relating to actions that may put accreditations in jeopardy and compromise information security. (Legal & Regulatory)

Important Note: Risk appetite statements are shaped and built over time. In the next 12 – 24 months, Council will use the statements as a guide to support decision making and determine tolerances. In doing so, the statements will be refined over this period.

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1.5 Three lines model

The three lines model is developed by the institute of internal auditors. This model outlines the responsibility for risk, internal controls and assurance for all levels of an organisation and is the recognised assurance model across public and private business sectors.

The three lines of defence is underpinned by principles of **Governance**, **Managements role** in managing risks, designing internal controls and providing assurance over risks and internal controls and the **Internal audits** role in the independent assessment of internal controls and **external assurance** providers role.

Governance of an organisation requires appropriate structures and processes and the governing body ensures that appropriate structures and processes are in place for effective governance.

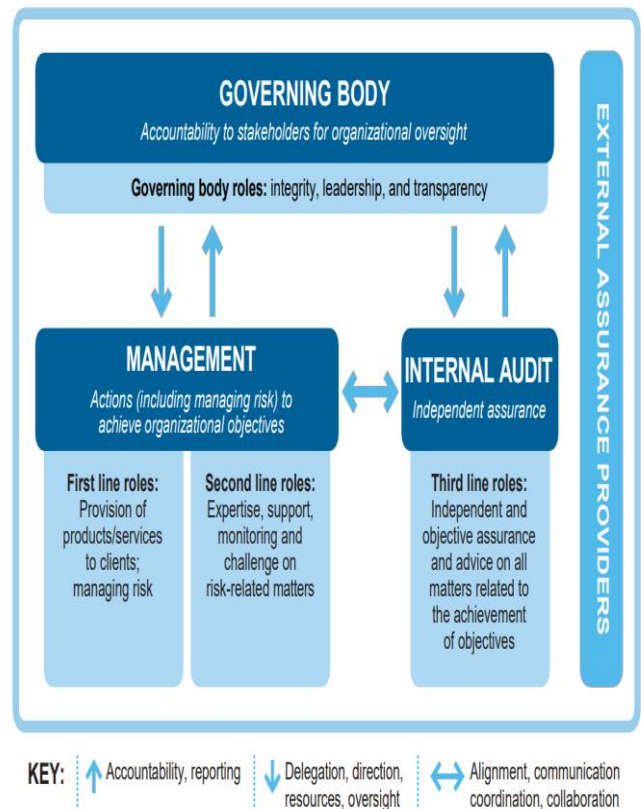
Responsible management is leading and directing actions and application of resources to achieve the objectives of Council. In doing so they need to establish and maintain appropriate structures and processes for the management of operations and risk (including internal controls) and ensuring compliance with legal, regulatory and ethical expectation.

In addition, support functions are in place so complementary expertise, support, monitoring and related to the management of risk can be provided; including, the development, implementation and continuous improvement of risk management practices (including internal controls) at a process, system and entity level.

Internal audit role is to maintain primary accountability to the governing body and independence from the responsibility of management.

In essence it is to communicate independent and objective assurance and advice to the management and the governing body on the adequacy and effectiveness of governance and risk management (including internal control) to support the achievement of organisational objectives and to promote and facility continuous improvement.

External assurance providers provide additional assurance to satisfy legislative and regulatory expectations that service to protect the interests of stakeholders as well as satisfy requests by management and the governing body to complement internal sources of assurance.



At Council, the first line of defence are Directors and their Managers and Coordinators.

The second line of defence is the Executive Team, Risk Management Committee (to be established) and Manager People and Governance.

The third line of defence is the Council, Audit and Risk Committee and appointed internal auditors.

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1.5.1 Assurance linked to three lines of defence

To manage risk, Council has layers of established processes and systems to enable the delivery of services. Council employs capable and knowledgeable people who perform functions to deliver these services.

Assurance is the process that informs us that an established control is designed to manage risk.

A control can take many forms, for example a control may be policies and procedures (providing instruction) technology (systems), reporting, or people (capability).

¹A control typically works in one of three ways:

- **Preventative** – controls that reduce the likelihood of a situation occurring, such as policies and procedures, approvals, technical security solutions built into a system.
- **Detective** – controls that identify failures in the control environment, such as reviews of performance, reconciliations, audits, and investigations (internal or via a third party)
- **Corrective** – controls that reduce the consequence and or rectify a failure after it has been discovered, such as continuous improvement actions, crisis management, business continuity and or disaster recovery plans and insurance

Control Effectiveness

Control effectiveness is the term used to describe how well a control is reducing or managing the risk it is meant to modify. The more effective a control is, the more confidence you have that the risk is being managed as you expect.

A control is more effective when it is highly:

- **relevant** (it's designed to address the intended risk);
- **complete** (it addresses most/all of the risk);
- **reliable** (it operates as expected); and
- **timely** (it operates at the right time and reacts quickly enough).

In linking control effectiveness to the three lines of defence model:

- The first line of defence is responsible for testing controls to understand the risks the controls are intended to reduce or manage and the level of controls (preventative, corrective and detective).
- The second line of defence role is to identify where is a critical reliance on operational processes that need to be well documented and regularly monitored and then assess if these controls are operating as intended.

An assurance plan would both determine the controls that should be subject to assessment and the types of control assessment that would be undertaken. Control testing and assessment techniques could include:

- self-assessment
- feedback
- review of efforts and incidents
- specialist review by trained auditors and assessors
- root cause analysis
- quality control
- loss event data
- insurance claims
- user testing
- trends (i.e. complaints)
- maturity assessment
- attestations

¹ Victorian Managed Insurance Authority (2020)
Control Effectiveness Guide

▶ Risk Management Framework

1.6 Accountabilities

Chief Executive Officer

The Chief Executive Officer (CEO) has ultimate responsibility for risk management.

The CEO will:

- Promote risk management as a vital business principle, provide a safe and healthy work environment and enable Hepburn Shire Council and employees to meet their duty of care to in protecting its people, community, assets and operations.

Audit & Risk Committee (ARC)

- The Audit and Risk Committee will provide advice and recommendations relevant to its Charter. The Committee will monitor processes and practices to ensure effective business continuity and annually review the risk management policy.
- The Committee will review and recommend to Hepburn Shire Council a strategic annual internal audit plan ensuring the internal auditor's annual plan is linked with and covers the material business risks.

Councillors

Councillors are responsible for setting risk appetite and have a role is identifying, assessing and managing strategic risk

Directors

The Directors are responsible for their directorates risk management performance.

The Directors will:

- Implement the risk management Framework, ensuring appropriate resources for risk management actions are made available and ensuring effective monitoring, reviews and reporting are undertaken.
- Promote risk management as a vital business principle, monitor and evaluate the performance of managers against their risk management accountabilities and assist managers in the identification, evaluation and mitigation of risks associated with their Key Result Areas and activities.

Control owner

The control owner is the person assigned with accountability for ensuring that the control activities are in place and operating effectively. The control owner does not necessarily perform the control activity, the control owner has oversight of its performance.

Risk Management Committee

- The Risk Management Committee has overall responsibility for the implementation of the Risk Management Plan. The RMC terms of reference is provided as **Attachment 1**.

Managers and Coordinators

Managers and Coordinators are responsible for implementing the, Framework and procedures across the organisation and supporting their Directors to fulfil their risk management obligations. Managers and Coordinators will:

- Promote risk management as a vital business principle.
- Understand the principles of risk management, including the intent of the Framework; all risks assigned to their areas of responsibility assessed as moderate or above.

- Assist Direct reports in the identification, evaluation and mitigation of risks associated with their Key Result Areas and activities.
- Enter all risks within their jurisdiction onto the Risk Register and manage them.
- Keep employees appropriately informed of all changes relating to registered risks.
- Advise of any risk issues within their jurisdiction that should be incorporated in forthcoming budgets.
- Foster and cultivate an appropriate risk management culture across the organisation.

Director Organisational Services

The Director is responsible for overseeing the development, facilitation and implementation of a risk management culture and Framework and chairing the Risk Management Committee.

Procurement, Insurance & Risk Specialist

The Procurement, Insurance & Risk Specialist will:

- Provide advice and assistance to employees in relation to the development and implementation of an effective risk management system, encourage employees and business partners, contractors and volunteers to actively employ risk management in their decision-making processes;
- Assist employees with the procedural aspects of risk management
- Develop a risk management training program for the Hepburn Shire Council
- Monitor Business Units compliance with implementation, review and maintenance of risk management procedural requirements.

Employees

All employees will be expected to support the effective implementation and operation of Council risk management approach. All employees are to:

- Understand and observe the Framework and related procedures
- Assist their manager in the identification and management of risks to be entered the Hepburn Shire Council's Risk Register.
- Contribute to the development and implementation of risk treatment plans and strategies within their work area.
- Provide timely assistance and requested information in relation to any insurance claim or risk management issue.
- Make loss control/prevention a priority whilst undertaking daily tasks in the Hepburn Shire Council's operations.
- Complete a formal risk assessment for proposed events and projects.
- Perform their duties in a manner that does not represent an unacceptable level of risk to the health and safety of themselves, other employees, the customers or visitors, contractors or the wider community.
- Report any illness, injury, hazard, near miss or incidents and losses as soon as they are detected to their manager or supervisor; and encourage the public to respect Hepburn Shire Council property.

Coordinator People and Culture

In addition to the generic responsibilities under this Framework, the Coordinator People and Culture will:

- Be responsible for overseeing the development and maintenance of the work, health and safety culture, Framework and systems and Incorporate risk management training program into the learning and development schedule.

Manager Planning and Development

In addition to the generic responsibilities under this Framework, the Manager Planning and Development will be responsible for overseeing the integration of the Framework and corporate planning.

Events and Special Projects Managers / Engineers / Employees

In addition to their generic responsibilities under this Framework, employees with responsibility for events and special projects are to undertake and document a formal risk assessment for all proposed events and or projects, prior to being submitted for funding or approval. This assessment must:

- Consider known risks identified for similar events/projects.
- Identify unique risks associated with and event or project.
- Where possible, modify the design of the event/project to eliminate or at least minimise these known risks.
- Where risks cannot be eliminated through redesign or re-engineering, establish plans to mitigate the risk to an acceptable level during an event or after completion and implementation of a project.

Contract / Tender Managers

In addition to their generic responsibilities under this Framework, Contract/Tender Managers are to ensure that tenders issued, and contracts let, comply with the risk management, insurance and indemnity requirements of Australian Standard AS 4000/1997 General Conditions of Contract and conform to the intent of the Risk Management Policy and Framework.

Manager Waste, Facilities and Community Safety

In addition to their generic responsibilities under this Framework, the Manager Waste, Facilities and Community Safety will:

- Develop and maintain an inspection program for all owned and controlled buildings, which complies with all the statutory and regulatory obligations and bi-annual external audit program
- Generate maintenance activities from the inspections conducted
- Ensure that maintenance activities are carried out in accordance with applicable specifications and standards.

1.7 Enterprise risk profile structure

Council's risk profile structure has been designed to capture three levels of risk:

Level 1 - Strategic and Organisational risk

Level 2 – Operational risk

Level 3 – Project risk

The Key Performance Indicators are outlined in Table 1.1 under section 1.4.

Profile-Level 1.

Strategic risks are forward looking and linked to the strategic objectives. The time horizon for these risks are typically the time horizon of the strategic plan (i.e. four-years)

Strategic risks are few and externally focused.

