

M(10) – 31 OCTOBER 2023

Ordinary Council Meeting

Minutes

The **Ordinary Meeting** of the **Alpine Shire Council** was held in Council Chambers, Great Alpine Road, Bright on **31 October 2023** and commenced at **5:00pm**.

PRESENT

COUNCILLORS

Cr John Forsyth - Mayor

Cr Tony Keeble - Deputy Mayor

Cr Katarina Hughes

Cr Ron Janas

Cr Simon Kelley

Cr Sarah Nicholas

Cr Kelli Prime - (attendance via electronic means)

OFFICERS

Will Jeremy - Chief Executive Officer

Alan Rees - Director Assets

Helen Havercroft - Director Customer and Community

APOLOGIES

Nil

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1. Recording and livestreaming of Council meetings

The CEO read the following statement:

All council meetings are filmed with both video and audio being recorded.

Video is focused on a specific area however audio from the entire room is captured.

In common with all narrative during Council meetings, verbal responses to congratulations, obituaries and question time will not be recorded in the written minutes. By submitting a question, you consent to your question being read aloud at the meeting.

The reasoning behind recording council meetings is to hold us more accountable and improve transparency of Council's decision-making to our community.

The full meeting is being streamed live on Council's YouTube channel which is "Alpine Shire Council" and will also be available on the YouTube channel shortly after this meeting.

2. Acknowledgement of traditional custodians, and recognition of all people

All to stand, the Mayor read the following statement:

Alpine Shire Council acknowledges the Taungurung peoples as the Traditional Owners of the lands on which we are meeting today. Council also acknowledges all of the Traditional Owners of the wider lands of the area known as the Alpine Shire.

We also acknowledge those people who have contributed to the rich fabric of our community and strive to make wise decisions that will improve the quality of life for all.

3. Confirmation of minutes

3.1 ORDINARY COUNCIL MEETING – M(9) – 26 SEPTEMBER 2023

Cr Janas

Cr Keeble

That the minutes of Ordinary Council Meeting M(9) held on 26 September 2023 as circulated be confirmed.

Carried Unanimously

4. Apologies

Nil

5. Obituaries / congratulations

Refer to Alpine Shire Council's website www.alpineshire.vic.gov.au; for its YouTube live-streaming recording for responses to obituaries / congratulations.

6. Declarations by Councillors of conflict of interest

Cr Keeble declared a general conflict of interest with respect to item 9.1.4 Dinner Plain Snowmaking Factory and Snow Guns.

7. Public questions

Questions on Notice will be limited to two questions per person.

Written Questions on Notice were tabled ahead of questions from the floor.

Refer to Alpine Shire Council's website www.alpineshire.vic.gov.au; for its YouTube live-streaming recording for responses to questions.

8. Mayors Report

8.1.1 Alpine Shire Council Annual Report 2022/23

INTRODUCTION

The purpose of this report is to present Council's 2022/23 Annual Report.

Cr Kelley

Cr Hughes

That Council:

- 1. In accordance with section 100 of the Local Government Act 2020, receives and notes the 2022/23 Annual Report.*
- 2. Delegates to the Chief Executive Officer the authority to correct any errors including typographical in the report that do not materially alter the underlying message of the report.*

Carried Unanimously

BACKGROUND

Section 98 of the *Local Government Act 2020* (LGA 2020) requires Council to prepare an Annual Report for each financial year that contains a report on the operations of the Council, an audited performance statement and audited financial statements.

Council approved the in-principle Financial and Performance Statements at the Ordinary Council Meeting held on 26 September 2023.

Section 100 of the LGA 2020 requires the Mayor to report on the implementation of the Council Plan by presenting the Annual Report at a Council Meeting open to the public within four months of the end of financial year.

At the time of publication, Council has not received Audit clearance on the financial statement from the Victorian Auditor General Office (VAGO).

Once clearance has been obtained, they will be certified by two Councillors authorised by Council and contain the auditor's reports from the Victorian Auditor General.

The Annual Report contains all information required by the LGA 2020, and the *Local Government (Planning and Reporting) Regulations 2020*.

ISSUES

Report of Operations

This section of the Annual Report provides an overview of progress in delivering the Strategies contained in the Council Plan 2021-2025 and the Major Initiatives in the Budget 2022/23. A summary of key achievements during 2022/23 include:

1. For those who live and visit

- Active community engagement occurred throughout the year, including 17 pop-ups at community events and markets, increased posts and engagement on Council's Facebook page, and a number of surveys to help guide project direction and Council decisions.
- More than \$70,000 was awarded through Council's Community Grants program, allowing 21 community projects to proceed.
- Council's Reflect Reconciliation Action Plan (RRAP) was endorsed by Reconciliation Australia and noted at the Ordinary Council Meeting in January 2023.

2. For a thriving economy

- Council's Events team issued 94 permits for events during 2022/23, with an additional 48 regular markets occurring throughout the year.
- The Events Strategy Permitting and Funding Framework was implemented, and criteria applied to the 2022/23 Event Funding Program, which awarded \$132,000 in sponsorship and logistics support to 32 events, with a further \$102,000 to support events that were unable to proceed in previous years due to COVID-19 restrictions.

3. For the bold protection of our future

- Solar and battery installations at Council facilities were completed at the Mount Beauty Stadium, Porepunkah Transfer Station, Mount Beauty Visitor Information Centre, Myrtleford Library, and Myrtleford Supper Rooms.
- Two pilot 'no / low maintenance' gardens were planted in Mount Beauty and Bright, which will be used to evaluate whether the methodology is suitable for larger scale plantings.
- Preparation for the commencement of a Food Organics Garden Organics (FOGO) collection service on 1 July 2023 was a major focus for Council during 2022/23.

4. For the enjoyment and opportunities of our lifestyle

- Community engagement for the Land Development Strategy was undertaken, including community reference groups, a technical reference group, and more than 200 survey responses. The draft strategy will be presented to Council later in 2023 and be subject to community consultation prior to adopting a final strategy.
- Delivery of \$9.3 million of capital projects including the Dargo High Plains Road Upgrade, Mount Beauty Airport Upgrade, renewable energy upgrades on Council buildings and renovations to the Alpine View Children's Centre.

5. For strong and informed leadership

- A new organisational structure commenced operation on 9 January 2023 to ensure that the organisation was focussed on delivering a positive customer experience, a positive employee experience, and a sustainable future for the Alpine Shire.
- Council's new MyAlpine online customer portal was delivered, allowing a self-service option for customers to log requests to Council.

Governance Report

This section of the Annual Report contains required statutory information.

Financial Statements

The Financial Statements show Council's financial performance, financial position, and cash flows against the previous year.

In summary, Council ended the 2022/23 year with an operating surplus of \$6.301m, which was \$3.776m lower than the \$10.077m surplus in 2021/2022.

The 2022/23 Annual Budget (the Budget) projected a surplus of \$5.502m, \$0.799m lower than the actual result.

The higher than budgeted result was primarily due to the increase in other revenue associated with interest and rental returns on investments. Additionally, the entire 2023/24 Financial Assistance Grant was received in late June and is included in the 2022/23 results. In the prior year, only 75% of the 2022/23 Financial Assistance Grant was received in 2021/22.

The lower surplus result compared to the previous year is due to higher expenses for Landfills \$1.575m, Employee costs \$0.458m and Material and Services \$1.105m.

The total comprehensive result for the 2022/23 Financial year is a deficit of (\$1.450m), primarily driven by a net revaluation downwards of council assets of (\$7.751m).

1. Income

Council received \$40.832m in income which was \$3.967m favourable to the Budget projection of \$36.865m. Key variances to budget were as follows:

1.1 Grants - operating

Council received total operating grant income of \$9.478m which was \$5.324m favourable to budget (\$4.154m), primarily due to the receipt of 100% of the 2023/24 Federal Assistance Grants distributed by the Victorian Grants Commission.

1.2 Grants - capital

Council received total capital grant income of \$3.116m which was \$4.956m less than the budget of \$8.782. This was due to the receipt of funds from grants that have been deemed as unearned revenue - recognised in the balance sheet as an increase in current liabilities.

1.3 Other Incomes

Council received a total of other income of \$2.451m compared to a budget of \$0.868m, being \$1.583m higher. Interest on investments and rent were significantly higher than budget.

2. Expenses

Overall expenses were \$33.830m which was \$2.467m higher than Budget.

Significant expense variances included:

- Materials and services costs being \$15.343m against a budget of \$13.632m, due to expensing the Bogong High Plains Road blackspot project as the road is to be handed to DEECA in 2023/24. This project was fully funded from a Department of Transport grant;
- Landfill rehabilitation expense was significantly higher at \$2.276m against a budget of \$0.078m, due to additional provisions and an increase in the discount factor used in provision calculations. The Department of Treasury and Finance issues revised discount factors annually; and
- These costs are offset by employee costs, which were lower at \$10.417m compared to a budget of \$11.233m, due to the impact of vacant positions throughout the year.

2.1 Depreciation

Depreciation was \$5.090m which was \$0.459m favourable to Budget and reflects a net decrease on revaluations of Council assets.

Performance Statement

The Performance Statement provides an overview of Council progress against key performance indicators. The Local Government Performance Reporting Framework (LGPRF) provides the basis for these indicators to enable a uniform Performance Statement across all Victorian councils.

An overview of movement in results is provided below:

- Utilisation of aquatic facilities was impacted by wet weather experienced in October - December 2022, resulting in fewer visits than the previous year.
- Community satisfaction with Council decisions declined compared to the previous year, reflecting a decline across the Local Government sector.
- Kerbside waste diverted from landfill remains steady compared to previous years. It is expected that with the introduction of a Food Organics, Garden Organics service from 1 July 2023, diversion will increase in 2023/24.

Generally, the financial indicators show that Council is financially sustainable and that services are being delivered within expected parameters.

POLICY IMPLICATIONS

The Annual Report must be presented to a Council meeting open to the public within four months of the end of financial year.

The Financial Statements and Performance Statement have been prepared and audited in accordance with the *Local Government Act 2020*.

The recommendations are in accordance with the following Strategic Objective of the Council Plan 2021-2025:

- 5.2 A responsible, transparent and responsive organisation

FINANCIAL AND RESOURCE IMPLICATIONS

At the time of publication, Council has not received Audit clearance on the financial statement from the Victorian Auditor General Office (VAGO).

Once clearance has been obtained, they will be certified by two Councillors authorised by Council and contain the auditor's reports from the Victorian Auditor General.

The draft Annual Report containing Financial Statements and Performance Statement for the year ended 30 June 2023 shows that Council remains financially sustainable.

RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Inability to accurately plan and manage finances due to inaccurate financial data	Unlikely	Moderate	<ul style="list-style-type: none"> • Financial Plan • Annual Budget • Regular reporting • Year-end controls and reconciliations • Audit processes
Failure to address changes in accounting standards and legislation	Rare	Minor	<ul style="list-style-type: none"> • Liaison with auditors • Industry updates • Staff Continuing Professional Development

CONSULTATION

The Audit and Risk Committee Charter states that the Committee is required to review the Annual Financial Report and consider whether it is complete, consistent with information known to Audit and Risk Committee members and reflects appropriate accounting principles.

The Audit and Risk Committee was presented with the in-principle Financial Statements and Performance Statement and received a briefing from Council's auditors following their review of these documents.

CONCLUSION

Council ended the 2022/23 year with an operating surplus of \$6.301m, which is greater than that predicted in the 2022/23 Annual Budget.

DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Director Customer and Community
- Manager Corporate
- Financial Accountant
- Governance Officer

ATTACHMENT(S)

8.1.1 Alpine Shire Council Annual Operations Report 2022/23

9. Presentation of reports by officers

9.1 DIRECTOR ASSETS – ALAN REES

9.1.1 Draft Alpine Shire Land Development Strategy 2023

INTRODUCTION

The draft Alpine Shire Land Development Strategy 2023 (draft LDS) shows how growth will be accommodated in Alpine Shire for at least 15 years and up to 2041.

The draft LDS considers projected population growth, and future housing and employment needs. It particularly focuses on the four Service Towns (Bright, Mount Beauty-Tawonga South, Myrtleford and Porepunkah), which will accommodate the majority of the municipality's future growth. It acknowledges the constraints to growth including bushfire risk, flood prone land, and infrastructure and servicing needs. It also highlights the key trends that have shifted demand for housing and identifies key actions and objectives to deliver planning outcomes that are respectful of the unique character, landscape and natural landscape of Alpine Shire.

It has been informed by community consultation that was undertaken between October 2022 and February 2023.

Overall, the draft LDS:

1. demonstrates to the Department of Transport and Planning how Alpine Shire will accommodate future housing and employment land consistent with community values;
2. identifies the future role and function of the settlements to guide future decision-making for liveable places; and
3. provides the basis and scope for future structure planning in the four Service Towns to addresses neighbourhood character, encourage greater housing diversity and accommodate employment activities.

This report recommends that Council endorses the draft LDS for community consultation in late 2023. Once consultation is complete, Council will be asked to consider any feedback received ahead of adopting a final Alpine Shire Land Development Strategy and proceeding with a planning scheme amendment to implement the high-level policies, the settlement hierarchy and the Service Town framework plans that are included in the draft LDS.

Cr Nicholas

Cr Kelley

That Council:

1. *Notes the conclusion of the community engagement phase associated with the development of the draft Alpine Shire Land Development Strategy 2023 held from October 2022 to February 2023;*

2. *Receives and notes the Your Town, Your Future: Community Engagement Report, May 2023 summarising the community engagement process, all submissions received and Council officers' responses to submissions, as attached;*
3. *Endorses and releases for public exhibition the draft Alpine Shire Land Development Strategy 2023 for a period of six weeks commencing on 6 November 2023 and concluding on 15 December 2023, as attached; and*
4. *Notes that Council officers will report back to Council on any feedback, comments and submissions received during the consultation period.*

Carried Unanimously

BACKGROUND

Council, as the planning authority for the Alpine Planning Scheme, is required to plan to accommodate the municipality's future projected population growth expected over at least a 15-year timeframe and provide clear direction on where this growth should go (Clause 11.02-1S Supply of urban land, Alpine Planning Scheme).

In March 2021, Council commenced the preparation of the Alpine Shire Land Development Strategy (LDS) to determine the level of growth expected and where it should go, considering state and regional planning policy guidance, environmental values and risks, development and infrastructure constraints, planning for future housing and employment needs, and the views of the community.

The draft LDS has been developed considering population forecasts, employment needs and trends by settlement, and outlines the further strategic work required to accommodate the expected future projected population and employment growth. The draft LDS, including its draft Implementation Plan, has been informed by the community engagement process held from October 2022 to February 2023.

FINDINGS

High level findings

The draft LDS projects that Alpine Shire will grow to 15,890 people by 2041, an increase of around 2,734 people in the 20 years from 2021. It is expected that there will be a need for an additional 2,167 houses across the Shire to 2041 to accommodate this growth (75 per cent of this demand is expected to flow to urban settlements (1,625 dwellings) and 25 per cent to rural areas (542 dwellings)).

The high-level assessment for the shire's urban settlements has established there is capacity for 1,266 (~77%) of the 1,625 homes needed by 2041 in areas already zoned for urban use (e.g., existing towns and settlements). Under the existing policy settings, there will be a shortfall of ~360 dwellings in existing settlements by 2041, with the largest housing demand projected in the Bright and Porepunkah townships. The draft LDS identifies investigation opportunities to accommodate this housing shortfall as well as opportunities to increase the amount of employment land across the municipality.

The future Alpine Shire Rural Land Strategy will seek to identify the preferred locations for the 542 dwellings anticipated to be developed in rural areas. Council will shortly commence this work and is expected to take 12-18 months to complete.

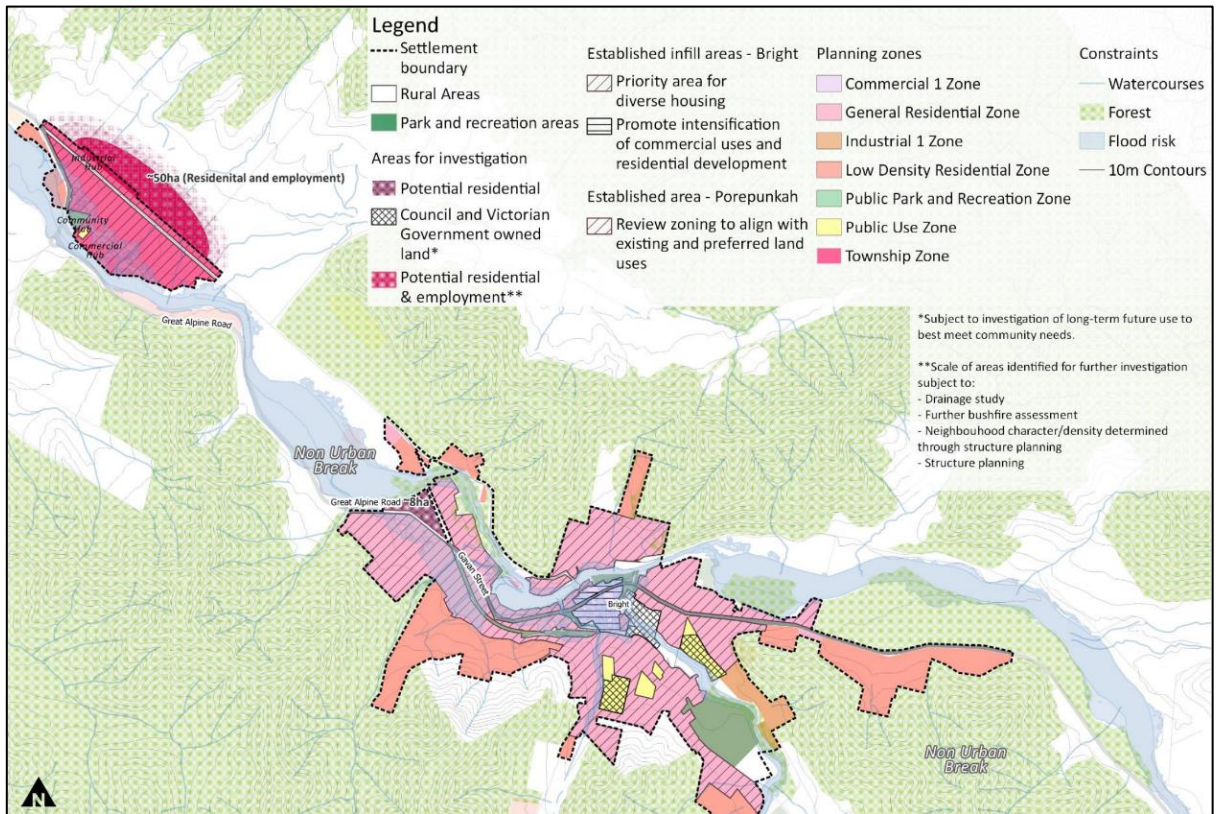
The draft LDS identifies about 22,000m² of additional commercial and industrial land in service towns by 2041 to accommodate future employment activity and attract new industry. This includes consideration for future growth in Myrtleford/Barwidgee to ensure there is some capacity for new industry or larger scale manufacturers in the future.

Other key findings also include:

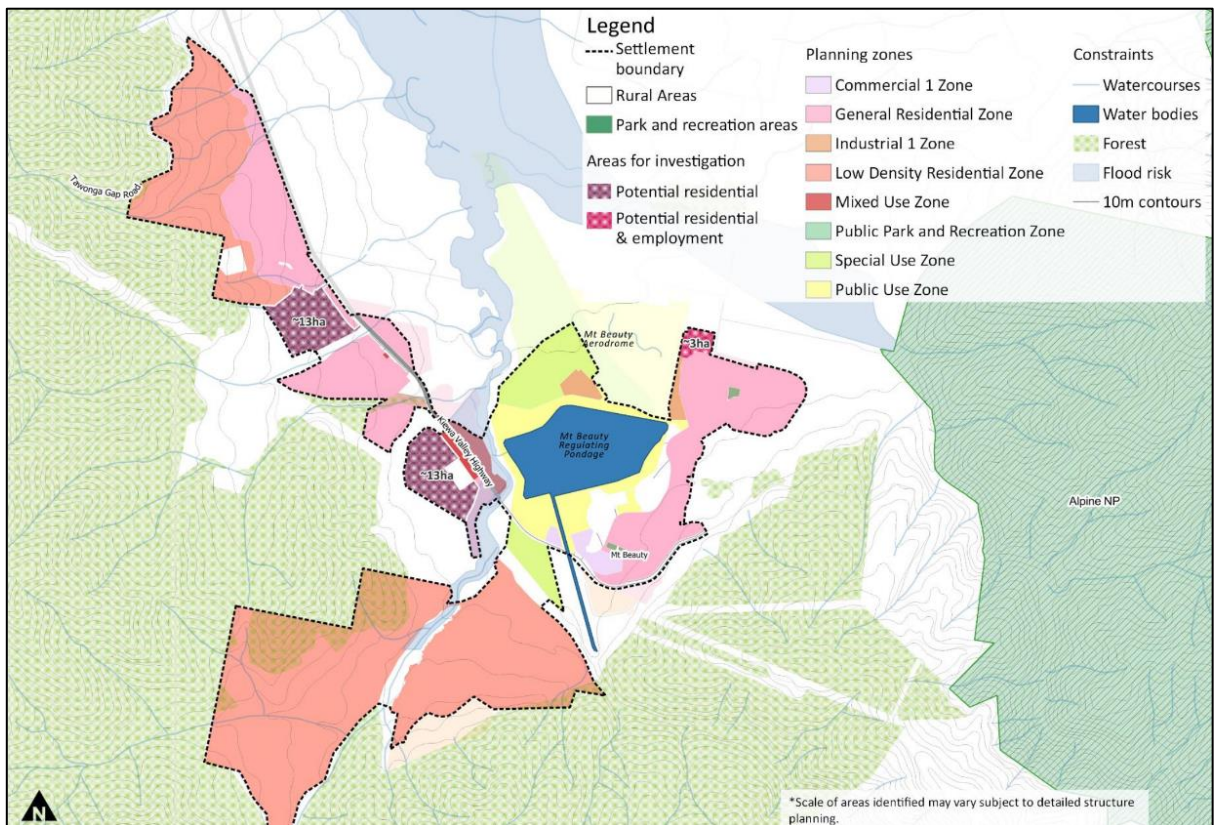
- short term rental and vacant properties continue to put strain on long term housing outcomes for local residents;
- the Alpine Shire is significantly constrained by flooding, bushfire, topography and vegetation considerations with 92% of the Shire being public land;
- the need to consider preferred neighbourhood character and landscape treatment in Alpine Shire;
- servicing constraints including North East Water's capacity to provide potable water and accommodate wastewater treatment will continue to affect urban development; and
- housing diversity, particularly the need to construct single- and two-bedroom houses, significantly limit housing availability.

Updated framework plans have been prepared for the four Service Towns of Bright, Mount Beauty-Tawonga South, Myrtleford and Porepunkah. The mapping identifies:

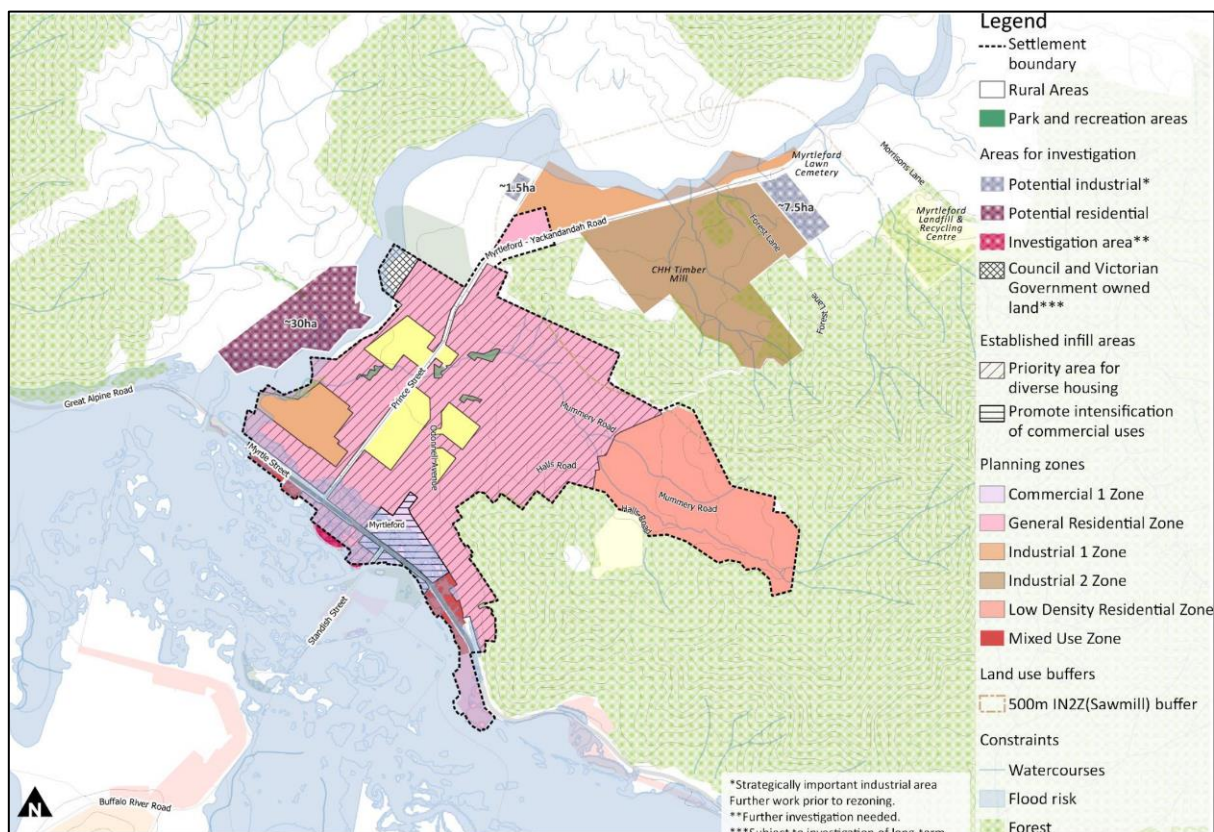
- land that could serve a future urban function subject to investigation; and
- settlement boundaries within which urban development will be focused.



Draft Bright and Porepunkah Framework Plans.



Draft Mount Beauty-Tawonga South Framework Plan.



Draft Myrtleford Framework Plan.

The principles that are applied to determine what land was included inside and outside the township boundaries are land that is:

- currently shown as investigation areas in the Alpine Planning Scheme that are not constrained by bushfire or flooding are included within the settlement boundaries as investigation areas;
- currently shown as investigation areas in the Alpine Planning Scheme that are constrained by bushfire and flooding have been excluded as investigation areas and removed from the settlement boundaries; and
- not currently identified in the Alpine Planning Scheme that has emerged as investigation areas through the draft LDS are outside the settlement boundaries pending structure planning.

As structure planning is undertaken over the next five years, settlement boundaries may change subject to the resolution of investigation areas.

The draft LDS recommends that while structure planning work is undertaken, any growth should be accommodated through support of infill development in existing urban zoned areas and not through rezoning of land.

Further strategic work

Once the LDS is finalised and adopted by Council, the high-level directions for growth, the updated settlement hierarchy and the four Service Town Framework Plans will be

included in the Alpine Planning Scheme through a planning scheme amendment. The remaining work program will follow later.

Although structure planning for the four Service Towns is important, to provide greater surety for future urban growth, this work should be complemented with a review of areas of landscape significance and the preparation of stage two of the Rural Land Strategy. The Rural Land Strategy will resolve the very complex planning challenges in Dinner Plain, Freeburgh, Ovens and Wandiligong, review other townships and settlements, and establish the directions for the future use of rural land in considering changing economics and climate, and the significant landscape values of the Shire.

Recommendations from all this further work may lead to further planning scheme amendments in the future seeking to amend planning controls to accommodate growth, implement structure plans, etc.

Although future structure planning work is specific to each Service Town, at a minimum the following background reports are likely to be required to inform the structure planning process in each place:

- Aboriginal cultural heritage assessment;
- preliminary soil contamination assessment;
- ecological assessment;
- integrated water management plan;
- bushfire assessment;
- traffic impact assessment;
- community infrastructure needs assessment;
- neighbourhood character assessment;
- review of places of heritage significance;
- retail needs assessment; and
- utilities impact assessment.

The preparation of structure plans for the four Service Towns is expected to take five years to complete requiring significant funding over several financial years.

The specific outcomes and actions for each settlement are highlighted in the draft Implementation Plan of the draft LDS.

ISSUES

Rezoning

A key concern for the community during the initial consultation was the scale and timeframes for any future rezoning of land. The draft LDS does not propose to rezone any land, but has identified areas for investigation based on promoting growth in areas with higher population forecasts (Porepunkah and Bright) and the constraints associated with future infrastructure provision. Structure planning is the next step to better understand development constraints prior to progressing any planning scheme amendments seeking to amend the planning controls on land. Supporting infill development (areas already zoned General Residential Zone or Low Density Residential

Zone that are considered to be underutilised) is the major way in which Council will accommodate growth over the next five years, rather than supporting rezonings before structure planning is complete.

Any planning scheme amendments seeking to amend planning controls on land to accommodate urban growth, will be 'proponent-led', which means they will need to be requested and funded by proponents/landowners, with Council providing support and management of the process. Such amendments can only be progressed when the relevant structure plan and all technical investigations of the land are complete.

North East Water

North East Water has recently notified Council that it is unable to support subdivisions of four lots or more in Bright due to current water and sewerage capacity issues.

This greatly impacts Council's ability to deliver or seek the delivery of diverse housing outcomes, which is a key strategic direction in the draft LDS and is a critical constraint on the planning for future development. It highlights why it is so important that Council's strategic planning is up to date.

Council and North East Water recognise the importance of working together, with the Victorian government, as a priority, to identify solutions to the current water servicing constraints, and how additional capacity that future growth will require in the longer term will be delivered.

Country Fire Authority

As required by Clause 13.02-1S of the Alpine Planning Scheme, Bushfire Attack Mapping to a level of BAL 12.5 has been prepared and preferred locations for future urban growth identified considering bushfire risk. This mapping was informed by a review of historical fires, the extent and direction of fire runs, and overall bushfire risk.

The CFA has provided a referral response to the draft LDS. It does not support growth in Alpine Shire given the high bushfire risk of each area and the need for further bushfire planning work before any structure planning work can occur. Council will shortly commence the preparation of a municipal bushfire risk assessment that will seek to address this concern and inform the final LDS.

Due to the conflict between policies in the Alpine Planning Scheme regarding the need to manage growth and the need to manage the preservation of human life, further work has also been highlighted in the draft Implementation Plan to address this important issue.

POLICY IMPLICATIONS

The draft LDS highlights key policy guidance on managing future housing and employment needs over the long term. It allows a focus and prioritisation of work based on expected locations of population growth.

The draft LDS contains seven key strategic directions, with the starting point being managing risk and protecting the environment:

1. Avoid development in areas of environmental and landscape significance and at risk of natural hazards.
2. Direct future population and housing development in accordance with defined future roles of towns, settlement and rural localities.
3. Prioritise the creation of compact towns and settlements to enable more efficient use of land and infrastructure.
4. Improve diversity of housing to provide greater choice for residents throughout all stages of life.
5. Support diversification, prosperity, sustainability and innovation on employment land
6. Support new development that contributes to the unique character of towns and settlements.
7. Deliver appropriate utility, transport and community infrastructure when and where it is needed to support growth.

These underpin the draft Implementation Plan including which includes objectives, strategies and further strategic work required to implement each Strategic Direction.

The draft LDS establishes a settlement hierarchy for Alpine Shire, which will guide the distribution of development across the municipality.

Settlement type	Settlements	Direction	Future planning
Service Towns	Bright, Mount Beauty-Tawonga South, Myrtleford, Porepunkah (emerging)	Primary locations for growth.	Structure planning for each town
Rural Towns	Dederang, Harrietville, Tawonga, Wandiligong Dinner Plain (seasonal tourist town)	Incremental growth within existing urban zoned areas. (Dinner Plain and Wandiligong zoning requires review).	Rural Land Strategy
Small Settlements	Freeburgh, Ovens	Avoid further growth or subdivision.	Rural Land Strategy
Rural Localities	Barwidgee Creek, Buckland Valley, Buffalo River, Eurobin, Gapsted, Rosewhite, Smoko	Avoid growth not associated with agricultural use of land.	Rural Land Strategy

FINANCIAL AND RESOURCE IMPLICATIONS

Endorsement of a draft Alpine Land Development Strategy

The recommendation to undertake consultation on the draft LDS will result in minor financial and resource implications for Council, which have been budgeted for.

Adoption of a final Alpine Shire Land Development Strategy

The implications of Council adopting the final Alpine Shire Land Development Strategy accompanied by a detailed Implementation Plan will be commitment to a significant strategic planning work program including:

- preparing a planning scheme amendment to include the strategic directions, objectives and strategies, settlement hierarchy and Service Town framework plans in the Alpine Planning Scheme. The estimated cost is \$50,000 plus officer time;
- structure plans for each Service Town (and background work) at an estimated \$500,000 per town, plus officer time; and
- the Rural Land Strategy (and background work) at an estimated \$500,000, plus officer time, including the resolution of planning controls for Dinner Plain, Freeburgh, Ovens and Wandiligong.

These projects have already been identified in the recently adopted Alpine Planning Scheme Review 2023.

The scale of this future strategic work required in each Service Town, and the development of the Rural Land Strategy will take at least five years and will require two additional full-time employees in the Strategic Planning Team. This will allow for adequate support to undertake the community engagement, technical analysis and stakeholder engagement required to inform the strategic planning program and subsequent planning scheme amendment processes required to implement the recommendations of this work. These two new strategic planning positions have been included in the 2023/2024 financial year budget.

RISK MANAGEMENT

There are no inherent risks with the recommendations of this report. There is a minor risk of community opposition of some aspects of the draft LDS, and the community engagement process will provide an opportunity to identify and discuss these issues as they arise, and report back to Council prior to finalising the LDS.

The table below outlines some of the risks that any adoption of a final LDS may result in and ways to mitigate these risks.

