



Colac Otway
SHIRE

COUNCIL POLICY

Council Policy Title:	Use of the Old Beechy Rail Trail by Recreational Vehicles
Council Policy ref. no:	12.5
Responsible Department:	Corporate and Community Services
Date of adoption/review:	24 July 2013

1. PURPOSE

The purpose of this policy is to provide objective criteria to determine appropriate use of the Old Beechy Rail Trail (Trail) by recreational vehicles. This policy will assist the Old Beechy Rail Trail Committee to perform their delegated duties and ensure appropriate use of the Trail.

2. INTRODUCTION

The Trail was opened in 2005 and follows one of the State's former narrow gauge railway lines from Colac through to Beech Forest. The Trail runs on or near the route of the railway, using the original rail formation in many places, as well as accessing land owned by private land holders under a Licence agreement arrangement. The Trail is 45km in length but can be completed in shorter sections and in either direction. The Trail passes through the towns of Barongarook, Gellibrand, Dinmont and Beech Forest.

The Trail is located on a combination of Council owned land, private land and Crown Land. The Department of Environment and Primary Industries (DEPI) has appointed Colac Otway Shire (COS) as Committee of Management over small sections of the trail that traverse crown land. Colac Otway Shire has successfully negotiated License Agreements with a number of private land owners for access to the Trail across private land. Hence Colac Otway Shire retains ultimate management responsibility for the Trail.

The Old Beechy Rail Trail Committee is a Section 86 Committee of Management. Under s.86(7) of the *Local Government Act* (the Act) this committee is classed as a Special Committee, which is defined as follows:

“A committee that exercises a power, or performs a duty or function of the Council that has been delegated to that committee under any Act is a special committee for the purposes of this Act.”

The committee has an Instrument of Delegation including a Charter which sets out the function, duties or powers of the committee.

The Trail is used for the purposes of walking, cycling and horse riding.

3. SCOPE OF THE POLICY

This Policy generally bans the use of motorised vehicles on the Trail with the exception of the following:

- Authorised maintenance vehicles;
- Authorised inspection vehicles;
- Emergency vehicles

This Policy does not apply to land owners and their agents on their own land. Where the Trail is not suited for motorised vehicles it will be signed accordingly.

Recreational vehicles are prohibited from using the Trail from Dinmont to Beech Forest.

The following scenarios will be subject to an application process:

- Vehicles which provide access to the Trail for those members of the community that would not normally be able to access the Trail; and/or
- Vehicles required to service the activities of Trail users including walkers and cyclists

The Old Beechy Rail Trail Committee will assess requests for use of the Trail by recreational vehicles via a written application (Appendix 1). Applications will be assessed by the Committee and must meet the following criteria:

- A Risk Management report has been developed and approved by Council's Risk Management Unit.
- That the vehicle operator has appropriate insurances and registrations;
- The vehicular use is not detrimental to the Trail;
- Use of the Trail will be limited to a maximum of 12 occasions per applicant per calendar year, with preference being for mid week use;
- Should more than one applicant request the same date, the application lodged first will be given priority subject to meeting the appropriate approval requirements;
- Approved applicants will have sole recreational vehicle use of the Trail on requested dates. Applicants will not have exclusive use of the Trail as access must be provided to walkers and riders at all times.

Private land owners will be notified of recreational vehicular use of the trail on approval by the Committee.

4. DEFINITIONS

For the purpose of this policy, a "vehicle" is defined as a land-based motorised device that is designed or used to transport people or cargo.

"Recreational vehicles" on the trail are considered to be all vehicles other than emergency vehicles, maintenance vehicles or inspection vehicles.

"Emergency vehicles" include Police, Fire, SES or ambulances.

5. RELATED LEGISLATION

Not applicable.

6. RELATED POLICIES/PROCEDURES/GUIDELINES

Colac Otway Shire Instrument of Delegation Special Committee – Old Beechy Rail Trail Committee.

7. POLICY IMPLEMENTATION

This policy will be reviewed in accordance with the review of the Colac Otway Shire Instrument of Delegation Special Committee – Old Beechy Rail Trail Committee.

ADOPTED/AMENDMENT OF POLICY

Policy Review Date	Reason for Amendment
30 March 2011	Adopted by Council
24 July 2013	Review

APPENDIX 1

Application to use a Recreational Vehicle on the Old Beechy Rail Trail.

Name		
Organisation (if applicable)		
Address		
Phone		
Email		
Requested dates and times of use	Day/s	Time/s
Reason for use		

The applicant must provide evidence of relevant insurances, registrations and risk management assessments including:

- Copies of required insurances showing certificate of currency including a minimum \$10,000,000 public liability insurance;
- A Risk Management report including Occupational Health and Safety requirements and site specific potential hazard assessment;
- Evidence of current and correct licences;

TERMS & CONDITIONS

- (1) All required documentation must be provided in full at least one month prior to use of the Old Beechy Rail Trail (Trail), unless the Old Beechy Rail Trail Committee (Committee) has approved suitable arrangements.
- (2) The applicant will not have exclusive use of the Trail and the Committee reserves the right to allow use of the Trail by other persons at any time.
- (3) The Committee reserves the right to cancel the applicant's use of the Trail on a date shown in this application in the event of the Trail being required for an extraordinary function or extraordinary use.
- (4) The Committee reserves the right to cancel the applicant's use of the Trail on a date shown in this application in the event that the Trail is unsuitable for use.
- (5) The applicant shall not do, or neglect to do, or permit to be done or left undone, anything that will affect the Colac Otway Shire Council's (Council) Insurance Policy or Policies relative to fire or public risk in connection with the use of the Trail and the applicant hereby agrees to indemnify the Council to the extent that such policies are affected by commission or omission.
- (6) The applicant agrees to indemnify and keep indemnified and to hold harmless the Committee and the Council, its servants and agents and each of them from and against all actions, claims, charges, expenses and damages whatsoever which may be brought about or made or claimed against it by any of them arising out of or in any way related to the use of the Trail.
- (7) The applicant shall at all times during the allocated period of use insure and keep insured with an insurance company approved by the Council against public risk for an amount of not less than \$10 million.
- (8) Bookings may need to be re-scheduled or cancelled in the event of unforeseen weather conditions. If weather conditions are extreme, Trail conditions will be monitored and an assessment will be made as to appropriateness of use.

UNDERTAKING

I _____ of _____

hereby make application for use of the Trail for the dates and times specified and acknowledge having received and read the Terms and Conditions of hire and undertake to be bound by and comply with the Terms and Conditions in every respect and I further undertake to be responsible for ensuring that all individuals or groups using the Trail in association with this application comply with the terms and conditions.

SIGNATURE OF APPLICANT: _____

DATE: _____