Organisational risks are linked to the strategic risk and are the risks that impede the delivery of strategic objectives.

A control not well designed or managed may be the source of a risk. Organisational risks are internally focused and focused on critically controls required to enable the delivery of the Council plan.

Profile-Level 2

Operation risks are the risks focused on delivering business objectives, compliance objectives. They are functionally focused. The time horizon for these risks are aligned to the business plans. Operation risks are linked to strategic risks.

Profile-Level 3

Project risks are risks linked to the delivery of a project and focus on changes to project scope, project budget, project schedule impacting project quality.

▶ Risk Management Framework

1.8 Allocating resources

Council is committed to identifying and allocating the necessary physical and financial resources to the management of risk across the organisation. When determining resource requirements consideration will be given to the following:

- People, skills, experience and competence
- Resources needed for each step of the risk management process
- The processes, methods and tools to be used for managing risk
- Documented processes and procedures
- Information and knowledge management systems
- Training programs.

Tools and Systems

- Risk management process – Section Three
- Risk registers (not yet available refer to RMF workplan)

Council will maintain three risk registers in line with our key performance indicators. The risk registers are:

1. Strategic and Organisational risk register
2. Operational risk register
3. Project risk register

All registers are in development. Refer to Key Focus Area 2: Risk Management Workplan.

1.9 Communication and consultation

The Framework has been developed in consultation with all Directors and Managers and communication with all Council officers

1.10 Implementation

The risk management Framework will be implemented through meeting key performance indicators and implementation of the risk management Framework workplan.

1.11 Evaluation

The Framework requires regular monitoring and review to assess its effectiveness and level of implementation across the business. The state of the Plan will be reviewed annually reported to the Risk Management Committee and Audit and Risk Committee. The RMF and RMF workplan will be reviewed every two years.

1.12 Continuous Improvement

The implementation of the risk maturity workplan will form the evidence for continuous improvement

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Key Focus Area 2 - Risk management workplan

The Risk Management Framework Workplan (2021-2024) is designed to support continuous improvement and grow risk maturity.

2.1 Risk Culture

1-Culture	The behaviour of the people within the organisation supporting risk management practice		
	During the next 12 – 24 months we will mature risk culture.	Responsible Officer	Source
2021-23 Improvement Focus	2.1.1 - Implementation of professional training on risk management for nominated staff.	Manager People and Governance	ARC road map May 2020
	2.1.2 - Implementation of risk training will be delivered to the Executive Team and Councillors.	Manager People and Governance	ARC road map May 2020
	2.1.3 - Risk appetite statements will be developed and linked to strategic objectives and organisation values.	Director Organisational Services	Key Performance Indicator

2.2 Risk Governance

2-Governance	The approach for developing, supporting and embedding risk strategy and accountabilities		
	In the next 12 months – 24 months we will mature risk governance.	Responsible Officer	Source
2021-2023 - Improvement Focus	2.2.1 - Risk Management Working Group will be established and supported by Terms of Reference.	Director Organisational Services	ARC road map May 2020 KPI
	2.2.2 - The Internal Audit Implementation Plan and detailed project plan will be reviewed and aligned to risk profile	Manager People and Governance	ARC road map May 2020
	2.2.3 - The Framework will be reviewed and updated	Manager People and Governance	ARC road map May 2020
	2.2.4 - The risk management monitoring and reporting Framework will be established.	Manager People and Governance	ARC road map May 2020
	2.2.5 - Operational risks will be identified as part of business planning considerations.	Director Organisational Services	ARC road map May 2020 KPI

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2.3 Risk Resources

3- Resources	The resources and planning allocated to the management of risk		
	In the next 12 – 24 months we will mature our risk resources.	Responsible Officer	Source
2021-2023 Improvement Focus	2.3.1 - Adequate resources and competencies will be determined and established.	Manager People and Governance	ARC road map May 2020
	2.3.2 - Employees responsible for overseeing the Framework role will be included in Position descriptions.	(1) Manager People and Governance. (2) Coordinator People and Culture	ARC road map May 2020
	2.3.3 - Review of systems and software that will be required to ensure risk management can be implemented across the organisation.	(1) Manager People and Governance. (2) Manager ICT	ARC road map May 2020

2.4 Risk Process

4- Risk Process	The process for identifying, assessing, evaluating, treating and monitoring risk		
	In the next 12 – 24 months we will mature our risk process.	Responsible Officer	Source
2021-2023 Improvement Focus	2.4.1 - Identification of strategic risks linked to the Council Plan.	Director Organisational Services	Key performance indicator
	2.4.2 - Development of specialist risk profiles for nominated areas: <ul style="list-style-type: none"> Health and safety 	(1) Manager People and Governance. (2) Safety Systems Facilitator	Key performance indicator
	2.4.3 - Determine the criteria for high risk and high value projects and develop project risk registers for nominated projects.	ET and Manager People and Governance.	Key performance indicator
	2.4.4 - Determine what type of risk should be escalated to whom and how it will be reported.	Risk Committee	Framework Key Area -3

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2.5 Risk Assurance

5- Assurance	The process of establishing integrity and validity to bring confidence and support decision-making.		
	In the next 12 – 24 months, we will mature our risk assurance.	Responsible Officer	Source
2021-2023 Improvement Focus	2.5.1 - Risk control assurance work plans will be developed by “first line of defence” risk and control owners. A control owner is a person nominated with the responsibility for administering a control.	Manager People and Governance	Key performance indicator
	2.5.2 - Risk attestation processes will be determined and implemented.	Manager People and Governance	Key performance indicator

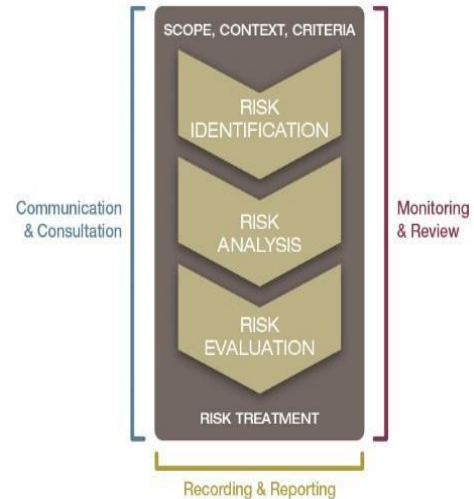
2.6 Risk Interagency

6-Interagency	Risks which are shared and unmitigated by one agency increases risks to another agency		
	In the next 12 – 24 months, we will mature or approach to managing interagency risk.	Responsible Officer	Source
2021-2023 Improvement Focus	2.6.1 - Interagency risk register with key nominated partners will be developed (such as DHHS, CFA and Victoria Police).	Director Organisational Services	Key performance indicator

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Key Focus Area 3 - Risk management process

The risk management process should be an integral part of management and decision making and integrated into the structure of operations and processes of Council and can be applied at strategic, operational and project levels.



3.1 Communication and consultation

When developing risk profiles, the purpose of communication and consultation is to assist relevant stakeholders in understanding risk, the basis on which decisions are made and the reasons why particular actions are required. It is essential to support sound risk management decisions, so that the context is appropriately established, the interests of stakeholders are understood and considered, critical risks are adequately identified, and different areas of expertise are brought together.

3.2 Establishing the scope, context and criteria

The purpose of establishing the scope, the context and criteria is to customise the risk management process, enabling effective risk assessment and appropriate treatment.

Establishing the context defines the basic parameters within which risks will be managed by Hepburn Shire Council and sets the scope for the rest of the risk Management process.

Key questions for this step:

- What is the strategy, program, process or activity that is being assessed?
- What are the critical success factors?
- What are the outcomes expected?
- What are the strengths, weaknesses, threats or opportunities?
- Who are the stakeholders?
- What are the significant factors in [Hepburn Shire Council's](#) internal and external environment?
- What problems were identified in similar previous assessments?

Environmental scanning (ES) tools are varied, an example is provided below.

ES - Political, Economic, Societal, Technological, Environmental and Legal (PESTEL) analysis

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A PESTEL requires consideration of several factors.

- **Political** influences, which may prevent your organisation from achieving its objectives.
- **Economic** influences, which may prevent your organisation from achieving its objectives.
- **Socio-cultural** influences, which may prevent your organisation from achieving its objectives.
- **Technical and technological** influences, which may prevent your organisation from achieving its objectives.
- **Environmental** influences, which may prevent your organisation from achieving its objectives.
- **Legal** influences, which may prevent your organisation from achieving its objectives.



3.3 Risk identification

As outlined in the AS/NZS ISO 31000:2018, a risk is defined as the **effect of uncertainty** on objectives.

Key questions for this step:

- When, where, why, how are the risks likely to occur and who might be involved?
- What is the source (or cause) of each risk?

Sources of risk

Risk sources are elements that, alone or in combination, have the intrinsic potential to give rise to risk. There are multiple sources of risk.

We ran workshops with Managers and Coordinators and took into consideration their business activities and identified sources of risk areas prominent in their day to day business. The table below outlines sources of risk by category and headline.

Sources of Risk by Category			
1. Governance & Legal			
• Planning, programming & service delivery	• Assurance	• Data protection	• Delegations & authorities
• Fraud control	• Policy management	• Project management	• Compliance management
• Complaints management	• External reporting	• Service level agreements	• Internal control weakness
• Commercial management	• Partnerships	• Changes to legislation	• Industrial relations

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• Procurement	• Strategy & planning process	• Policy Framework	• Service level agreements
• Community engagement	• Transparency	• Local laws	• Cyber management
2. Economic & Financial			
• Financial accounting & reporting	• Budget & planning	• Expenditure management	• Asset management
• Financial management	• Rate management	• Procurement management	• Contract management
• Public liability	• Innovation	• External grants	new revenue sources
3. People & Safety			
• Employee engagement	• Workforce management	• Employee relations	• Employee health, safety & wellbeing
• Succession risk management	• Training & recruitment	• Change management	• Restructure
• People management	• Attracting capability	• Key person reliance	• Human rights
• Learning & development	• Resilient workforce	• Crowded places	• Corruption
4. Corporate Management			
• Information management	• Data, information & knowledge	• Business continuity management	• Poor internal communications
• Emergency response	• Frame works	• Security	• Asset management
• External communication	• Business systems	• Systems integrity	• Project management
• Corporate policy	• Operational agility	• Streamlined processes	• Supplier relationships
• Information systems	• Incident management		• Supplier partnerships
5. Service Delivery & Stakeholder Management			
• Stakeholder confidence	• Government relationship	• Community engagement	• Businesses relationships
• Community organisations	• Committees	• Regulators	• Contractors
• Stakeholder management	• Social inclusion	• Partnerships	• Advisory groups
• Suppliers and supply chain	• Project management	• Safety management	• Access to venues to deliver services
• Cultural heritage			

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Risk identification template

Risk Source by Category	Risk Description
<ol style="list-style-type: none"> 1. Governance and legal 2. Economic and financial 3. People and safety 4. Corporate management 5. Service delivery and stakeholder management 	<ul style="list-style-type: none"> • The event... (something may happen) • Caused by... (threat or opportunity) • Resulting in... (impact to Council)

3.4 Risk analysis

The purpose of risk analysis is to comprehend the nature of risk and its characteristics including where appropriate, the level of risk.

The main objective of risk analysis is to separate the minor acceptable risks from the major ones, and to provide data to assist in the evaluation and treatment of risk.

Risk analysis involves a detailed consideration of risk uncertainties, risk sources, consequence, likelihood, event, scenarios, controls and their effectiveness.