Risk	Likelihood	Impact	Mitigation Action / Control
Lack of coordinated infrastructure and township planning	High	Medium	<ul style="list-style-type: none"> • Work closely with infrastructure agencies. • Advocate to the Victorian government to get more funding for infrastructure (e.g., through the Windfall Gains Tax). • Progress and effectively resource the Strategic Planning Work Program to ensure all planning considerations are known prior to supporting any future rezonings

Risk	Likelihood	Impact	Mitigation Action / Control
Out-of-date planning controls and policy, and continued land use conflicts	High	High	<ul style="list-style-type: none"> • Once adopted, high level strategic directions, objectives and strategies, the settlement hierarchy and Service Town framework plans will be inserted into the planning scheme to bring it up-to-date. • Adoption of a final Land Development Strategy provides strategic justification to then commence structure planning for the main townships. • Proceed with structure planning for the main townships to identify preferred zoning for employment, character, density, infrastructure requirements, etc. • Proceed with the Rual Land Strategy.
Requests for land rezonings prior to the finalisation of structure planning.	High	Low	<ul style="list-style-type: none"> • The draft LDS specifies that rezonings will not be considered until structure planning is complete.
No land supply to support future housing need	Low	High	<ul style="list-style-type: none"> • The draft LDS identifies significant opportunity for infill development in Porepunkah, Bright and Myrtleford. • The Bright Valley development will provide a significant supply of housing until such time as structure planning is completed. • Glenbourn Drive in Mount Beauty will provide a significant supply of housing until such time as structure planning is complete.

Risk	Likelihood	Impact	Mitigation Action / Control
Lack of guidance and policy on development contributions to support growth	High	High	<ul style="list-style-type: none"> Progress infrastructure planning and structure planning to understand what infrastructure is required to support future development and to identify an appropriate nexus to ensure future development equitably contributes to infrastructure provision

CONSULTATION

Internal Engagement

The draft LDS was informed by comments and feedback received from Councillors and internal departments like: Economic Development, Engineering and Assets, Statutory Planning and Sustainability.

Referral Agencies Engagement

Ongoing engagement throughout the development of the draft LDS was undertaken with Agriculture Victoria, the Country Fire Authority, North East Water, North East Catchment Management Authority, and the Department of Transport and Planning. All relevant referral agencies and authorities will be invited to comment on the draft LDS.

The LDS has also informed the North East Water Growth Plan and Council’s Kindergarten Infrastructure and Services Plans.

Stakeholder Engagement

A Technical Reference Group including local planning professionals, local real estate professionals, and engineers provided discussion, input and consideration to the draft Alpine Shire Land Development Strategy 2023.

Community Engagement

The pre-draft community engagement process that informed the draft LDS was robust and flexible with specific key issues highlighted by township. The key concerns of the community are highlighted in the Your Town, Your Future: Community Engagement Report, May 2023 and include:

- Infrastructure challenges;
- Services and amenity keeping up with growth;
- Scale and timing of any future rezonings;
- Protection of natural places;
- Protection of neighbourhood character and landscapes;
- Sustainable infrastructure and planning; and

- Specific feedback by township is noted in the Your Town, Your Future: Community Engagement Report, May 2023.

This report is proposing the second stage of community engagement on the draft LDS prior to finalisation.

Once finalised, the community will have an opportunity to comment on the LDS and make submissions on the proposed changes to the planning scheme (strategic directions, strategies and objectives, settlement hierarchy and Service Town framework plans) during the formal exhibition process associated with the planning scheme amendment.

CONCLUSION

The draft LDS reflects key strategic directions, actions and advocacy for the future planning of Alpine Shire. The document gives clear guidance to the community, Council, referral agencies and authorities, and the Victorian Government on how to accommodate growth up to 2041.

DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Director Assets
- Manager Growth and Future
- Strategic Planning Coordinator

ATTACHMENT(S)

- 9.1.1.a. Your Town, Your Future: Community Engagement Report, May 2023
- 9.1.1.b. Draft Alpine Shire Land Development Strategy 2023

9.1.2 Bright River Pool

INTRODUCTION

This report relates to the aquatic risk assessment and safety management at the Bright River Pool.

Cr Janas

Cr Kelley

That Council:

- 1. Notes the implementation of all recommendations from the 2021 Lifesaving Victoria, at the Bright River Pool;*
- 2. Notes the safety incident statistics from the 2022/23 summer season;*
- 3. Acknowledges the risk created by the dredging of the river pool to ensure a compliant water depth at the jumping board;*
- 4. Eliminates this risk by removing the jumping board and ceases dredging;*
- 5. Notes the outcomes of the investigations for an alternative river slide;*
- 6. Acknowledges the risk of replacing the slide;*
- 7. Nominates a Master Planning project to be added to the Project Pipeline for Howitt and Centenary Parks that would create a contemporary, high-value community precinct; and*
- 8. Informs the community through appropriate communication channels. Gathers, monitors and assesses safety and incident statistics in the area around the jumping board and dredged riverbed over the 2023/2024 summer to inform a Council decision after the conclusion of the summer season;*

Motion Lost

A Division was called for by Cr Janas

For: Crs Janas and Keeble

Against: Crs Forsyth, Hughes, Nicholas, Prime, Kelley

The Officers recommendation motion was lost.

The Mayor called for an alternative recommendation motion.

Cr Hughes put forward an alternative motion.

Cr Hughes

Cr Kelley

That Council:

- 1. Notes the implementation of all risk management recommendations from the 2021 Lifesaving Victoria, at the Bright River Pool,*
- 2. Notes the safety incident statistics from the 2022/23 summer season,*
- 3. Gathers, monitors and assesses safety and incident statistics in the area around the jumping board and dredged riverbed over the 2023/2024 summer to inform a Council decision after the conclusion of the summer season,*
- 4. Nominates a master planning project to be added to the Project Pipeline for Howitt & Centenary Parks that would create a contemporary, high-value community precinct, and*
- 5. Considers replacement of the slide as an option through the masterplanning process.*

Cr Nicholas put forward an amendment to the alternative motion proposed by Cr Hughes.

Cr Nicholas

Cr Hughes

- 6. Council continues to seek ways to mitigate the risk from the diving platform and dredging over the 2023/24 summer season.*

Motion Lost

Cr Kelley put forward a reworded iteration of the amendment to the alternative motion proposed by Cr Hughes.

Cr Kelley

Cr Keeble

- 6. Council continues to seek ways to mitigate the risk of drowning in the river pool this 2023/24 summer season.*

Carried

A Division was called for by Cr Nicholas

For: Crs Forsyth, Keeble, Hughes, Nicholas, Prime and Kelley

Against: Cr Janas

The final resolution passed by Council was:

Cr Hughes

Cr Kelley

That Council:

- 1. Notes the implementation of all risk management recommendations from the 2021 Lifesaving Victoria, at the Bright River Pool,*
- 2. Notes the safety incident statistics from the 2022/23 summer season,*
- 3. Gathers, monitors and assesses safety and incident statistics in the area around the jumping board and dredged riverbed over the 2023/2024 summer to inform a Council decision after the conclusion of the summer season,*
- 4. Nominates a master planning project to be added to the Project Pipeline for Howitt & Centenary Parks that would create a contemporary, high-value community precinct, and*
- 5. Considers replacement of the slide as an option through the masterplanning process.*
- 6. Council continues to seek ways to mitigate the risk of drowning in the river pool this 2023/24 summer season.*

Carried

A Division was called for by Cr Janas

For: Crs Kelley, Nicholas, Prime, Forsyth, Keeble & Hughes

Against: Cr Janas

BACKGROUND

The Bright River Pool (BRP) is strategically situated on the Ovens River, directly behind the main thoroughfare of the Bright township. Adjacent to the Bright Splash Park and downstream from the Rotary Waterslide, the site encompasses a spacious riverbank that opens into the river itself. Additional amenities include a children's playground and public toilet facilities nearby.

The BRP aquatic area can be accessed from multiple points along the foreshore, featuring wooden jetty platforms and a jumping board. Water depth in the area varies, reaching depths in excess of four (4) metres at its deepest. Routine dredging is conducted at the base of the jumping board to maintain an appropriate and safe water depth, thereby mitigating the risk of impact injuries for users.

Life Saving Victoria (LSV) has been contracted on various occasions to undertake safety and consultancy reviews for both the Bright River Pool and the neighbouring Porepunkah River Pool.

Previous engagements include:

- Bright River Pool Safety Consultancy (July/August 2021)
- Porepunkah River Pool Safety Consultancy (September 2021)
- Bright and Porepunkah River Pool Signage Assessment (October 2021)
- Bright River Pool Slide Design Assessment (October 2021)

- Ovens River Proposed Fishway Safety Consultancy (January 2022)

Subsequent to the Slide Design Assessment in 2021, the slide was removed and has yet to be replaced.

In September 2023, LSV was re-engaged by Alpine Shire Council in response to reports that more than 50 rescues were carried out during the 2022/23 season.

According to documents provided by Belgravia Leisure, the Bright River Pool received 12,262 visits over a span of 37 days between December 2022 and January 2023. Despite staffing hours being limited to 1pm–6pm, a total of 32 rescue incidents involving 50 individuals were reported. The single-day record for rescues stood at ten. A significant 46% of the rescues were conducted at the jumping board area, while another 42% took place in deep water, particularly towards the river's right-hand side.

Belgravia responded to an increase in visitation and rescue prevalence, and according to their risk assessment immediately implemented the use of a river rescue board for quick intervention and educational interactions with patrons.

Despite Belgravia Leisure having implemented this additional safety measure in response to swimmer behaviour, safety incidents continued to occur.

Removal of the slide in 2021 has resulted in a reduced number of Lifeguard rescues on the Northern side of the river with only 2% of rescues occurring there in the 2022/23 Season.

ISSUES

Council has identified the jumping board at the Bright River Pool as a notable point of concern for aquatic safety. Data from recent seasons indicates that 46% of all rescues originated from activities associated with the jumping board. The removal of the jumping board will result in a meaningful reduction in the number of high-impact injuries and aquatic emergencies.

The absence of the jumping board will lower the risk profile of the river pool and mitigate the burden on lifeguard staff, allowing for more effective surveillance and response across other areas of the pool.

Removing the jumping board will offer a multi-faceted improvement in aquatic safety:

- Firstly, its absence is expected to reduce the potential of high-impact injuries and rescues, which may occur due to misjudgements in jumping.
- Secondly, by eliminating this high-risk area, the lifeguard team could redistribute their focus across the entire pool more efficiently.

This would likely result in quicker response times and improved surveillance, enhancing the overall safety of patrons.

However, removal of the jumping board is a significant change that may not be universally welcomed by the community. The aim is to strike a balance between preserving the recreational appeal of the Bright River Pool and ensuring an acceptable level safety for all users.

Removal of the jumping board will change the overall amenity at the Bright River Pool precinct, which has strong historical and cultural significance to community and visitors.

Council has identified the depth of the water, particularly in areas exceeding 4m, as a significant safety concern at the Bright River Pool. Safety reports from the 2022/23 period show that 42% of rescues were related to deep water, and a further 46% were associated with the jumping board located in these deeper sections. This issue particularly affects less experienced swimmers.

Deep water complicates rescue efforts and increases the risk of swimmer fatigue, both of which elevate the likelihood of water-related incidents.

These changes aim to minimise high-risk behaviours like diving and make it easier for lifeguards to perform rescues.

POLICY IMPLICATIONS

The recommendations are in accordance with the following Strategic Objective of the Council Plan 2021-2025:

- 4.5 Assets for our current and future needs

FINANCIAL AND RESOURCE IMPLICATIONS

Associated costs that result from the removal of the jumping board will be funded from existing operational budgets.

A masterplan for Howitt and Centenary Park Precinct be considered, planned, and budgeted through the annual budget process.

RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Injury	Almost certain	Major	Remove jumping board and cease dredging the river. Do not replace the slide.
Drowning fatality due to lack of swimmer ability	Very Likely	Extreme	Remove jumping board and cease dredging the river pool. Do not replace the slide.
Environmental impact due to machinery in water (Diesel spill)	Possible	Major	Long reach excavator to perform works to eliminate machinery in waterway.
Community and visitor expectations not met	Unlikely	Minor	Future implementation of masterplan to create a contemporary, high-value community precinct.

LSV recommends the following actions based on the data and risk assessments presented:

1. Recommend removal of the jumping board based on current risk likelihood and consequence.
2. Update existing signs to reflect any changes in pool features or safety guidelines.
3. Implement new signs that address previously unhighlighted risks, such as swift water conditions, if the pool's depth is altered.
4. Use clear and universally understood symbols and languages to ensure that the message is accessible to a broad audience, including international visitors and those who may have literacy challenges.
5. Continually review and update signage as part of a broader, ongoing risk management strategy.

CONSULTATION

Industry experts, LSV and experienced operator Belgravia Leisure were engaged to assess the river pool, along with officers from across Council's operations. Due to the risk associated with the jumping board, dredging of the river and replacement of the slide, it is recommended that Council removes the jumping board at Bright River Pool prior to the 2023/24 summer season, ceases dredging and does not replace the slide.

Following endorsement of this report, the community will be informed of the decision to remove the jumping board and not to replace the slide.

An extensive engagement process will be undertaken to develop a precinct masterplan for Howitt and Centenary Parks.

CONCLUSION

Following the hierarchy of control, all actions to manage the risk have been unsuccessful. Due to the risk associated with the jumping board, dredging of the river and replacement of the slide, it is recommended that Council removes the jumping board at Bright River Pool prior to the 2023/24 summer season, ceases dredging and does not replace the slide.

DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Director Assets
- Manager Operations
- Property and Contracts Coordinator

ATTACHMENT(S)

Nil

9.1.3 Community Climate Action Plan Roadmap

INTRODUCTION

The Community Climate Action Plan Roadmap 2023 (Roadmap) provides a roadmap for the development of a future community climate action plan. It is not an action plan in itself.

The Roadmap will assist in developing a clear pathway to preparing a community climate action plan, and will support and empower the local community to reduce its emissions and adapt to a changing climate.

Cr Keeble

Cr Nicholas

That Council:

- 1. Endorses the Community Climate Action Plan Roadmap and makes it available on its website as a community resource;*
- 2. Notes that Council officers will undertake a detailed assessment of the community's Greenhouse Gas emissions profile; and*
- 3. Notes that Council officers will conduct community education on climate mitigation and adaptation measures.*

Carried Unanimously

BACKGROUND

In November 2021, Council declared a Climate Emergency and noted the resource and cost implications of developing a community climate action plan. The development of a Community Climate Action Plan Roadmap is the first formal step in empowering community climate action.

The Roadmap develops strategic climate response goals and identifies opportunity areas that reflect the community and other stakeholders' understanding and priorities.

Council's ability to prioritise and support impactful community climate action initiatives stems from the development of a detailed and locally accurate community emissions profile and ongoing broader community engagement and education.

ISSUES

The declaration of a Climate Emergency in November 2021 enabled Council to work within its legislative, financial and leadership capacity to facilitate and activate climate change mitigation strategies across the municipality.

Through Council's Climate Action Plan 2021-2024 Council committed to a net zero GHG emissions target from corporate operations by 2023, Council has significantly reduced its GHG emissions since the baseline year and has committed to offsetting the residual GHG emissions for the 2022/2023 financial year. Council has control over its own emissions and the steps taken to mitigate and offset those emissions; Council can advocate to others in the Alpine Shire but does not have direct control over the emissions of residents, businesses, industry, and visitors.

Certain emissions and abatement options may be particularly difficult and time consuming to accurately measure and track.

POLICY IMPLICATIONS

The recommendations are consistent with section 9(2)(c) of the *Local Government Act 2020*:

- councils are required to promote the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks.

The recommendations are in accordance with the following Strategic Objective of the Council Plan 2021-2025:

- 3.1 Decisive leadership to address the impacts and causes of climate change

FINANCIAL AND RESOURCE IMPLICATIONS

The development of the Community Climate Action Plan Roadmap was funded by the Australian and Victorian governments under the Commonwealth-State Disaster Recovery Funding Agreements (DRFA).

The development of a detailed assessment of the community GHG emissions profile is estimated to cost \$35,000 and has been budgeted for delivery in the current financial year.

Ongoing community education and engagement on climate action can be resourced within Council's existing sustainability and communications and engagement teams' capacity.

RISK MANAGEMENT

The key risks identified in relation to the Community Climate Action Plan Roadmap and mitigation actions are outlined in the below table.

Risk	Likelihood	Impact	Mitigation Action / Control
Extreme weather events cause damage to assets and health of residents, industry and the natural environment	Very likely	Major	<ul style="list-style-type: none"> • Support the community to adapt to climate change threats • Enhance resilience of residents, industry and the natural environment
Reputation - Council's Climate Emergency Declaration appears meaningless and tokenistic	Almost certain	Moderate	<ul style="list-style-type: none"> • Approve the Community Climate Action Plan Roadmap and progress the recommended next steps • Provide leadership and support to residents in Climate Action

CONSULTATION

Development of this Community Climate Action Plan Roadmap involved community engagement which, as expected, received the majority of input from community members and groups already engaged in the climate action space. Engagement undertaken included publicly accessible and advertised pop-up sessions at Mount Beauty, Myrtleford and Bright and a public online survey. Various targeted evening sessions were conducted with community groups, organisations, Council staff and Councillors.

The consultation informed the priority opportunity areas identified in the Community Climate Action Plan Roadmap. Community awareness and understanding of climate change risks and opportunities were identified as opportunity areas. Ongoing education of the broader community by Council officers, in the areas of climate mitigation and adaptation, will seek to ensure that Council continues to support shire-wide community climate action.

CONCLUSION

In order to support the community to mitigate and adapt to climate change, it is recommended that Council approves the Community Climate Action Plan Roadmap. Council officers will undertake a detailed assessment of the community's Greenhouse Gas (GHG) emissions, which will inform the future development of a community climate action plan and undertake further community education on climate mitigation and adaptation.

DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Director Assets
- Manager Growth and Future
- Sustainability Coordinator
- Sustainability Officer

ATTACHMENT(S)

9.1.3 Community Climate Action Plan Roadmap Alpine Shire Council

Cr Keeble declared a conflict of interest with respect to item 9.1.4 and vacated Council Chambers at 7.35pm.

9.1.4 Dinner Plain Snowmaking Factory and Snow Guns

File Number: CT23051

INTRODUCTION

This report relates to the award of a contract for the supply and commissioning of a snowmaking factory and snow guns at the Peashooter toboggan slope at Dinner Plain.

Cr Kelley

Cr Nicholas

That Council:

- 1. Awards Contract No. CT23051 for 'The Supply and Commissioning of a Snowmaking Factory and Snow Guns' to TechnoAlpin for the lump sum price of \$922,735 (Ex GST); and*
- 2. Delegates authority to the Chief Executive Officer to sign the Contract.*

Carried Unanimously

BACKGROUND

This project is fully funded by the State Government through the Regional Infrastructure Fund to assist the growth of rural Victoria by providing grants for infrastructure projects. The project will provide upgraded and improved snowmaking infrastructure to provide a reliable snow season from mid-June to late-September, each year at Dinner Plain, resulting in economic and social benefits for the Dinner Plain community and businesses.

The contract scope includes manufacturing, supplying, installing and commissioning two snow guns and a snowmaking factory at the Peashooter toboggan slope at Dinner Plain.

EVALUATION

Extensive engagement with the snow making teams from Vail Resorts at Mount Hotham and Mount Buller Resorts was undertaken to ensure the appropriate specifications and performance criteria were identified.

The tender was posted on 2 August 2023 on tenders.net in accordance with Council's Procurement Policy.

The key selection criteria listed in the Invitation to Tender were:

1. Price
2. Qualifications and previous performance
3. Delivery
4. Social
5. Environmental Sustainability

Following the assessment of the tenders, it was determined that the tender from TechnoAlpin best met the selection criteria.

ISSUES

The possibility of a time delay caused by shipping or customs poses a risk to the snowmaking equipment being commissioned by June 2024 for the start of the snow season. The preferred tenderer has confirmed that they are able to meet this requirement in their project plan and have included an additional one month's time contingency for this risk.

The ongoing operating model is being developed and will be subject to Council's expression of interest process that will enable the appointment of a suitably qualified operator.

The maintenance requirements of the snow factory and two snow guns will be included in the annual budget process from 2024/2025 financial year onwards. These costs are estimated to range from \$160k to \$340k depending on the final ongoing operating model.

POLICY IMPLICATIONS

The recommendations are in accordance with the following Strategic Objective of the Council Plan 2021-2025:

- 4.5 Assets for our current and future needs

FINANCIAL AND RESOURCE IMPLICATIONS

The total available budget for the Dinner Plain Snowmaking Project is \$3,000,000. This project is fully funded by the Victorian State Government through the Regional Infrastructure Fund. There are sufficient funds within the project budget to award this contract for the manufacture, supply and commission the snowmaking factory and two snow guns.

RISK MANAGEMENT

Key risks of the project are as follows:

Risk	Likelihood	Impact	Mitigation Action / Control
Delayed installation	Possible	Moderate	<ul style="list-style-type: none"> • Project management plan includes one month's contingency in the project program

CONSULTATION

Engagement has been carried out with the following organisations and groups:

- Vail Resorts Mount Hotham
- Mount Buller Resort

- Dinner Plain Community - extensively engaged in the development of the snowmaking project through an online survey, design workshops and public consultation.

CONCLUSION

Following a tender evaluation assessment and site visits, the tender from TechnoAlpin is considered the best value for Council due to their price, experience, and knowledge of snowmaking equipment, and it is recommended that the contract be awarded to TechnoAlpin.

DECLARATION OF CONFLICT OF INTEREST

In accordance with Section 130 of the *Local Government Act 2020* and Chapter 7, section A6 of the Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Director Assets
- Manager Engineering and Assets
- Project Officer

ATTACHMENT(S)

Nil

Cr Keeble re-entered Council Chambers at 7.51pm.

9.2 DIRECTOR CUSTOMER AND COMMUNITY – HELEN HAVERCROFT

9.2.1 Child Safe Policy

INTRODUCTION

This report relates to changes in Child Safe legislation and the consequential revisions to Council's Child Safe Policy.

Cr Janas
Cr Hughes

That Council:

- 1. Endorses the revised Child Safe Policy for the purposes of placing it on public exhibition, with submissions closing on 21 November 2023; and*
- 2. Reviews and considers submissions to the revised Child Safe Policy and presents the final version for adoption at the Ordinary Council Meeting on 19 December 2023.*

Carried Unanimously

BACKGROUND

Victoria's Child Safe Standards (Standards) were put in place in 2016 to protect children and young people from harm and abuse. In July 2022 eleven new Standards were introduced to replace the existing seven Standards. Changes made to the Standards will increase protection for children and young people and provide clarity for Council and other organisations that must comply with the Standards (Schedule 1 of the Child Wellbeing and Safety Act 2005).

Council's first Child Safe Policy was adopted in 2017 and a reviewed Child Safe Policy was adopted in 2020.

This revised Child Safe Policy has been developed with publicly available information and in consultation with key internal stakeholders and engagement with other Victorian Council's and ensures that protecting children's safety and wellbeing is embedded in the culture and the everyday thinking and practices of all Councillors, employees, contractors and volunteers of Council.

ISSUES

Council is legislatively required to develop a Child Safe Policy which reflects the updated Child Safe Standards effective 1 January 2023. This work has been undertaken internally.

The protection of children and young people is more than just drafting a policy. An operational action plan will be developed to embed the activities that Council will undertake to meet the commitment of this policy.

POLICY IMPLICATIONS

The recommendations are in accordance with the following Strategic Objective of the Council Plan 2021-2025:

- 5.2 A responsible, transparent and responsive organisation

This Policy also relates to:

- *Child Wellbeing and Safety Act 2005* (Vic)
- *Working With Children Act 2005* (Vic)
- Victorian Reportable Conduct Scheme

FINANCIAL AND RESOURCE IMPLICATIONS

The drafting of the action plan related to the operational delivery of this policy is not yet completed. There will be identified existing resources within Council who will have responsibility for specific actions. There is no indication at this stage that a financial cost will be associated with this. No additional resource is being considered.

RISK MANAGEMENT

Detail the key risks of the matter being addressed by the report and mitigation action / control.

Risk	Likelihood	Impact	Mitigation Action / Control
Failure to comply with legislation and mandatory reporting	Possible	Moderate	<ul style="list-style-type: none"> • Ensure regular review of the Child Safe Policy and implementation of the action plan.

CONSULTATION

This revised Child Safe Policy has been developed with publicly available information and in consultation with key internal stakeholders and using information from other Victorian Council's.

CONCLUSION

It is recommended that Council endorses the revised Child Safe Policy for public exhibition. Feedback from the public exhibition period will be considered and the revised policy will be presented to the December Council meeting.

DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Director Customer and Community
- Manager Community Development

ATTACHMENT(S)

9.2.1 Revised Child Safe Policy

9.2.2 Instruments of Appointment and Authorisation - *Planning and Environment Act 1987*

File Number: Delegations register

INTRODUCTION

Instruments of appointment and authorisation are an important means of Council ensuring that its officers are appropriately authorised under the relevant Acts that Council administers. This report provides for a newly appointed position in Council's Planning department.

Cr Janas

Cr Keeble

That Council exercises the powers conferred by section 147(4) of the Planning and Environment Act 1987, so that:

- 1. The following member of Council staff referred to in attachment 9.2.2 "S11A – Instrument of Appointment and Authorisation – Planning & Environment Act 1987" (the instrument) be appointed and authorised as set out in the instrument;
 - a. Planning Officer**
- 2. The instrument comes into force immediately the common seal of Council is affixed to the instrument;*
- 3. The instrument be signed and sealed at the appropriate stage of this meeting.*

Carried Unanimously

BACKGROUND

Council staff involved in planning roles require current and accurate authorisations to fulfil their duties. Council has appointed a Planning Officer, who requires authorisation under the *Planning and Environment Act 1987*.

ISSUES

Authorised Officers

Authorised officers have statutory powers under relevant legislation. In the case of Council's staff in the Planning department, the attached Instruments of Appointment and Authorisation under the *Planning and Environment Act 1987* mean that they are authorised officers for the purposes of that Act.

While Council may delegate its powers, duties or functions to staff, so that a delegate acts on behalf of the Council, staff appointed as authorised officers have their own statutory powers under the relevant Act.

Planning and Environment Act 1987

Section 188(1)(b) of the *Planning and Environment Act 1987* specifies that “a planning authority ... may by instrument delegate any of its powers, discretions or functions under this Act to an officer of the authority”. However Section 188(2)(c) specifically prevents an officer from further sub-delegating any duty, function or power. Therefore, as the responsible authority, Council must authorise staff directly using the “S11A – Instrument of Appointment and Authorisation – Planning and Environment Act 1987”, rather than via the Chief Executive Officer.

Maddocks Delegations and Authorisations Service

Council utilises the delegations and authorisations service provided by law firm Maddocks. This is a template system used by many councils and provides a detailed way of ensuring that appropriate delegations and authorisations are given to Council staff. All of the relevant legislation affecting local government, including Acts and regulations and the sections that relate to the powers, duties and functions of Council are outlined within the template and the relevant officer is allocated accordingly.

POLICY IMPLICATIONS

Ensuring authorisations are kept up to date ensures that Council's planning staff can undertake their statutory roles.

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2021-2025:

- 5.2 A responsible, transparent and responsive organisation

FINANCIAL AND RESOURCE IMPLICATIONS

Council has an annual subscription to the Maddocks delegation and authorisation service that is provided for in Council’s annual budget. There are no other financial implications associated with these instruments of appointment and authorisation.

Appropriate authorisations allow Council and Council staff to operate effectively and within legislative frameworks.

RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Authorisations are not in place or are out of date	Possible	Moderate	<ul style="list-style-type: none"> • Ensure that all Council officers have up-to-date authorisations to ensure that they can undertake their duties.

CONSULTATION

The relevant staff and Director have been consulted during the preparation of the IoAAs. There is no requirement to consult the community in the preparation of these instruments.

CONCLUSION

The appropriate appointment of authorised officers to enforce the *Planning and Environment Act 1987* is required to ensure that Council officers can undertake their statutory roles.

DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Director Customer and Community
- Manager Corporate
- Governance Officer

ATTACHMENT(S)

- 9.2.2 S11A – Instrument of Appointment and Authorisation – *Planning & Environment Act 1987* – Planning Officer

9.2.3 Audit and Risk Committee Meeting Minutes

INTRODUCTION

The purpose of the report is to present the minutes of the Audit and Risk Committee meeting No.2023/24-2 held on 15 September 2023.

The only item presented to and considered by the Audit and Risk Committee (Committee) at this meeting was the draft Annual Financial Statements and the Annual Performance Statements for endorsement.

Cr Janas

Cr Kelley

That Council receives and notes the unconfirmed minutes of the Audit and Risk Committee meeting No.2023/24-02 held on Friday 15 September 2023.

Carried Unanimously

REPORT

DRAFT Annual Financial and Performance Statements

The Committee received and discussed the draft Annual Financial and Performance statements for endorsement to council.

Council needs to approve the Annual Report by 31 October 2023. The Annual Report will contain the approved version of the Annual Financial and Performance Statement's.

At the time of the meeting Council had not received a report from the external auditors (RSD), or the Victorian Auditor General's Office (VAGO) Closing report and Final Management Letter.

POLICY IMPLICATIONS

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2021-2025:

- 5.2 A responsible, transparent and responsive organisation

RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Failure to meet reporting requirements of <i>Local Government Act 2020</i> and Committee Charter	Unlikely	Minor	<ul style="list-style-type: none"> • Standing items on Committee agenda • Documented annual Committee meeting program

CONCLUSION

The Committee, being satisfied with the detail provided in its agenda and the officer reports, submits the unconfirmed minutes of its meeting No.2023/24-02 held on 15 September 2023 to Council for noting.

DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Director Customer and Community
- Manager Corporate

ATTACHMENT(S)

- 9.2.3 Minutes (unconfirmed) of Audit and Risk Committee Meeting No.2023/24-02, 15 September 2023

10. Informal meetings of Councillors

Introduction

In accordance with Chapter 8, section A1 of Council's Governance Rules, if there is a meeting of Councillors that:

- is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors;
- is attended by at least one member of Council staff; and
- 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 tabled at the next convenient Council meeting and are recorded in the minutes of that Council meeting.

Cr Keeble

Cr Hughes

That the summary of informal meetings of Councillors for September / October 2023 be received.

Carried Unanimously

Background

The written records of the informal meetings of Councillors held during the previous month are summarised below. Detailed records can be found in Attachment 10.0 to this report.

Date	Meeting
26 September	Briefing Session
10 October	Briefing Session
17 October	Briefing Session

Attachment(s)

- 10.0 Informal meetings of Councillors – September / October 2023.

11. Presentation of reports by delegates

Refer to Alpine Shire Council's website www.alpineshire.vic.gov.au; for its YouTube live-streaming recording for responses to presentation of reports by delegates.

12. General business

Refer to Alpine Shire Council's website www.alpineshire.vic.gov.au; for its YouTube live-streaming recording for responses to general business.

13. Motions for which notice has previously been given

Nil

14. Reception and reading of petitions

Nil

15. Documents for sealing

Cr Nicholas

Cr Janas

That the following documents be signed and sealed.

1. S173 Agreement - Bord Power Pty Ltd

This Section 173 Agreement is required by conditions 2 and 19 of Planning Permit P.2022.126 for a three (3) lot subdivision at 21 Power Street, Myrtleford being the land referred to in Certificate of Titles Volume 8489 Folio 580 and Volume 8674 Folio 388 and described as Lot 1 PS061563 and Lot 1 PS74792 respectively.

The Agreement provides for bushfire management protection measures, including incorporating a Bushfire Management Plan, and exempts proposed Lots 2 and 3 from the planning permit requirement of clause 44.06-2 of the Alpine Planning Scheme.

2. Section 173 Agreement - SL Andronaco and JM Shields

This Section 173 Agreement is required by conditions 14 and 19 of Planning Permit P.2021.169 for the construction of two (2) dwellings and a two (2) lot subdivision at 25 Mountain Mist Drive, Bright being the land referred to in Certificate of Title Volume 11365 Folio 269 and described as Lot 40 PS616760S.

The Agreement has been prepared for the purpose of an exemption from a planning permit under clause 44.06-2 of the Alpine Planning Scheme and provides for bushfire management protection measures, including incorporating a Bushfire Management Plan.

3. S11A – IOAA - Planning Officer.

Carried Unanimously

There being no further business the Chairperson declared the meeting closed at 8.07pm.

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Chairperson

Draft: 15 November 2023

ORDINARY COUNCIL MEETING M(11) - 28 NOVEMBER 2023
8.2.3.a DRAFT SUB LICENCE AGREEMENT - MYSTIC MOUNTAIN BIKE PARK

Licence for the Management of Organised Recreational and Educational Activities on HVP Plantations' land in the Alpine Shire

Parties:

Hancock Victorian Plantations Pty Limited ACN 084 801 132 ("**HVP**") of Level 12, Tower 4, World Trade Centre, 18-38 Siddeley Street, Melbourne, Victoria 3005,

and

Alpine Shire Council ABN 14 821 390 281 ("**Council**") of 2-6 Churchill Ave, Bright, Victoria 3741.

Recitals:

- A. HVP is the owner of certain plantation forests situated in the Alpine Shire, which are established on land licensed to HVP by its Plantation Licence.
- B. HVP has agreed to allow Council to occupy part of these plantations for the purpose of approving, controlling and managing organised recreational and educational activities within these areas.
- C. This licence records the terms and conditions on which HVP allows Council to undertake such approval, control and management.
- D. The activities permitted under this licence are ancillary to HVP's primary permitted use of the Land under the Plantation Licence and the primary use of the Land remains commercial forestry.

It is agreed as follows:

1. Definitions

Unless the contrary intention appears, these meanings apply:

Activities that may be Permitted	means activities that may be permitted on the Licensed Area and listed in Appendix C;
Best Practice	means best endeavours and implementing best practice policies and procedures to achieve the outcome;
Commencement Date	[insert commencement date of licence]
Consumer Price Index (CPI)	means the Australian Bureau of Statistics, Consumer Price Index, All Groups CPI (Melbourne);
Costs	includes costs, charges and expenses, including those incurred in connection with advisors and any legal costs on a full indemnity basis;
Council's Associates	means each of Council's employees, officers, agents, contractors, suppliers, consultants and other members of the public who enter the Licensed Area.