When determining the likelihood or consequence of a risk occurring, it is important to take into consideration existing controls.

The following table provides a useful methodology for assessing the effectiveness of existing controls:

Table 3.1: CONTROL EFFECTIVENESS -DESCRIPTORS	
Effective	The control is well designed for the risk, it addresses the root cause and management has assurance that it is always effective and reliable. The control is measured and monitored on an ongoing basis.
Partially effective	While the design of the control seems largely correct in that it treats most of the risk root cause, its effectiveness to mitigate the risk could be improved. The control is 60-90% effective.
Slightly effective	Significant control gap. Either the control does not treat all the root cause, or it does not operate consistently to effectively mitigate the risk. The control is 30-60% effective.
Not effective	Virtually not a credible control. Management has no confidence that any degree of control is being achieved due to poor control design and/or very limited operational effectiveness. The control is 0-30% effective.

Risk rating

A risk analysis will result in overall risk rating.

The overall risk rating is determined by combining an estimate of the likelihood (probability) of a cause occurring combined with an estimate of the consequence (impact) if an event occurs.

The following tables should be referenced when undertaking a risk analysis.

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Table 3.2 Reference Likelihood rating

In the current control environment, the likelihood (probability) that a risk will occur is estimated to be:

	Criteria
1-Almost Certain	Less than 10% of the controls are rated either effective or partially effective . Without control improvement it is almost certain the risk will eventuate at some point in time.
2-Likely	10 - 30% of the controls associated with the risk are rated either effective or partially effective . Without control improvement it is more likely than not that the risk will eventuate.
3-Possible	30 – 70% of the controls associated with the risk are rated as either effective or partially effective . If there is no improvement the risk may eventuate.
4-Unlikely	70 – 90% of the controls associated with the risk are rated as either effective or partially effective . The strength of the control environment means that the risk occurrence would more than likely be caused by factors not known to Council
5-Rare	90% or more of the controls associated with the risk are rated as either effective or partially effective . The strength of this control environment means that, if this risk eventuates, it is most likely as a result of external circumstances outside the control of Council.

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Table 3.3. Reference Consequence Rating

In the current control environment, the consequence (impact) of an event occurring is estimated to be:

Category Examples	1-Insignificant	2-Minor	3-Moderate	4-Major	5-Severe
Business capability examples	<ul style="list-style-type: none"> A single function is non-functional <3 months, with some cross-functional impact. Existing resources are diverted from normal duties <1 month. 	<ul style="list-style-type: none"> Delivery of a major project is delayed >2 months. Failure to achieve major project outcomes/deliverables. A single function is non-functional >3 months, and/or significant impact on other areas. Unplanned/ unbudgeted, additional resources are required in order to achieve intended outcomes. 	<ul style="list-style-type: none"> Total failure of a strategic project. Repeated failure to deliver service or functional objectives, over several months. Council is unable to attract suitably qualified candidates to fill vacancies. Substantial revision of one or more business processes is required. Issue requires dedicated resources >3 months to fix. 	<ul style="list-style-type: none"> A single business unit is consumed by single issue >3 months. The organisation is severely incapacitated and non-functional for >1 week. A customer-facing service is totally incapacitated and non-functional for >1 month. 	<ul style="list-style-type: none"> Significant organisational effort is consumed by recovery for > 3 months. The organisation is totally incapacitated and non-functional for >1 week. A customer-facing service is totally incapacitated and non-functional for >1 month. Council is dismissed and replaced by a Commission.
Reputation examples	<ul style="list-style-type: none"> Once-off mention in local media. 	<ul style="list-style-type: none"> Very critical editorial comment in local media, once or twice. Once-off mention in Melbourne media. 	<ul style="list-style-type: none"> Negative campaign in local media, over several weeks. Negative opinion expressed by multiple ratepayers to Councillors and/or staff. 	<ul style="list-style-type: none"> Repeated negative reporting in State or national electronic media. Organisation is openly criticised in industry forums. Negative campaign conducted by multiple ratepayers, over several weeks. Organisation is perceived as an employer to avoid. 	<ul style="list-style-type: none"> The Shire is specific subject of debate and/or legislation and/or cited in State parliament.
Community examples	<ul style="list-style-type: none"> Permanent closure of a popular social/ sporting facility. Widespread sense of low worth/ morale as a community. Closure of local school. Closure of local financial institution. 	<ul style="list-style-type: none"> Widespread and prolonged unrest/ disharmony due to social/cultural change. Negative population growth >12 months. Permanent closure of the only local social facility. Long-term inability to form/maintain social committees/groups. 	<ul style="list-style-type: none"> Permanent closure of a local sporting team or major facility Violent aggression/ reaction to social/ cultural change. Property values decrease >10%. >average increase in crime/ problem gambling/ substance abuse. 	<ul style="list-style-type: none"> 100's of people are incapacitated, requiring medical attention, for several days. A Shire major population centre essential service/utility is incapacitated for several days. Failure of >50% of businesses. Property values decrease >20%. 	<ul style="list-style-type: none"> The Shire population centre is destroyed or extensively damaged, with multiple fatalities. An essential service/utility in the Shire is permanently incapacitated. 100s of people are permanently incapacitated. Small rural hamlets are unable to sustain residents.

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Category Examples	1-Insignificant	2-Minor	3-Moderate	4-Major	5-Severe
Financial examples	<ul style="list-style-type: none"> • <\$50,000 loss/gain • <\$1000 breach of trust/authority • <1% Rate revenue increase. 	<ul style="list-style-type: none"> • <\$250,000 loss/gain • <\$10,000 breach of trust/authority • <3% Rate revenue increase. • 	<ul style="list-style-type: none"> • <\$500,000 loss/gain • <\$30,000 breach of trust/authority 	<ul style="list-style-type: none"> • >\$500,000 loss/gain. • >\$30,000 breach of trust/authority. • >3% Rate revenue increase. 	<ul style="list-style-type: none"> • The Shire is unable to borrow capital funds due to existing debt or credit rating. • Lenders foreclose on existing loans. • >\$10M loss/gain. • >\$250,000 breach of trust/authority • >5% Rate revenue increase
Environmental examples	<ul style="list-style-type: none"> • Spill/release of hazardous substance is contained to immediate vicinity, with no lasting impact. • Non-recycled products are purchased where a suitable recycled/ sustainable alternative is available. 	<ul style="list-style-type: none"> • Spill/release of hazardous substance impacts water course and/or native vegetation <30 days. • <50% of all waste is recycled. • No improvement in greenhouse gas emissions. • Permanent loss of endangered species habitat. 	<ul style="list-style-type: none"> • Total loss of native fauna/flora species • Greenhouse gas emissions increase • Total and permanent loss of native vegetation > 50 Ha. 	<ul style="list-style-type: none"> • Permanent contamination, visible erosion of soil or vegetation loss >1,000 ha. • Greenhouse gas emissions increase >1%. • Non-recyclable waste increase >5%. • Water consumption increase >5%. 	<ul style="list-style-type: none"> • Permanent contamination, visible erosion of soil or vegetation loss >10,000 Ha. • Loss/contamination of a river or lake >5 years. • Greenhouse gas emissions increase >10%.
Legal and Regulatory examples	<ul style="list-style-type: none"> • Public Liability claim, within excess. • Low risk near miss incident. 	<ul style="list-style-type: none"> • Professional Indemnity claim lodged. 	<ul style="list-style-type: none"> • First-named party sued for damages/ negligent act. 	<ul style="list-style-type: none"> • Sued for damages >\$10M. • Indictable statutory non-compliance. 	<ul style="list-style-type: none"> • Prosecution for indictable offence; Councillors and/or officers prosecuted. • Sued for damages >\$50M.
Safety examples	<ul style="list-style-type: none"> • First aid injury to employee, contractor or member of public. • Low risk near miss incident. 	<ul style="list-style-type: none"> • Minor injury to employee, contractor or member of public, requiring medical treatment. • Provisional Improvement Notice (PIN) issued. • Near miss incident with the potential for a medical treatment injury. 	<ul style="list-style-type: none"> • Multiple minor injuries to employees, contractors or members of public, requiring medical treatment. • Near miss serious incident with the potential for permanent disablement. 	<ul style="list-style-type: none"> • Notifiable/serious incident or injury to employee, contractor or member of public. 	<ul style="list-style-type: none"> • Death of employee, contractor or member of public due to direct process failure of Council OHS systems • Multiple serious injuries to employees, contractors or members of public. • WorkSafe prosecution.

► Risk Management Framework

Table 3.3 Overall risk rating

		Consequence				
		1-Insignificant	2-Minor	3-Moderate	4-Major	5-Severe
Likelihood	5-Almost Certain	Medium (5)	Medium (10)	High (15)	Extreme (20)	Extreme (25)
	4-Likely	Low (4)	Medium (8)	High (12)	Extreme (16)	Extreme (20)
	3-Possible	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
	2-Unlikely	Low (2)	Low (4)	Medium (6)	Medium (8)	Medium (10)
	1-Rare	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Risk escalation

It will be the role of the Risk Committee to determine the type of risks that will be escalated and to whom they should be reported and how often. This will be developed over time. The action to determine risk escalation is documented within the Risk Management Framework Work Plan as outlined under 2.4.2

3.5 Risk treatment

The purpose of risk treatment is to select and implement options for addressing risk. Risk treatment involves an iterative process of formulating and selecting risk treatment options, planning and implementing risk treatment, assessing the effectiveness of that treatment and deciding if the remaining risk is acceptable.

All risks require treatment regardless of risk level and must be monitored to ensure that existing controls are effective in mitigating negative outcomes.

When determining the preferred treatment option, consideration should be given to the cost of the treatment as compared to the likely risk reduction that will result. On selecting the preferred treatment option, the cost of any action should be incorporated into the budget planning processes and a responsible person identified for delivery of the action.

Risk treatment options
• Avoid the risk by deciding not to start or continue with the activity that gives risk to the risk.
• Taking or increasing the risk in order to pursue an opportunity
• Remove the risk source
• Changing the likelihood of the risk
• Change the consequence of the risk
• Sharing the risk (i.e. insurance, contract)
• Retain the risk by informed decision making

Risk cannot be eliminated. Instead risk is managed to a level that is acceptable. It is important that any remaining risk is clearly identified and that there is a clear understanding as to why the risk was tolerated.

Risk treatment options to either change the likelihood or consequence of the risk will require a treatment plan to be prepared. Risk treatment plan should include a description of the proposed action, resource and budgeting allocation requirements, the timing for the completion of treatment actions, an allocation of

responsibilities, reviewing and monitoring arrangements, associated performance measures, when the treatment is completed and % of actions complete.

3.6 Monitoring and review

The purpose of monitoring and review is to assure and improve the quality and effectiveness of process design, implementation and outcomes. Ongoing monitoring and periodic review of the risk management process and outcomes needs to be a planned part of the business activity. Monitoring and review are typically driven by both Risk Management Framework Key Performance Indicators and target dates nominated within the risk register.

3.7 Recording and reporting

The risk management process and its outcomes should be documented and reported. Reporting aims to communicate risk management activities and outcomes across Council

- Provide information for decision making
- Improve risk management activities
- Assist interaction with stakeholders, including those with responsibility and accountability for risk management activities.

► Risk Management Framework

Attachment 1- Risk Committee Terms of Reference

1. Introduction

- 1.1 The terms of reference have been developed to support the establishment and management of the Risk Management Committee (the Committee) with clarity of role and purpose.

2. Role of the Risk Management Committee

2.1 The Risk Management Committee is the key management governance committee for risk management across the organisation.

2.2 The Committee has overall responsibility for the Risk Management Framework and has a role to champion and comply with the Framework.

3. Purpose

3.1 The purpose of the Committee is to ensure regular risk monitoring and review activities occur quarterly meetings that will facilitate timely identification and assessment of emerging, organisational, operational and program risks.

4. Risk Management Structure

4.1 The Director Organisational Services is the Chair the Committee, providing guidance and support to Committee direction and responsible for chairing the committee and for ensuring that appropriate agendas, minutes, outputs, governance and framework are being utilised to support the effective and efficient operation of the Committee.

4.2 The Manager People and Governance will provide Secretariat support to the Committee and will coordinate attendance, agendas and requirements for management to produce papers, minutes and record keeping. Selected Managers are members of the Risk Management Committee. Attendance is unable to be delegated.

4.3 In addition to selected manager representation can include one nominated officer responsible for safety systems and process and one nominated officer responsible for delivery of projects.

5. Meeting Procedures

5.1 The Committee will meet every two months. All members of the Committee are expected to attend each meeting in person or via teleconference.

5.2 The Secretariat will produce the Committee meeting agendas and provide Committee members at least one week in advance of the meeting.

5.3 Reports and papers for presentation will be distributed at least 36 hours prior to the meeting.

5.4 Draft minutes of each meeting will be reviewed by the Committee Leads and circulated to all members as soon as practicable after the meeting.

5.5 A copy of the minutes of each meeting will be included in the papers for the following meeting.

6. Review of Committee

6.1 The Committee will periodically review the terms of reference. Key focus areas will include:

- Consideration and understanding of the corporate risk strategy and risk priorities
- Communication of lessons learnt
- Regular assurance about the management of risk.
- Communication with external stakeholders, interagency risk and interdependencies.

7. Risk Reporting, Communication and Compliance -

7.1 Risk Reporting is a key form of communication and should be included in reports to Councillors, Executive Team, Risk Management Committee and Audit and Risk Committee

16.5 RECORDS OF COUNCILLOR ATTENDANCE DIRECTOR ORGANISATIONAL SERVICES

In providing this advice to Council as the Governance Advisor, I Danielle Kraak have no interests to disclose in this report.

ATTACHMENTS

1. Record of Councillor Attendance - Mineral Springs Reserve Advisory Committee - 23 August 2021 [**16.5.1** - 4 pages]
2. Record of Councillor Attendance - Gender Equity Reserve Advisory Committee - 8 September 2021 [**16.5.2** - 4 pages]
3. Record of Councillor Attendance - Councillor Briefing - 14 September 2021 [**16.5.3** - 5 pages]
4. Record of Councillor Attendance - Pre- Council Meeting Briefing - 21 September 2021 [**16.5.4** - 2 pages]
5. Record of Councillor Attendance - Councillor Planning Briefing - 28 September 2021 [**16.5.5** - 2 pages]
6. Record of Councillor Attendance - Councillor Briefing - 5 October 2021 [**16.5.6** - 2 pages]
7. Record of Councillor Attendance - Councillor Briefing - 12 October 2021 [**16.5.7** - 2 pages]
8. Record of Councillor Attendance - Ad- Hoc Briefing - 18 October 2021 [**16.5.8** - 2 pages]
9. Record of Councillor Attendance - Pre- Council Meeting Briefing - 19 October 2021 [**16.5.9** - 2 pages]
10. Record of Councillor Attendance - Planning Briefing - 26 October 2021 [**16.5.10** - 4 pages]
11. Record of Councillor Attendance - Gender Equity Advisory Committee Meeting - 3 November 2021 [**16.5.11** - 4 pages]
12. Record of Councillor Attendance - Disability Advisory Committee Meeting - 8 November 2021 [**16.5.12** - 4 pages]
13. Record of Councillor Attendance - Councillor Briefing - 9 November 2021 [**16.5.13** - 6 pages]
14. Record of Councillor Attendance - Councillor Briefing - 16 November 2021 [**16.5.14** - 4 pages]

EXECUTIVE SUMMARY

The purpose of this report is for Council to receive and note Records of Councillor Attendance, formerly known as Assemblies of Councillors records required to be presented under provisions of the *Local Government Act 1989*.

OFFICER'S RECOMMENDATION

That Council receives and notes the Records of Councillor Attendance as detailed in the report.

MOTION

That Council receives and notes the Records of Councillor Attendance as detailed in the report.

Moved: Cr Lesley Hewitt

Seconded: Cr Tessa Halliday

Carried

BACKGROUND

Under the *Local Government Act 1989 (1989 Act)*, Council was required to keep records of assemblies of Councillors as defined under the Act:

...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:

- *the subject of a decision of the Council; or*
- *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, an audit committee established under Section 139, a club, association, peak body, political party or other organisation.

With this section of the 1989 Act now repealed, Council's Governance Rules, chapter 6 section 1, requires that:

If there is a meeting of Councillors that:

1. *is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors;*
2. *is attended by at least one member of Council staff; and*
3. *is not a Council meeting, Delegated Committee meeting or Community Asset Committee meeting*

the Chief Executive Officer must ensure that a summary of the matters discussed at the meeting are:

- a. *tabled at the next convenient Council meeting; and*
- b. *recorded in the minutes of that Council meeting.*

To full-fill this requirement and promote transparency, records of councillor attendance are kept where the above definition is met and brought to Council for noting, as attached.

KEY ISSUES

The following records of Councillor attendance are reported:

Date	Committee Name	Location
23 August 2021	Mineral Springs Advisory Committee	Virtual
8 September 2021	Gender Equity Advisory Committee	Virtual
14 September 2021	Councillor Briefing	Virtual
21 September 2021	Pre-Council Meeting Briefing	Virtual
28 September 2021	Councillor Planning Briefing	Virtual
5 October 2021	Councillor Briefing	Virtual
12 October 2021	Councillor Briefing	Virtual
18 October 2021	Ad-Hoc Briefing	Virtual
19 October 2021	Pre-Council Meeting Briefing	Virtual
26 October 2021	Planning Briefing	Virtual
3 November 2021	Gender Equity Advisory Committee Meeting	Virtual
8 November 2021	Disability Advisory Committee Meeting	Virtual
9 November 2021	Councillor Briefing	Virtual
16 November 2021	Councillor Briefing	Virtual

POLICY AND STATUTORY IMPLICATIONS

The report full fills Council's requirements under the Governance Rules.

GOVERNANCE ISSUES

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

SUSTAINABILITY IMPLICATIONS

The inclusion of the attached records of Councillor attendance in the Council Agenda and their availability to the public will increase awareness of the activities of Council and promote community involvement in decision making at Council level.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

RISK IMPLICATIONS

If records of Councillor attendance are not included in the Public Agenda at a Council Meeting, Council would be in breach of its Governance Rules as adopted on the 25 August 2020.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Using Council's adopted Community Engagement Framework, International Public Participation Consultation, this report presents information via the Council Agenda.

▶ RECORD OF COUNCILLOR ATTENDANCE

MEETING	Mineral springs Reserve Advisory Committee Meeting	DATE	Monday, August 23, 2021
LOCATION	<input type="checkbox"/> Council Chamber <input checked="" type="checkbox"/> Video Conference <input type="checkbox"/> Other: Click or tap here to enter text.:	TIME	10:15am – 2:15pm
COUNCILLORS PRESENT	<input type="checkbox"/> Cr Jen Bray <input type="checkbox"/> Cr Tim Drylie <input type="checkbox"/> Cr Tessa Halliday <input type="checkbox"/> Cr Don Henderson <input type="checkbox"/> Cr Lesley Hewitt <input type="checkbox"/> Cr Brian Hood <input checked="" type="checkbox"/> Cr Juliet Simpson		
OFFICERS PRESENT	<input checked="" type="checkbox"/> Acting CEO – Bruce Lucas <input checked="" type="checkbox"/> Acting Director Infrastructure and Development Services – Bronwyn Southee <input type="checkbox"/> Acting Director Community and Corporate Services – Andrew Burgess Others (Position Title and Name): Coordinator Parks & Open Spaces – Sean Ludeke Project Manager – Edwina Reid EA to the Director Infrastructure & Development Services – Paulette Pleasance		

MATTERS CONSIDERED

Agenda attached – CM Reference: DOC/21/47188

OR

List matters considered:

Click or tap here to enter text.

CONFLICT OF INTEREST DISCLOSURES

Declared by	Item being considered	Time left meeting	Time Returned
Choose an item.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
Choose an item.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
Choose an item.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.

NOTES:

Cr Simpson joined at 1.40pm due to connectivity issues.

RECORD COMPLETED BY

- Acting Director Community and Corporate Services – Andrew Burgess
 Director Infrastructure and Development Services – Bruce Lucas
 CEO – Bradley Thomas

Other:

▶ RECORD OF COUNCILLOR ATTENDANCE

EA Director Infrastructure & Development Services

Signed:



MINERAL SPRINGS RESERVE ADVISORY COMMITTEE

Monday 23 August – Council Chambers - 1.00pm – 3.00pm

Attendees: Cr Juliet Simpson, Bruce Lucas, Bill Guest, Lisa Rodier, Nathan Lundmark, Paulette Pleasance, Sean Ludeke

Guest: Edwina Reid – Project Manager, Bronwyn Southee Acting Director Infrastructure & Development Services

No	Time	Agenda Item	Presenter
1	1.00pm	Welcome and Apologies 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.	Cr Juliet Simpson
2	1.05pm	Adoption of Minutes –21 June 2021	Cr Juliet Simpson
3	1.10pm	Update on Projects for 2021 / 2022 <ul style="list-style-type: none"> • Lake Daylesford Amphitheatre Repair Works • Chatfield Reserve Landscaping Works 	Edwina Reid Project Manager
4	1.20pm	Current Project Update <ul style="list-style-type: none"> • Please see Project report provided 	Bruce / Sean
5	1.40pm	Review of 2009 CPG Management Plan Priority of Actions for HMSR, Jubilee Lake & Lake Daylesford <ul style="list-style-type: none"> • Refer to spreadsheet provided for discussion 	Bruce / Sean
6	2.10pm	Victorian Mineral Springs Master Plan 2015-2024 Review	Bruce
7	2.20pm	Review of Terms of Review of Terms of Reference	All
8	2.30pm	Strategic Approach for Future Meetings	Bruce
9	2.40pm	Maintenance Update	Sean
10	2.50pm	General Business	All

▶ AGENDA

	3.00pm	Meeting Close	
Next meeting – Monday 11 October – Council Chambers / Teams			

▶ RECORD OF COUNCILLOR ATTENDANCE

MEETING	Gender Equity Advisory Committee (GEAC) Meeting	DATE	Wednesday, September 08, 2021
LOCATION	<input type="checkbox"/> Council Chamber <input type="checkbox"/> Video Conference <input checked="" type="checkbox"/> Other: Teams	TIME	10am to 11am
COUNCILLORS PRESENT	<input type="checkbox"/> Cr Jen Bray <input type="checkbox"/> Cr Tim Drylie <input type="checkbox"/> Cr Tessa Halliday <input type="checkbox"/> Cr Don Henderson <input checked="" type="checkbox"/> Cr Lesley Hewitt <input type="checkbox"/> Cr Brian Hood <input type="checkbox"/> Cr Juliet Simpson		
OFFICERS PRESENT	<input type="checkbox"/> CEO – Bradley Thomas <input type="checkbox"/> Director Infrastructure and Development Services – Bruce Lucas <input type="checkbox"/> Acting Director Community and Corporate Services – Andrew Burgess Others (Position Title and Name): Kate Procter – Coordinator Early Years and Healthy Communities Rosie Paudel – Community Care Administration Support Officer Tamara Patterson – Health and Wellbeing Officer		

MATTERS CONSIDERED

Agenda attached – CM Reference: DOC/21/53165

OR

List matters considered:

Click or tap here to enter text.