CPI Change	means the percentage change to the relevant twelve month value for the CPI. The CPI Change must incorporate twelve months of CPI statistics (four full quarters);
Deed of Assignment	means the proposed deed of assignment of the NEVHGC Sub-Licence between HVP, Council and NEVHGC and in the form attached at Appendix F;
Encumbrance	means any security for the payment of money or performance of obligations, including a mortgage, charge, lien, pledge, trust, power or title retention or flawed deposit arrangement and any "security interest" as defined in sections 12(1) or (2) of the PPSA, or any agreement to create any of them or allow them to exist;
Expiry Date	[insert expiry date of licence]
Facilities	means facilities or infrastructure, including mountain bike trails, installed on the Licensed Area by Council or permitted by Council to be installed on the Licensed Area;
Fee Review Date	means each anniversary of the Commencement Date during the Term;
Fire Protection Guidelines	means HVP's Fire Protection Guidelines attached at Appendix E (as amended by HVP from time to time);
Forest Closure Day	means a day on which HVP closes the forest in accordance with its Fire Protection Guidelines;
Further Term	means the further term of the licence, which is 5 years;
Joint Operating Procedure	means the document of this name attached to this licence as Appendix B, as updated by agreement between the parties from time to time;
HVP's Associates	means each of HVP's employees, officers, agents, contractors, suppliers and consultants;
Land	means all land within the Alpine Shire held by HVP under the Plantation Licence;
Licence Fee	means the annual licence fee for the Licensed Area being an estimate of the amount of HVP's annual Costs of managing the Licence relevant to the Licensed Area, being \$6,400, as varied under this licence;
Licensed Area	the area identified as such on the plan in Appendix D as may be amended by agreement between the parties;
Management Committee	means the management committee established under clause 10;

NEVHGC	means the North East Victoria Hang Gliding Club Inc ABN 61 454 330 168;
NEVHGC Sub-licence	means the sub-licence of part of the Land between HVP and NEVHGC dated 16 August 2007 (as amended from time to time);
OH&S Legislation	means the <i>Occupational Health and Safety Act 2004</i> (Vic) and the OH&S Regulation;
OH&S Regulation	means the <i>Occupational Health and Safety Regulations 2017</i> (Vic);
Operator	has the meaning given in clause 9.1;
Operation Agreement	has the meaning given to that term in clause 9.1.1;
Payment Day	means the due date for payment of the Licence Fee, being each anniversary of the Commencement Date during the Term;
Permitted Activities	means activities that are permitted on the Licensed Area and listed in Appendix C;
Permitted Use	means the permitted use for this licence and includes the activities listed in the column titled 'Permitted Use' in Appendix C;
Plantation Licence	means Licence 10001 R granted to HVP under Part 3A of the VPC Act (as amended from time to time);
Previous CPI	means the Consumer Price Index number for the four quarters ending immediately before the last Fee Review Date;
Prohibited Activities	means activities that are prohibited on the Licensed Area and listed in Appendix C;
PPSA	means the Personal Property Securities Act 2009 (Cth);
Term	means the term of the licence, which is 5 years;
Third Party Users	means groups, individuals including members of the public who access, use or occupy, or who propose to access, use or occupy, the Licensed Area;
Use Agreement	has the meaning given in clause 7.1.13 and in the form attached in Appendix A. and
VPC Act	means the <i>Victorian Plantations Corporation Act 1993</i> (Vic).

2. General interpretation

2.1 Headings are for convenience only and do not affect interpretation. Unless the contrary intention appears, in this licence:

1.1.1 labels used for definitions are for convenience only and do not affect interpretation;

- 1.1.2 the singular includes the plural and vice versa;
- 1.1.3 a reference to a document includes any agreement or other legally enforceable arrangement created by it (whether the document is in the form of an agreement, deed or otherwise);
- 1.1.4 a reference to a document also includes any variation, replacement or novation of it;
- 1.1.5 a reference to "this licence" also includes any renewal or extension of it or holding over under it;
- 1.1.6 the meaning of general words is not limited by specific examples introduced by "including", "for example", "such as" or similar expressions;
- 1.1.7 a reference to "person" includes an individual, a body corporate, a partnership, a joint venture, an unincorporated association and an authority or any other entity or organisation;
- 1.1.8 a reference to a particular person includes the person's executors, administrators, successors, substitutes (including persons taking by novation) and assigns;
- 1.1.9 a reference to dollars, \$ or A\$ is a reference to the currency of Australia;
- 1.1.10 a reference to "law" includes common law, principles of equity and legislation (including regulations);
- 1.1.11 a reference to any legislation includes regulations under it and any consolidations, amendments, re-enactments or replacements of any of them;
- 1.1.12 a reference to "regulations" includes instruments of a legislative character under legislation (such as regulations, rules, by-laws, ordinances and proclamations);
- 1.1.13 an agreement, representation or warranty in favour of 2 or more persons is for the benefit of them jointly and each of them individually;
- 1.1.14 an agreement, representation or warranty by 2 or more persons binds them jointly and each of them individually;
- 1.1.15 a reference to a group of persons is a reference to any 2 or more of them jointly and to each of them individually;
- 1.1.16 a reference to any thing (including an amount) is a reference to the whole and each part of it;
- 1.1.17 a period of time starting from a given day or the day of an act or event, is to be calculated exclusive of that day.

3. Term

3.1 Term

This licence shall commence on the Commencement Date and end on the Expiry Date, unless HVP agrees to grant a new licence for the Further Term under clause 3.2 to Council.

3.2 Grant of new licence

HVP agrees to grant a new licence for the Further Term under this clause 3.2 on the Expiry Date to commence on the next day only if:

- 3.2.1 Council gives HVP a notice stating that it wants a new licence of the Premises for the Further Term;
- 3.2.2 HVP receives that notice under clause 3.2.1 within the period from and including the day that is 9 months before the Expiry Date to but excluding the day that is 6 months before the Expiry Date;
- 3.2.3 when Council gives that notice under clause 3.2.1, and on the Expiry Date, Council is not in breach of this licence; and
- 3.2.4 the terms and conditions of the new licence of the Premises for the Further Term are mutually agreed by the parties. Both parties must agree on the terms and conditions of the new licence, before a Further Term is granted.

3.3 Holding over

If Council continues to use the Licensed Area after the last day of the term with HVP's approval, then Council does so under a licence from month to month:

- 3.3.1 which either party may end by giving 1 months' notice ending on any day; and
- 3.3.2 otherwise on the same terms as this licence except for those changes which:
 - (a) are necessary to make this licence appropriate to a licence from month to month; or
 - (b) HVP requires as a condition of giving its approval to the holding over.

4. Licence Fee and reviews

4.1 Licence Fee

Council agrees to pay the Licence Fee in advance on each Payment Day. The following Licence Fee schedule will apply for the Term of this licence;

Year of the Term	Licence Fee, and description
Year 1	No Licence Fee payable to HVP
Year 2	\$6,400, plus percentage difference in CPI values calculated from the Commencement Date to the quarter ending nearest the second anniversary
Year 3	Year 2 Licence Fee, plus percentage difference in CPI values calculated from the previous four quarters
Year 4	Year 3 Licence Fee, plus percentage difference in CPI values calculated from the previous four quarters
Year 5	Year 4 Licence Fee, plus percentage difference in CPI values calculated from the previous four quarters

Council acknowledge there is no Licence Fee payable in the first year of this Term.

Council acknowledge that the Licence Fee base is \$6,400. Each year of the Term, on the anniversary of the Commencement Date, the Licence Fee will increase by the percentage change in the previous twelve months (four full quarters) of CPI All Groups Melbourne.

Council acknowledge that CPI change applies to each year of the Term including the first year of the Term, despite no Licence Fee due on the first anniversary.

4.2 Licence Fee not to decrease

The Licence Fee from a Fee Review Date must not be less than the Licence Fee immediately before that date.

4.3 Additional Licence fee

With reference to Clause 3.2 *Grant of a new Licence*, Council agrees to pay HVP an additional fee of \$15,000 if the Council declares it is seeking a Further Term. The fee of \$15,000 is in addition to the Annual Licence Fee as described in 4.1.

5. Licence

5.1 Grant

Subject to the conditions set out in this licence, HVP grants a licence to Council to:

5.1.1 enter and use the Licensed Area, give permission to third parties to enter and use the Licensed Area and give a general permission to the public to enter use the Licensed Area for the Permitted Use;

5.1.2 construct and to permit the construction of Facilities on the Licensed Area for the purpose of recreational or educational use of the Licensed Area.

at such times as Council may see fit and provided that such use and access is:

5.1.3 for the purpose of recreational and educational use of the Licensed Area; and

5.1.4 does not interfere with HVP's forestry operations.

5.2 Facilities

For the avoidance of doubt, the parties acknowledge and agree that:

5.2.1 the Facilities are not permanent fixtures; and

5.2.2 HVP may, by giving reasonable notice in writing to Council, require the Facilities to be removed or relocated by Council to allow for forestry operations (including roading, harvesting, haulage or re-establishment).

5.3 Contractual rights

The rights given to Council by this licence are contractual only and do not give Council any interest in the Licensed Area or the Land or the right to lodge a caveat.

5.4 Restriction on assignment

5.5 Council may only:

- 5.5.1 assign or transfer this licence with HVP's consent (which may be withheld in HVP's absolute discretion); or
- 5.5.2 sub-licence the whole of the Licensed Area to the Operator;

6. Council's works

6.1 Construction of the Facilities

Council agrees to ensure that the construction of the Facilities on the Licensed Area are done:

- 6.1.1 in a proper and workmanlike manner;
- 6.1.2 in accordance with all laws and the requirements of authorities; and
- 6.1.3 in accordance with HVP's reasonable requirements and directions.

6.2 Occupational health and safety in relation to works

In relation to any works done by Council or Council's Associates on the Licensed Area, Council agrees to:

- 6.2.1 comply and to ensure compliance with the OH&S Legislation (including licensing requirements) in relation to the works; and
- 6.2.2 prepare, comply and to ensure compliance with any health and safety co-ordination plan and safe work method statements (as those terms are defined in the OH&S Regulation) where relevant in relation to the works;
- 6.2.3 Council is responsible for the works at all times; and
- 6.2.4 agrees to give HVP information relating to the works and occupational health and safety whenever HVP asks.

7. Council's responsibilities

7.1 General obligations

Council agrees to:

- 7.1.1 comply with all laws and the requirements of authorities and all Australian standards in connection with the Permitted Use and the Licensed Area (including obtaining all permits) including laws and requirements in connection with contamination and occupational health and safety. In particular, Council must not undertake or permit any activities on the Licensed Area that may be in breach of any law, legislation, regulation and guidelines or codes of practice related to aboriginal heritage, native vegetation and the protection of waterways;
- 7.1.2 use the Licensed Area only for the Permitted Use;
- 7.1.3 obtain HVP's written consent (which consent must not be unreasonably withheld) prior to authorising an Activity that may be Permitted;

- 7.1.4 use Best Practice to ensure no Activity that may be Permitted occurs without HVP's prior written consent (which consent must not be unreasonably withheld);
- 7.1.5 use Best Practice to ensure that only Third Party Users who have signed a Use Agreement are permitted to access, occupy and use the Licensed Area and restrict or prohibit access and use, and implement measures to restrict or prohibit access and use, of the Licensed Area by Third Party Users who have not signed a Use Agreement;
- 7.1.6 use Best Practice to ensure that all Third Party Users are occupying and using the Licensed Area in accordance with the Permitted Use and the Use Agreement;
- 7.1.7 comply with HVP's reasonable directions about refuse removal and recycling;
- 7.1.8 inform HVP of damage to the Licensed Area, promptly Council becomes aware of it;
- 7.1.9 when asked by HVP, do everything necessary for Council to do to enable HVP to exercise its rights under this licence;
- 7.1.10 meet regularly with representatives of community groups interested in using the Licensed Area for organised outdoor recreation or educational activities;
- 7.1.11 subject to clauses 7.1.12 and 7.1.13, consider requests for the use of the Licensed Area from Third Party Users;
- 7.1.12 if a proposed use of the Licensed Area by a Third Party User is not included in the list of Permitted Uses, obtain prior written approval of HVP for the use in accordance with the Joint Operating Procedure;
- 7.1.13 ensure that prior to entering onto the Licensed Area, Third Party Users:
 - (a) enter into an agreement in the form attached in Appendix A ("**Use Agreement**");
 - (b) provide evidence to Council's satisfaction of its public risk insurance policy in a form satisfactory to Council and HVP.
- 7.1.14 establish protocols to control Permitted Activities and Activities that may be Permitted on the Licensed Area;
- 7.1.15 use Best Practice to enforce the terms of any Use Agreement and monitor the compliance of parties permitted by Council to enter the Licensed Area with the terms of the site or activity agreement and with all relevant protocols;
- 7.1.16 comply with the Joint Operating Procedure;
- 7.1.17 have an up to date risk register outlining the key potential hazards, including environmental, health and safety and business to Council and the Licensed Area which is reviewed at least annually, by the councillors of Council; and
- 7.1.18 participate in quarterly reviews and such other investigations, audits and inspections to the extent reasonably required by HVP to ensure compliance with this licence and all regulatory requirements.

7.2 Prohibited acts

Council may not:

- 7.2.1 subject to clause 7.3, dispose of or deal with this licence (or its rights under this licence);
- 7.2.2 alter the Licensed Area, except by constructing Facilities as permitted under this licence;
- 7.2.3 store or use inflammable, volatile or explosive substances or contaminants on the Licensed Area;
- 7.2.4 do anything on the Licensed Area which in HVP's reasonable opinion may be annoying, dangerous or offensive;
- 7.2.5 do anything to contaminate, pollute or increase toxicity in the Licensed Area; or
- 7.2.6 undertake or permit any Prohibited Activity in the Licensed Area.

7.3 Encumbrances

Council may not, and may not agree to, take any step to create or allow an Encumbrance over Council's interest in this licence.

8. HVP's rights

8.1 Rights

HVP may do anything in relation to the Licensed Area that it is permitted to do under the Plantation Licence, except to the extent inconsistent with Joint Operating Procedure.

8.2 HVP may rectify

After giving Council reasonable notice, HVP may:

- 8.2.1 do anything which Council should have done under this licence but which it has not done or which HVP considers it has not done properly, including, Council's obligations in relation to environmental protection, and the health and safety of persons on the Licensed Area under clauses 6, 7 and 12 ; and
- 8.2.2 recover the Costs incurred by HVP as a debt payable on demand.

HVP may exercise its rights under this clause even though this licence has expired or has been ended.

9. Appointment of Operator

9.1 Council may, with HVP's written consent (which must not unreasonably withheld) appoint an operator to exercise Council's rights and perform Council's obligations under this licence ("**Operator**") provided that:

- 9.1.1 the terms and conditions of any agreement entered into by Council and the Operator ("**Operation Agreement**") must be consistent with the rights and obligations of Council under this licence;
- 9.1.2 the duration of any Operation Agreement must not be longer than the duration of the term of this licence; and

the Operation Agreement must include a provision confirming that if this licence is terminated for any reason the Operation Agreement is also terminated.

- 9.2** If HVP (acting reasonably) is of the view that the Operator is not complying with its obligations under this licence or the Operator Agreement or with the reasonable directions of HVP, Council may report the Operator to the Management Committee.
- 9.3** If HVP reports the Operator in accordance with clause 9.2, Council must appropriately address and, if necessary, promptly rectify the reported issue.
- 9.4** Where applicable, references to Council in this licence include a reference to the Operator.

10. Management Committee

- 10.1** Council will establish and administer a management committee ("**Management Committee**") comprising:
- 10.1.1 2 representatives of HVP (defined by the HVP Plantations Chief Executive Officer);
 - 10.1.2 2 representatives of Council, 1 of whom will be the Chairperson of the Management Committee;
 - 10.1.3 Council's contract manager; and
 - 10.1.4 the chief executive officer and general manager of the Operator.
- 10.2** The purpose of the Management Committee is to regularly meet and discuss the *Licence for the Management of Organised Recreational and Educational Activities on HVP Plantations' land in the Alpine Shire* (this Licence agreement) and review usage, operations, maintenance and administration matters relating to the Licensed Area. HVP must ensure the Council is executing its duties as described under this Licence.
- 10.3** The Management Committee will meet 4 times a year and on such other occasions as is deemed appropriate to conduct the business of the Management Committee and participants may attend by video conference and/or teleconference.
- 10.4** Council will convene all meetings of the Management Committee.

11. Agreements

11.1 Plantation Licence

- 11.1.1 Council acknowledges that HVP holds the Licensed Area under the Plantation Licence which is granted pursuant to Part 3A of the VPC Act, and that the VPC Act and the Plantation Licence contain limitations as to the allowable uses of the Licensed Area which include:
- (a) to establish, maintain and manage timber plantations; and
 - (b) to take or convert forest produce;
- and to do all things necessary or convenient to be done for or in connection with or as incidental to paragraphs (a) and (b) of this clause.

- 11.1.2 Council will use Best Practice to ensure that it neither undertakes, nor permits any activity on the Licensed Area which is not permitted by the VPC Act or the Plantation Licence.

11.2 NEVHGC Sub-Licence

- 11.2.1 Council acknowledges and agrees that part of the Licensed Area is subject to the NEVHGC Sub-Licence and the Council must comply with HVP's obligations under the NEVHGC Sub-Licence during the term of this licence.

- 11.2.2 Council must use Best Practice to ensure that it neither undertakes, nor purports to permit:

- (a) any activity; or
- (b) the construction of Facilities;

on the Licensed Area which conflict with the terms of the NEVHGC Sub- Licence.

- 11.2.3 The parties agree to enter into the Deed of Assignment to assign all of HVP's interest in the NEVHGC Sub-Licence to Council immediately following execution of this licence by the parties.

11.3 Agreements with other parties

Council agrees to work with HVP to develop ways of working with other parties using the Licensed Area, including the Third Party Users, to ensure the recreational activities on the Licensed Area are managed in an efficient and co-operative manner and in line with the terms of this licence.

12. Safety

- 12.1 Council will comply with all relevant safety legislation.

- 12.2 Council must maintain an approved, auditable safety management system to HVP's satisfaction which is consistent with recreation industry standards and includes an up to date risk register and safety plans.

- 12.3 Council must exercise all due care in assessing the safety implications of each application for permission to enter upon and to use the Licensed Area.

- 12.4 Council must ensure that all activities carried out on the Licensed Area by Council are conducted in a manner that is reasonably considered to be safe and without undue risk to the health of any party and use reasonable endeavours to ensure that all parties permitted to enter the Licensed Area by Council comply with this requirement.

- 12.5 Council will use Best Practice to ensure that all parties it permits to conduct recreational or educational activities on the Licensed Area do so in accordance with all generally recognised safety procedures applicable to those activities.

13. Facilities

- 13.1 With HVP's prior written approval, which must not be unreasonably withheld or delayed or given subject to unreasonable conditions, Council may establish recreational Facilities on the Licensed Area, and may permit third parties to establish recreational Facilities on the Licensed Area.

13.2 HVP's further consent, which must not be unreasonably withheld or delayed or given subject to unreasonable conditions, shall be required by Council with regard to the location and type of Facilities to be established before Council establishes or before Council permits Third Party Users to establish such Facilities.

13.3 Council shall be responsible for ensuring that Facilities are designed and constructed and maintained in accordance with best practice and any applicable Australian Standards and that the regular ongoing maintenance, use and monitoring of Facilities ensures that they remain safe and in good repair.

13.4 Council shall be responsible for the restoration and/or removal of all Facilities nominated by HVP and to its satisfaction:

13.4.1 when HVP advises that it plans to undertake silviculture, harvesting, haulage or reading operations on the Land; and

13.4.2 at the end of this licence.

14. Insurance and Indemnities

14.1 Public liability and other risks

14.1.1 Council must take out and maintain throughout the period of this licence:

- (a) public liability insurance to the value of \$20 million for any one incident, or such higher value as HVP may from time to time specify;
- (b) contractor's all risk insurance in connection with Council's works; and
- (c) other insurances which are required by law or which, in HVP's reasonable opinion, a prudent Council would take out.

14.1.2 Clause 14.1.1 is a fundamental term of this licence.

14.2 The policy

14.2.1 Each policy under clause 14 must:

- (a) note the interest of HVP and any other person nominated by HVP for their respective rights and interests;
- (b) on terms (including a cross liability and waiver of subrogation clause) and for an amount reasonably satisfactory to HVP; and
- (c) with a reputable insurer.

14.3 Evidence

Council agrees to produce evidence satisfactory to HVP of current insurance cover (including a certified copy of each policy) whenever HVP asks.

14.4 Council to notify insurer

Council:

14.4.1 agrees to inform, or if a policy is effected before the Commencement Date warrants that it informed, the insurer of the extent of its entitlement to an Input Tax

Credit for any premium paid in connection with any of the policies referred to in clause 14.1.1 on or before the date those insurances are or were effected;

- 14.4.2 agrees to produce evidence satisfactory to HVP of Council's compliance with clause 14.4.1:
- (a) within 14 days after each anniversary of the Commencement Date; and
 - (b) whenever HVP asks; and
- 14.4.3 agrees to notify the insurer and HVP if Council's entitlement to an Input Tax Credit referred to in clause 14.1.1 changes.

14.5 Council's indemnity

- (a) Council indemnifies HVP against any action or demand, and agrees to reimburse and compensate HVP for, any liability, loss, Costs, arising from or in connection with any act, omission, negligence or default: by Council in its occupation or use of the Licensed Area;
- (b) by Council's Associates that enter, occupy or use the land whether or not the Council's Associates have signed a Use Agreement and whether or not undertaking an activity permitted under this licence; and
- (a) by the Operator in its occupation or use of the Licensed Area;

including in connection with liability under Part IVAA of the Wrongs Act (Vic) except to the extent that such action or demand is directly caused or contributed to by the default or gross negligence of HVP or HVP's Associates.

- 1.1.18 The amounts payable under this clause include any liability or loss and any Costs of the kind referred to in this indemnity which are incurred by HVP's Associates.
- 1.1.19 Council agrees to pay amounts due under this indemnity within 5 days of demand from HVP.

14.6 Indemnity from third parties

- 14.6.1 Council must ensure that HVP is indemnified by any Third Party Users that Council permits to enter, occupy or use the Licensed Area against any action or demand, and that such Third Party Users agree to reimburse and compensate HVP for, any liability, loss, Costs, arising from or in connection with any act, omission, negligence or default:
- (a) by Third Party Users permitted to enter, occupy or use the Licensed Area by Council in its occupation or use of the Licensed Area; and
 - (b) any activities which occur on the Licensed Area, regardless of whether or not such activities are listed in the Permitted Use,

except to the extent that such action or demand is directly caused or contributed to by the default or gross negligence of HVP or HVP's Associates.

14.7 Release

Council releases HVP from, and agrees that HVP is not liable for, any liability, loss or Costs in connection with:

- 14.7.1 Council's or Council's Associates' use of the Licensed Area or the Licensed Area, including damage, loss, injury or death to any person or any thing (including in connection with theft or assault), except to the extent caused or contributed to by HVP's gross negligence or default;
- 14.7.2 anything HVP is permitted or required to do under this licence; or
- 14.7.3 the Permitted Use not complying with any law or the requirements of any authority.

15. Fire danger and extreme weather events

15.1 Council may not, and may not permit persons to enter onto or use the Licensed Area on:

- 15.1.1 a day of Total Fire Ban (as defined in the Fire Protection Guidelines);
- 15.1.2 a HVP Forest Closure Day (as defined in the Fire Protection Guidelines); or
- 15.1.3 a day when extreme weather is forecast, such as gale force winds, hail storms, flooding or snow falls.

15.2 Any permits granted by Council under this licence must be expressed to be subject to the limitations in clause 15.1. Council must take active measures to communicate these events to occupants or users of the Licensed Area and close the forest to entry on these days, as set out in the Joint Operating Procedure. For the avoidance of doubt this clause does not create a positive obligation on Council to ensure that the Licensed Area is free of all members of the public on a closure day.

15.3 Council must not, and must use Best Practice to ensure that third parties do not:

- 15.3.1 light any fires on the Licensed Area at any time,; and
- 15.3.2 light any gas and electric barbecues during the Fire Danger Period (as defined in the Fire Protection Guidelines).

15.4 Council must comply with the requirements detailed in the Fire Protection Guidelines where relevant.

16. Signage

16.1 Facilities established on the Licensed Area must have signs erected and maintained at all entry points displaying the following information:

- 16.1.1 directions for use, maps, and a code of conduct of entry, occupation and use of the Licensed Area;
- 16.1.2 safety instructions including skill requirements, required personal protective equipment and emergency response procedures;
- 16.1.3 a warning that the Licensed Area is a private working plantation and you are responsible for your own safety and enter at your own risk;
- 16.1.4 a warning that to the fullest extent permitted by law, such parties waive any claim that they might have against HVP or Council arising from their use of the Facility or the Licensed Area;
- 16.1.5 a warning to not enter forestry worksites and to obey forestry work signage and directions;

- 16.1.6 procedures for forest closure in the event of high fire danger or predicted extreme weather;
 - 16.1.7 recognising HVP as the Licensed Area owner, explaining HVP' activities, HVP' on-going right to manage and harvest the forest and that the Licensed Area will be closed to allow for forest operations from time to time; and
 - 16.1.8 promoting awareness of fire and litter.
- 16.2** Signs are to be approved by HVP, which approval must not be unreasonably withheld or delayed, before their erection and are to include the words "enabled by HVP Plantations".

17. Professional standards

The reputations of HVP and Council must be protected. To this end, Council must ensure that it observes, and requires of those it permits to enter and use the Licensed Area, the highest standards of professionalism, safety and conduct. This clause 17 is a fundamental term of this licence.

18. Unauthorised use and vandalism of Facilities, and litter

- 18.1** Council and those it permits to establish Facilities on the Licensed Area must use Best Practice to prevent unauthorised use of and vandalism of Facilities on the Licensed Area.
- 18.2** HVP shall not be responsible for the effects of any unauthorised use of or vandalism of Facilities on the Licensed Area.
- 18.3** Council and those it permits to establish Facilities on the Licensed Area are responsible for controlling and removing litter on or around the Facilities.

19. Breach

- 19.1** HVP may by notice in writing to Council end this licence if:
 - 19.1.1 Council commits any breach of this licence and the breach is not remedied within 14 days (or such longer period as is reasonable having regard to the nature of the breach) after HVP gives Council a notice requiring Council to remedy it; or
 - 19.1.2 HVP's Plantation Licence for the Licensed Area, or part of it, is revoked.

20. Costs

- 20.1** Each party shall bear its own Costs in relation to:;
 - 20.1.1 the preparation, negotiation and execution of this licence and giving, considering and obtaining consents, approvals, waivers, variations, discharges and releases and providing documents and other information in connection with this licence.
 - 20.1.2 subject to clause 20.2, the Cost of performing its obligations under this licence.
- 20.2** Council agrees, within 14 days of demand, to pay or reimburse:
 - 20.2.1 (Costs for works) all Costs in connection with works Council carries out, including those incurred by HVP:
 - 20.2.2 (other Costs) HVP's Costs of exercising, enforcing or preserving rights, powers or remedies (or considering doing so) in connection with this licence, or doing

anything in connection with any enquiry by an authority involving Council, its assets, this licence or anything in connection with them.

Council agrees to pay for anything that it agrees to do under this licence.

21. GST

21.1 Definitions and interpretation

For the purposes of this clause 21:

- 21.1.1 **"GST Act"** means the A New Tax System (Goods and Services Tax) Act 1999 (Cth);
- 21.1.2 words and phrases which have a defined meaning in the GST Act have the same meaning when used in this clause 21, unless the contrary intention appears; and
- 21.1.3 each periodic or progressive component of a supply to which section 156-5(1) of the GST Act applies is to be treated as if it were a separate supply.

21.2 GST exclusive

Unless this licence expressly states otherwise, all consideration to be provided under this licence is exclusive of GST.

21.3 Payment of GST

- 21.3.1 If GST is payable, or notionally payable, on a supply made in connection with this licence, the party providing the consideration for the supply agrees to pay to the supplier an additional amount equal to the amount of GST payable on that supply ("**GST Amount**").
- 21.3.2 Subject to the prior receipt of a tax invoice, the GST Amount is payable at the same time as the GST-exclusive consideration for the supply, or the first part of the GST-exclusive consideration for the supply (as the case may be), is payable or is to be provided.
- 21.3.3 This clause does not apply to the extent that the consideration for the supply is expressly stated to include GST or the supply is subject to a reverse-charge.

21.4 Adjustment events

If an adjustment event arises for a supply made in connection with this licence, the GST Amount must be recalculated to reflect that adjustment. The supplier or the recipient (as the case may be) agrees to make any payments necessary to reflect the adjustment and the supplier agrees to issue an adjustment note.

21.5 Reimbursements

Any payment, indemnity, reimbursement or similar obligation that is required to be made in connection with this licence which is calculated by reference to an amount paid by another party must be reduced by the amount of any input tax credits which the other party (or the representative member of any GST group of which the other party is a member) is entitled. If the reduced payment is consideration for a taxable supply, clause 21.3 applies to the reduced payment.

22. Notices and other communications

Notices and other communications in connection with this licence must be in writing. They must be sent to the address referred to in this licence. If the intended recipient has notified changed contact details, then communications must be sent to the changed contact details.

23. General

23.1 Consents

HVP will be acting reasonably in withholding consent under this licence:

- (a) where the subject of the proposed consent has the capacity to affect HVP's public liability insurance coverage (including the cost of such coverage);
- (b) where HVP's ability to use any part of the Licensed Area will be restricted;
- (c) where the value or the productive capacity of the Licensed Area will be diminished, even if such diminution will be temporary;
- (d) where HVP's assets on the land (including roads, tracks and fire breaks) may be damaged by or may deteriorate as a result of a use proposed to be permitted by Council;
- (e) where the subject of the proposal has the potential to damage HVP's reputation; or
- (f) where the subject of the proposal has the potential to put HVP in breach of the terms of its Plantation Licence.
- (g) where HVP reasonably considers that the costs involved in the ongoing management of a use proposed to be permitted by Council would be disproportionate to the actual use being proposed.

23.2 Warranties and undertakings

Council warrants that it:

- 23.2.1 has relied only on its own enquiries in connection with this licence and not on any representation or warranty by HVP or any person acting or seeming to act on HVP's behalf; and
- 23.2.2 is aware of all laws affecting the Licensed Area and its use and is satisfied that the Licensed Area is suitable for the Permitted Use.

23.3 Variation and waiver

A provision of this licence, or right, power or remedy created under it, may not be varied or waived except in writing signed by the party to be bound.

23.4 Discretion in exercising rights

Unless this licence expressly states otherwise, a party may exercise a right, power or remedy or give or refuse its consent, approval or a waiver in connection with this licence in its absolute discretion (including by imposing conditions).

23.5 Partial exercising of rights

Unless this licence expressly states otherwise, a party does not exercise a right, power or remedy in connection with this licence fully or at a given time, they may still exercise it later.

23.6 Remedies cumulative

The rights, powers and remedies of either party in connection with this licence are in addition to other rights, powers and remedies given by law independently of this licence.

23.7 Indemnities and reimbursement obligations

Any indemnity, reimbursement or similar obligation in this licence given by Council:

23.7.1 is a continuing obligation despite the satisfaction of any payment or other obligation in connection with this licence, any settlement or any other thing;

23.7.2 is independent of any other obligations under this licence; and

23.7.3 continues after this licence, or any obligation arising under it, ends.

It is not necessary for a party to incur expense or make payment before enforcing a right of indemnity in connection with this licence.

23.8 Obligations not affected

The expiry or ending of this licence does not affect Council's obligations to make payments under this licence for periods before then.

23.9 Counterparts

This licence may consist of a number of copies, each signed by one or more parties to it. If so, the signed copies are treated as making up a single document.

23.10 Governing law and jurisdiction

The law in force in Victoria governs this licence and, to the extent the law permits, all matters in connection with this licence including any non-contractual matters. The parties submit to the non-exclusive jurisdiction of the courts of that place. To the extent the law permits, the law of the Commonwealth as it applies in that jurisdiction governs a security interest arising under this licence.

23.11 Serving documents

Without preventing any other method of service, any document in an action in connection with this licence may be served on a party by being delivered or left at that party's address for service of notices under clause 22.

24. Confidentiality

24.1 Definition

In this clause 24, **Confidential Material** means this licence, any information, document or material attached to or forming part of this licence or given by or on behalf of HVP to Council in connection with this licence, that is marked as confidential or would be reasonably understood to be confidential.

24.2 Confidentiality

Each party agrees not to disclose Confidential Information except:

- 24.2.1 information that is publicly available;
- 24.2.2 to any person in connection with an exercise of rights or a dealing, or proposed dealing, with rights or obligations in connection with this licence;
- 24.2.3 to agents, legal and other advisers and auditors of any party;
- 24.2.4 with the consent of the party who provided the information (such consent not to be unreasonably withheld);
- 24.2.5 any disclosure the disclosing party reasonably believes is required by any law, securities exchange or rating agency; or
- 24.2.6 in the case of Council, to the Operator.

Each party consents to disclosures made in accordance with clause 24.2.

24.3 Preserve confidentiality

Where disclosure of information is permitted under clauses 24.2.2, 24.2.3, 24.2.4, 24.2.5 or 24.2.6 the disclosing party must use all reasonable endeavours to:

- 24.3.1 preserve the confidentiality of the information; and
- 24.3.2 ensure that person to whom the information is disclosed retains the confidentiality of the information.

24.4 Continuing obligations

This clause 24 continues after this licence, or any obligation arising under it, ends.

Signing page

EXECUTED by the parties as an agreement.