CONFLICT OF INTEREST DISCLOSURES

Declared by	Item being considered	Time left meeting	Time Returned
Choose an item.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
Choose an item.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
Choose an item.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.

NOTES:

<Record late arrivals or early departures>

RECORD COMPLETED BY

- CEO – Bradley Thomas
- Director Infrastructure and Development Services – Bruce Lucas
- Acting Director Community and Corporate Services – Andrew Burgess

▶ RECORD OF COUNCILLOR ATTENDANCE

Other:

Tamara Patterson – Health and Wellbeing Officer

Signed: Tamara Patterson

Hepburn Shire Council

Gender Equity Advisory Committee



Agenda

Meeting 1

Wednesday 8 September 2021

10am – 11am

Online - Teams

Chair: Cr Lesley Hewitt

Action Recorders:

- Tamara Patterson (Health and Wellbeing Officer)
- Rosie Paudel (Community Care Administration Support Officer)

Advisory Committee Members:

- Devon Taylor
- Isabelle Dupre
- Lindy Churches
- Lynda Poke
- Maia Irell
- Mara Macs
- Michael Veal
- Mika Padiaditis
- Petra Bueskens
- Sue Dyson

Attendees:

- Kate Procter (Coordinator Early Years and Healthy Communities)

Time	Item	Presenter
10am	Acknowledgment of Country	Chair
	Welcome	Chair
	Apologies	Chair
10.05am	Introductions: <ul style="list-style-type: none"> - Your name - Why you applied to the GEAC - A bit about your experience and qualifications 	All (2 minutes each)
10.35am	Terms of Reference	Chair
10.50am	Regular meeting day/time/duration/frequency	All
11am	Close of meeting	Chair

▶ RECORD OF COUNCILLOR ATTENDANCE

MEETING	Councillor Strategic Briefing	DATE	Tuesday, September 14, 2021
LOCATION	<input type="checkbox"/> Council Chamber <input checked="" type="checkbox"/> Video Conference <input type="checkbox"/> Other: Click or tap here to enter text.:	TIME	9am to 5pm
COUNCILLORS PRESENT	<input checked="" type="checkbox"/> Cr Jen Bray <input checked="" type="checkbox"/> Cr Tim Drylie <input checked="" type="checkbox"/> Cr Tessa Halliday <input checked="" type="checkbox"/> Cr Don Henderson <input checked="" type="checkbox"/> Cr Lesley Hewitt <input checked="" type="checkbox"/> Cr Brian Hood <input checked="" type="checkbox"/> Cr Juliet Simpson		
OFFICERS PRESENT	<input checked="" type="checkbox"/> Acting CEO – Bruce Lucas <input checked="" type="checkbox"/> Acting Director Community and Corporate Services – Andrew Burgess Others (Position Title and Name): Acting Manager Environment and Waste – Simon Mennie Acting Coordinator Waste – James Hendy Waste Education Officer – Sophie Pritchard Manager Projects – Ben Grounds Project Manager – Alison Breach Acting Manager Community and Economic Development – Rebecca Pedretti Arts, Culture and Reconciliation Officer – Donna Spiller Manager Governance and Risk – Krysten Forte Coordinator Governance – Rebecca Smith Senior Accountant – Paul Brumby		

MATTERS CONSIDERED

Agenda attached – CM Reference: DOC/21/55624

OR

List matters considered:

Click or tap here to enter text.

CONFLICT OF INTEREST DISCLOSURES

Declared by	Item being considered	Time left meeting	Time Returned
Choose an item.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
Choose an item.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
Choose an item.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.

NOTES:

<Record late arrivals or early departures>

▶ RECORD OF COUNCILLOR ATTENDANCE

RECORD COMPLETED BY

X Acting Director Community and Corporate Services – Andrew Burgess

Director Infrastructure and Development Services – Bruce Lucas

CEO – Bradley Thomas

Other:

Click or tap here to enter text.

Signed:



Tuesday 14 September 2021
Virtual Meeting, via Video Conference
9:00am – 5:00pm

Councillors, I advise that I have assessed the following information in the briefing papers and associated attachments as being confidential information.

The information is considered to be confidential information under section 3(1) of the Local Government Act 2020 because it is Council business information, being information that would prejudice Council's position in commercial negotiations if prematurely released (Section 3(1)(a)).

BRUCE LUCAS

ACTING CHIEF EXECUTIVE OFFICER

INVITED:	Councillors	Councillor Jen Bray, Birch Ward Councillor Tim Drylie, Creswick Ward Councillor Tessa Halliday, Cameron Ward Councillor Don Henderson, Creswick Ward Councillor Lesley Hewitt, Birch Ward Councillor Brian Hood, Coliban Ward Councillor Juliet Simpson, Holcombe Ward
	Officers	Bradley Thomas – Chief Executive Officer Andrew Burgess – Acting Director Community and Corporate Services Bruce Lucas – Director Infrastructure and Development Services
CHAIR:		Councillor Lesley Hewitt - Mayor Bradley Thomas – Chief Executive Officer
APOLOGIES:		

No	Time	Type	Agenda Item	Presenter	Page No
1.1	9:00am	Briefing Only	Kerbside Waste Collection Service Changes	Acting Manager Environment and Waste Acting Coordinator Waste	5
1.2	10:00am	Report	Hepburn Hub at the Rex - Project Advisory Group Terms of Reference	Project Manager - Hepburn Hub at the Rex	11
1.3	10:30am	Presentation	Daylesford to Hanging Rock Rail Trail Update	Manager Projects Project Manager Acting Manager Community and Economic Development	25
	11:00am		Break		
1.4	11:15am	Report	Review of Policy 64(C) - Complaints Policy	Manager Governance and Risk Coordinator Governance	38
1.5	11:45am	Report	Revision of Instruments of Delegation from Council to the CEO (S5) and Council to Council Staff (S6)	Manager Governance and Risk Coordinator Governance	101
1.6	12:00pm	Report	Instruments of Appointments to Authorised Officers under the Planning and Environment Act 1987 & Environment Protection Act 2017	Manager Governance and Risk Coordinator Governance	656

1.7	12:45pm	Report	Citizenship Ceremony and 26 January 2022 Discussion	Acting Director Community and Corporate Services Manager Governance and Risk Coordinator Governance Acting Manager Community and Economic Development Arts Culture and Reconciliation Officer	662
	1:15pm		Lunch		
1.8	1:45pm	Report	Annual Financial Report and Performance Statement 2020/2021	Senior Accountant	669
1.9	2:15pm	Report	Management Project Reports 2020/2021 incorporating Proposed Carry Forward	Senior Accountant	746
	3:15pm		Break		
1.10	3:30pm	Report	Draft Priority Projects 2021-2025	Acting Director Community and Corporate Services	762
1.11	4:00pm	Report	Draft Financial Plan 2021- 2031	Senior Accountant	783
2	5:00pm		Close of Meeting		823

▶ RECORD OF COUNCILLOR ATTENDANCE

MEETING	Pre-Council Meeting Briefing	DATE	Tuesday, September 21, 2021
LOCATION	<input type="checkbox"/> Council Chamber <input checked="" type="checkbox"/> Video Conference <input type="checkbox"/> Other: Click or tap here to enter text.:	TIME 3 – 5.20	pm
COUNCILLORS PRESENT	<input checked="" type="checkbox"/> Cr Jen Bray <input checked="" type="checkbox"/> Cr Tim Drylie <input checked="" type="checkbox"/> Cr Tessa Halliday <input checked="" type="checkbox"/> Cr Don Henderson <input checked="" type="checkbox"/> Cr Lesley Hewitt <input checked="" type="checkbox"/> Cr Brian Hood <input checked="" type="checkbox"/> Cr Juliet Simpson		
OFFICERS PRESENT	<input checked="" type="checkbox"/> CEO – Bradley Thomas <input checked="" type="checkbox"/> Director Infrastructure and Delivery – Bruce Lucas <input checked="" type="checkbox"/> Director Organisational Services – Andrew Burgess <input checked="" type="checkbox"/> Director Community and Development – Leigh McCallum Others (Position Title and Name): CoOrdinator Community Partnerships Michelle Whyte Community Development Officer Inga Hamilton Acting Manager Waste and Facilities – Simon Mennie Manager Planning – Bronwyn Southee Planning Coordinator – Katy Baker Principle Strategic Planner – Glenn Musto		

MATTERS CONSIDERED

Agenda attached – CM Reference: DOC/21/56677

OR

List matters considered:

Click or tap here to enter text.

CONFLICT OF INTEREST DISCLOSURES

Declared by	Item being considered	Time left meeting	Time Returned
Cr Tim Drylie	80 Albert Street, Creswick	3.14 pm	3.23 pm
Choose an item.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
Choose an item.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.

NOTES:

<Record late arrivals or early departures>

RECORD COMPLETED BY

▶ RECORD OF COUNCILLOR ATTENDANCE

- Director Organisational Services – Andrew Burgess
- Director Infrastructure and Delivery – Bruce Lucas
- Director Community and Development – Leigh McCallum
- CEO – Bradley Thomas

Other:

Click or tap here to enter text.

Signed:



▶ RECORD OF COUNCILLOR ATTENDANCE

MEETING	Councillor Planning Briefing	DATE	Tuesday, September 28, 2021
LOCATION	<input type="checkbox"/> Council Chamber <input checked="" type="checkbox"/> Video Conference <input type="checkbox"/> Other: Click or tap here to enter text.:	TIME	10:15am to 2:45pm
COUNCILLORS PRESENT	<input checked="" type="checkbox"/> Cr Jen Bray <input checked="" type="checkbox"/> Cr Tim Drylie <input checked="" type="checkbox"/> Cr Tessa Halliday <input checked="" type="checkbox"/> Cr Don Henderson <input checked="" type="checkbox"/> Cr Lesley Hewitt <input checked="" type="checkbox"/> Cr Brian Hood <input checked="" type="checkbox"/> Cr Juliet Simpson		
OFFICERS PRESENT	<input checked="" type="checkbox"/> CEO – Bradley Thomas <input checked="" type="checkbox"/> Director Infrastructure and Delivery – Bruce Lucas <input checked="" type="checkbox"/> Director Organisational Services – Andrew Burgess <input checked="" type="checkbox"/> Director Community and Development – Leigh McCallum Others (Position Title and Name): Community Development Officer Inga Hamilton Coordinator Statutory Planning Glenn Musto Manager Planning and Development Bronwyn Southee Coordinator Planning Katy Baker		

MATTERS CONSIDERED

Agenda attached – CM Reference: DOC/21/58089

OR

List matters considered:

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CONFLICT OF INTEREST DISCLOSURES

Declared by	Item being considered	Time left meeting	Time Returned
Choose an item.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
Choose an item.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
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NOTES

Guest Presenters: Shelley Bowen & Vicki Jackson re: Lyonville Plan

Guest Presenter: Briana Eastaugh – Maddocs Partner re: VCAT Overview

RECORD COMPLETED BY

▶ RECORD OF COUNCILLOR ATTENDANCE

- Director Organisational Services – Andrew Burgess
- Director Infrastructure and Delivery – Bruce Lucas
- Director Community and Development – Leigh McCallum
- CEO – Bradley Thomas

Other:

Click or tap here to enter text.

Signed:



▶ RECORD OF COUNCILLOR ATTENDANCE

MEETING	Councillor Briefing	DATE	Tuesday, October 05, 2021
LOCATION	<input type="checkbox"/> Council Chamber <input checked="" type="checkbox"/> Video Conference <input type="checkbox"/> Other: Click or tap here to enter text.:	TIME	9am – 5pm
COUNCILLORS PRESENT	<input checked="" type="checkbox"/> Cr Jen Bray <input checked="" type="checkbox"/> Cr Tim Drylie <input checked="" type="checkbox"/> Cr Tessa Halliday <input checked="" type="checkbox"/> Cr Don Henderson <input checked="" type="checkbox"/> Cr Lesley Hewitt <input checked="" type="checkbox"/> Cr Brian Hood <input checked="" type="checkbox"/> Cr Juliet Simpson		
OFFICERS PRESENT	<input checked="" type="checkbox"/> CEO – Bradley Thomas <input checked="" type="checkbox"/> Director Infrastructure and Delivery – Bruce Lucas <input checked="" type="checkbox"/> Director Organisational Services – Andrew Burgess <input checked="" type="checkbox"/> Director Community and Development – Leigh McCallum Others (Position Title and Name): Manager Projects Ben Grounds Project Manager Elizabeth Aitken Manager Facilities & Waste Simon Mennie Property Officer Karen Menne Manager People and Governance Krysten Forte Coordinator Governance Rebecca Smith Coordinator Sport and Active Recreation Kathie Schnurr Community Development Officer Inga Hamilton		

MATTERS CONSIDERED

Agenda attached – CM Reference: DOC/21/59436

OR

List matters considered:

[Click or tap here to enter text.](#)

CONFLICT OF INTEREST DISCLOSURES

Declared by	Item being considered	Time left meeting	Time Returned
Choose an item.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
Choose an item.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
Choose an item.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.

▶ RECORD OF COUNCILLOR ATTENDANCE

NOTES:

Guest Speaker Cr Mary-Ann Brown RCV Chair

0907 Cr Halliday attended.

RECORD COMPLETED BY

- Director Organisational Services – Andrew Burgess
- Director Infrastructure and Delivery – Bruce Lucas
- Director Community and Development – Leigh McCallum
- CEO – Bradley Thomas

Other:

[Click or tap here to enter text.](#)

Signed:



▶ RECORD OF COUNCILLOR ATTENDANCE

MEETING	Councillor Strategic Briefing	DATE	Tuesday, October 12, 2021
LOCATION	<input type="checkbox"/> Council Chamber <input type="checkbox"/> Video Conference <input type="checkbox"/> Other: Click or tap here to enter text.:	TIME	9:30am – 4:15pm
COUNCILLORS PRESENT	<input checked="" type="checkbox"/> Cr Jen Bray <input checked="" type="checkbox"/> Cr Tim Drylie <input checked="" type="checkbox"/> Cr Tessa Halliday <input checked="" type="checkbox"/> Cr Don Henderson <input checked="" type="checkbox"/> Cr Lesley Hewitt <input checked="" type="checkbox"/> Cr Brian Hood <input checked="" type="checkbox"/> Cr Juliet Simpson		
OFFICERS PRESENT	<input checked="" type="checkbox"/> CEO – Bradley Thomas <input checked="" type="checkbox"/> Director Infrastructure and Delivery – Bruce Lucas <input checked="" type="checkbox"/> Director Organisational Services – Andrew Burgess <input checked="" type="checkbox"/> Director Community and Development – Leigh McCallum Others (Position Title and Name): Finance Advisor Glenn Owens Manager People and Governance Krysten Forte Manager Major Projects Ben Grounds Comms Officer Maria Abate Comms Office Lisa Shiner Governance Coordinator Rebecca Smith Governance Officer Brigitte Longmore Governance Advisor Danielle Kraak		

MATTERS CONSIDERED

Agenda attached – CM Reference: DOC/21/60999

OR

List matters considered:

[Click or tap here to enter text.](#)

CONFLICT OF INTEREST DISCLOSURES

Declared by	Item being considered	Time left meeting	Time Returned
Choose an item.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
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Choose an item.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.

NOTES:

▶ RECORD OF COUNCILLOR ATTENDANCE

Guest Presenter Gabrielle Castree – Crowe re: Risk

RECORD COMPLETED BY

- Director Organisational Services – Andrew Burgess
 Director Infrastructure and Delivery – Bruce Lucas
 Director Community and Development – Leigh McCallum
 CEO – Bradley Thomas

Other:

Click or tap here to enter text.

Signed:



▶ RECORD OF COUNCILLOR ATTENDANCE

MEETING	Ad-Hoc Briefing	DATE	Monday, October 18, 2021
LOCATION	<input type="checkbox"/> Council Chamber <input checked="" type="checkbox"/> Video Conference <input type="checkbox"/> Other: Click or tap here to enter text.:	TIME	3pm – 4pm
COUNCILLORS PRESENT	<input checked="" type="checkbox"/> Cr Jen Bray <input checked="" type="checkbox"/> Cr Tim Drylie <input checked="" type="checkbox"/> Cr Don Henderson <input checked="" type="checkbox"/> Cr Lesley Hewitt <input checked="" type="checkbox"/> Cr Brian Hood <input checked="" type="checkbox"/> Cr Juliet Simpson		
OFFICERS PRESENT	<input checked="" type="checkbox"/> CEO – Bradley Thomas <input checked="" type="checkbox"/> Director Infrastructure and Delivery – Bruce Lucas <input checked="" type="checkbox"/> Director Organisational Services – Andrew Burgess <input checked="" type="checkbox"/> Director Community and Development – Leigh McCallum Others (Position Title and Name): Click or tap here to enter text.		

MATTERS CONSIDERED

Agenda attached – CM Reference: Click or tap here to enter text.

OR

List matters considered:

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CONFLICT OF INTEREST DISCLOSURES

Declared by	Item being considered	Time left meeting	Time Returned
Choose an item.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
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Choose an item.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.

NOTES:

Cr Halliday – did not attend.

RECORD COMPLETED BY

- Director Organisational Services – Andrew Burgess
- Director Infrastructure and Delivery – Bruce Lucas
- Director Community and Development – Leigh McCallum
- CEO – Bradley Thomas

▶ RECORD OF COUNCILLOR ATTENDANCE

Other:

Click or tap here to enter text.

Signed:



▶ RECORD OF COUNCILLOR ATTENDANCE

MEETING	Pre-Council Meeting Briefing	DATE	Tuesday, October 19, 2021
LOCATION	<input type="checkbox"/> Council Chamber <input checked="" type="checkbox"/> Video Conference <input type="checkbox"/> Other: Click or tap here to enter text.:	TIME	3 pm – 5.05 pm
COUNCILLORS PRESENT	<input checked="" type="checkbox"/> Cr Jen Bray <input checked="" type="checkbox"/> Cr Tim Drylie <input checked="" type="checkbox"/> Cr Tessa Halliday <input checked="" type="checkbox"/> Cr Don Henderson <input checked="" type="checkbox"/> Cr Lesley Hewitt <input checked="" type="checkbox"/> Cr Brian Hood <input checked="" type="checkbox"/> Cr Juliet Simpson		
OFFICERS PRESENT	<input checked="" type="checkbox"/> CEO – Bradley Thomas <input checked="" type="checkbox"/> Director Infrastructure and Delivery – Bruce Lucas <input checked="" type="checkbox"/> Director Organisational Services – Andrew Burgess <input checked="" type="checkbox"/> Director Community and Development – Leigh McCallum Others (Position Title and Name): Manager People & Governance Krysten Forte Manager Facilities & Waste Simon Mennie Manager Planning and Building Bronwyn Southee		

MATTERS CONSIDERED

x Agenda attached – CM Reference: [Click or tap here to enter text.](#)

OR

List matters considered:

[Click or tap here to enter text.](#)

CONFLICT OF INTEREST DISCLOSURES

Declared by	Item being considered	Time left meeting	Time Returned
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Choose an item.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.

NOTES:

Cr Drylie arrived at 3.09 pm

Cr Halliday left briefing at 3.15 pm

RECORD COMPLETED BY

▶ RECORD OF COUNCILLOR ATTENDANCE

- x Director Organisational Services – Andrew Burgess
- Director Infrastructure and Delivery – Bruce Lucas
- Director Community and Development – Leigh McCallum
- CEO – Bradley Thomas

Other:

Click or tap here to enter text.

Signed:



Tuesday 26 October 2021
Virtual Meeting, via Video Conference
10:15am – 2.15pm

Councillors, I advise that I have assessed the following information in the briefing papers and associated attachments as being confidential information.

The information is considered to be confidential information under section 3(1) of the Local Government Act 2020 because it is Council business information, being information that would prejudice Council's position in commercial negotiations if prematurely released (Section 3(1)(a)).

BRADLEY THOMAS

CHIEF EXECUTIVE OFFICER

INVITED:	Councillors	Councillor Jen Bray, Birch Ward Councillor Tim Drylie, Creswick Ward Councillor Tessa Halliday, Cameron Ward Councillor Don Henderson, Creswick Ward Councillor Lesley Hewitt, Birch Ward Councillor Brian Hood, Coliban Ward Councillor Juliet Simpson, Holcombe Ward
	Officers	Bradley Thomas – Chief Executive Officer Andrew Burgess – Director Organisational Services Bruce Lucas – Director Infrastructure and Delivery Leigh McCallum – Director Community and Development
CHAIR:		Councillor Lesley Hewitt - Mayor Bradley Thomas – Chief Executive Officer

APOLOGIES:

No	Time	Type	Agenda Item	Presenter	Page No
1.1	10:15am	Presentation	Acciona Waubra Windfarm North	Acciona - Community and Stakeholder Liaison	3
1.2	11:15am	Report	PA 3313 - Development of a dwelling and associated works at 2 Railway Road Newlyn	Coordinator Statutory Planning	4
1.3	11:45am	Discussion	General Planning Matters	Coordinator Statutory Planning	189
	12.30pm		Lunch		
1.4	1:00pm	Report	CEO KPI's	Chief Executive Officer	190
1.5	2:00pm	Discussion	Special Council Meeting	Chief Executive Officer	
	2.15pm		Close of Meeting		191

▶ RECORD OF COUNCILLOR ATTENDANCE

MEETING	Planning Briefing	DATE	Tuesday, October 26, 2021
LOCATION	<input type="checkbox"/> Council Chamber <input type="checkbox"/> Video Conference <input type="checkbox"/> Other: Click or tap here to enter text.:	TIME	10:15am – 3:30pm
COUNCILLORS PRESENT	<input checked="" type="checkbox"/> Cr Jen Bray <input checked="" type="checkbox"/> Cr Tim Drylie <input checked="" type="checkbox"/> Cr Tessa Halliday <input checked="" type="checkbox"/> Cr Don Henderson <input checked="" type="checkbox"/> Cr Lesley Hewitt <input checked="" type="checkbox"/> Cr Brian Hood <input checked="" type="checkbox"/> Cr Juliet Simpson		
OFFICERS PRESENT	<input checked="" type="checkbox"/> CEO – Bradley Thomas <input checked="" type="checkbox"/> Director Infrastructure and Delivery – Bruce Lucas <input checked="" type="checkbox"/> Director Organisational Services – Andrew Burgess <input checked="" type="checkbox"/> Director Community and Development – Leigh McCallum Others (Position Title and Name): Statutory Planning – James McInnes Manager Planning and Development Bronwyn Southee Coordinator Planning Katy Baker Strategic Planner Carol Reisacher		

MATTERS CONSIDERED

Agenda attached – CM Reference: DOC/21/64228

OR

List matters considered:

Click or tap here to enter text.