DATE: _____

EXECUTED by **HANCOCK**
VICTORIAN PLANTATIONS PTY
LIMITED ACN 084 801 132 in
accordance with section 127(1) of the
Corporations Act 2001 (Cth) by
authority of its directors:

.....
Signature of director

.....
Name of director (block letters)

EXECUTED by _____)
on behalf of **ALPINE SHIRE COUNCIL**)
ABN 14 821 390 281 under instrument)
of Delegation dated _____)
in the presence of:)

.....
Witness

.....
Name of witness (block letters)

.....
Signature of director/company
secretary*
*delete whichever is not applicable

.....
Name of director/company secretary*
(block letters)
*delete whichever is not applicable

.....
Signature of _____

Draft: 15 November 2023

ORDINARY COUNCIL MEETING M(11) - 28 NOVEMBER 2023
8.2.3.a DRAFT SUB LICENCE AGREEMENT - MYSTIC MOUNTAIN BIKE PARK

Appendix A – Use Agreement

Council to provide example template

Appendix B – Joint Operating Procedure

HVP Plantations and the Alpine Shire will work co-operatively to update the current *Joint Operating Procedure HVP Plantations & Alpine Community Plantations Joint Operating Procedure Revision 1.4*.

The updated Joint Operating Procedure must be completed within six months of the Commencement Date of this Licence.

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Appendix C – Permitted Use and Prohibited Activities

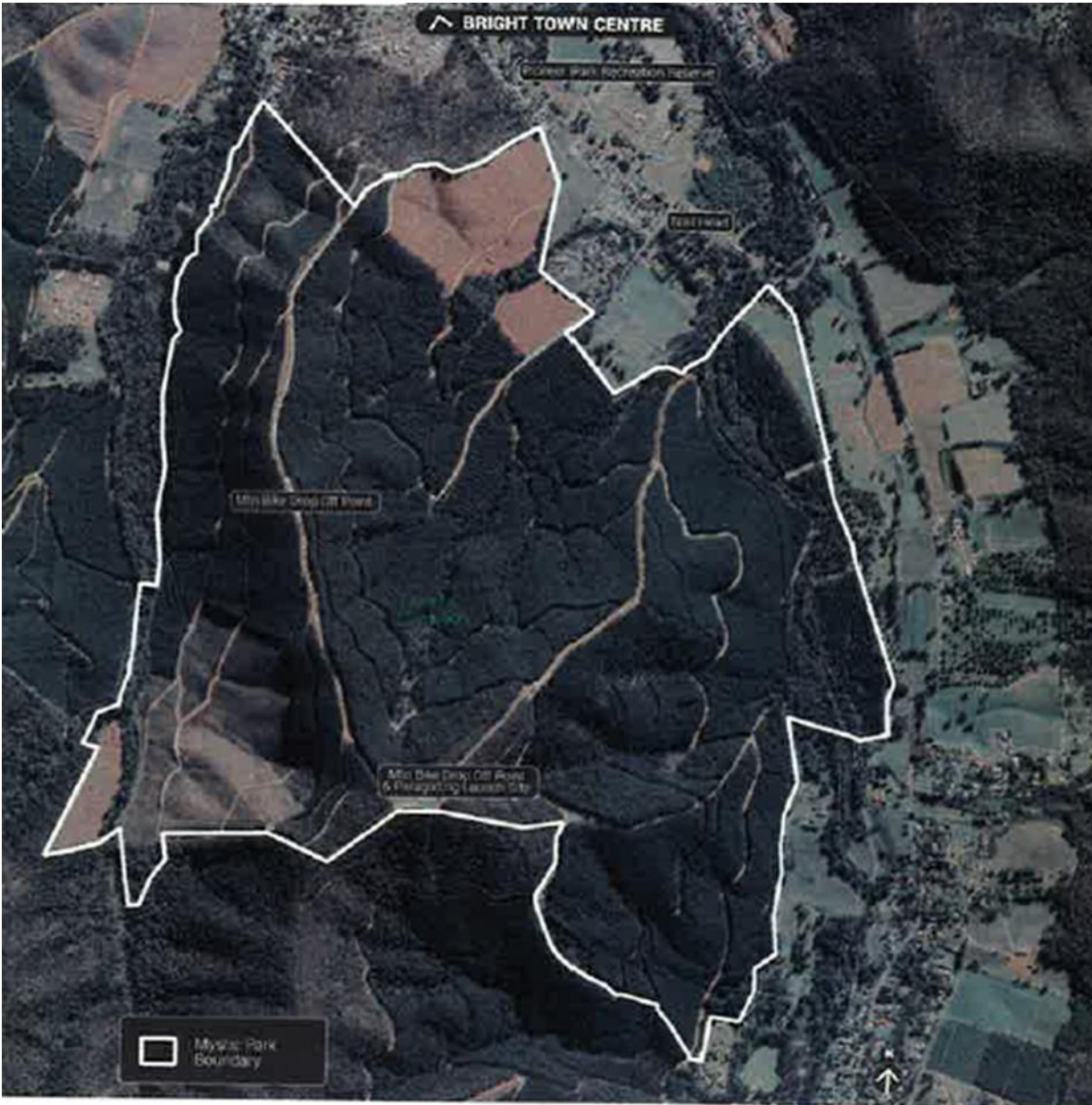
Permission type	Permitted Use	Prohibited Activities
Without induction to Mystic Park (e.g., via Mystic membership, visitor induction from recreation licence holder or its delegate)		<ul style="list-style-type: none"> Entry to Mystic Park for any purpose
Individual user groups with appropriate Mystic induction/membership	<ul style="list-style-type: none"> Walking Running Primarily <i>pedal powered</i> bike riding (eBikes are authorised to assist uplift, but <i>not</i> eMotorbikes) Launching paragliders and hang gliders (from designated launch) Landing paragliders and hang gliders (at designated landing zone) Vehicle shuttle to launch drop off location/s (paragliding, hang gliding and mountain biking) Personal filming and photography 	<ul style="list-style-type: none"> Mushroom picking Trail building Motorbike riding Four wheel driving Commercial filming or photography Launching paragliders or hang gliders at locations that are not the designated launch Use of firearms (for any purpose, including hunting) Riding bikes (e.g., motorbikes, eMotorbikes) that require registration to ride on Victorian roads Bikes (e.g., some types of ebikes) that would be illegal to ride on Victorian roads
With event permit	<ul style="list-style-type: none"> Organised walking event Organised running event Organised event for pedal powered bike riding (i.e., mountain bike event, gravel riding event) Driving a motor vehicle as a support vehicle for a permitted event (either set up / pack up or during the event) 	<ul style="list-style-type: none"> Motorised events and activities e.g., motorbike riding, four wheel driving Use of firearms (for any purpose, including hunting) Events using any of the excluded bike types listed above
With operator permit (or contract with the recreation licence holder to provide these services)	<ul style="list-style-type: none"> Conducting commercial or non-commercial activities such as tours, skills clinics, coaching services, group exercise classes 	<ul style="list-style-type: none"> Use of firearms (for any purpose, including hunting) Motorised operations and activities e.g., motorbike riding, four wheel driving, emotorbike riding
With film & photography permit (or contract with the recreation licence holder to provide a	<ul style="list-style-type: none"> Commercial filming or photography depicting scenes/activities that align with authorised activities 	<ul style="list-style-type: none"> Commercial filming or photography depicting scenes/activities that do not align with authorised activities

Permission type	Permitted Use	Prohibited Activities
film and/or photography service)		
With trail permit (or contract with the recreation licence holder to provide trail design, construction and/or maintenance service)	<ul style="list-style-type: none"> • Design, construction and/or maintenance of cycling or running trails 	

Note that the Permitted and Prohibited activities described in this Appendix C, may be amended periodically with the written agreement from HVP Plantations Management Committee representatives.

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Appendix D – Licensed Area



The Licence area boundary (Mystic Park Boundary) outlined in Appendix D, may be subject to amendment with written permission from HVP Plantations Management Committee representatives.

Appendix E – Fire Protection Guidelines

The reference document for Fire Protection Guidelines is the: ***Schedule Six – Fire Protection Guidelines For Forest Operations (Printed Date 19/9/2023).***

This version may be amended and updated periodically by H

DRAFT

ORDINARY COUNCIL MEETING M(11) - 28 NOVEMBER 2023
8.2.3.a DRAFT SUB LICENCE AGREEMENT - MYSTIC MOUNTAIN BIKE PARK

Mystic Mountain Bike Park

Risk Assessment & Financial Assessment

November 2023

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Project Context

Park overview
Benchmarking
Visitation and use
Page 3.

Risk Assessment

Park risks
Operational risk
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Risk of no intervention
Page 9.

Financial Assessment

Page 25.

Project Overview



Context

- At present, Mystic Park is managed by Alpine Community Plantations (ACP), a not-for-profit entity, established in 2013.
- Mystic Park is located within a plantation, leased by Hancock Victorian Plantations (HVP) from State Government. The primary role of the site is a working plantation.
- Mystic Park has grown in popularity year on year and is one of the most utilised mtn bike parks in Australia.
- It is the view of HVP that ACP, in its current structure, has found it difficult to manage the asset and the park has outgrown its current governance structure.
- HVP will not renew its Licence with ACP and have stipulated the Park will close if Alpine Shire Council (ASC) does not take on the licence.
- This study assumes Council as licensee, with private operator with sub licence.

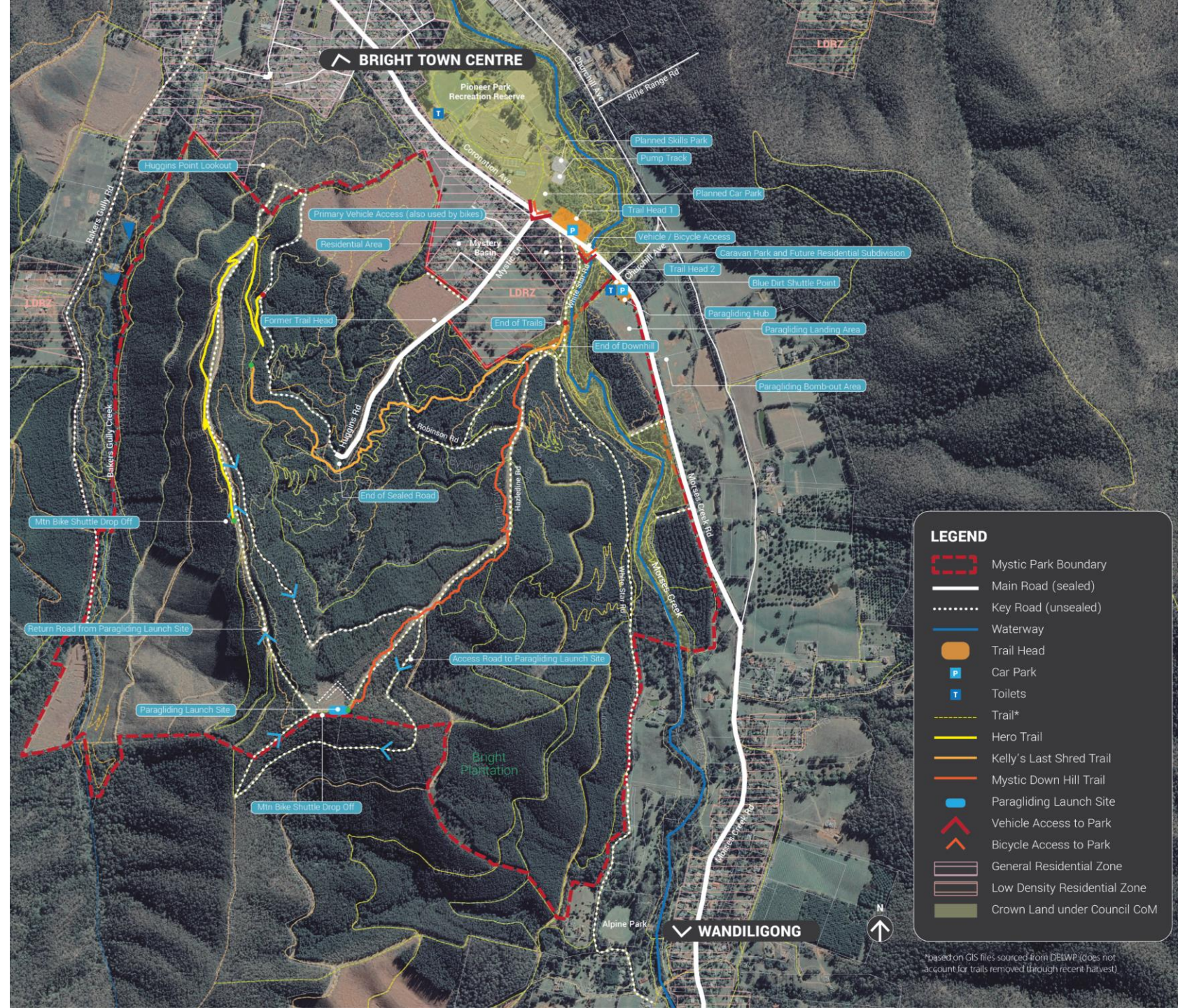
Project Requirements

This project is made up of two components, including:

1. Risk Assessment. Identify and assess risks within the Park, evaluate all risks that ASC may face and provide recommendations and mitigation strategies to address the risks identified and enhance the overall safety, sustainability and success of the Park.
2. Financial Assessment. Project annual profit and loss statements for the Park, identify key revenue streams, costs elements and profitability drivers, provide ASC with a clear understanding of the Park's financial sustainability and potential return on investment and assist the Council in making informed decision related to park management, pricing strategies and resource allocation.

Park Overview

- Over 50km of trails across 84 trails in Mystic Park.
- Organically developed, led by community
- 190,000 park user days for the year ending October 2023.
- 63,000 visitors, 2022
- Strong connection with town
- Supports most forms of mountain biking, flow trails, downhill, jumps and cross country



Membership Origin Analysis

- 18% of Bright residents are members of Mystic Mountain Bike Park
- ¼ of members are from interstate
- 35% of members are from Melbourne, whilst 32% are from regional Vic

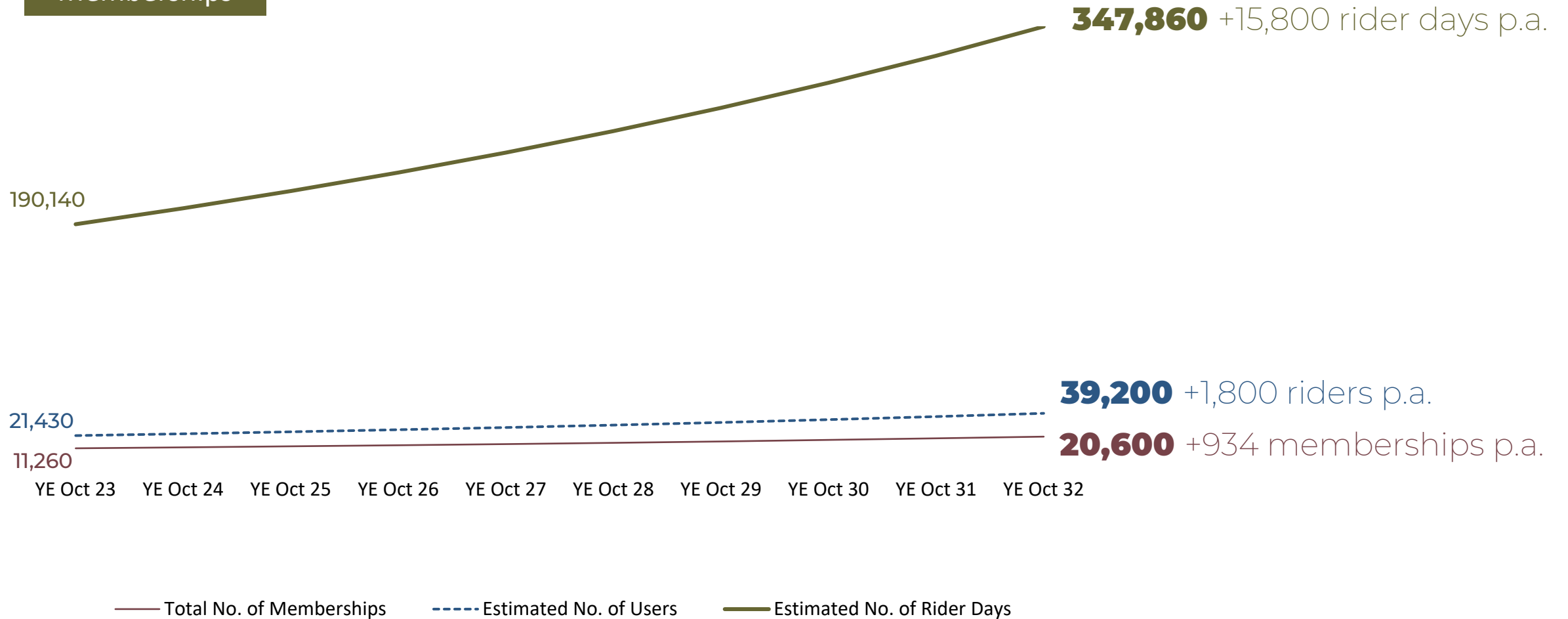
Region	No.	%
Melbourne	3,581	35%
Regional Vic	3,225	32%
Interstate	2,549	25%
Bright Residents	468	5%
Alpine Shire Residents (excluding Bright)	224	2%
International	56	1%
Total	1,0103	

Benchmarking

	Mystic Mountain	Blue Derby MTB Trails	Thredbo MTB Park	Mt Buller MTB Park	Lake Mountain & Buxton MTB Trails
Location	Bright, Vic	Derby, Tas	Thredbo, NSW	Mt Buller, Vic	Marysville, Vic
Network Size	50 km	52 km	40 km	109 km	30 km
No. of Visitors	63,000	31,850	58,000	25,000	17,000
Land Ownership	State Government, Leased to HVP	Park Tasmania, Crown Land, Council	Crown land, Kosciusko Thredbo Limited Head Lease	Crown Land, Managed by Alpine Resorts Victoria	Crown Land, Managed by Alpine Resorts Victoria
Delivery Organisation	Alpine Community Plantation, contract with Blue Dirt	Blue Derby Foundation (brand and marketing) Council as land manager and trail maintenance	Kosciusko Thredbo Limited	Alpine Resorts Victoria, Contract with Blue Dirt	Alpine Resorts Victoria and DEECA (Buxton)
Type of Organisation	Independent not-for-profit	Independent not-for-profit	Private Company	State Government Entity	State Government Entity
Currently financially self-sustaining?	Yes – further potential to improve	No – relies on Council funding, grants and sponsorship	Yes	No	No

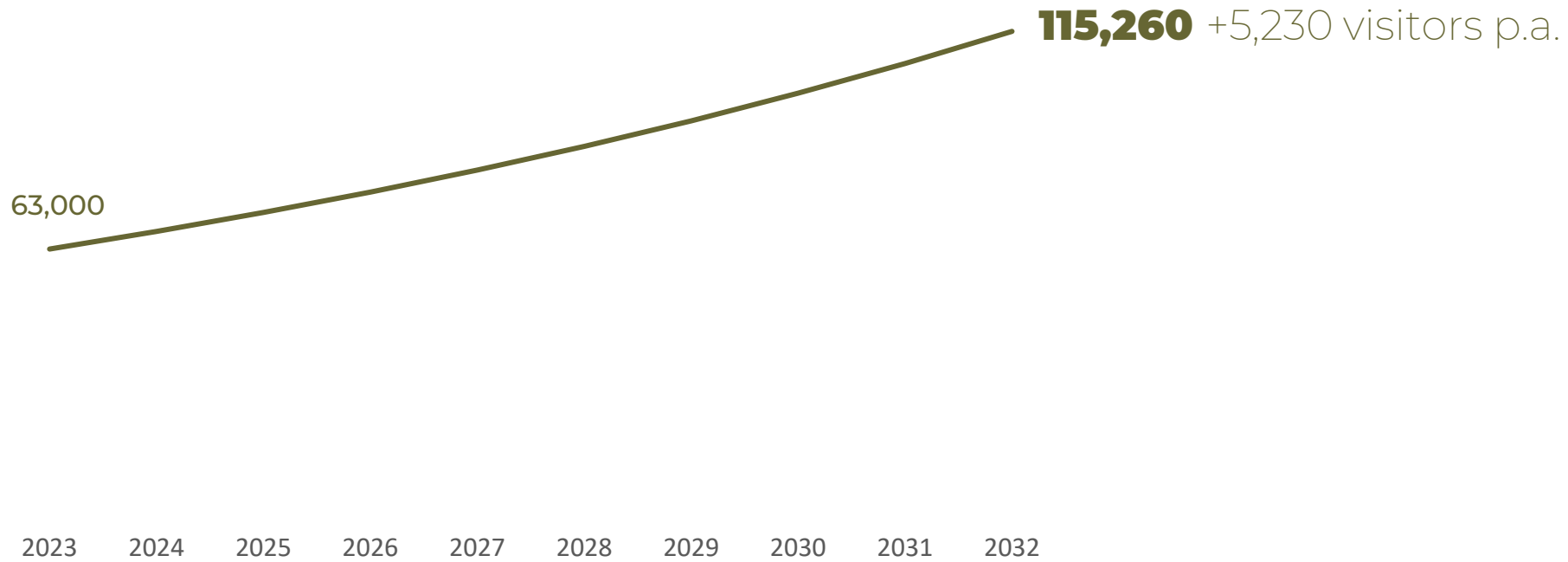
Projected Market

Memberships



Projected Market

Visitation



Park Risk Assessment



Park Risk Assessment Approach

The adopted risk assessment methodology is based on the Australian Standard AS/NZS ISO 31000:2009 Risk Management Principles and Guidelines. The process involves identifying:

- The likelihood of a hazard occurring;
- The consequence of a hazard occurring;
- The corresponding risk level of the hazard occurring (based on the matrix below);
- Proposed controls to manage or mitigate the hazard; and
- An assessment of the effectiveness of the controls
- **Matrix – Refer to detailed assessment, presentation will focus on only moderate and significant risks**

Likelihood	Consequence				
	Insignificant	Minor	Moderate	Major	Catastrophic
Almost Certain	Yellow	Red	Dark Red	Dark Red	Dark Red
Likely	Yellow	Yellow	Red	Dark Red	Dark Red
Possible	Light Green	Yellow	Yellow	Dark Red	Dark Red
Unlikely	Light Green	Light Green	Yellow	Yellow	Dark Red
Rare	Light Green	Light Green	Light Green	Yellow	Dark Red

Extreme Risk	Immediate action required to mitigate serious consequence such as death or loss of bodily functions, huge financial loss, or catastrophic effect on operations
Significant Risk	Urgent attention or investigation required to avoid severe injury, loss of production, major financial loss, major effect on operations.
Moderate Risk	Targeted, specific attention required to mitigate high financial loss, significant effect on operations.
Low Risk	Managed through routine operations or some specific interventions. These risks carry low to no financial loss or personal injury and minimal effect on operations.

Part A. Council as Licensee

Assessment of Park Risks

Park Risks Overview

Category	Risk	Current Risk Rating
Environmental	Bushfires affecting loss of park and assets, injury	●
Environmental	Code Red Fire Days affecting park operation	●
Environmental	Climate change affecting park conditions	●
Environmental	Weather conditions and severe weather events	●
Environmental	Impact to cultural heritage loss, impact on build and maintenance	●
Environmental	Landslip, erosion and runoff	●
Environmental	Impacts to biodiversity and habitat, impact on build and maintenance	●
Environmental	Damage to HVP property and assets	●
Environmental	Introduction of invasive species / spread of disease	●
Safety & Security	Injury to park users	●
Safety & Security	Antisocial behaviour affecting park assets and user experience	●
Safety & Security	Capacity management affecting park assets and user experience	●
Safety & Security	Trespassing	●

● Significant Risk

● Moderate Risk

● Low Risk

Significant & Moderate Park Risks

Park Risk	Mitigation Response	Current Risk	Residual Risk
Bushfires affecting loss of park and assets, injury	<ul style="list-style-type: none"> Adhere to all CFA conditions on Planning Permit No. 2018.206.1, particularly those that address bushfire prevention, safety, evacuation, and communication. Collaborate with local fire authorities and other relevant agencies to monitor fire risks and receive timely alerts. Implement sustainable trail design and maintenance practices to minimise trail erosion and the risk of fire damage. Continue investment in fire-resistant infrastructure and equipment (in line with BSBR grant). 	●	●
Code red fire days affecting park operation	<ul style="list-style-type: none"> Close on Code Red and Extreme Fire Rating days (in accordance with planning approval). Regularly brief staff members on the required bushfire safety measures. Monitor weather forecasts and CFA updates. Communicate park closures as early as possible. 	●	●
Climate change affecting park conditions	<ul style="list-style-type: none"> Plan and maintain trails with attention to minimising soil erosion, preserving vegetation, and avoiding sensitive habitats. Design trails with natural water drainage systems to reduce water runoff and soil erosion. Monitor weather conditions and respond quickly to threats. 	●	●
Weather conditions and severe weather events	<ul style="list-style-type: none"> Closely monitor weather forecasts and mandate park closure on days when severe weather events are declared. Close the park on park on days when severe weather events are declared, communicating these closures as early as possible. 	●	●

● Significant Risk

● Moderate Risk

● Low Risk

Significant & Moderate Park Risks

Park Risk	Mitigation Response	Current Risk	Residual Risk
Landslip, erosion and runoff	<ul style="list-style-type: none"> Implement a trail construction and management plan. Control and redirect water runoff from the trails. Avoid constructing new trails during periods of heavy rain. 	●	●
Injury to park users	<ul style="list-style-type: none"> Compulsory and proper use of helmets and other protective equipment. Regular maintenance of trails to maximise rider safety, with a particular focus on watering trails. Clear signage to warn riders of potential hazards and skill level requirements for different trails. Opportunity to include liability waiver that must be completed prior to riding (as per the current process). Trail rating system to be regularly reviewed. New trail builds that prioritise safety considerations and a, b and c lines. Provide information on proper riding techniques, trail etiquette, and the importance of protective gear, such as helmets, gloves, etc. Suitability qualified and experienced staff First aid kits on site to treat minor injuries. Emergency evacuation plans and phone/radio on site at all times. 	●	●
Capacity management affecting park assets and user experience	<ul style="list-style-type: none"> Monitor membership figures and potentially introduce a cap if overcrowding becomes an issue. Alter pricing system to encourage visitor dispersal, such as charging higher fees during peak times (i.e., over weekends in the summer months). Consider implementing timed entry to stagger visitor arrivals and departures throughout the day, preventing overcrowding during peak hours. 	●	●

Assessment of Operational Risks

Operational Risks Overview

Category	Risk	Current Risk Rating
Contracts, Agreements & Legal Obligations	Duty of care - legal obligation to take reasonable steps to not cause foreseeable harm to another person or their property	●
Contracts, Agreements & Legal Obligations	Change in operator/ loss of operator	●
Contracts, Agreements & Legal Obligations	Closures due to HVP operations	●
Contracts, Agreements & Legal Obligations	Insurance cost	●
Contracts, Agreements & Legal Obligations	Council liability	●
Contracts, Agreements & Legal Obligations	Equipment liability	●
Staffing	Access to skilled workforce	●
Maintenance	Trail expansion / construction cost	●

Significant & Moderate Operational Risks

Operational Risk	Mitigation Response	Current Risk	Residual Risk
Change in operator/ loss of operator	<ul style="list-style-type: none"> Undertake a rigorous EOI process that carefully assesses the competencies of potential commercial operators. Ensure contingencies in place if chosen commercial operator pulls outs. Council can close the park, with this to be clearly outline in the sub-license agreement and community comms strategy. 	●	●
Closures due to HVP operations	<ul style="list-style-type: none"> Establish a strong and ongoing relationship with the HVP. Collaborate on a shared calendar to align the park's operations with the HVP harvesting and haulage schedule. Request as much advanced notice as possible from HVP to ensure the park's events, operations and maintenance can work around the expected closures. Communicate with park riders as early as possible to make them aware of closures and avoid disruption and disappointment. Maintain an active social media presence to keep riders informed and engaged Implement flexible booking and membership policies that allow customers to reschedule or extend their memberships in case of closures. Explore additional revenue sources during closures, such as merchandise sales, online programs, or guided off-site rides. Factor anticipated closures and trail loss into financial planning 	●	●

Significant & Moderate Operational Risks

Operational Risk	Mitigation Response	Current Risk	Residual Risk
Council liability	<ul style="list-style-type: none"> Define the roles and responsibilities of Council and the commercial operator and specify who is responsible for what aspects of park management and operation. Include specific liability clauses that address different aspects of liability. Require the commercial operator to maintain comprehensive liability insurance. Outline the safety protocols and risk management measures that the commercial operator is responsible for implementing to minimise the risk of injuries and damages. Establish procedures for terminating the sub-license agreement if significant liability issues cannot be resolved, or the operator can no longer operate the park. Implement reporting and inspection requirements to ensure that the commercial operator is complying with safety standards and other contractual obligations. Allow for periodic reviews of the contract. 	●	●
Staffing	<ul style="list-style-type: none"> Offer competitive salaries and benefits to attract and retain skilled employees. Develop a positive workplace culture that encourages staff retention. Provide opportunities for professional development and training. Promote lifestyle attributes of Bright 	●	●
Trail expansion / construction	<ul style="list-style-type: none"> Conduct thorough feasibility studies and project planning before commencing construction. Work with experienced contractors and closely monitor construction progress. Maintain contingency budgets for unexpected challenges. Undertake a thorough EOI / tender process Explore the opportunity for some costs to be covered by private operator 	●	●

Assessment of Governance Risks

Governance Risks Overview

Category	Risk	Current Risk Rating
Regulatory Compliance	Planning permits	●
Regulatory Compliance	Political and legal changes affecting park operation	●
Regulatory Compliance	Compliance with plantation licencing under the <i>Victorian Plantations Corporation Act 1993</i>	●
Relationship with Stakeholders	Traffic complaints	●
Relationship with Stakeholders	Noise, dust and amenity impacts	●
Decision-making & Public Opinion	Brand reputation through outsourcing	●
Decision-making & Public Opinion	Community relations	●

Significant & Moderate Governance Risks

Governance Risk	Mitigation Response	Current Risk	Residual Risk
Political and Legal Changes	<ul style="list-style-type: none"> Maintain communication channels with DEECA and HVP to stay informed and anticipate any changes to the contractual agreements and licensing arrangements. Lobbying and advocacy 	●	●
Compliance with plantation licencing under the <i>Victorian Plantations Corporation Act 1993</i>	<ul style="list-style-type: none"> Ongoing, frequent communication with HVP to ensure the park is operating in accordance with the <i>Victorian Plantations Corporation Act 1993</i> and not impacting the organisation's forestry activities. <i>*This risk unlocks unique opportunities, such as reduced vegetation controls that assist trail development.</i> 	●	●
Traffic complaints	<ul style="list-style-type: none"> Implement Masterplan. Adhere to traffic management conditions on planning permit. Continue shuttling operations to reduce traffic impacts. Improve signage and wayfinding. Create alternative/multiple access points to the park to minimise congestion. 	●	●
Noise, dust and amenity impacts	<ul style="list-style-type: none"> Sealing of road, new shuttle road to be sealed Natural screening Grading of road 	●	●

Part B. No Council Intervention

Risks Overview

Category	Risk	Current Risk Rating
Social/Community	Impact on resident population	●
Social/Community	Impact to visitor economy and supporting industries	●
Social/Community	Decreased health and wellbeing	●
Governance	Political backlash	●
Governance	Misalignment with strategic policy objectives	●
Operational	Impact destination brand	●

● Significant Risk

● Moderate Risk

● Low Risk

Significant & Moderate Risks

Risk	Mitigation Response	Current Risk	Residual Risk
Impact to visitor economy and supporting industries	<ul style="list-style-type: none">Limited mitigation measures. Consideration into other product development opportunities, however, these have limited short and medium-term impacts.	●	●
Decreased health and wellbeing	<ul style="list-style-type: none">Investment in other recreation activities.Promotion of other outdoor activities, including gravel and road cycling.Investigate options for an alternative mountain bike locations.	●	●
Political backlash	<ul style="list-style-type: none">Investigate options for an alternative mountain bike locations.Develop a communications strategy with consistent messaging about the decision.	●	●
Impact on brand	<ul style="list-style-type: none">Investigate options for an alternative mountain bike locations.Develop a communications strategy with consistent messaging about the decision.	●	●



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1 Executive Summary

The township of Bright, and more specifically the Mystic plantation area, has a long history as one of Australia's premier mountain bike riding destinations. The quaint, but well-serviced mountain town, paired with nearby diverse trail network and strong elevation opportunity, has proven popular with riders from across the country since trail development began informally in the area.

Over recent years, and particularly through the COVID-19 period, trail usage has grown exponentially, which has placed the maintenance and management of the Mystic Park (MP) trails under strain. Alpine Community Plantation (ACP) was formed as a not-for-profit group to help maintain and manage the trails. ACP is composed of members from both land manager and end user stakeholder groups and has managed the trails for the past several years. In late 2022 ACP raised concerns regarding its financial capacity to continue to sustainably manage the park, which brought about several changes, including a paid access model, and a shift to commercial-only uplift service.

Mystic Park is a highly-valued recreational asset for walkers, trail runners, and paragliders. The area is also valued for sightseeing, and more passive recreational activities. Where possible, shared-use has been suggested for proposed new trails.

Elevation Parks (EP) has been engaged to deliver a suite of reports for MP, including a Trail Master Plan (this report), management options analysis, trail management plan, and alternative site analysis reports. This report has explored the potential for future trail development within the Mystic plantation area, proposing 64.3km of new trails, catering to a broad range of rider abilities and riding styles. The new proposed trails fill network gaps, diversify the rider experience, and address safety concerns by providing better trail difficulty progression. The proposed trails also provide a number of in-demand experiences, which will attract significant additional visitation to the region. The proposed trail volume and styles provide a long-term vision for MP, which will re-establish the park as a nationally-significant mountain bike destination, while ensuring visitation levels that will support long term financial sustainability.

The proposed vision for MP is a world-class network of over 100km of mountain bike trails suiting all riding styles and rider abilities. The proposed trail network capitalises on the unique attributes of the Mystic site to provide a trail network that will stand apart from other large scale trail networks present and under development in Victoria.

2 Introduction

Elevation Parks (EP) has been engaged by Alpine Community Plantation (ACP) to develop an updated Trail Master Plan for the MP. The plan follows on from a 2014 master plan developed by Dirt Art Pty Ltd (a partner company of Elevation Parks).

The project has assessed the existing trail network, along with the current market, and the wants and needs of the local and visiting mountain bike community. EP has proposed a total of ~64.3 km of new proposed trails, which would establish 100km of total trail volume for the area. This 100km volume is an important benchmark, which would re-establish MP as a nationally significant mountain bike destination.

3 Methodology

EP has employed the following methodology.



4 Current Mountain Bike Market

4.1 The Mountain Bike Market - National and Local

4.1.1 Overview

The following market profile draws upon research and anecdotal observations from a range of sources. The information draws heavily upon the Australian Mountain Bike Market Profile Survey, undertaken by *Dirt Art* in 2014, 2016 and 2018.

4.1.2 History

Mountain biking has been well established in Australia since the early 90's, though the sport really began to prosper in the mid-late 90's, which saw a period of some of the first purpose-built mountain bike infrastructure in Australia. In 2004 some of Australia's first large-scale mountain bike parks were developed, namely Glenorchy Mountain Bike Park in Tasmania and Mount Stromlo in Canberra. Prior to these developments, mountain biking was taking place largely on existing walking tracks and on informal tracks created by the riders themselves.

Between 2005 and present day there have been significant advances in mountain bike technology, which is contributing to defining the type of riding experience achievable for and desired by riders. While some trends in riding have come and gone, the disciplines of downhill and cross-country have remained albeit with some blurring between these styles of riding with the emergence of the all-mountain bicycle.

4.1.3 Current market

The current mountain bike market is dominated by longer travel, dual suspension mountain bikes, broadly referred to as all-mountain, track, or enduro bicycles. This style of bike is incredibly capable at both climbing and descending and has effectively increased the capability of the average rider.

Currently riders are seeking a broad range of experiences from local urban and peri-urban tracks through to remote wilderness style longer distance riding experiences. Generally speaking, the mountain bike tourist market is seeking these destinations, adventure experiences in more remote natural environments, involving longer distance loops or point-to-point tracks. Tracks proximate to urban areas are typically most popular with local riders because of their accessibility and convenience, though may be ridden by visitors drawn to an area for other experiences.

Research indicates that the current demographic of riders is predominately male, with an age of 25-45 years and a high disposable income.¹ This market is a key target for tourism as they are seeking longer, destination-based' stays and typically seek out high quality dining and accommodation options.

4.1.4 Current participation and economic data - Australia

Current participation data for mountain biking in Australia is distinctly lacking due, in the main, to the nature of the activity itself. However, as new commercial venues emerge more data is becoming available. Traditionally the recording of track usage numbers has been a relatively rare practice, though in a current climate often characterised by particularly frugal government and corporate investment, this practice is increasingly being used to justify investment in tracks. Sample data from some of Australia's key mountain bike destinations can be found below;

Maydena Bike Park (Tasmania) Maydena Bike Park is Australia's largest gravity-focused bike park, with 80km of trails suiting a predominantly enduro market. The park has hosted over 100k uplift days, along with tens of thousands of trail riders and general visitors. With a broadening focus towards trail-based riding and beginner-friendly trails, visitation at the park is likely to increase significantly through later years.

Blue Derby (Tasmania) Blue Derby is arguably Australia's highest profile mountain bike trail destination, with a focus on intermediate track riding with limited uplift opportunities. Derby has been in operation for over 6 years, and reportedly hosted over 30,000 riders in 2018. The town of Derby is seeing a dramatic transformation, with several new businesses opening across tour, retail and food and beverage sectors.

Mount Buller (Victoria) have invested over \$2m over a four-year period in developing predominantly all-mountain and cross-country mountain bike tracks. Data for the resort (as of June 2014) recorded a total rider count of 40,000 – 50,000 visitors over a nine-month period.²

At the time of preparing this report, Mount Buller are investing over \$2m into a major trail upgrade of all purpose-built mountain bike trails in their network. It is understood that a planning process for new trails is currently underway.

¹ Koepke, J. (2005) Exploring the Market Potential for Yukon Mountain Bike Tourism, Cycling Association of Yukon, Canada, page 5.

² September to May, private communication

You Yangs (Victoria) have recorded rider numbers of approximately 150,000 per annum in 2011, though a higher true count is expected due to the various entry points used for the park.³

4.1.5 Current Participation and economic data - Southern Hemisphere

Internationally, New Zealand is Australia's closest competitor in the mountain bike tourism market. While New Zealand offers a significant volume of tracks, not all tracks are necessarily of a world-class standard, often involving poorly constructed volunteer-built tracks, fire tracks and access roads to add volume to track distances. Examples of participation in an international context can be seen below;

Rotorua (North Island) is perhaps New Zealand's most recognised and loved mountain bike destination. The 150km+ trail network is regarded around the world for its fast, flowing tracks through a working pine forest. Research by APR consulting found that approximately 33% of visitors to the forest in 2007 were Australian.⁴ It was recently reported that mountain bike activity in Rotorua is generating \$10.2m per annum, as opposed to the \$4.6m (one time) in export revenue potentially generated by logging the forest.⁵

Queenstown (South Island) is one of the Southern Hemisphere's leading mountain bike destinations. Queenstown has a gravity-based bike park (Skyline Queenstown), along with a number of other regional cross country and all mountain tracks. The region is renowned for its iconic long-format descending tracks, such as Rude Rock, Corrotown and Skippers Canyon.

A 2017 report by *TRC Tourism* found that mountain biking contributed over \$25m per year to the local economy⁶.

4.1.6 Current participation and economic data - Northern Hemisphere

Whistler Mountain Bike Park (Canada) is arguably the world's most recognised mountain bike park, offering one of the highest volumes of track in one venue anywhere in the world. The Whistler Bike Park receives over 200,000 riders per year (through its green season), but it is estimated that a similar volume of users ride the surrounding valley trail network annually.

³ Data provided by Parks Victoria staff July 2011.

⁴ Recreational Use and Economic Impact of Whakarewarewa Forest (2009 Update), APR Consultants

⁵ The New Zealand Herald January 17th 2012, Bikes bring more money than wood from Rotorua forest

⁶ Queenstown Tracks Economic Impact Survey, February 2017, TRC Tourism

A 2016 report commissioned by the Whistler Off Road Cycling Association (WORCA) found that mountain biking contributed over \$79m p.a. to the regional economy of British Columbia. The report also found that over 500,000 individual rides were undertaken in the region in 2016.⁷

Park City, Utah (United States of America) offers hundreds of miles of single-track across a number of riding areas. All riding styles are catered for across public tracks, and commercial gravity-based bike parks. This IMBA Gold level mountain bike destination received over 1m visits in 2014.

Oregon (United States of America) has a significant cycle tourism industry. Cycle tourism (predominantly mountain biking) was worth over \$400m to the state in 2013, with cycle tourists spending on average 20% more than general tourists.⁸

4.1.7 The future

4.1.7.1 General

The sport of mountain biking has continued to see sustained and exponential growth both in Australia and overseas. With current demand for high-quality riding opportunities still far exceeding supply, there exists significant potential to see excellent return on investment when developing world-class mountain bike tracks and facilities.

EP suggest that the enduro category of riding will continue to grow, resulting in an increasing demand for more challenging, descending-focused riding. EP suggests that the next five years will see a huge increase in demand for chairlift or shuttle accessed descending cross-country and all-mountain trail experiences. Many of the major recent and underway mountain biking trail developments focus on these experiences (e.g. Mt Buller Epic, Hollybank Juggernaut, Blue Tier, Derby's Black Stump Shuttle Trails, Thredbo AM Descent and Valley Track) which are reflective of the increasing demand for this style of descending cross-country / all-mountain trail.

4.1.7.2 E-bikes

While traditional bike technology is likely to continue to stabilise, the rapid emergence of the E-bike is likely to have a significant impact on the sport. In EP's view, E-bikes will never replace the traditional mountain bike, but as technology

⁷ CSTA Economic Impact of Mountain Biking 2016

⁸ Information provided by Destination Oregon.

improves the bikes will become a much more common feature on the tracks. E-bikes make the sport more accessible to newer and less-capable riders and increase the ride duration and the accessible elevation range for more experienced riders.

The growth in use of E-bikes will have a distinct benefit to areas such as the Bright region as vast landscapes and large mountains will typically result in longer climbs and commutes, which make E-bikes well suited to the foothills loop. E-bikes will allow riders to access significant elevation ranges without the need for vehicle shuttles (most E-bikes will provide pedal assistance for up to 2,000 metres of climbing in a single battery charge) – making multiple ascents and descents of the proposed tracks possible for most riders under their own (E-assisted) power.

It is important to recognise the distinction in E-bikes between high-powered throttle assisted bikes and lower-powered pedal-assisted bikes. Pedal assisted bikes have no additional impacts on tracks, whereas throttle powered bikes are illegal in most public areas and will cause significant additional damage to trails.

E-bikes are most suited to longer-format climbs and descents, a number of which have been included in this project. With approximately 600m of vertical climbing available in the project area, EP has developed a trail network plan that will cater extremely well to E-bikes.

4.2 Mountain bike tourism

4.2.1 Mountain bike tourism markets

Tourists engaging in mountain biking can be divided into two distinct categories, the 'complementary market'; those who engage in mountain biking as a complementary activity (not as a primary motivator or sole purpose for travel), and the 'enthusiast market' those who have travelled with mountain biking being the primary or sole reason for their trip.

4.2.2 Complementary mountain bike tourism markets

Mountain bike riding as a complementary activity has risen dramatically in popularity in recent years, as the sport has moved beyond the 'extreme sport' image of the past, and more towards the accurate perception of the sport as a safe, inclusive and fun 'adventure' activity.

Complementary visitation is a key component of a successful government-backed mountain bike destination as it allows the capture of a much larger target audience, and promotes longer stays, and increased travel party size. Complementary tourists

include valuable family markets, who will often stay longer and spend more than solo and small group tourists.

The emergence of mountain biking as a commercially viable complementary activity has been driven largely through the development of safer, more beginner-friendly tracks, and by the growing number of commercial operators including the sport in their activity programs. Commercial viability of mountain biking as a complementary activity requires a lower volume of trail than for the enthusiast market, though the required quality and maintenance demand of trails will be higher. As a complementary activity, mountain biking offers genuine avenues for commercial return, while also potentially lengthening the duration of stay for existing guests. In addition to this, targeted marketing may draw in guests that may otherwise have travelled to an alternative location.

Successfully targeting the complementary tourism market involves careful consideration and delivery against the following key areas;

- High-quality beginner-friendly trails
 - A structured progression in difficulty through trail types
 - A good volume of smoother flow style trails
 - Access to high-quality hire bikes
 - Comprehensive and easily interpreted trail signage
 - Access to a variety of formal and informal non-riding activities
- Access to a good range of accommodation and food and beverage opportunities.

4.2.3 Enthusiast tourist market

The enthusiast market is defined as mountain bike tourists for whom mountain biking is the primary motivator/purpose for their travel. The enthusiast market seeks out new and exciting mountain bike destinations, and typically travel multiple times annually to engage in mountain biking.

The mountain bike enthusiast market is typically populated by 25-45-year-old individuals (84% male; 16% female) with a high disposable income, who are seeking opportunities to travel to destinations with the primary purpose of going mountain bike riding.

While mountain bike riding may be the primary travel motivator, the availability of alternative activities will still influence this traveller as they will often look for destinations where they can viably travel with family, their spouse or non-enthusiast travelling companion/s.

The mountain bike enthusiast is typically travelling for multi-day stays and is seeking unique and high-quality track experiences. These users will typically seek higher volumes of trail, as they will often ride 30-40km+ per day.

Successfully targeting the enthusiast tourism market involves careful consideration and delivery against the following key areas;

- High quality trails
- Unique and iconic environments
- Iconic signature trail experiences
- High volumes of trails
- A good supply of intermediate to advanced trails

The existing and proposed new trails in MP cater well to an enthusiast market of rider.

4.2.4 Recommendations

EP suggests that MP has strong potential to cater to both enthusiast and complementary visitor markets. This trail master plan has provided a proposed trail network that successfully caters to both areas of the market.

4.3 The Victorian Mountain Bike Market

4.3.1 Overview

Victoria has several key mountain bike destinations, and a long history of formal mountain bike trail development. Beginning with Forrest in the early 2000's, and with the establishment of mountain bike trails at Mount Buller in 2005, Victoria had some of Australia's first formal mountain bike destinations focused on tourism. In more recent years, Victoria has lagged other states, with several large-scale mountain bike destinations delayed significantly through complex approval processes. At the time of preparing this report, large destinations at Warburton and Creswick are both delayed significantly as they navigate approvals processes.

Over the past few years, multiple new mountain bike destinations have been proposed, designed, and are progressing through various stages of development and operation. Victoria's key current and proposed mountain bike trail destinations will be summarised below.

4.3.2 Key Destinations

4.3.2.1 Mount Buller

Trail volume	~65km
Elevation range	1,000m+
Riding styles	Trail, enduro, downhill
Uplift opportunity	Shuttle bus

Mount Buller was Victoria’s first alpine mountain bike destination, launching with a significant offering of cross-country trails and a small network of downhill trails. The resort completed their current trail development plan with the Epic, a 42km back country ride. Mount Buller’s key strengths are its volume of trail and alpine location, which affords a range of viewpoints and appealing forest types. The popularity of the trail network has waned in recent years as more endure focused riding destinations have grown in popularity.

At the time of preparing this report, Mount Buller is undertaking a major refurbishment of their entire trail network.

Mount Buller has a small offering of providers open through summer to service their riders. As an alpine area, the resort is open only seasonally.

4.3.2.2 Falls Creek

Trail volume	~45km
Elevation range	700m+
Riding styles	Trail, enduro, downhill
Uplift opportunity	Shuttle bus

Falls Creek is a relative newcomer on the Victorian destination scene, though has been steadily growing their trail network over several years, with a further ~40km of trails planned to be added in coming years. The resort has a strong reputation in the enduro riding scene, with many trails accessible via vehicle uplift (bus). Falls Creek’s key strengths are its long format descents, and alpine location.

The resort has a growing number of operators opening through the summer season to service its riders. As an alpine area, the resort is open only seasonally.

4.3.2.3 Warburton

Trail volume	~160km
Elevation range	1,000m+
Riding styles	Trail, enduro, downhill
Uplift opportunity	Shuttle bus

Warburton is a proposed mountain bike destination, located approximately one hour from Melbourne. Currently progressing through planning, the destination is proposed to include a wide range of trails, with an opening volume of approximately 160km of trails.

At the time of preparing this report, an SEE (Statement of Environmental Effects) had recently been completed, with the final stage of approvals consideration underway.

4.4 Mountain Bike Destination Hierarchy

1.1 Overview

Mountain biking has been driving visitation into small regional areas for several years now, though the focus on mountain biking as an effective driver of tourism and economic development is relatively new. Destinations such as Blue Derby (Tasmania) have proven that small towns can be reinvigorated with mountain biking spearheading this change.

The hierarchy below has been developed by EP to assist in positioning track developments to an appropriate audience, providing clarity on funding and operational models for land managers.

Notably, the benchmarks for mountain bike destinations are not a static or quantitative measure and will be affected by regional nuances along with a range of other factors. Also of note, with some \$100m+ set to be invested in mountain bike trail development across the next 2-3 years, the benchmarks for trail destinations are likely to increase.

EP suggest recognition of the following considerations;

- Trail quality will always be more important than trail quantity
- Gravity-based trail networks are a rarer commodity and as such, the benchmarks for these trail destination types are lower (i.e. a lower volume of tracks will attract a higher volume of rider visitation)

- Travelling riders have a strong preference for riding in high-quality natural environments
- Elevation opportunities are extremely important, and often provide an insurmountable point-of-difference against other more urban-based trail opportunities

1.2 Nationally Significant Destination

The idea of a nationally significant mountain bike destination is relatively new, with the first destinations notionally meeting this benchmark only in the past three years. A nationally significant mountain bike destination generally possesses the following key characteristics;

- 80+km trail volume
- Trails catering for green circle to double black diamond difficulty
- Capacity to host national and/or world-level events
- High-quality, comprehensive trail signage system
- A high-quality entry gateway (quality signage, pump track etc)
- 400m+ elevation opportunity
- Uplift opportunity
- Very high-quality natural environments
- A local bike store/s
- A minimum of two market-appropriate food outlets within 10 min drive from trails
- Market-appropriate accommodation meeting supply demands during peak season
- A funded formal trail maintenance program that is carried out by staff trained in mountain bike trail construction techniques

1.3 State-Significant Destination

State-significant track destinations cater for a more intrastate-focused audience, though notably will generally attract national visitation, particularly when other regional or other high-quality track opportunities are available nearby. A state-significant mountain bike destination generally possesses the following key characteristics;

- 60+km trail volume
- Capacity to host state or regional level events. Some capacity to host national level events.
- Uplift opportunity
- Trails catering for green circle to black diamond difficulty

- High-quality, comprehensive trail signage system
- 200m+ elevation opportunity
- Good quality natural environments

1.4 Regionally Significant Destination

Regionally significant trail destinations cater for a more regionally focused audience, though notably will generally attract national visitation, particularly when other regional or other high-quality trail opportunities are available nearby. A regionally significant mountain bike destination generally possesses the following key characteristics;

- 20+km trail volume
- Capacity to regional level events
- Trails catering for green circle to black diamond difficulty
- High-quality, comprehensive trail signage system
- 100m+ elevation opportunity

1.5 Local-Level Destination

A local-level mountain bike destination services a smaller, local market, and will generally hold low appeal for visiting riders. These destinations are generally constructed utilising primarily local volunteer labour. A locally significant mountain bike destination generally possesses the following key characteristics;

- <20km of trails
- Capacity to hold local-level (club) events
- A functional signage system

5 Background Analysis

5.1 2014 Trail Master Plan – Dirt Art Pty Ltd

5.1.1 Master Plan Overview

In 2014, *Dirt Art* was contracted by Alpine Community Plantation (ACP) to develop a trail master plan (TMP) for the Mystic area. The TMP proposed over 60km of new trails, some of which have since been implemented.

Since the development of the 2014 master plan, the mountain bike market has grown significantly, and has also undergone some significant changes. The 2014 rider market had a much stronger representation from stronger/more advanced riders, while there is now a significantly larger number of beginner riders in the market.

5.1.2 Implemented infrastructure

Since the development of the 2014 master plan, the primary project that has been implemented is the Hero Trail, developed by *Dirt Art*. The trail attracted a whole new market of riders to Mystic and resulted in significant demand for uplift-assisted riding. When the lower section of the Hero Trail was closed for harvesting, a new replacement trail, Shred Kelly was developed by Trailscapes.

While several smaller projects have been implemented based on the 2014 master plan, larger proposed projects remain uncompleted.

5.1.3 Key Updates

Key updates to the 2014 plan include;

- Addition of new trails to offset current and planned harvesting losses
- Addition of further beginner and intermediate jump trails
- New climbing and link trails to match current trail network gaps
- Addition of a replacement DH race track

5.2 Mystic Master Plan- Urban Enterprise 2022

Urban Enterprise were engaged to develop a master plan for all users of the Mystic site, with a final plan completed in January 2022. The plan acknowledges that the site is valued by a wide range of users, including but not limited to; paragliders,

walkers, dog walkers, and trail runners. The report acknowledges that over recent years, mountain bike riders have become a predominant user group, which has brought both challenges and opportunities.

Key report elements include the below;

- Acknowledgement of the need for improved access point/s into Mystic, which manage traffic and other considerations (some of this has been addressed via the relocated trail head away from Mystic Lane)
- Acknowledgement of the importance of timber harvesting in both a legislative and commercial sense.
- States potential for development of some commercial spaces/opportunities at the Coronation Avenue trail head.
- States a preference to move commercial shuttling away from Mystic Lane residential areas (this is in process via a proposed move to base shuttles out of Whitestar Road).
- States a suggestion to increase green and blue difficulty trails across the park.
- States a suggestion to explore development of the next iconic flow trail.
- States the need for a new trail strategy (being addressed through this TMP).
- States a need for improved signage (being addressed currently through a parallel process).
- Proposes a high level trail development plan

EP is broadly supportive of key recommendation in the master plan, and has developed a trail master plan that is in line with key objectives for both trails and infrastructure from this report.

6 Site Analysis

6.1 Location

The Mystic Bike Park is located approximately 2km from the township of Bright. Bright is located within the Alpine Shire Region, approximately 3.5hr drive from Melbourne.

A location map can be found below.



6.2 Site Context

Maximum usable elevation range	~450m
Vegetation types	Radiata Pine
Soil types	Shaley clay

6.3 Land Tenure

The MP site resides on land owned by Hancock Victorian Plantations (HVP). Notably, some sections of trail (including informal trails) are located on areas of land that are managed by DEECA. These areas and trails do not form part of MP, and are not managed by ACP. EP has specifically focused on HVP land for all proposed new trails, not withstanding a small section of DEECA land towards the summit where new trails are proposed to avoid conflict with the paragliding launch.

HVP holds the Land under Plantation Licence granted pursuant to Part 3A of the *Victorian Plantations Corporation Act 1993* ("the VPC Act"). The VPC Act and the Plantation Licence contain limitations as to the allowable uses of the Land which include:

- to establish, maintain and manage timber plantations; and
- to take or convert forest produce;
- and to do all things necessary or convenient to be done for or in connection with or as incidental to the above uses.

The North East Victoria Hang Gliding Club (NEVHGC) have an active license agreement for areas of the MP site, including a launch zone at the summit, and a landing zone at the base of the park.

6.4 Current Management

MP is currently managed by Alpine Community Plantations (ACP). ACP is an incorporated association with representatives from Alpine Shire Council, Alpine Cycling Club, Hancock Victorian Plantations, North East Victoria Hang Gliding Club, and Bright District Chamber of Commerce. Recently ACP has introduced a site access fee for MP, which is available as a day fee, annual, and other fixed time pass options.

Shuttle uplifts are currently provided by Blue Dirt in an exclusive capacity, as contracted by ACP. Private shuttling was previously allowed, until a move to exclusively commercial shuttling was introduced for the park in November 2022.

ACP engage employees and contractors to assist with shuttle road access management and trail maintenance, which is funded from membership and access pass revenue.

EP has developed a separate report assessing future management options for the MP.

6.5 Plantation Considerations

The Mystic site is primarily managed for plantation timber, with recreation (and therefore mountain biking) a second tier use of the site. The site is managed under a perpetual license, held by HVP. Use of the site, including the development of new infrastructure is governed by the VPC Act.

While the use of the site for plantation purposes does pose challenges for trail development and management, the way in which forest allotments on the site are scheduled promotes a typically gradual turn over of trails as areas of the forest are clear felled. EP generally consider standard trails to have a service life of ~10 years before major renewal or redevelopment, with moderate renewal required every 1-2 years within this period. The ~25-30 year clear felling, and ~7 year thinning schedule is typically conducive to working within the trail renewal and replacement periods. With this in mind, the key challenge for Mystic relates to ensuring that key experiences, trail diversity, and connectivity is maintained as parcels are periodically clear felled. The most significant challenge faced by the park in this context will be the next two years, with potential for major trail losses scheduled across 2024-25. EP has worked to address this through the current TMP.

7 Consultation

7.1 Overview

Consultation for this master plan has involved input from a number of key stakeholders. Notably, this master plan has not involved an open public consultation process.

Primary stakeholders consulted in the first stage of the plan are as follows;

- Alpine Community Plantation (ACP)
- Alpine Shire Council (ASC)
- Alpine Cycling Club (select working group) (ACC)
- Blue Dirt (existing shuttle operator)
- Hancock Victoria Plantations (HVP)

Key stakeholders that will be consulted during secondary consultation are as follows;

- North East Victoria Hang Gliding Club (NEVHGC)
- Alpine Cycling Club general membership

A separate summary report of consultation will be developed.

8 Current Trail Network

8.1 Overview

The current MP trail network within Mystic includes over 40 km of trails, catering for a broad range of riding styles and formats. Most of the current trails are hand-built singletrack, which have typically been developed by local volunteers. In more recent years, MP has added a few machine-built flow trails, which has significantly diversified the network.

Notably, there is an extensive network of trails outside of MP, including both formal and informal trails. The focus of this master plan is on current and potential new trails inside of MP, with the exception of a small volume of proposed trails on DEECA land near the summit of the park.

Trails across the network vary in their condition though most trails are in fair-good condition and feature regular maintenance.

A complete trail audit and assessment was not undertaken as part of this project. *World Trail* were commissioned to undertake a trail audit prior to the completion of this trail master plan, the report is available as a separate document.

8.2 Strengths and Weaknesses

The current trail network has several key strengths and weaknesses. These will be analysed below.

Key Strengths

- Diversity: the current trail network features a diverse range of trail styles and difficulty levels. MP has a range of machine and hand-built trails, with additional machine-built flow trails added in more recent years.
- Connectivity: connectivity through the current network is good, with a range of options available to connect to a variety of trails in the network.
- Uplift opportunities: the current trail network provides access to a limited range of uplift opportunities, which typically maximise the available elevation.

Key weaknesses

- Lack of beginner/intermediate summit descent: there is currently no intermediate descending trails from the summit of Mystic, which forces two shuttle drop off points and limits uplift opportunities for intermediate riders.
- Lack of beginner/intermediate jump trail options: the current Hero and Shred Kelly trail combination is the most popular trail combination in the area. These trails are geared towards intermediate/advanced riders, with some of the larger jumps not suitable for beginner/intermediate riders.
- Lack of downhill racecourse: following the closure of Mystic DH there is currently no downhill racecourse available in the area.
- Lower than optimal supply of beginner friendly trails.

8.3 Network Scale

EP suggest that the current MP trail network is of state level significance. While the trails may in the past been considered nationally-significant, significant market growth, and growing destination competition have shifted benchmarks upwards. To re-establish national significance, MP would need to increase trail network size to 80+km, while also improving trail quality and diversity. EP has proposed a network of new trails that would re-establish the national significance of MP by improving trail quality, quantity, and diversity.

While not essential to the success of the network, an increase in scale will be followed by an increased in visitation and trail dispersal. These two factors will assist in ongoing management of the trails, due primarily to an expected significant increase in access fees paid.

8.4 Current Infrastructure

The MP trail network is currently serviced by a basic level of supporting infrastructure. Depending on the trail entry point, toilets, parking, shelter, and signage are available at major entry points.

8.5 Trail Network Summaries

Trail Difficulty	Distance (km)	% Of Network
Green Circle	4.8	11
Blue Square	27.4	62
Black Diamond	10.3	23
Double Black Diamond	1.7	4

8.6 Timber Harvesting Implications

Much of the project area resides within an active radiata pine timber plantation. Clear felling cycles typically range between 20-30 years, with thinning operations typically occurring every 6-8 years. A summary of upcoming timber harvesting impacts on existing trails will be provided below. All scheduled harvesting is subject to change, pending confirmation from HVP. Notably, some trails will be partially rather than wholly impacted by proposed harvesting.

2023	2024	2025	2026	2027
NA	Up DJ	World Cup DH	Four Deers	Hero Trail
	Down DJ	Elevation	Gorilla Warfare	
	The EU	Hades	Green Army	
	Neck Tattoo	Avid Way		
	Twisties	Hero		
	Brexit	Hero Climb		
	Mineshaft Alley (lower)			
	Corkscrew			
	Jeep Track			
	Shred Kelly's Last Stand			

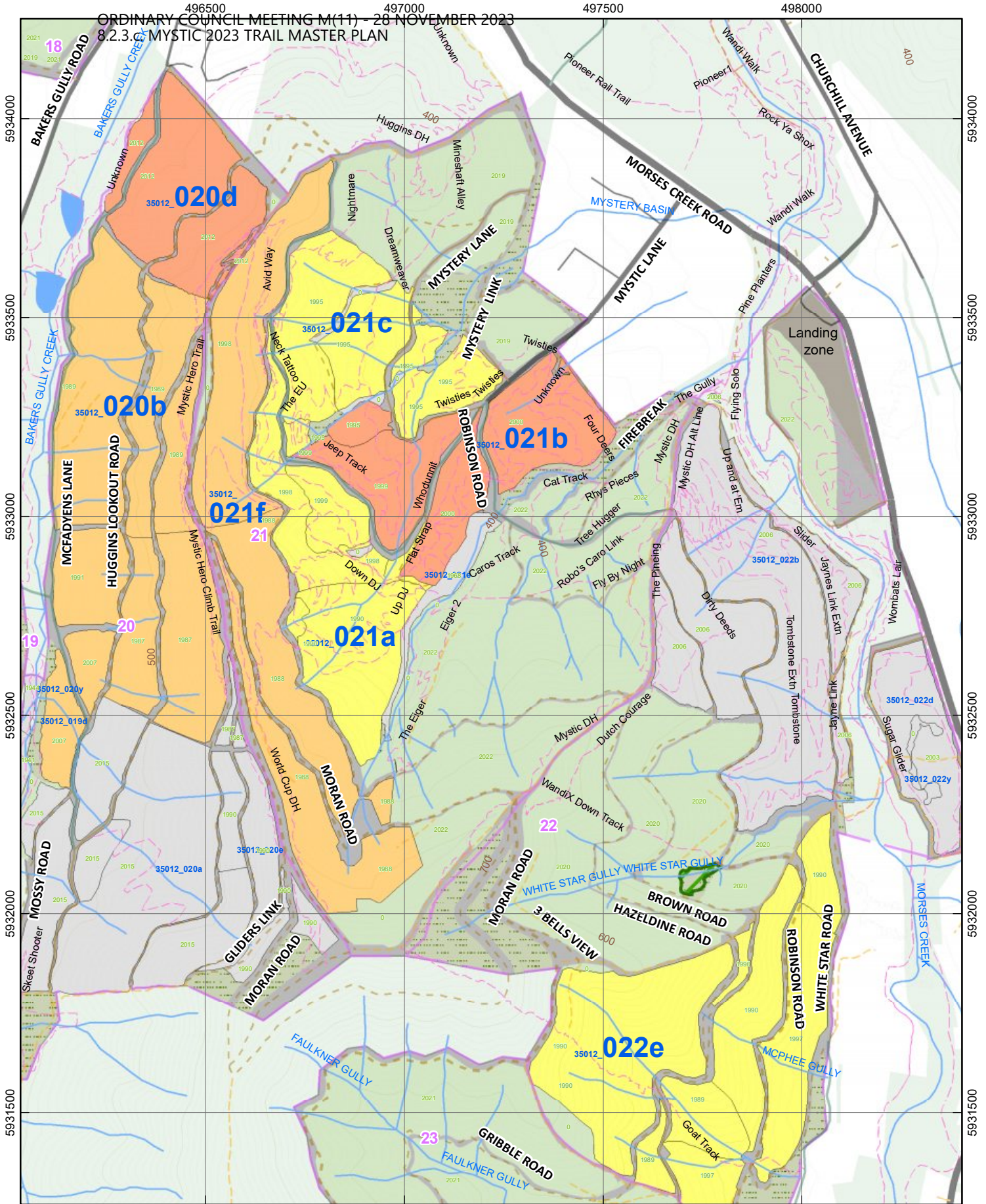
As can be seen above, the impacts from harvesting across the next two years will be significant. Replacing key arterial trails with alternative trails beyond the harvesting area will be critical to maintaining a functional, high-quality trail network.

A current harvesting plan for the Mystic area can be found over the page. Proposed harvesting is scheduled as below;

- 22E: 2024
- 21C: 2024
- 21A: 2024
- 20B: 2025
- 21F: 2025
- 21B: 2026
- 20D: 2026

MYSTIC HARVEST PLAN

ORDINARY COUNCIL MEETING M(11) - 28 NOVEMBER 2023
8.2.3 MYSTIC 2023 TRAIL MASTER PLAN



Mystic Harvest Timing

Harvest_Operation F_Year



1:12,500

GDA 1994 MGA Zone 55

Prepared By: EG
Checked By: PD
Version: 1



9 Proposed New Trails

9.1 Trail Network Vision

The MP site currently offers good trail diversity, a characteristic that should be maintained in any future network expansion. In the past two years, and across the next several years, many of the parks more popular trails have and will be affected by timber harvesting. Given these impacts, EP has developed a master plan that works to offset trail loss due to harvesting. Key network gaps have been filled with proposed new trails, including the inclusion of a beginner/intermediate flow trail descent for the summit of Mystic. EP has also proposed several longer format descending trail rides, catering for the adventure-focused rider market.

EP has proposed a total of ~64.3 km of new trails. These proposed new trails work to broaden the diversity of trails on offer at MP, while addressing current and future trail losses due to timber harvesting activity. Notably, proposed new trails have been designed to offset current and future trail losses caused by harvesting activity.

9.2 Current Trail Planning Accuracy

The trails proposed in this TMP represent concept trail designs, which in most cases have not been extensively ground truthed. The mapped trails should be considered to represent accuracy of +/- 50m, with some trails likely to exceed this accuracy threshold in complex and steep areas.