CONFLICT OF INTEREST DISCLOSURES

Declared by	Item being considered	Time left meeting	Time Returned
Choose an item.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
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Choose an item.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.

NOTES:

Community and Stakeholder Liaison – Theo Carroll, Acciona

▶ RECORD OF COUNCILLOR ATTENDANCE

<Record late arrivals or early departures>

RECORD COMPLETED BY

- Director Organisational Services – Andrew Burgess
- Director Infrastructure and Delivery – Bruce Lucas
- Director Community and Development – Leigh McCallum
- CEO – Bradley Thomas

Other:

Click or tap here to enter text.

Signed:



Hepburn Shire Council

Gender Equity Advisory Committee



Agenda

Meeting 2

Date – 3rd November 2021

Time – 11.30am to 1.00pm

Online - Teams

Chair: Cr Lesley Hewitt

Action Recorders:

- Tamara Patterson (Health and Wellbeing Officer)
- Rosie Paudel (Community Care Administration Support Officer)

Advisory Committee Members:

- Devon Taylor
- Isabelle Dupre
- Lindy Churches
- Lynda Poke
- Maia Irell
- Mara Macs
- Michael Veal
- Mika Padiaditis
- Petra Bueskens
- Sue Dyson

Attendees:

- Kate Procter (Coordinator Early Years and Healthy Communities)
- Chrissy Gordon (Coordinator People and Culture)

Time	Item	Presenter
11.30am	Acknowledgment of Country	Chair
	Welcome	Chair
	Apologies	Chair
	Introductions for first time members/attendees	
11.35am	Actions from the previous meeting: <ul style="list-style-type: none"> - Formal motion to adopt the TOR - Council to provide an update on the Gender Equality Act 2020 - Council to provide an update on the work Council has done so far - Tamara to forward links to GE Act 2020 and WHG Info sheet 	Chair To be completed. Presentation below Presentation below Tamara forwarded with minutes
11.40am	Presentation and Q&A – work Council has done so far	Kate Procter
12.10pm	Presentation and Q&A – Gender Equality Act 2020 requirements and implementation	Kate Procter (HR Representative)
12.40pm	16 Days of Activism	All
12.50pm	General Business	All
1.00pm	Close of meeting	Chair

▶ RECORD OF COUNCILLOR ATTENDANCE

MEETING	Gender Equity Advisory Committee (GEAC) Meeting	DATE	Wednesday, November 03, 2021
LOCATION	<input type="checkbox"/> Council Chamber <input type="checkbox"/> Video Conference <input checked="" type="checkbox"/> Other: Teams	TIME	11.30am to 1 pm
COUNCILLORS PRESENT	<input type="checkbox"/> Cr Jen Bray <input type="checkbox"/> Cr Tim Drylie <input type="checkbox"/> Cr Tessa Halliday <input type="checkbox"/> Cr Don Henderson <input checked="" type="checkbox"/> Cr Lesley Hewitt <input type="checkbox"/> Cr Brian Hood <input type="checkbox"/> Cr Juliet Simpson		
OFFICERS PRESENT	<input type="checkbox"/> CEO – Bradley Thomas <input type="checkbox"/> Director Infrastructure and Development Services – Bruce Lucas <input type="checkbox"/> Acting Director Community and Corporate Services – Andrew Burgess Others (Position Title and Name): Fran Fogarty – Manager Community Life Kate Procter – Coordinator Early Years and Healthy Communities Rosie Paudel – Community Care Administration Support Officer		

MATTERS CONSIDERED

Agenda attached – CM Reference: DOC/21/57923

OR

List matters considered:

Click or tap here to enter text.

CONFLICT OF INTEREST DISCLOSURES

Declared by	Item being considered	Time left meeting	Time Returned
Choose an item.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
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Choose an item.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.

NOTES:

<Record late arrivals or early departures>

RECORD COMPLETED BY

- CEO – Bradley Thomas
- Director Infrastructure and Development Services – Bruce Lucas

▶ RECORD OF COUNCILLOR ATTENDANCE

Acting Director Community and Corporate Services – Andrew Burgess

Other:

Rosie Paudel – Community Care Administration Support Officer

Signed: Rosie Paudel

Disability Advisory Committee – Agenda



Date: 8th November 2021

Time: 11:30 – 2.30 pm

Location: Ragland Street Office

Chair: Cr Mayor Lesley Hewitt

Facilitator: Kate Procter: Coordinator Early Years and Healthy Communities

Attendees: Cr Mayor Lesley Hewitt, Andrew Brown, Darren Manning, David Moten, Fiona Porter, Lainey Curr, Peter Waters, Kaylene Howell, Steve Kelly Yusuf Kasap, Kate Procter, Fran Fogarty

Guest Presenters: Alison Breach, Tamara Patterson, Elizabeth Atkin, Edwina Reid, Bronwyn Southee

1. **Apologies:** Tamara Paterson (on leave), Alison Breach (on leave), Lainey Curr (medical reasons).
Bronwyn Southee (no update available)

2. **Acknowledgement of custodians of the land**

3. **Minutes of the previous meeting**

4. **Actions arising from previous meeting:**

- Trail rider Signage: Alison Breach written update “however I have no update on the Trail Rider Signage for the group. We are working through finalising the planning permit to be heard by Council at the moment. Once we progress from there, signage will be a priority”
- Affordable Housing Update: Bronwyn Southee written update: “We have had a couple of delays in this space. There is no update at this stage”

Moved:

Seconded:



- Clunes and Creswick Street Scape upgrades and Chatfield Reserve Draft Design: Edwina Reid will give updates
- Hepburn Kinder Upgrades: Elizabeth Atkin will give an update

5. Individual Reports:

6. General Business

- Council will elect a new mayor in the next statutory meeting and a new chair maybe appointed for the DAC meetings
- International Day of People with Disabilities Preparations
- The new early years and youth strategy
- Council new plan
- Update on Rex
- Update on the new inclusion Officer position

7. Requests for next meeting:

Next Meeting:



▶ RECORD OF COUNCILLOR ATTENDANCE

MEETING	Disability Advisory Committee (DAC) Meeting	DATE	Monday, November 08, 2021
LOCATION	<input type="checkbox"/> Council Chamber <input type="checkbox"/> Video Conference <input type="checkbox"/> Other: Teams	TIME	11.30am to 2.30 pm
COUNCILLORS PRESENT	<input type="checkbox"/> Cr Jen Bray <input type="checkbox"/> Cr Tim Drylie <input type="checkbox"/> Cr Tessa Halliday <input type="checkbox"/> Cr Don Henderson <input checked="" type="checkbox"/> Cr Lesley Hewitt <input type="checkbox"/> Cr Brian Hood <input type="checkbox"/> Cr Juliet Simpson		
OFFICERS PRESENT	<input type="checkbox"/> CEO – Bradley Thomas <input type="checkbox"/> Director Infrastructure and Development Services – Bruce Lucas <input type="checkbox"/> Acting Director Community and Corporate Services – Andrew Burgess Others (Position Title and Name): Fran Fogarty – Manager Community Life Kate Procter – Coordinator Early Years and Healthy Communities Yusuf Kasap – Disability Community Development Officer Rosie Paudel – Community Care Administration Support Officer		

MATTERS CONSIDERED

Agenda attached – CM Reference: DOC/21/68731

OR

List matters considered:

Click or tap here to enter text.

CONFLICT OF INTEREST DISCLOSURES

Declared by	Item being considered	Time left meeting	Time Returned
Choose an item.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
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Choose an item.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.

NOTES:

<Record late arrivals or early departures>

RECORD COMPLETED BY

- CEO – Bradley Thomas
- Director Infrastructure and Development Services – Bruce Lucas

▶ RECORD OF COUNCILLOR ATTENDANCE

Acting Director Community and Corporate Services – Andrew Burgess

Other:

Rosie Paudel – Community Care Administration Support Officer

Signed: Rosie Paudel

Tuesday 9 November 2021
Virtual Meeting, via Video Conference
9:00am – 5:00pm

Councillors, I advise that I have assessed the following information in the briefing papers and associated attachments as being confidential information.

The information is considered to be confidential information under section 3(1) of the Local Government Act 2020 because it is Council business information, being information that would prejudice Council's position in commercial negotiations if prematurely released (Section 3(1)(a)).

BRADLEY THOMAS

CHIEF EXECUTIVE OFFICER

INVITED:	Councillors	Councillor Jen Bray, Birch Ward Councillor Tim Drylie, Creswick Ward Councillor Tessa Halliday, Cameron Ward Councillor Don Henderson, Creswick Ward Councillor Lesley Hewitt, Birch Ward Councillor Brian Hood, Coliban Ward Councillor Juliet Simpson, Holcombe Ward
	Officers	Bradley Thomas – Chief Executive Officer Andrew Burgess – Director Organisational Services Bruce Lucas – Director Infrastructure and Delivery Leigh McCallum – Director Community and Development
CHAIR:		Councillor Lesley Hewitt - Mayor Bradley Thomas – Chief Executive Officer

APOLOGIES:

No	Time	Type	Agenda Item	Presenter	Page No
1.1	9:00am	Report	Risk Management Framework	Director Organisational Services and Risk Consulting, Crowe Australasia	5
1.2	10.00am	Report	Annual Plan 2021/2022 - Quarter 1 update - July - September 2021	Director Organisational Services	48
1.3	10.30am	Report	Quarterly Corporate Reporting 2020/2021 - Q1 (July-September)	Director Organisational Services	67
	11:00am		Break		
1.4	11:15am	Discussion	Hepburn Hub at the Rex November Update	Project Manager	137
1.5	11.30am	Report	Awarding of Contract HEPBU.RFT2021.166 - Hepburn Hub at the Rex - Building & Associated Works (2.0)	Project Manager	138
	1:00pm		Lunch		
1.6	1:30pm	Report	Hepburn Hub at the Rex - Project Reference Group – Membership Applications	Project Manager Hepburn Hub at the Rex	139

1.7	2:00pm	Discussion	Confidential - Response to Commonwealth Aged Care Reforms	Manager Community Life Mach 2 Consulting	155
1.8	2:30pm	Presentation Briefing Only	Sustainable Hepburn Update	Sustainability Project Manager Sustainability Officer Manager Waste, Facilities and Community Safety	182
	3:00pm	Break			
1.9	3:15pm	Report	Confidential Report - Renewal of Lease for Daylesford Community Child Care Centre	Property Officer Coordinator Early Years & Healthy Communities Manager Waste, Facilities & Community Safety Manager Community Life	226
1.10	3:30pm	Presentation	New Event for 2022 - Borealis	Acting Manager Economic Development and Recreation Events Officer	250
1.11	3:45pm	Report	Financial Report for the period ending 30 September 2021	Senior Accountant	275
1.12	4.15pm	Report	Recommendations from the Audit and Risk Committee meeting held on 16 September 2021	Director Organisational Services	311