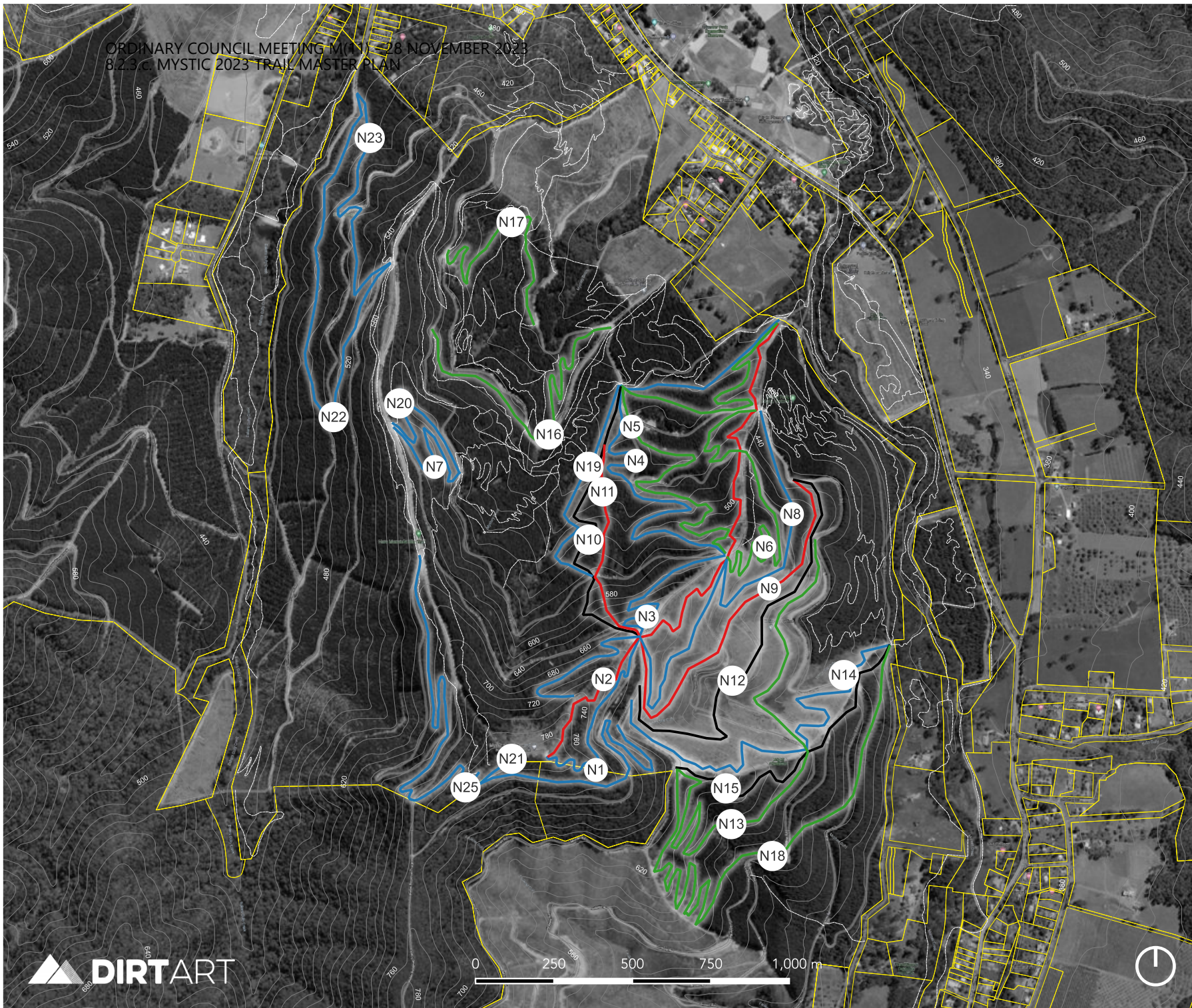
9.3 Timber Harvesting Considerations

EP has analysed timber harvesting schedules to aid in future trail planning. A plan showing proposed harvest schedules can be found on the previous page. Where possible, EP suggest that larger capital expenditure on new trails not progress in areas where clear felling is scheduled within 10 years following trail construction.

Mystic Mountain Bike Park

TRAIL CONCEPT OVERVIEW MAP

06.06.23



Proposed Trails

- Black Diamond
- Blue Square
- Double Black Diamond
- Green Circle

Base Layers

- Existing Trails

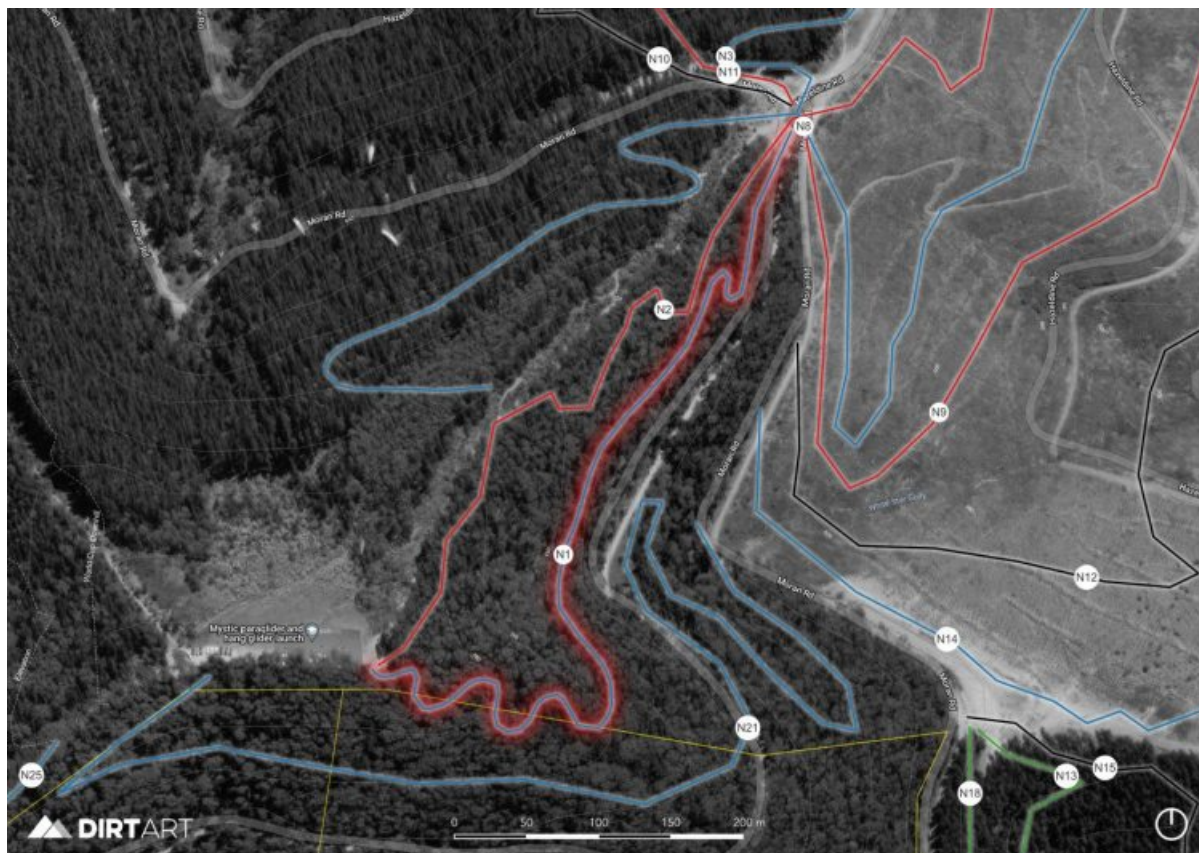
9.4 Trail Summary Data

Trail	Difficulty (IMBA TDRS)	Style	Format	Elevation +/- (m)	Target Gradient	Length (m)
1	Blue Square	Flow	Descent	139	5%	2780
2	Double Black Diamond	Tech	Descent	425	25%	1700
3	Blue Square	Flow	Climb	135	5%	2700
4	Blue Square	Freeride	Descent	218	6%	3633
5	Green Circle	Flow	Descent	325	5%	6500
6	Green Circle	Flow	Climb	167	5%	3340
7	Blue Square	Flow	Descent	110	7%	1571
8	Blue Square	Freeride	Descent	238	7%	3400
9	Double Black Diamond	Freeride	Descent	233	12%	1942
10	Black Diamond	Tech	Descent	249	12%	2075
11	Double Black Diamond	Tech	Descent	223	20%	1115
12	Black Diamond	Freeride	Descent	339	10%	3390
13	Blue Square	Blend	Adventure	270	5%	5400
14	Blue Square	Tech	Descent	339	10%	3390
15	Black Diamond	Blend	Descent	299	12%	2492
16	Green Circle	Freeride	Descent	80	5%	1600
17	Green Circle	Flow	Climb	105	5%	2100
18	Green Circle	Blend	Adventure	58	5%	1160
19	Blue Square	Blend	Descent	146	7%	2086
20	Blue Square	Flow	Climb	58	5%	1160
21	Blue Square	Flow	Climb	90	5%	1800
22	Blue Square	Flow	Climb	201	5%	4020
23	Blue Square	Flow	Descent	187	7%	2671
24	Blue Square	Flow	Descent	160	7%	2286
Total (m) =						64311

Trail Difficulty	Length (m)	Network %
Green Circle	20,100	31%
Blue Square	31,498	49%
Black Diamond	7,957	12%
Double Black Diamond	4,757	7%

9.5 Trail Descriptions

9.5.1 Trail 1

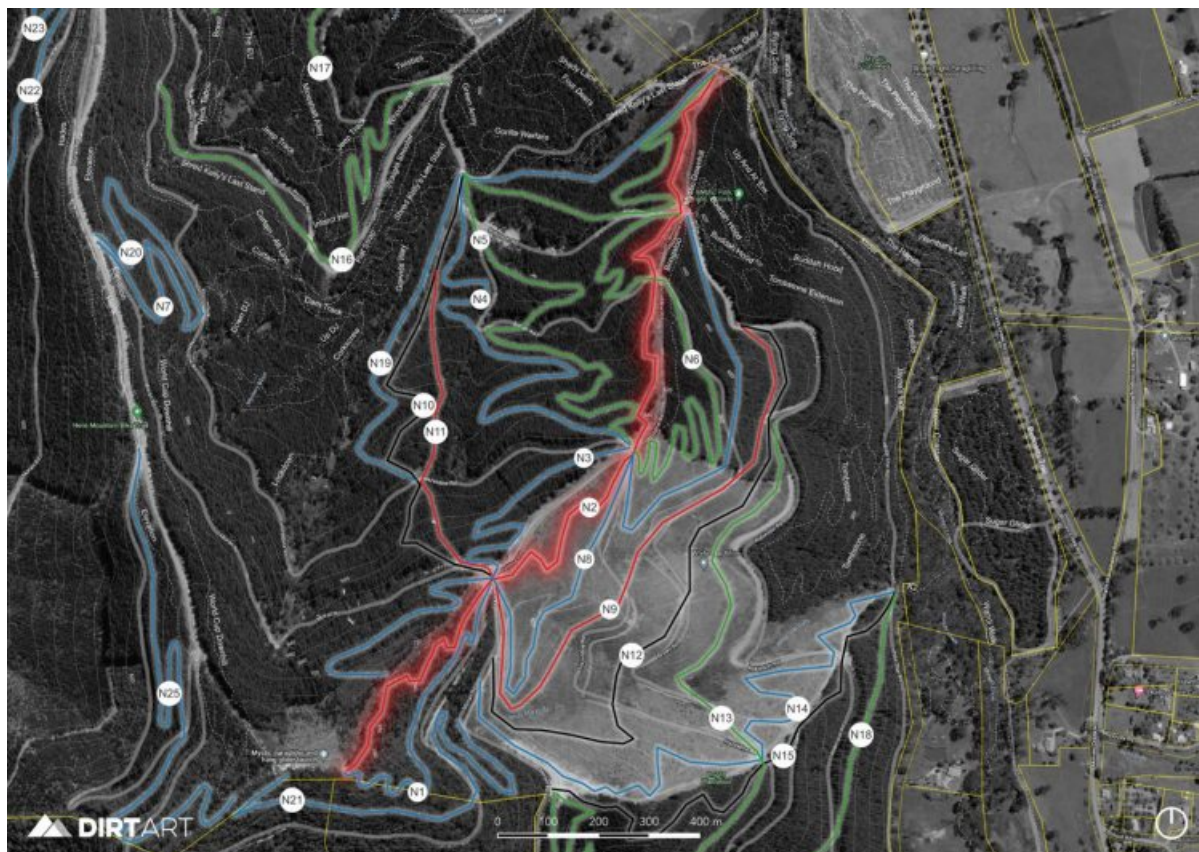


Length (m):	2,780m
Difficulty (IMBA TDRS):	Blue Square
Format:	Descent
Style:	Flow
Width (m):	1.5m
Adaptive Friendly:	Yes

Description:

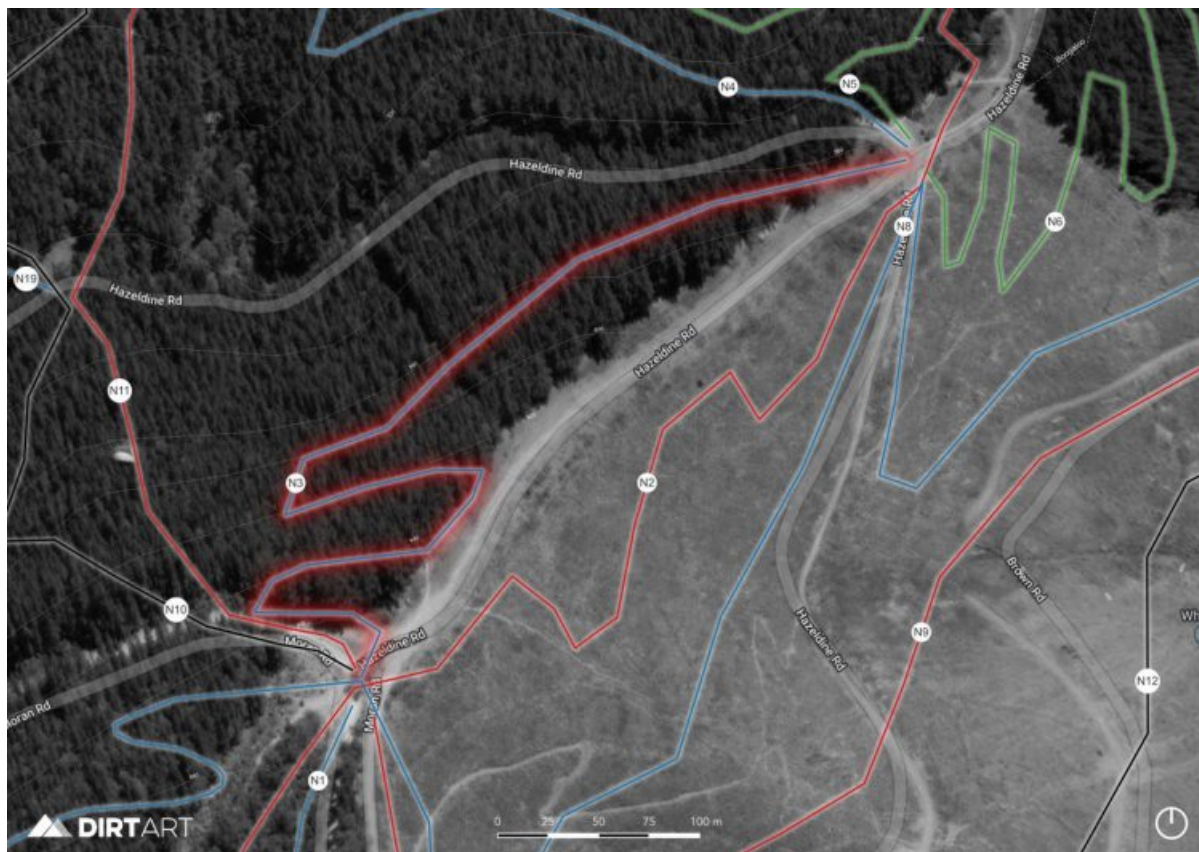
Trail 1 is an intermediate flow trail, providing descending access from the top of Mystic for riders of most abilities. Trail 1 provides critical connectivity from the summit, opening a broader range of uplift opportunities, through the provision of a flow-focused trail open to a broader range of rider abilities. EP has worked to establish a mostly contouring trail design, which gently descends from the high point of the network. Notably, the does not currently provide optimal connectivity through to Hero Trail due to the license agreement over the development area by the NEVHGC. Further negotiation over use of this land may provide future potential to create an additional trail to connect to Hero Trail.

9.5.2 Trail 2



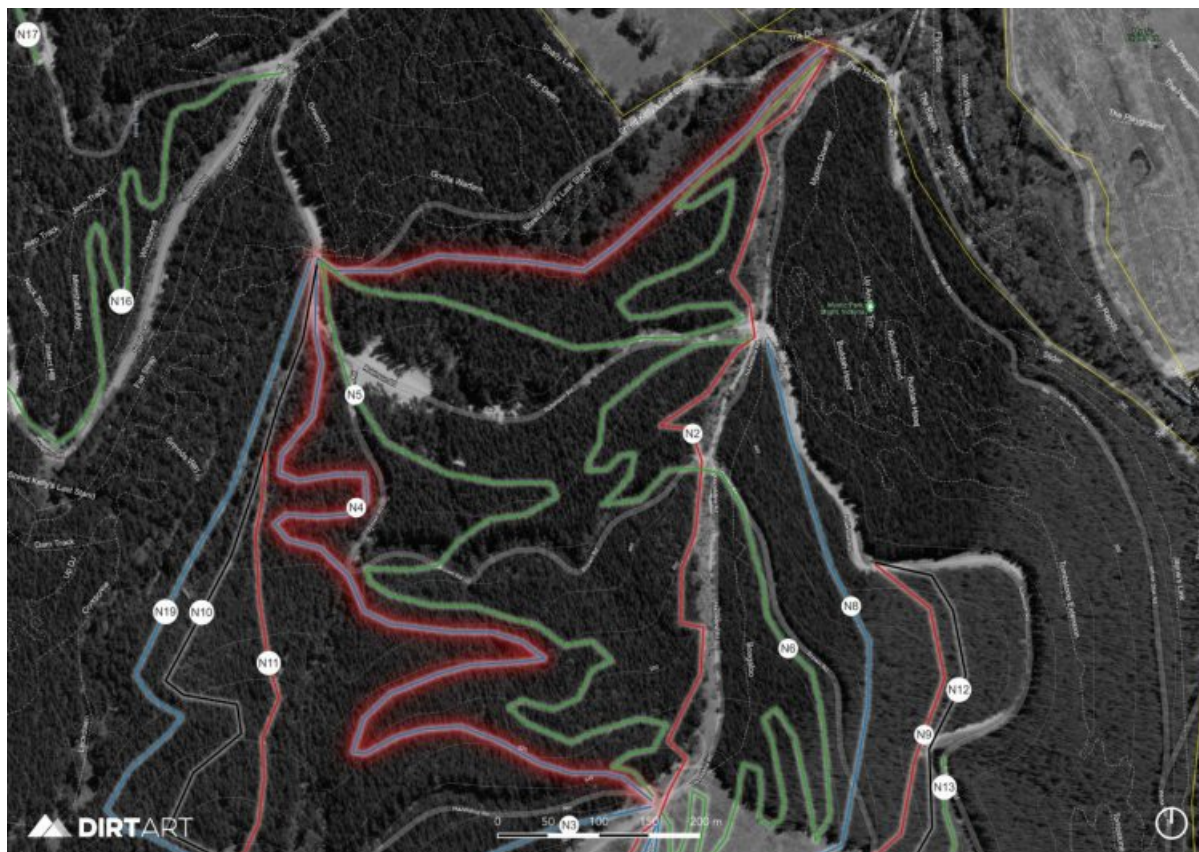
Length (m):	1,700m
Difficulty (IMBA TDRS):	Double Black Diamond
Format:	Descent
Style:	Technical
Width (m):	1.5m
Adaptive Friendly:	No
Description:	
<p>Trail 2 is a replacement for the previous downhill racetrack at Mystic, the Mystic Downhill. The trail features a similar alignment, in recently harvested areas, ensuring a long lifespan for the trail. The trail is proposed as a double black diamond technical trail, with a range of steep, technical sections, jumps and other trail features.</p> <p>The trail will allow Mystic to return to its place as one of Australia’s top downhill race venues, opening potential for hosting of national and potential international events.</p>	

9.5.3 Trail 3



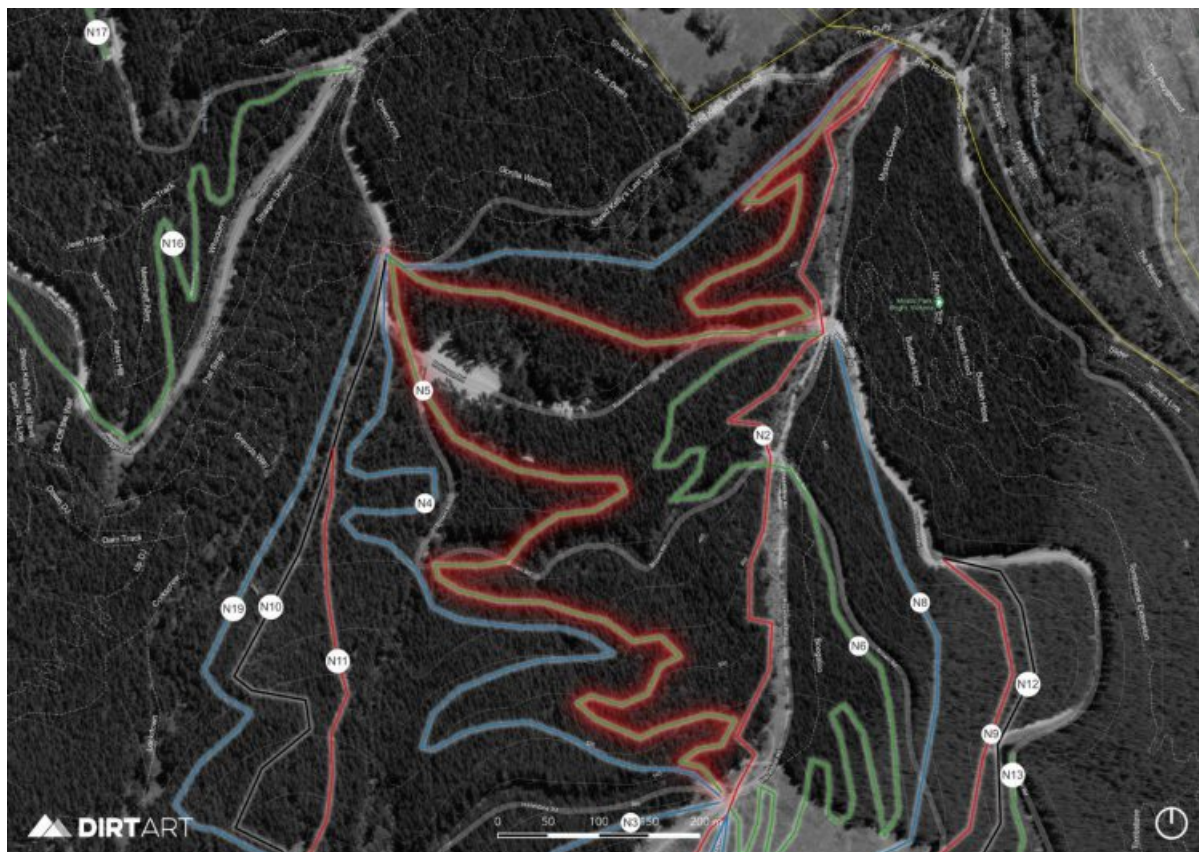
Length (m):	2,700m
Difficulty (IMBA TDRS):	Blue Square
Format:	Climb
Style:	Flow
Width (m):	1m
Adaptive Friendly:	No
Description:	
<p>Trail 3 is an intermediate climbing, providing access from Hazeldine Road to a range of higher elevation trails in the network. The trail expands climbing options in the park, while providing access to several new proposed descending trails to the east of the main trail area. The trail is proposed in a flow style, with a gently ascending gradient, and will suit most rider abilities.</p>	

9.5.4 Trail 4



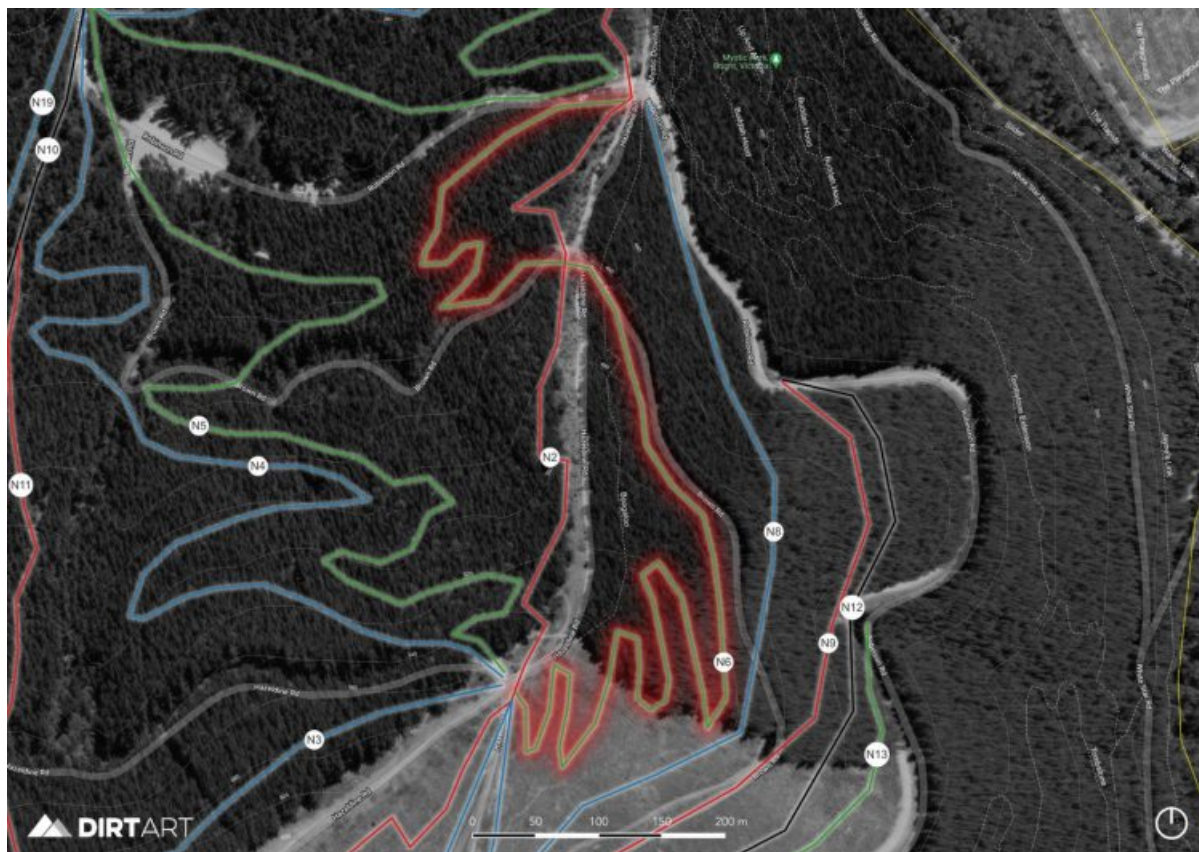
Length (m):	3,633m
Difficulty (IMBA TDRS):	Blue Square
Format:	Descent
Style:	Freeride
Width (m):	2.5m
Adaptive Friendly:	Yes
Description:	
<p>Trail 4 is a descending freeride trail suitable for intermediate riders. The trail features a wider tread, and progressive tabletop jumps. The trail is designed to provide an entry point to the existing Hero Trail, which will reduce rider injuries, and provide clear avenues for skill progression for intermediate riders.</p>	

9.5.5 Trail 5



Length (m):	6,500m
Difficulty (IMBA TDRS):	Green Circle
Format:	Descent
Style:	Flow
Width (m):	1.2m
Adaptive Friendly:	Yes
Description:	
<p>Trail 5 is a beginner flow trail descent, which will provide the first (potentially) uplift-accessed beginner descent in the network. With approximately 200m vertical descent, Trail 5 provides an accessible, fun, descending trail option for riders of all abilities. The trail is proposed in a flow style with gentle gradients, and large berms and rolling terrain features. Notably, the trail would require an alternative uplift drop, or potentially a second uplift vehicle/s and/or operation.</p>	

9.5.6 Trail 6



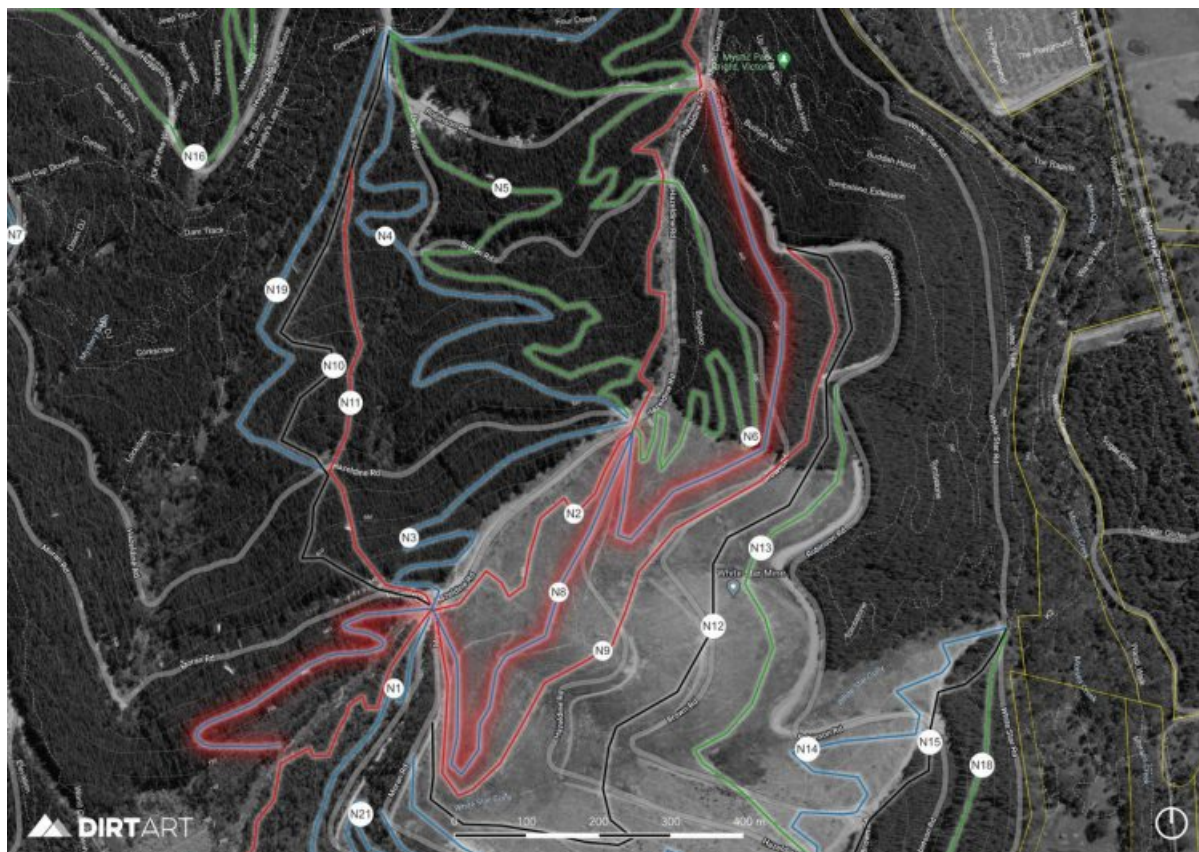
Length (m):	3,340m
Difficulty (IMBA TDRS):	Green Circle
Format:	Climb
Style:	Flow
Width (m):	1.2m
Adaptive Friendly:	Yes
Description:	
<p>Trail 6 is a beginner-friendly climbing trail that is designed to provide climbing access to Trail 5 and other descending trails in the area. The trail is designed as an extension from Up and at Em, which is proposed to be upgraded to a green circle difficulty standard. Trail 6 will feature a gentle gradient, and a flow style, making for an easy, accessible climbing experience.</p>	

9.5.7 Trail 7



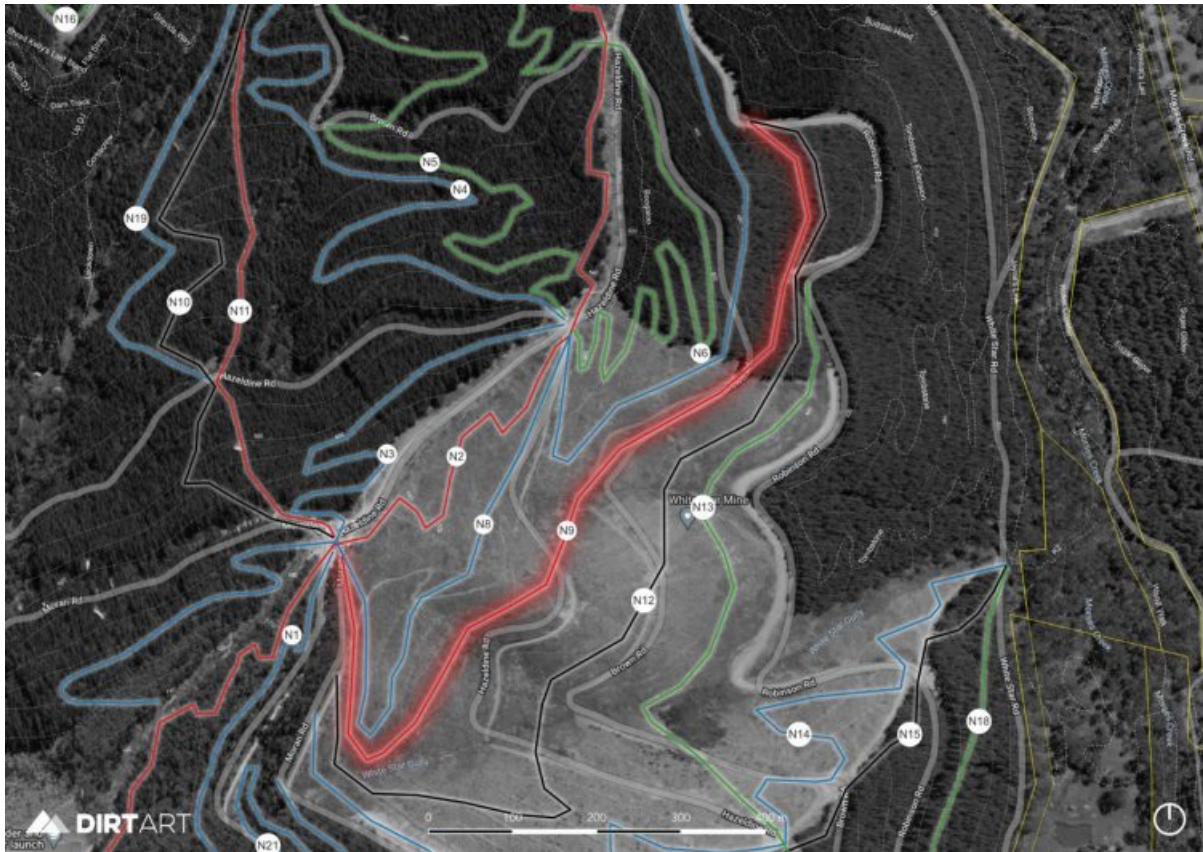
Length (m):	1,571m
Difficulty (IMBA TDRS):	Blue Square
Format:	Descent
Style:	Flow
Width (m):	2m
Adaptive Friendly:	Yes
Description:	
<p>Trail 7 is an intermediate flow trail descent that provides access into the popular Down DJ trail. The trail increases the available descent and provides an alternative descending option from the current top of the Hero Trail. This is an important trail for diversifying the riding opportunities at higher elevations in the park.</p>	

9.5.8 Trail 8



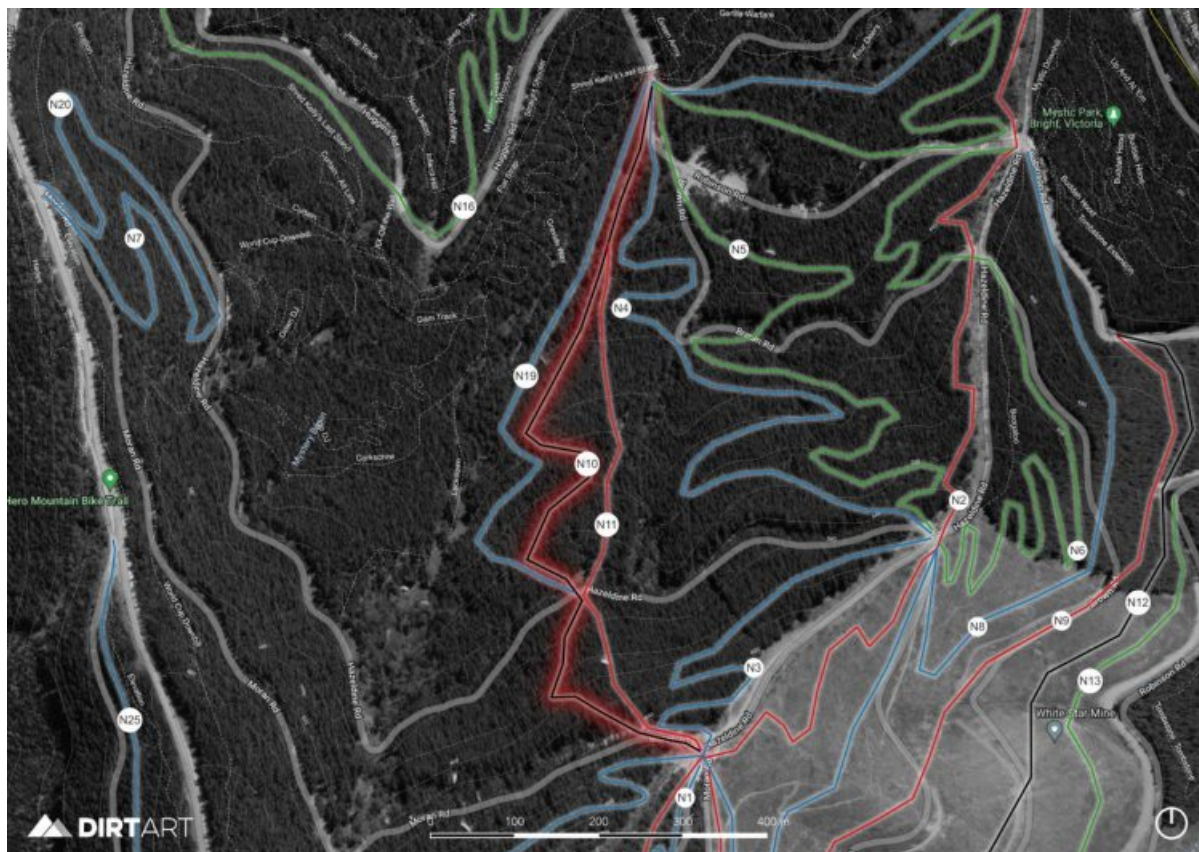
Length (m):	3,400m
Difficulty (IMBA TDRS):	Blue Square
Format:	Descent
Style:	Freeride
Width (m):	3m
Adaptive Friendly:	Yes
Description:	
<p>Trail 8 is an intermediate jumps trail, which will provide the primary shuttle-accessed intermediate freeride descending option in the trail network. Trail 8 is intended to reduce the traffic on the existing Hero Trail, while also providing an easier descending option from the summit. The trail is proposed to feature large berms and rolling terrain, and has potential for some smaller tabletop jump features.</p>	

9.5.9 Trail 9



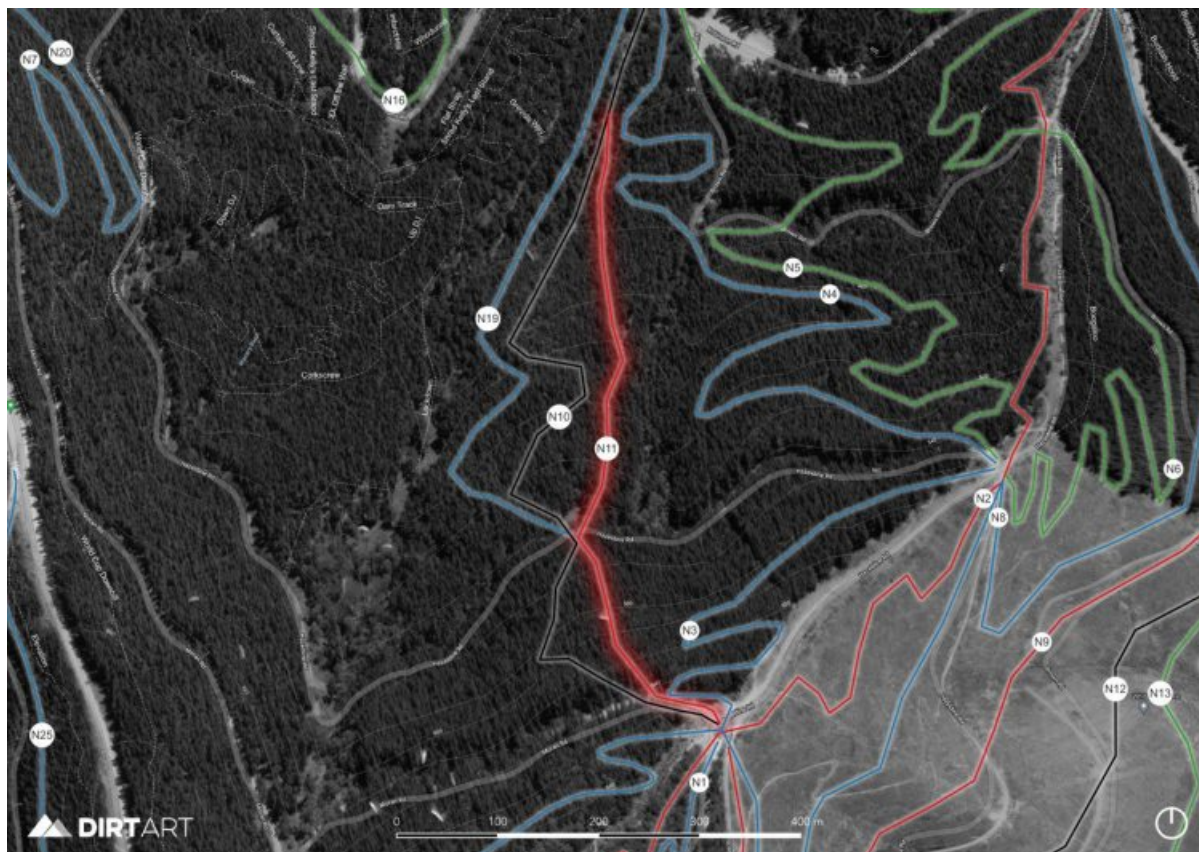
Length (m):	1,942m
Difficulty (IMBA TDRS):	Double Black Diamond
Format:	Descent
Style:	Freeride
Width (m):	2.5m
Adaptive Friendly:	No
Description:	
<p>Trail 9 is a Double Black Diamond freeride trail, providing a progressive jump trail experienced for advanced riders. The trail will feature larger gap-style- jumps, large berms, and terrain features. This trail ensures that MP will appeal to even the most advanced riders.</p>	

9.5.10 Trail 10



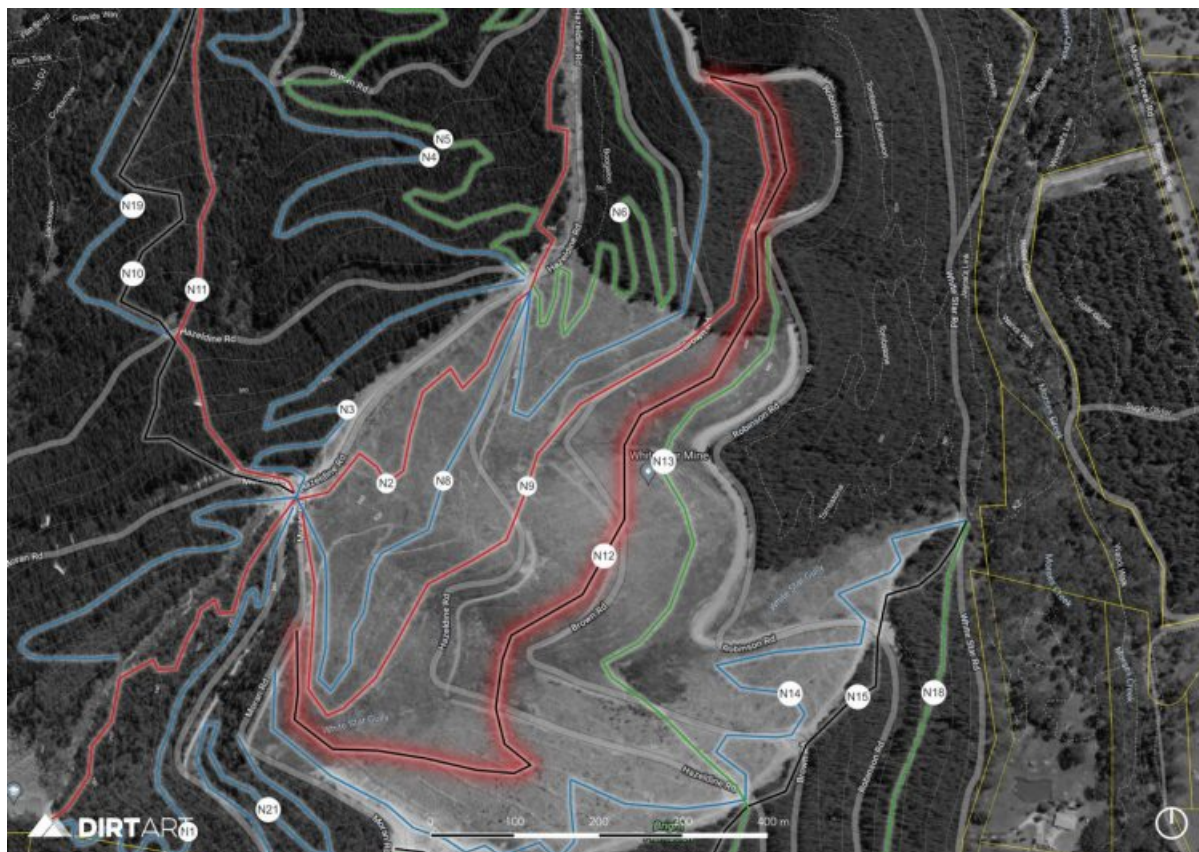
Length (m):	2,075m
Difficulty (IMBA TDRS):	Black Diamond
Format:	Descent
Style:	Tech
Width (m):	0.6m
Adaptive Friendly:	No
Description:	
<p>Trail 10 is a Black Diamond technical descending trail departing from Hazeldine Road. The trail features a technical gradient and will capitalise on a range of natural technical terrain features. The trail builds upon existing trail options to and from Hazeldine Road.</p>	

9.5.11 Trail 11



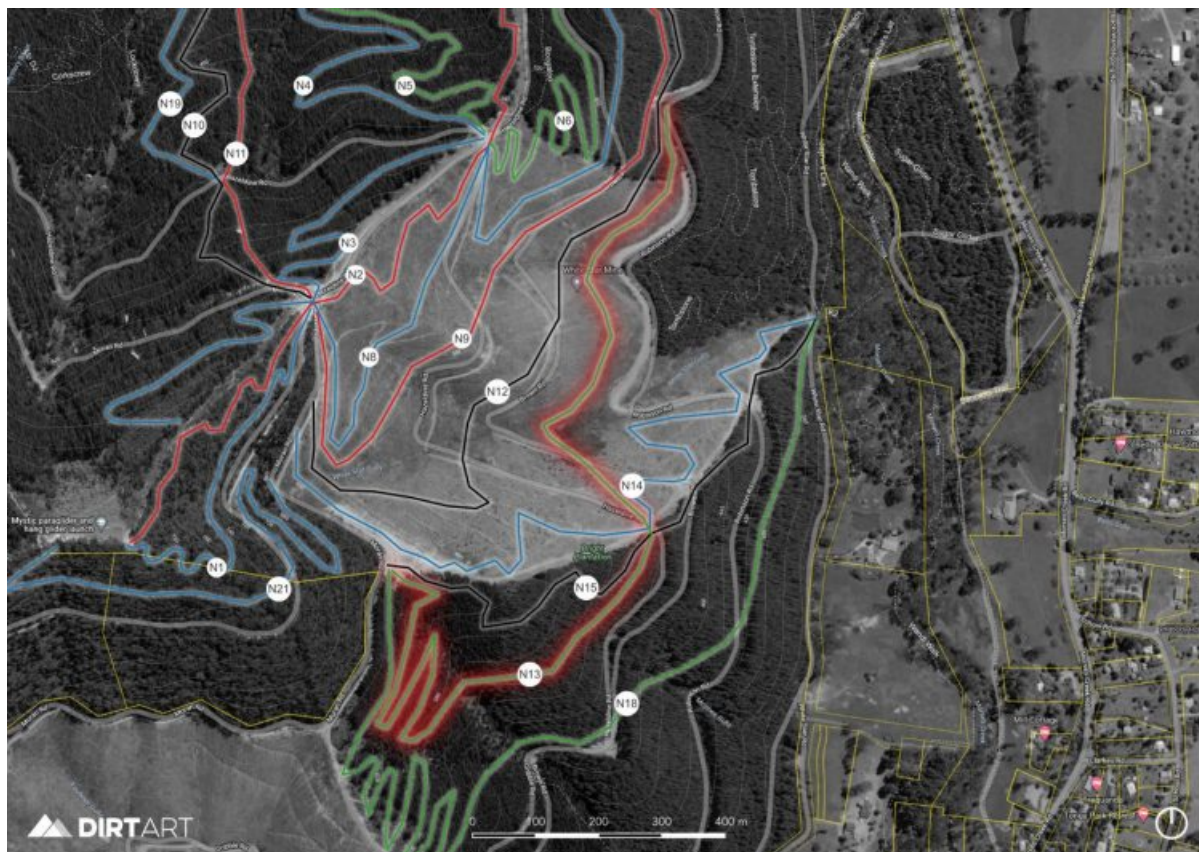
Length (m):	1,115m
Difficulty (IMBA TDRS):	Double Black Diamond
Format:	Descent
Style:	Technical
Width (m):	0.6m
Adaptive Friendly:	No
Description:	
<p>Trail 11 is a Double Black Diamond technical descending trail departing from Hazeldine Road. The steep alignment will provide a technically challenging trail for advanced and expert riders alike. The trail builds upon existing trail options to and from Hazeldine Road and offers a level of progression from the easier N10. There is a potential to utilise a hand-build construction methodology for this trail to further enhance and promote natural obstacles and features.</p>	

9.5.12 Trail 12



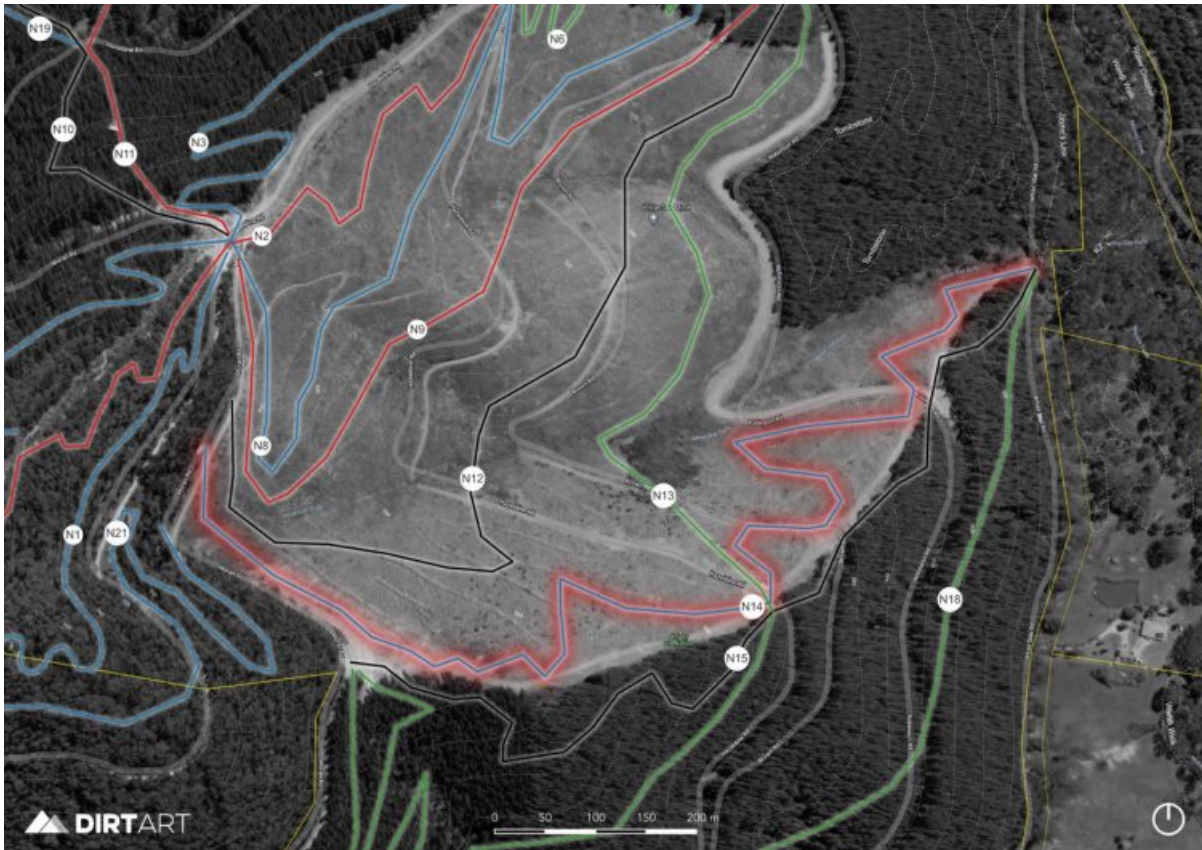
Length (m):	3,390m
Difficulty (IMBA TDRS):	Black Diamond
Format:	Descent
Style:	Freeride
Width (m):	3m
Adaptive Friendly:	Yes
Description:	
<p>Trail 12 is Black Diamond advanced jump trail, modelled off large-scale freeride trails such as Whistler’s infamous ‘A-Line’ trail. The trail will feature larger tabletop jumps, berms, and terrain features. Trail 12 provides progression opportunities for more advanced riders, while remaining achievable for strong intermediates.</p>	

9.5.13 Trail 13



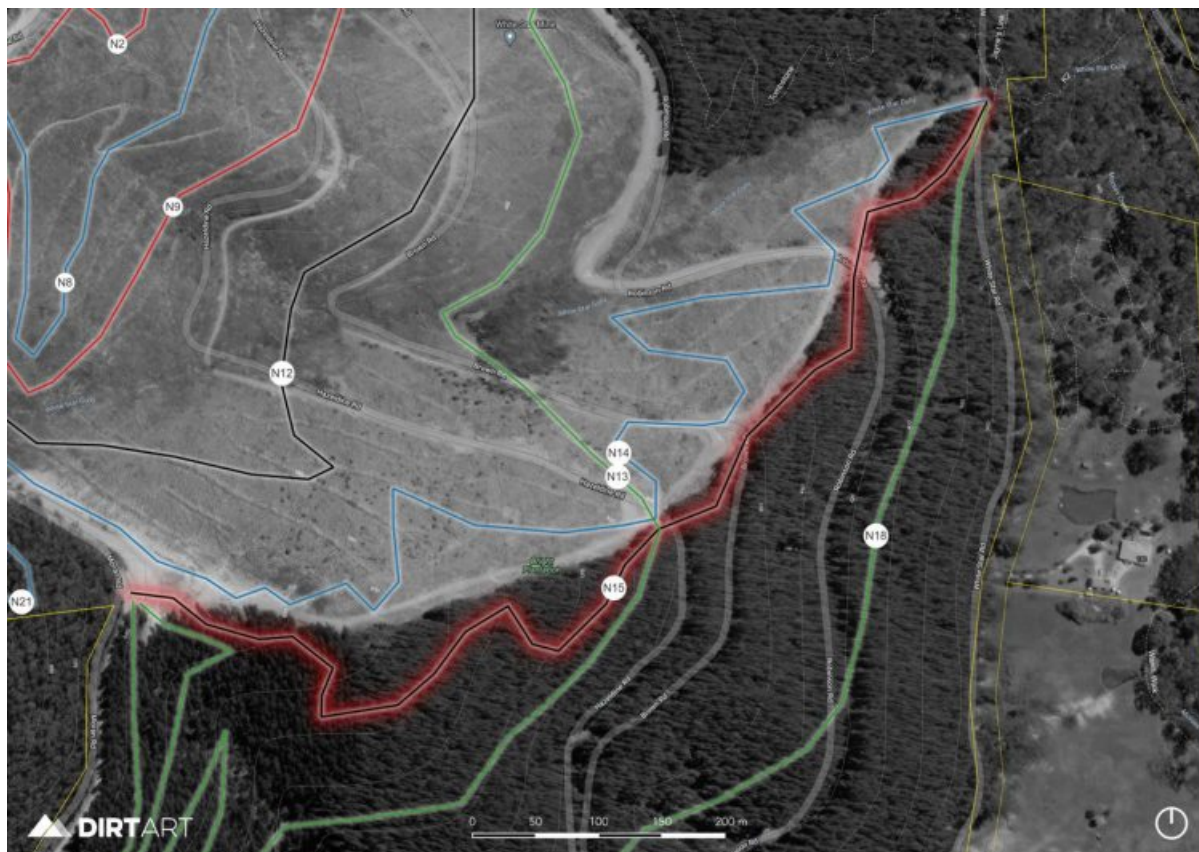
Length (m):	5,400m
Difficulty (IMBA TDRS):	Green Circle
Format:	Climb
Style:	Flow
Width (m):	1.2m
Adaptive Friendly:	Yes
Description:	
<p>Trail 13 is a beginner climbing trail starting at Robinson Road and climbing up to Moran Road. This is a gently ascending trail, with a more back country style of experience.</p>	

9.5.14 Trail 14



Length (m):	3,390m
Difficulty (IMBA TDRS):	Blue Square
Format:	Descent
Style:	Technical
Width (m):	1m
Adaptive Friendly:	No
Description:	
<p>Trail 14 is an intermediate tech trail opening a new riding area to the east of the current trail network. This trail may be machine or hand built and will feature a gentle gradient populated with a range of natural technical trail features.</p>	

9.5.15 Trail 15



Length (m):	2,492m
Difficulty (IMBA TDRS):	Black Diamond
Format:	Descent
Style:	Blend
Width (m):	0.6m
Adaptive Friendly:	No
Description:	
<p>Trail 15 is an advanced Black Diamond technical trail, offering a progression in difficulty from neighbouring Trail 14. The trail features a steeper alignment and will include a range of natural technical trail features. The trail further expands a new riding zone to the east of the main trail network.</p>	

9.5.16 Trail 16



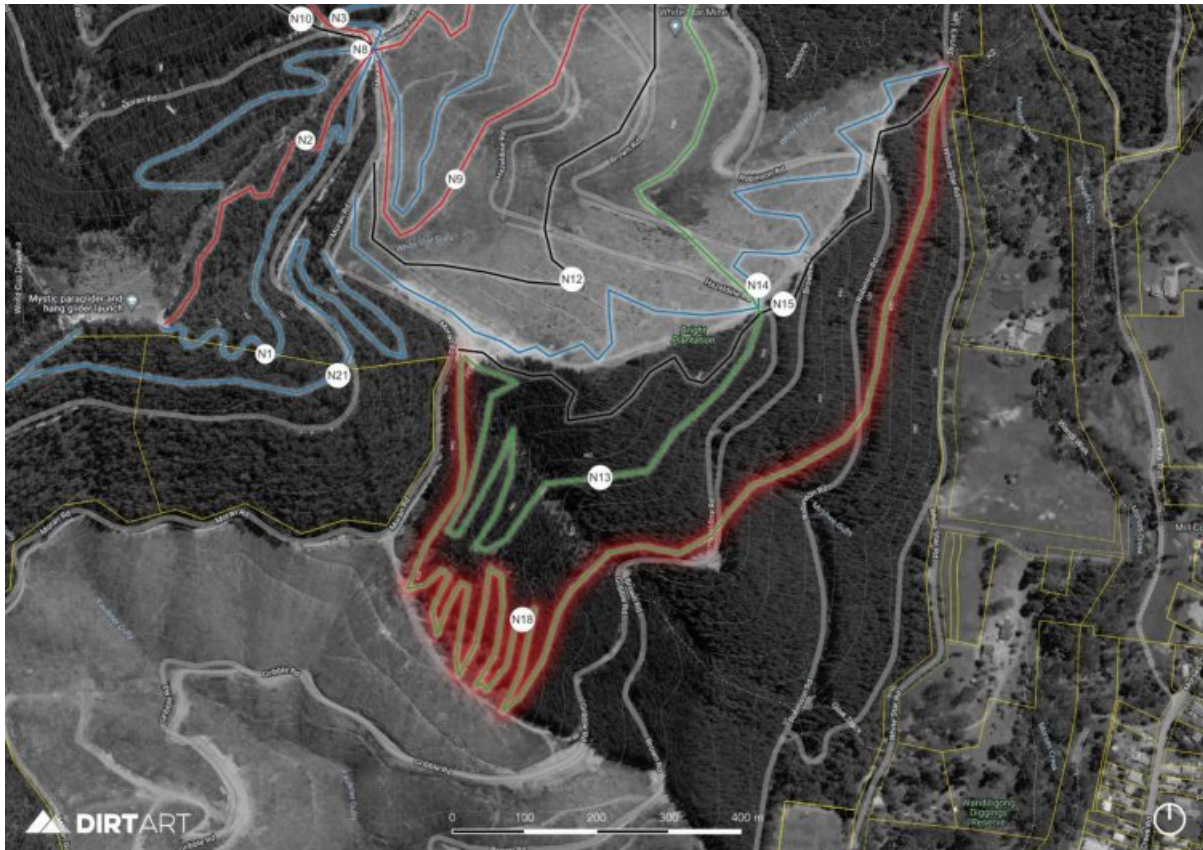
Length (m):	1,600m
Difficulty (IMBA TDRS):	Green Circle
Format:	Descent
Style:	Flow
Width (m):	2m
Adaptive Friendly:	Yes
Description:	
<p>Trail 16 is a beginner-friendly descending flow trail, which provides a higher elevation, expanded descending option for less experienced riders. The trail is designed to form a loop with N17, significantly expanding the beginner riding experience at Mystic.</p>	

9.5.17 Trail 17



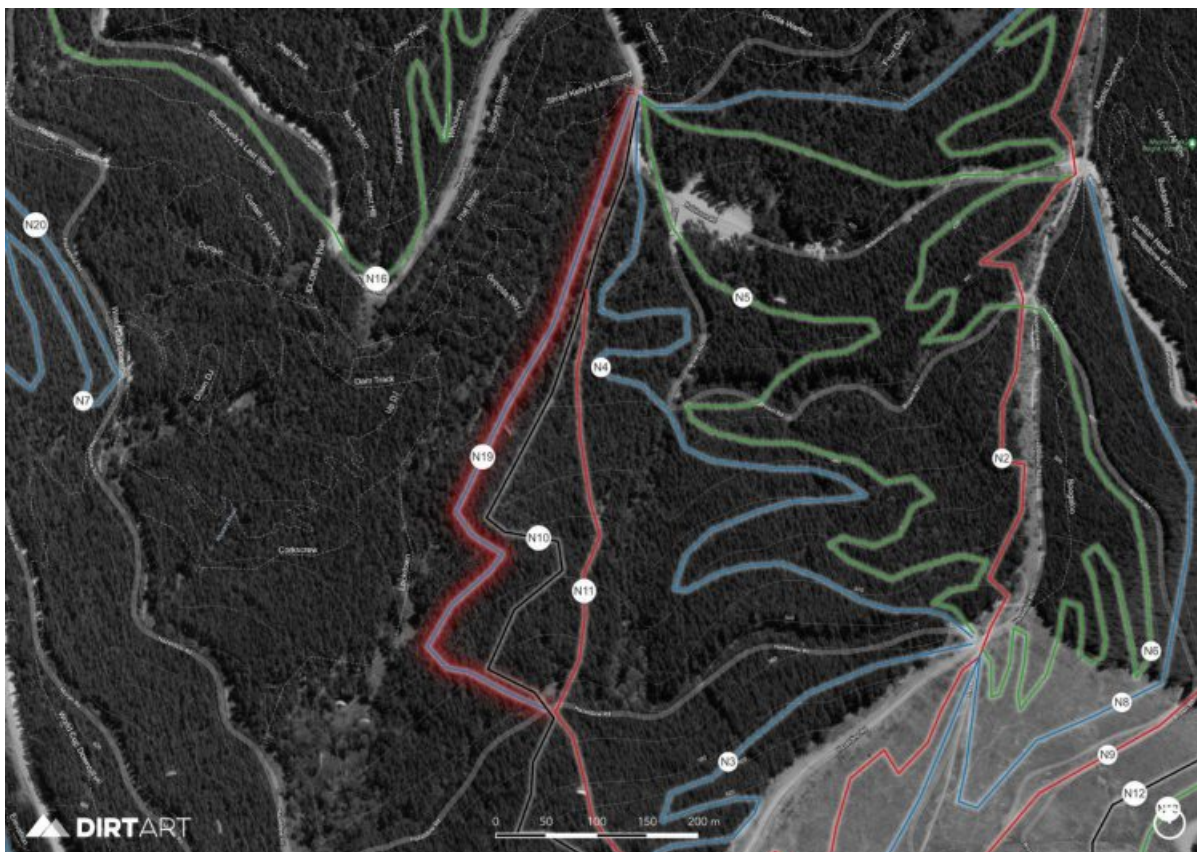
Length (m):	2,100m
Difficulty (IMBA TDRS):	Green Circle
Format:	Climb
Style:	Flow
Width (m):	1.2m
Adaptive Friendly:	Yes
Description:	
<p>Trail 17 provides beginner climbing access at a higher elevation and forms a loop with Trail 16. The trail features a gentle gradient, providing an accessible climb for all rider abilities.</p> <p>The trail also provides an alternative climbing option to the existing Up DJ trail.</p>	

9.5.18 Trail 18



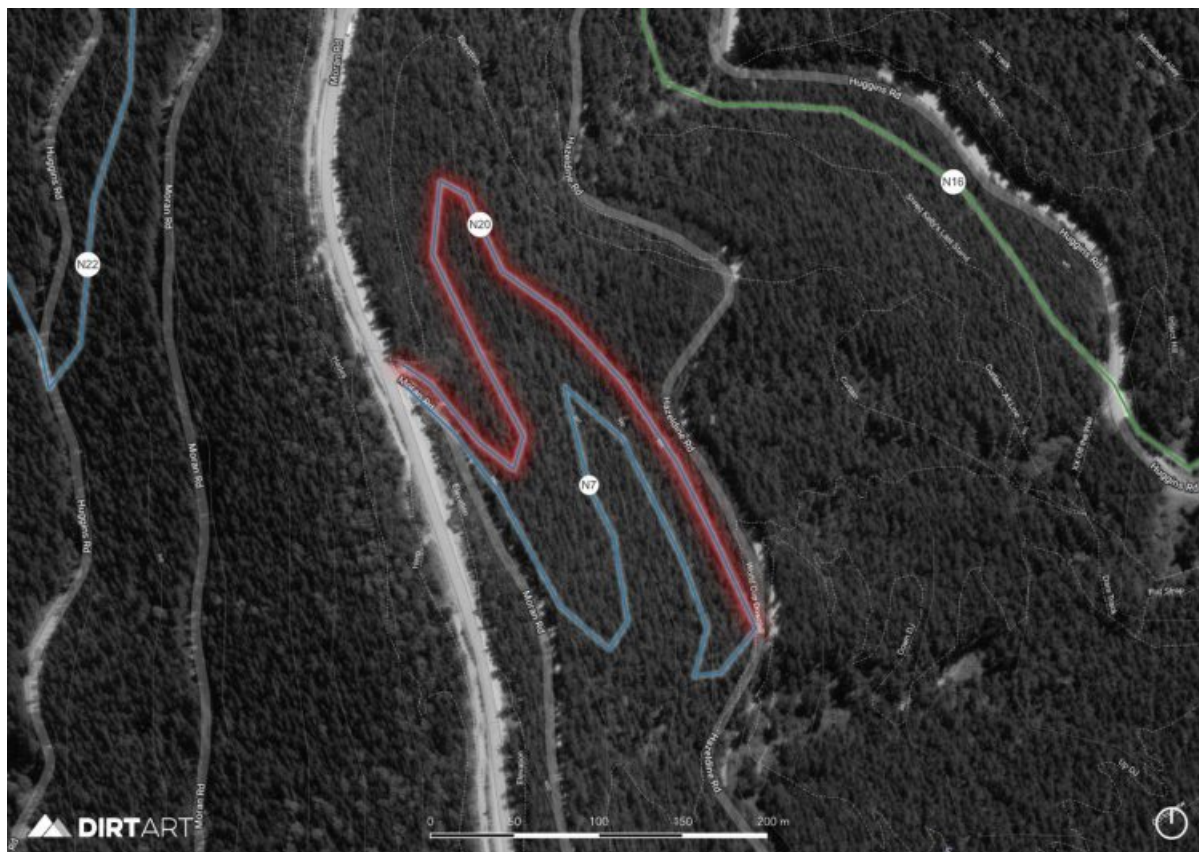
Length (m):	1,160m
Difficulty (IMBA TDRS):	Green Circle
Format:	Adventure
Style:	Flow
Width (m):	1.2m
Adaptive Friendly:	Yes
Description:	
<p>Trail 18 is a beginner-friendly descending adventure ride. The trail features a gently descending gradient, and is proposed to feature beginner-friendly, progressive trail features, including natural rock and built earth features. The trail will provide a longer format descent suitable for all rider abilities.</p>	