1.13	4:30pm	Discussion	Councillor "Burning Issues" Discussion	Chief Executive Officer	356
1.14	4:40pm	Discussion	Executive Issues Update	Chief Executive Officer	357
1.15	4:50pm	Discussion	External Committees Update	Chief Executive Officer	358
1.16	4:55pm	Discussion	Minutes of Advisory Committees	Chief Executive Officer	359
2	5:00pm	Close of Meeting			360

▶ RECORD OF COUNCILLOR ATTENDANCE

MEETING	Councillor Briefing	DATE	Tuesday, November 09, 2021
LOCATION	<input type="checkbox"/> Council Chamber <input checked="" type="checkbox"/> Video Conference <input type="checkbox"/> Other: Click or tap here to enter text.:	TIME	9:15am – 5pm
COUNCILLORS PRESENT	<input checked="" type="checkbox"/> Cr Jen Bray <input checked="" type="checkbox"/> Cr Tim Drylie <input checked="" type="checkbox"/> Cr Tessa Halliday <input checked="" type="checkbox"/> Cr Don Henderson <input checked="" type="checkbox"/> Cr Lesley Hewitt <input checked="" type="checkbox"/> Cr Brian Hood <input checked="" type="checkbox"/> Cr Juliet Simpson		
OFFICERS PRESENT	<input checked="" type="checkbox"/> CEO – Bradley Thomas <input checked="" type="checkbox"/> Director Infrastructure and Delivery – Bruce Lucas <input checked="" type="checkbox"/> Director Organisational Services – Andrew Burgess <input checked="" type="checkbox"/> Director Community and Development – Leigh McCallum Others (Position Title and Name): Glenn Owens – Senior Advisor Finance Project Manager – Bruce Maclsaac Manager Community Life – Fran Fogarty Sustainability Project Manager – Maree Grenfell Property Officer – Karen Menne Manager Waste and Facilities – Simon Mennie Acting Manager Eco Dev & Active Recreation – Rebecca Pedretti		

MATTERS CONSIDERED

Agenda attached – CM Reference: DOC/21/66981

OR

List matters considered:

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CONFLICT OF INTEREST DISCLOSURES

Declared by	Item being considered	Time left meeting	Time Returned
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Choose an item.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.

NOTES:

Consultant Gabrielle Castre – Crowe re: Risk Strategy

▶ RECORD OF COUNCILLOR ATTENDANCE

Consultant Craig Kenny – Mach 2 re: Aged Care Reforms

<Record late arrivals or early departures>

RECORD COMPLETED BY

- Director Organisational Services – Andrew Burgess
- Director Infrastructure and Delivery – Bruce Lucas
- Director Community and Development – Leigh McCallum
- CEO – Bradley Thomas

Other:

Click or tap here to enter text.

Signed:





HEPBURN SHIRE COUNCIL
STATUTORY MEETING OF COUNCIL
PUBLIC AGENDA

Tuesday 16 November 2021

Virtual Meeting
via Video Conference

6:00 PM

A LIVE STREAM OF THE MEETING CAN BE VIEWED
VIA [COUNCIL'S FACEBOOK PAGE](#)

AGENDA

Tuesday 16 November 2021

Virtual Meeting

via Video Conference

Commencing at 6:00 PM

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4 DECLARATIONS OF CONFLICTS OF INTEREST.....	4
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5.2 ELECTION OF THE MAYOR.....	6
5.3 TERM OF THE DEPUTY MAYOR	15
5.4 ELECTION OF THE DEPUTY MAYOR	16
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BRADLEY THOMAS

CHIEF EXECUTIVE OFFICER

Tuesday 16 November 2021

▶ RECORD OF COUNCILLOR ATTENDANCE

MEETING	Pre-Council Meeting Briefing	DATE	Tuesday, November 16, 2021
LOCATION	<input type="checkbox"/> Council Chamber <input checked="" type="checkbox"/> Video Conference <input type="checkbox"/> Other: Click or tap here to enter text.:	TIME	9.05am – 4.30pm
COUNCILLORS PRESENT	<input checked="" type="checkbox"/> Cr Jen Bray <input checked="" type="checkbox"/> Cr Tim Drylie <input checked="" type="checkbox"/> Cr Tessa Halliday <input checked="" type="checkbox"/> Cr Don Henderson <input checked="" type="checkbox"/> Cr Lesley Hewitt <input checked="" type="checkbox"/> Cr Brian Hood <input checked="" type="checkbox"/> Cr Juliet Simpson		
OFFICERS PRESENT	<input checked="" type="checkbox"/> CEO – Bradley Thomas <input checked="" type="checkbox"/> Director Infrastructure and Delivery – Bruce Lucas <input checked="" type="checkbox"/> Director Organisational Services – Andrew Burgess <input checked="" type="checkbox"/> Director Community and Development – Leigh McCallum Others (Position Title and Name): Senior Accountant – Paul Brumby Manager Planning – Bronwyn Southee Sustainability Officer – Manee Pasqualini Manager People and Governance – Krysten Forte Governance Advisor – Dannielle Kraak		

MATTERS CONSIDERED

Agenda attached – CM Reference: DOC/21/68574

OR

List matters considered:

Click or tap here to enter text.

CONFLICT OF INTEREST DISCLOSURES

Declared by	Item being considered	Time left meeting	Time Returned
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Choose an item.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.

NOTES:

Cr Simpson attended at 0915 am

▶ RECORD OF COUNCILLOR ATTENDANCE

Hepburn Wind Presentation – Taryn Lane with support from Chair – Graham White, Board Member

David Perry and Comms: Marie Lakey

<Record late arrivals or early departures>

RECORD COMPLETED BY

- X Director Organisational Services – Andrew Burgess
 Director Infrastructure and Delivery – Bruce Lucas
 Director Community and Development – Leigh McCallum
 CEO – Bradley Thomas

Other:

Click or tap here to enter text.

Signed:



17 CONFIDENTIAL ITEMS

17.1 CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC

Pursuant to section 66(1) of the *Local Government Act 2020* (the Act) Council or delegated committee must keep a meeting open to the public unless the Council or delegated committee considers it necessary to close the meeting to the public because a circumstance specified in subsection (2) applies.

The circumstances detailed in section 66(2) of the Act are:

- a) the meeting is to consider confidential information; or
- b) security reasons; or
- c) it is necessary to do so to enable the meeting to proceed in an orderly manner.

RECOMMENDATION

That in accordance with sections 66(1) and 66(2)(a) of the Local Government Act 2020, the meeting to be closed to members of the public for the consideration of the following confidential items:

2.1 TRANSFER OF LEASE LAKE DAYLESFORD BOATHOUSE CAFE

This agenda item is confidential information for the purposes of section 3(1) of the Local Government 2020:

- *Because it is Council business information, being information that would prejudice Council's position in commercial negotiations if prematurely released (section 3(1)(a)); and*
- *The ground applies because the agenda item concerns the progress of ongoing contractual negotiations that would, if prematurely released, diminish the strength of Council's position in those negotiations.*

2.2 INTERNATIONAL WOMEN'S DAY HONOUR ROLL RECOMMENDATIONS

This agenda item is confidential information for the purposes of section 3(1) of the Local Government 2020:

- *Because it is personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;*
- *The ground applies because the successful nominations to the Heather Mutimer Honour Roll detail the proposed nominee for Council approval, and if released would unfairly expose the nominees to the community and their names which is intended to be announced at the International Women's Day Event in March 2022.*

2.3 NOMINATIONS FOR THE COMMUNITY AWARDS 2022

This agenda item is confidential information for the purposes of section 3(1) of the Local Government 2020:

- *Because it is personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;*
- *The ground applies because if released in open council meeting the nominees for the Community Awards will unfairly be released prior to Council making a decision and it is proposed that will be announced at the Community Awards and Civic Ceremony on 25 January 2022.*

MOTION

That in accordance with sections 66(1) and 66(2)(a) of the Local Government Act 2020, the meeting to be closed to members of the public for the consideration of the following confidential items:

2.1 TRANSFER OF LEASE LAKE DAYLESFORD BOATHOUSE CAFE

This agenda item is confidential information for the purposes of section 3(1) of the Local Government 2020:

- *Because it is Council business information, being information that would prejudice Council's position in commercial negotiations if prematurely released (section 3(1)(a)); and*
- *The ground applies because the agenda item concerns the progress of ongoing contractual negotiations that would, if prematurely released, diminish the strength of Council's position in those negotiations.*

2.2 INTERNATIONAL WOMEN'S DAY HONOUR ROLL RECOMMENDATIONS

This agenda item is confidential information for the purposes of section 3(1) of the Local Government 2020:

- *Because it is personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;*
- *The ground applies because the successful nominations to the Heather Mutimer Honour Roll detail the proposed nominee for Council approval, and if released would unfairly expose the nominees to the community and their names which is intended to be announced at the International Women's Day Event in March 2022.*

2.3 NOMINATIONS FOR THE COMMUNITY AWARDS 2022

This agenda item is confidential information for the purposes of section 3(1) of the Local Government 2020:

- *Because it is personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;*
- *The ground applies because if released in open council meeting the nominees for the Community Awards will unfairly be released prior to*

Council making a decision and it is proposed that will be announced at the Community Awards and Civic Ceremony on 25 January 2022.

Moved: Cr Don Henderson

Seconded: Cr Jen Bray

Carried

Meeting closed to the public at 8:41pm for the hearing of the confidential items and did not reopen to the public.

The confidential meeting opened at 8:41pm

The Council determined to release the information to the public on item 2.1, 2.2 and 2.3 as detailed below

2.1 TRANSFER OF LEASE LAKE DAYLESFORD BOATHOUSE CAFE

MOTION

That Council:

- 1. Consents to the Assignment of Lease for the Lake Daylesford Boathouse Café to Peshnix Pty Ltd;*
- 2. Authorises the Chief Executive Officer and the Mayor to execute the Deed of Assignment of Lease and affix the Council's Common Seal;*
- 3. Authorises the signed and sealed Deed of Assignment to be submitted to the Department of Environment, Land, Water and Planning (DELWP) for consent as delegate for the Minister; and*
- 4. Pursuant to Section 125(2) of the Local Government Act 2020, that the information should be publicly available for the limited purpose of communicating the effect of the resolution to the extent necessary to give effect to it; and*
- 5. That the Chief Executive Officer communicate the effect of this resolution to the extent necessary to give effect to it.*

Moved: Cr Jen Bray

Seconded: Cr Tessa Halliday

Carried

2.2 INTERNATIONAL WOMEN'S DAY HONOUR ROLL RECOMMENDATIONS

2.3 NOMINATIONS FOR THE COMMUNITY AWARDS 2022

Pursuant to section 66(5) of the Local Government Act 2020 the information that was discussed and resolved in the confidential meeting was not determined to be released in the public domain at this time and therefore not included in the public meeting minutes of this Ordinary Council Meeting dated 21 December 2021 as *pursuant to section 3(1) of the Local Government Act 2020, the information in both reports was determined to be classified as:*

f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs and the premature release prior to the International Women's Day Event in March 2022 and the Australia Day Eve Civic Event on 25 January 2022 would diminish the significance of both ceremonial events and release the successful nominees that Council resolved. Once the two events take place, the information will be available in the public domain and will no longer be confidential.

18 **CLOSE OF MEETING**

The Meeting closed at 8:41pm and did not reopen to the public.

The confidential meeting closed at 9:09pm.