9.5.19 Trail 19



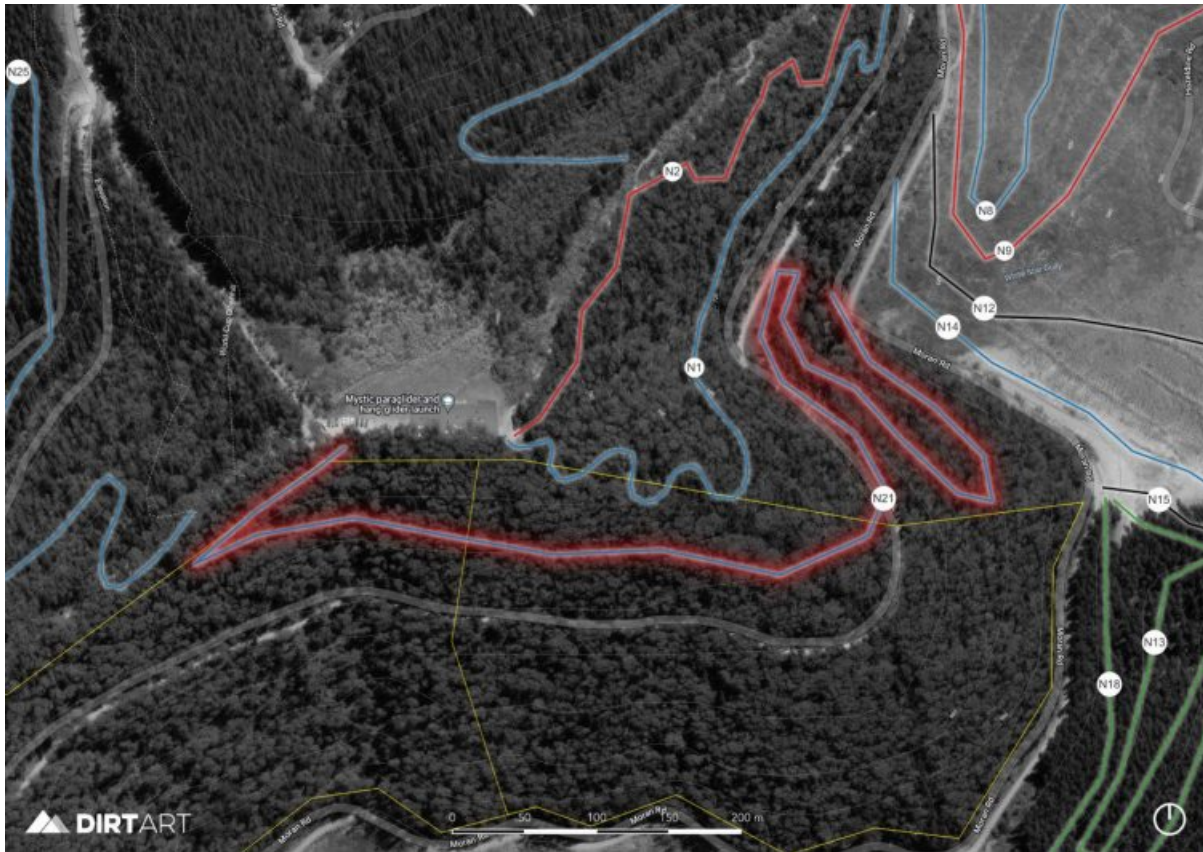
Length (m):	2,086m
Difficulty (IMBA TDRS):	Blue Square
Format:	Descent
Style:	Blend
Width (m):	1m
Adaptive Friendly:	No
Description:	
<p>Trail 19 is an intermediate descending trail offering a blend of both flow and technical features. The trail groups with other trails to provide a broader range of descending options through the mid zone of the park.</p>	

9.5.20 Trail 20



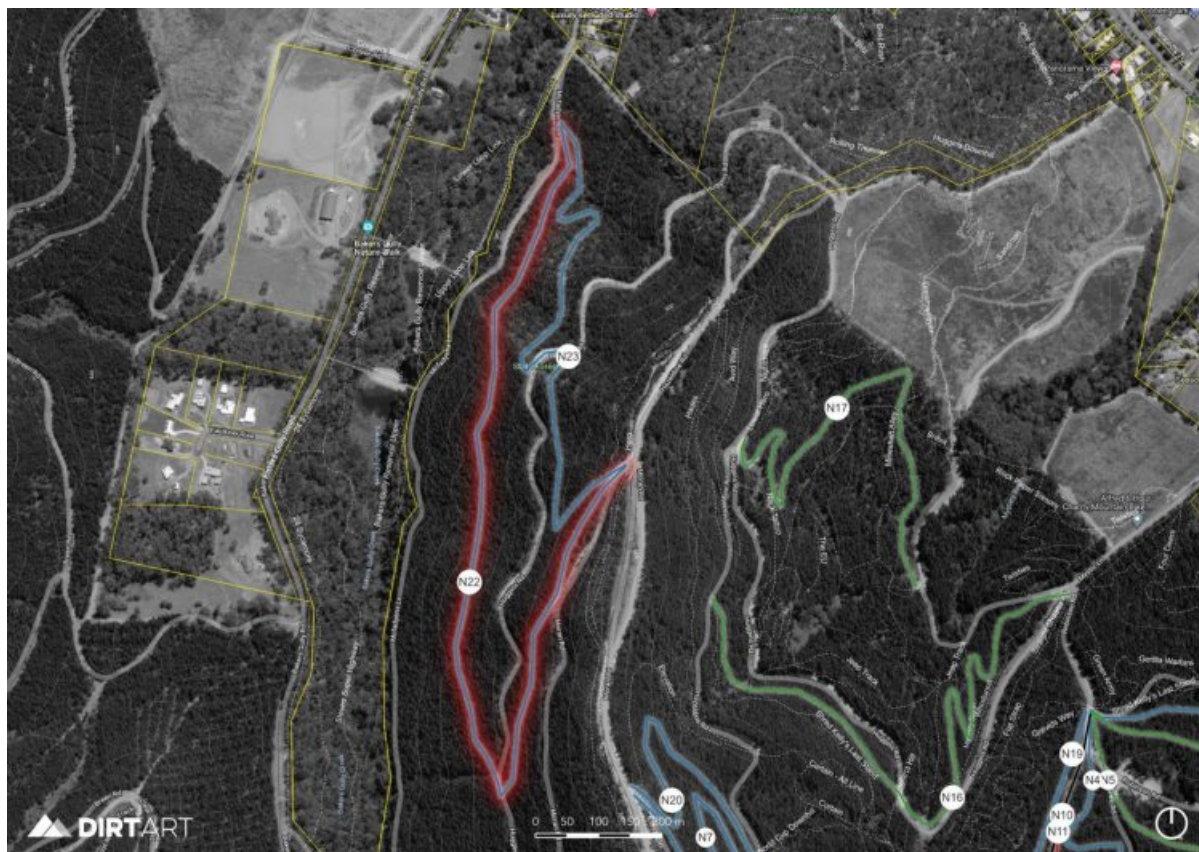
Length (m):	1,160m
Difficulty (IMBA TDRS):	Blue Square
Format:	Climb
Style:	Flow
Width (m):	1m
Adaptive Friendly:	No
Description:	
<p>Trail 20 is a new climbing link that extends the climbing opportunity beyond Up DJ right to the start of the existing Hero Trail. The trail opens longer format climbing options in the park, while providing a range of new connectivity options with both new and existing trails.</p>	

9.5.21 Trail 21



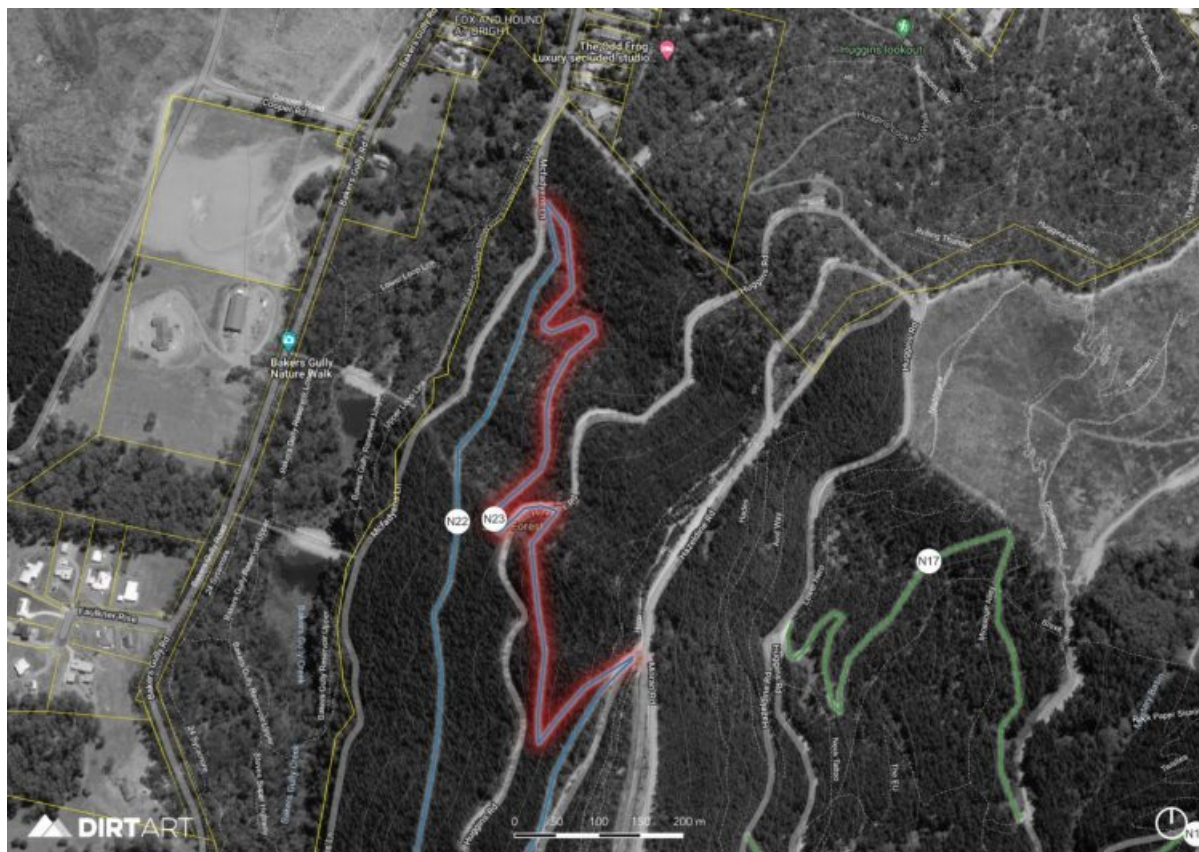
Length (m):	1,800m
Difficulty (IMBA TDRS):	Blue Square
Format:	Climb
Style:	Flow
Width (m):	1m
Adaptive Friendly:	No
Description:	
<p>Trail 21 is a new intermediate climbing trail starting at Moran Road and finishing at the summit. It presents a purpose-built climbing option to take riders off the existing shuttle road.</p>	

9.5.22 Trail 22



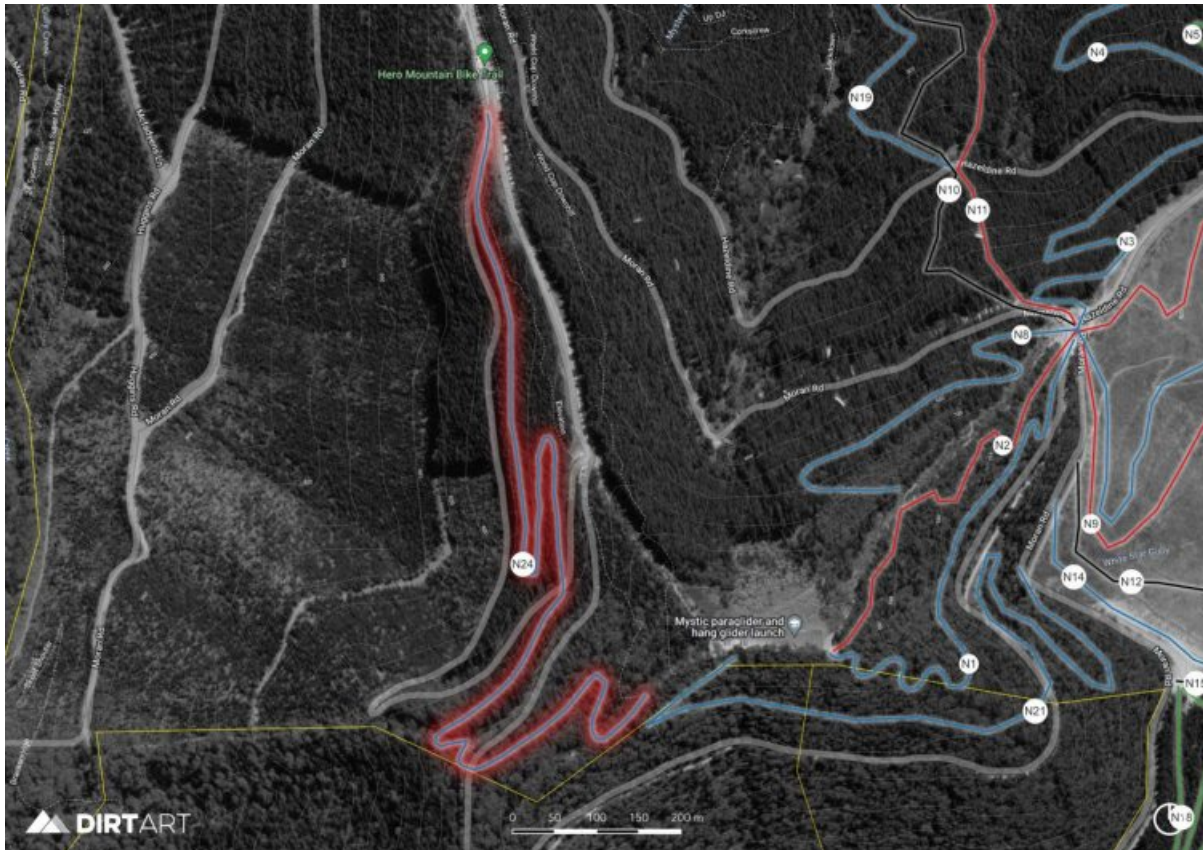
Length (m):	4,020m
Difficulty (IMBA TDRS):	Blue Square
Format:	Climb
Style:	Flow
Width (m):	1m
Adaptive Friendly:	No
Description:	
<p>Trail 22 is a new climbing trail that starts on lower Moran Road and finishes at the junction between Moran and Hazeldine Roads. When ridden in conjunction with the N23 descent, the trail forms a closed loop suited to beginner to intermediate riders.</p>	

9.5.23 Trail 23



Length (m):	2,671m
Difficulty (IMBA TDRS):	Blue Square
Format:	Descent
Style:	Flow
Width (m):	1m
Adaptive Friendly:	No
Description:	
<p>Trail 23 is a new descending trail down into Bakers Gully. The trail can be accessed via the N22 climbing trail proposed, or via the existing MP trail network. The flowy descent provides a closed loop for riders when ridden in conjunction with N22. Furthermore, for riders looking to return to town, N23 will provide an alternate descending option bring them closer to the heart of Bright.</p>	

9.5.24 Trail 24



Length (m):	2,285m
Difficulty (IMBA TDRS):	Blue Square
Format:	Descent
Style:	Flow
Width (m):	1m
Adaptive Friendly:	No
Description:	
<p>Trail 24 is a new intermediate descent proposed to start at near the start of the existing Elevation trail. The new descent provides an easier and more suitable trail option for riders looking to access the popular Hero trail from the summit.</p>	

9.6 Ancillary Infrastructure

9.6.1 Overview

Ancillary infrastructure plays a significant role in supporting rider comfort, convenience, and safety. At the time of preparing this report, a new primary trail head is under consideration on Whitestar Road. The below elements are considered and prioritised for the new trail head. Notably, the Whitestar Rd hub may not be suitable for installation of the below infrastructure, with some infrastructure possible on Coronation Avenue.

9.6.2 Bike Wash

A bike wash serves a practical purpose, while also minimising the risk of the spread of noxious weeds and other soil-borne pathogens. EP suggests that a bike wash is an essential installation at the primary trail hub.

9.6.3 Shelter

The current primary trail hub includes an existing shelter, which is adequate for current rider volumes. EP suggests that a larger or secondary shelter will be required as rider volumes grow. Should a new primary trail head be established, a shelter will be a critical component of the development.

9.6.4 Toilet

The current primary trail hub lacks toilet facilities, with the nearest toilet located approximately 500m away in the hang glider landing area. EP suggests that with growing rider volumes, a toilet is an essential upgrade to the primary trail hub.

9.6.5 Showers

Showers add significant convenience for visiting riders, particularly day trippers, and those who have checked out of their accommodation on the day of their ride. While not essential, the installation of showers at the primary trail hub would be highly valuable for visitors. EP suggests that any shower installation should be pay-for-use.

10 Implementation Plan

10.1 Design Considerations

All trail designs provided in this report are conceptual only, and in most cases have not been extensively ground truthed. Trail designs represent an approximately 50m development corridor, with alignments likely to change to adapt to on site conditions during detailed trail design. Detailed trail design will be the next design stage, where all alignments are walked in the field, adjusted as required, then GPS mapped and flagged with survey tape.

10.2 Approvals Considerations

Given the tenure and existing forestry operations on site, most of the new trails network may be able to proceed without the need for complex planning approvals. Determination of final statutory approvals will ultimately rest with the Alpine Shire Council.

10.3 Procurement Considerations

Where possible, EP recommends all works are delivered by a specialist professional trail construction company. Some hand-built trails are appropriate for supervised volunteer trail construction.

In a procurement process, EP recommends utilising a design and construct contract where possible. Separating design and construction stages can complicate implementation where two separate companies are engaged for each project stage.

10.4 Construction Considerations

10.4.1 Construction Methodologies

EP suggests that many trails proposed should be built with mini excavators (unless specifically contraindicated in trail specifications). Suggested excavator size ranges between 1.5 and 5 tonne, which has also been specified in the trail description data.

A small volume of trails has been proposed for hand building. These trails are steeper and more technical in nature, and as such will be better developed by hand.

10.4.2 Construction Timelines

Construction progress will vary greatly across the proposed new trails. EP suggest an average construction progress of ~60m/day is likely across all proposed trails. Progress may be as low as 20m/day on some larger jump trails and highly technical trails, whereas simple all mountain trails may be developed at 100+m/day.

10.4.3 Seasonal Programming

Given the shaley clay soils on site, construction will remain viable essentially year-round. During winter the upper areas of the site will be snow affected at times, and as such only lower elevation works are recommended during the winter period. Optimal construction periods are Spring and Autumn.

10.5 Projected Construction Budget

EP has developed a complete capital expenditure budget for the project. This budget can be found attached. The budget utilises current market rates for construction, with all rates set at the higher end of market averages. Notably, projected pricing has been increased to account for current inflationary activity, and COVID-related market cost increases.

10.6 Staging Considerations

The primary consideration with implementation staging will be the significant harvest activity impacting the network through 2024-26. To avoid a loss of climbing and/or uplift continuity, a development focus will need to be prioritised to the east of the current network focus at Emily Spur. EP suggest a focus on the following key trail experiences in this area; intermediate flow/jump trail descent, intermediate climb, and a technical descent trail. Based on the current concept plan, EP suggests an initial focus on developing the following trail numbers;

- N3
- N13
- N8
- N19

A focus on the Emily Spur area provides climbing continuity, and an interim uplift drop off point at the Moran Road and Hazeldine Road junction.

10.7 Mystic Bowl Post Harvest Considerations

With much of the Mystic Bowl due to be harvested across 2024-26 there will be major impacts on core trails in the network, including but not limited to; Down DJ, Up DJ, and Shred Kelly's Last Stand. EP has assessed the alignments of trails in this zone, and suggests that a like-for-like replacement of these trails occur post harvesting. All key trails in this zone fulfill a purpose, and provide generally sound alignments and experience. More detailed planning will be possible post harvesting.

10.8 General Post Harvesting Processes

HVP has a strong preference for trail development post harvesting to occur post replanting of the area. Replanting occurs only during winter months, which results in a random duration post harvest for trail development. Despite this, HVP has noted that there may be scope to negotiate this process in the case of critical trail replacement/development.

11 Operational Considerations

11.1 Auditing and Maintenance

Trail auditing and maintenance is a crucial component of mountain bike destination management. An appropriate audit and maintenance schedule optimises rider safety, while also providing an optimal riding experience.

EP has developed a separate audit and maintenance plan, which is available as a separate document.

11.2 Risk and Incident Management

EP has developed a separate risk and incident management plan. This is available as a separate document.

11.3 Projected Management Budget

EP has developed a projected management budget, based on the current, and proposed new trail networks. These budgets can be found in the separate management options report.

11.4 Management Model Options

EP has developed a separate operational model analysis. This is available as a separate document.

11.5 Event Considerations

11.5.1 Overview

The Mystic venue has a long history of hosting a wide range of events, including several mountain bike national championships. The venue has a number of hosting space options, which when combined with the trails offers a broad range of event opportunities.

11.5.2 Event Opportunities

11.5.2.1 *Cross country and related formats*

MP has successfully hosted several national-level cross country events, with most of the trail infrastructure from these events still in place. The venue is well suited to this event type.

11.5.2.2 *Enduro*

The Mystic venue is particularly well suited to enduro events, with a wide variety of descending trails serviced by a number of arterial climbing trails. Enduro events are limited by the lack of a dedicated summit climbing trail, though are otherwise well catered for by both the current and future proposed trail networks.

11.5.2.3 *Downhill*

MP has a long history and strong legacy of gravity mountain bike events, including several national championship events. The main race trail, Mystic DH has been closed for the past two years, and is yet to be replaced. At the time of preparing this report there is no suitable downhill trail for racing at the venue.

EP has proposed a new downhill racecourse that features a number of alternate course options to allow for hosting of a range of course formats.

11.5.2.4 *Festival Format*

The MP venue is suitable for a range of multi-day festival format events. The potential for this event type is strengthened by the proximity of Pioneer Park, and the diversity and scale of the current trail network.

11.5.2.5 *Event hosting fees*

Benchmarks for event hosting fees in Australian mountain biking vary greatly. EP suggests events are charged per rider, per day, with fees based around the impact of the event on the trail network. Ultimately, event fees should at a bare minimum provide revenue proportionate with the maintenance needs attributed to the hosting of the event.

EP suggest fees range between \$10-20 per rider, per day.

12 Economic Impact Analysis

12.1 Overview

Across Australia and around the world, mountain bike destinations are having a significant impact on regional economies, driving strong visitation and visitor spending activity. EP has developed an economic impact assessment (EIA) based on completion of all proposed trails.

A current economic impact was developed by Urban Enterprise in January 2022. EP have reviewed and support the data developed in this report, which stated a total direct economic impact of \$27.1m, and a total indirect impact of \$39m per annum. The report also found that the Mystic Park generates 8% of the total visitor spend for the Alpine Shire region, making it a critical component of the visitor economy for the region.

12.2 Projected Visitation

Day Visits	Overnight Visits
35,000	30,000
Total Visitors	75,000

Notably, Urban Enterprise did not have accurate visitation data available when estimating a total of 58,800 annual visits to the park in 2021. This data also included all users of the park, whereas EP have focused estimates only on mountain bike users.

12.3 Assumptions and Rationale

EP has made the following assumptions in preparing this EIA;

- EP has based visitation estimates on a scenario of most/all of the proposed trails in this plan being developed essentially in line with the concept plan
- EP has based projections on visit days and nights, rather than individual visitors, with overnight visits essentially represented as bed nights
- EP has estimated that average length of stay will be 3 nights, noting that this essentially represents 10k unique visitors in the current data estimates
- For consistency, EP has replicated the visitor spend data utilised in the Urban Enterprise EIA (\$83 domestic day spend/\$517 domestic overnight spend)

- EP does not believe that the international visitation to MP is significant enough to warrant consideration of a slightly higher overnight spend for these visitors

12.4 Projected EIA

Visitor Type	Daily Spend	Volume	Total
Day	\$83.00	35,000	\$2,905,000.00
Overnight	\$517.00	30,000	\$15,510,000.00
Total Direct	\$18,415,000.00		
Total Indirect	\$16,573,500.00		
Total Impact	\$34,988,500.00		

13 Conclusion

MP has had a somewhat challenging few years, with significant visitation growth, and subsequent management challenges associated with this growth. Despite this, MP remains widely considered as one of Victoria's top mountain bike destinations. While the park provides a diverse network of trails, there remains significant gaps in the network, which will be amplified with the loss of key trail areas due to planned harvesting across the next several years.

This TMP builds upon and updates the 2014 plan, providing a pathway to establish MP as one of Australia's leading mountain bike destinations. The proposed ~64.3km of new trails diversify and expand the current trail network, filling critical gaps in connectivity and trail progression, while expanding the network into a viable 5–7-day tourist destination.

MP has several unique attributes that contribute to its potential and strength as a mountain bike destination. Many of these attributes will contribute to its potential to retain and grow its market position against new and emerging destinations such as Warburton. While most new destinations are in areas with high environmental values, MP's plantation location allows for a style and intensity of trail development that will never be viable in most destinations.

The proposed ~64.3km of new trails proposed in this master plan will re-establish MP as one of Australia's top tier mountain bike destinations, opening a range of new and expanded event opportunities, and significantly increasing visitation and regional economic benefit.

14 Attachment 1- Construction Budget

Mystic Park - Construction Budget

6-Jun-23

TRAIL CONSTRUCTION						
Trail	Difficulty	Style	Format	Length	Lin M Cost	Total Cost
N1	Blue Square	Flow	Descent	2780	\$ 95.00	\$ 264,100.00
N2	Double Black Diamond	Tech	Descent	1700	\$ 110.00	\$ 187,000.00
N3	Blue Square	Flow	Climb	2700	\$ 95.00	\$ 256,500.00
N4	Blue Square	Flow	Descent	3633	\$ 95.00	\$ 345,135.00
N5	Green Circle	Flow	Descent	6500	\$ 75.00	\$ 487,500.00
N6	Green Circle	Flow	Climb	3340	\$ 75.00	\$ 250,500.00
N7	Blue Square	Flow	Descent	1571	\$ 95.00	\$ 149,245.00
N8	Blue Square	Freeride / Jumps	Descent	3400	\$ 120.00	\$ 408,000.00
N9	Double Black Diamond	Freeride / Jumps	Descent	1941	\$ 150.00	\$ 291,150.00
N10	Black Diamond	Tech	Descent	2075	\$ 110.00	\$ 228,250.00
N11	Double Black Diamond	Tech	Descent	1115	\$ 110.00	\$ 122,650.00
N12	Black Diamond	Freeride / Jumps	Descent	3390	\$ 135.00	\$ 457,650.00
N13	Green Circle	Flow	Climb	5400	\$ 75.00	\$ 405,000.00
N14	Blue Square	Tech	Descent	3390	\$ 85.00	\$ 288,150.00
N15	Black Diamond	Blend	Descent	2491	\$ 135.00	\$ 336,285.00
N16	Green Circle	Freeride / Jumps	Descent	1600	\$ 100.00	\$ 160,000.00
N17	Green Circle	Flow	Climb	2100	\$ 75.00	\$ 157,500.00
N18	Green Circle	Flow	Adventure	1160	\$ 75.00	\$ 87,000.00
N19	Blue Square	Blend	Descent	2086	\$ 95.00	\$ 198,170.00
N20	Blue Square	Flow	Climb	1160	\$ 95.00	\$ 110,200.00
N21	Blue Square	Flow	Climb	1800	\$ 95.00	\$ 171,000.00
N22	Blue Square	Flow	Climb	4020	\$ 95.00	\$ 381,900.00
N23	Blue Square	Flow	Descent	2671	\$ 95.00	\$ 253,745.00
N24	Blue Square	Flow	Descent	2286	\$ 95.00	\$ 217,170.00
					Subtotal =	\$ 6,213,800.00
					GST =	\$ 621,380.00
					Total =	\$ 6,835,180.00

ANCILLARY INFRASTRUCTURE			
Item	Volume	Cost	Total
Signage (2.5%) (provisional sum)	1	\$ 170,879.50	\$ 170,879.50
Fencing (provisional sum)	1	\$ 25,000.00	\$ 25,000.00
Platforms (provisional sum)	1	\$ 50,000.00	\$ 50,000.00
Bike wash (provisional sum)	1	\$ 25,000.00	\$ 25,000.00
		Subtotal =	\$ 270,879.50
		GST =	\$ 27,087.95
		Total =	\$ 297,967.45

MANAGEMENT & MARKETING			
Item	Volume	Cost	Total
Project Management (client side)	1	\$ 683,518.00	\$ 683,518.00
Marketing Budget (2.5%) (provisional sum)	1	\$ 170,879.50	\$ 170,879.50
		Subtotal =	\$ 854,397.50
		GST =	\$ 85,439.75
		Total =	\$ 939,837.25

TOTAL PROJECT BUDGET	
Item	Total
Trail Development	\$ 6,213,800.00
Ancillary Infrastructure	\$ 270,879.50
Management and Marketing	\$ 854,397.50
Subtotal = \$ 7,339,077.00	
Project Contingency (20%)	\$ 1,467,815.40
Subtotal = \$ 8,806,892.40	
GST = \$ 880,689.24	
Total = \$ 9,687,581.64	



Informal Meeting of Councillors

In accordance with Chapter 8, section A1 of Council's [Governance Rules](#), the Chief Executive Officer must ensure that a summary of the matters discussed at an Informal meeting of Councillors is tabled at the next convenient Council meeting, and recorded in the minutes of that Council meeting.

Meeting Title: Briefing Session
Date: Tuesday 31 October 2023
Location: Briefing Session – Bright Committee Room
Start Time: 2.00pm
Finish Time: 5.30pm
Chairperson: Will Jeremy, Chief Executive Officer

Councillor and staff attendees:

Name	Position	Name	Position
Cr John Forsyth	Mayor	Will Jeremy	Chief Executive Officer
Cr Tony Keeble	Deputy Mayor	Helen Havercroft	Director Customer & Community
Cr Katarina Hughes	Councillor	Alan Rees	Director Assets
Cr Ron Janas	Councillor		
Cr Sarah Nicholas	Councillor		
Cr Simon Kelley	Councillor		
Cr Kelli Prime*	Councillor		

*Attendance via electronic means

Councillor and staff apologies:

Name	Position

1. Conflict of interest disclosures

Disclosures of Conflicts of Interests must be made in accordance with Chapter 7, sections A3-A5 of Council's [Governance Rules](#), and recorded here.

N/A

2. Record of Councillors that have disclosed a conflict of interest leaving the meeting

N/A

3. Items

Item
Acknowledgement of Traditional Owners
Mystic Park Risk Assessment and Financial Model
Mystic Park discussion
ACP bushfire funded project update
Ordinary Council Meeting agenda review



Informal Meeting of Councillors

In accordance with Chapter 8, section A1 of Council's [Governance Rules](#), the Chief Executive Officer must ensure that a summary of the matters discussed at an Informal meeting of Councillors is tabled at the next convenient Council meeting, and recorded in the minutes of that Council meeting.

Meeting Title: Briefing Session
Date: Tuesday 14 November 2023
Location: Briefing Session – Bright Committee Room
Start Time: 2.00pm
Finish Time: 5.30pm
Chairperson: Will Jeremy, Chief Executive Officer

Councillor and staff attendees:

Name	Position	Name	Position
Cr John Forsyth	Mayor	Will Jeremy	Chief Executive Officer
Cr Tony Keeble	Deputy Mayor	Helen Havercroft	Director Customer & Community
Cr Sarah Nicholas	Councillor	Alan Rees	Director Assets
Cr Simon Kelley*	Councillor		
Cr Kelli Prime	Councillor		

*Attendance via MS Teams

Councillor and staff apologies:

Name	Position
Cr Katarina Hughes	Councillor
Cr Ron Janas	Councillor

1. Conflict of interest disclosures

Disclosures of Conflicts of Interests must be made in accordance with Chapter 7, sections A3-A5 of Council's [Governance Rules](#), and recorded here.

N/A

2. Record of Councillors that have disclosed a conflict of interest leaving the meeting

N/A

3. Items

Item
Acknowledgement of Traditional Owners
Bright Valley Development
Mystic Park discussion
Enterprise Agreement
Financial Plan
Public Bins and Amenities Cleaning Service



Informal Meeting of Councillors

In accordance with Chapter 8, section A1 of Council's [Governance Rules](#), the Chief Executive Officer must ensure that a summary of the matters discussed at an Informal meeting of Councillors is tabled at the next convenient Council meeting, and recorded in the minutes of that Council meeting.

Meeting Title: Briefing Session
Date: Tuesday 21 November 2023
Location: Briefing Session – Bright Committee Room
Start Time: 2.00pm
Finish Time: 5.30pm
Chairperson: Will Jeremy, Chief Executive Officer

Councillor and staff attendees:

Name	Position	Name	Position
Cr John Forsyth	Mayor	Will Jeremy	Chief Executive Officer
Cr Tony Keeble	Deputy Mayor	Helen Havercroft	Director Customer & Community
Cr Katarina Hughes	Councillor	Alan Rees	Director Assets
Cr Ron Janas	Councillor		
Cr Simon Kelley	Councillor		
Cr Sarah Nicholas	Councillor		
Cr Kelli Prime	Councillor		

Councillor and staff apologies:

Name	Position

1. Conflict of interest disclosures

Disclosures of Conflicts of Interests must be made in accordance with Chapter 7, sections A3-A5 of Council's [Governance Rules](#), and recorded here.

N/A

2. Record of Councillors that have disclosed a conflict of interest leaving the meeting

N/A

3. Items

Item
Acknowledgement of Traditional Owners
Carbon Offsets / Insets – External Presentation
Bright Valley Development – Human Habitats/ Deague
Public Bins and Amenities Cleaning Contract Award