

12. Officers' reports**CM.182/21 BMX Site near Challenger St Reserve, Diamond Creek****Distribution: Public****Manager: Hjalmar Philipp, Director Operations and Infrastructure****Author: Rebecca Burton, Acting Manager Recreation and Leisure
Jonathon Miller, Manager Property and Facilities Maintenance
Heath Gillett, Acting Community Safety Manager****Summary**

This report provides information on a community built BMX jump site in an area of VicTrack land under lease to Nillumbik Shire Council near Challenger Street Reserve, Diamond Creek.

A Council decision is required to direct the Chief Executive Officer on the next steps with respect to managing this land being leased from VicTrack land, including in relation to managing the risks associated with the BMX jumps.

Recommendation

That Council:

1. Requests officers to work with VicTrack, Metro Trains and Melbourne Water to mitigate the impacts and risks associated with the BMX jumps to the west of the railway line in the area of VicTrack land leased to Nillumbik Shire Council near Challenger Street Reserve, Diamond Creek. Where impacts and risks cannot be mitigated, proceed with removing the BMX jumps and rehabilitating the area.
2. Requests officers work with VicTrack to excise the area of VicTrack land between the railway line and Diamond Creek from the lease with Nillumbik Shire Council and Council execute a Deed of Variation of Lease to reflect the amended leased area.
3. Endorses the allocation of up to \$50,000 from 2021/2022 budgeted borrowings to consult and work with BMX specialist/s to develop a draft concept BMX and off ride facility at a suitable alternate location.

Attachments

1. BMX Jump Mountain Bike Track Policy 2005

Discussion

1. Over the past two years, there has been an increasing number of informal dirt jumps and mountain bike tracks being built in Nillumbik.
2. Members of the community build these tracks on land owned and managed by local and State Government, including VicTrack and Melbourne Water, but any action on these structures impact the Nillumbik community.
3. The trend has shifted significantly from BMX racing track style to a more unstructured free-style activity, this has been exacerbated by the State's lockdowns due to COVID-19.

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4. Unstructured and free-style bike tracks are an important way in which the community, especially youth, can participate in a recreation and leisure activity, connect socially and support and improve mental health and wellbeing.
5. In the case of unstructured BMX activity, Council's objectives around youth, health and wellbeing, and recreation and leisure can be limited by its responsibilities around public safety and environment protection.
6. In mid-November 2021, BMX bike jumps on land owned and managed by VicTrack located near Challenger Street Reserve Diamond Creek were removed by VicTrack. Those jumps were originally built by the community, some 30 years ago.
7. Another similar, community built jump site remains in close proximity, in a heavily vegetated area between the western side of the railway line and the Diamond Creek. Use of the site for this purpose has not been authorised by Council.
8. This BMX jump site is on VicTrack land, under lease to Nillumbik Shire Council. The leased area is identified as Lot 22 below.



9. Council's BMX Policy (**Attachment 1**) contains suitability criteria for BMX jump sites on land for which Council has responsibility. The location near the railway line is not considered to meet these criteria and therefore under the policy would be demolished.
10. A site walkover identified the main issues arising from the BMX jumps at this location as:
 - a) Public safety (from access along railway line, falling trees, construction and use of jump and use of building structures).
 - b) Environmental (impacts to vegetation, soil, water, and wildlife).

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11. A Visual Tree Assessment (VTA) was conducted for a number of trees on this site. A VTA consists of a detailed visual inspection of a tree including the surrounding site, looking at the buttress (root plate disturbance), trunk, branches and leaves. The trees were observed from a distance and close up to consider the potential damage to the trees and landscape surroundings. It provides an assessment of the trees with regard to their health, structure and retention value in the landscape and identifies the impact of the excavation works on the future longevity of the trees.
12. When officers inspected the site they found that it is the combination of the root zone and surrounding landscape which has mostly been affected from the excavation and track construction causing major root disturbance around the base of numerous trees which is required for the tree's stability in the ground. The woody root growth and soil cohesion in this area is necessary to hold the tree upright, so that the tree remains viable.
13. Soil around the base of the mature trees has been excavated to the point where the long term future of the trees is at risk and are more likely to fall and cause potential damage to person or property.
14. There have been channels and cuts within the land that have been made for the construction of bike jumps and BMX track which have caused a large amount of root disturbance around many large mature trees. This disturbance is likely to contribute to major tree failure in the future.
15. As a result of the BMX construction, site conditions have changed and there is a high level of compaction and existing changes in levels surrounding trees due to soil erosion from water and ground disturbance.
16. The site area contains remnant indigenous vegetation, some of which has been removed or relocated. Root damage is the most common cause of damage to the trees on this site.
17. The Structural Root Zone (SRZ) surrounding the trees on the site has compromised future tree stability and structure and has increased the potential for future tree failure. SRZ refers to the minimum volume of roots required by the tree to remain stable in the ground. If the SRZ is compromised the chances of wind throw are significantly increased. Wind throw is an event where the entire tree fails/falls over.
18. Access to this site requires users to walk on and alongside the railway track, including over a section where the railway forms a bridge over the Diamond Creek. Aside from endangering users, this causes issues with any future maintenance of the site and access by emergency vehicles.
19. The method of construction of the structures and jumps is unknown. To mitigate risk associated with these structures, further technical investigation would be verified and then maintained to a minimum standard. Poor construction could create potential for serious injury to a user.

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20. A structure has been built on site which does not meet the requirements of the Building Code of Australia and AS1684.1 Residential Timber Framing Construction, in construction methods, timber treatments and timber sizing. Observations from Council's Deputy Municipal Building Surveyor are:
- a) The decking onsite is bouncy underfoot indicating that the timbers aren't supported adequately or are over spanned. Over the front door the timbers are joined mid span in lieu of being joined over points of support.
 - b) The two trees either side of the front of the structure have been used for support and anchoring off also. Should these trees begin to move independently of one another end support may be lost to the structural timbers.
 - c) The roof rafters appear to be tree logs harvested onsite and looking at the span of the roof there is visible sag in the timbers.
 - d) The structure houses a "chimenea" style wood burner inside.
21. With respect to environmental impacts, the vegetation has been severely impacted through excavation and track construction and in the most extreme cases has led to large trees that are critical to wildlife and bank stabilisation being undermined and falling. Through the widespread clearing of indigenous vegetation, it has led to conditions that will be favoured by the many environmental weeds present onsite that will persist in the long term and have a long term impact on vegetation structure and changes to soil chemical composition. This will require significant ongoing weed control and successful revegetation works to rehabilitate the site.
22. Through the loss of vegetation, weed infestation, litter and other pollutants brought into site including makeshift toilets, the soil will be adversely affected leading to erosion, changes in chemical composition and overall soil health that will in turn impact indigenous vegetation, critical fungal associations and waterway health.
23. Waterways are impacted in several ways including, increased sediment loads due to erosion, pollution from hard waste and other contaminants, destabilisation of creek banks from vegetation loss and also increased pressure from opportunistic rabbit activity that will benefit from disturbed soil and vegetation removal.
24. Wildlife will be impacted directly from vegetation removal that provides critical habitat to native insects, reptiles, fish, frogs, birds and mammals including platypus. The displacement of many of these species and disturbance to soil and vegetation will also benefit feral animal activity including rabbits and foxes that will exacerbate the pressure on the surrounding environment.

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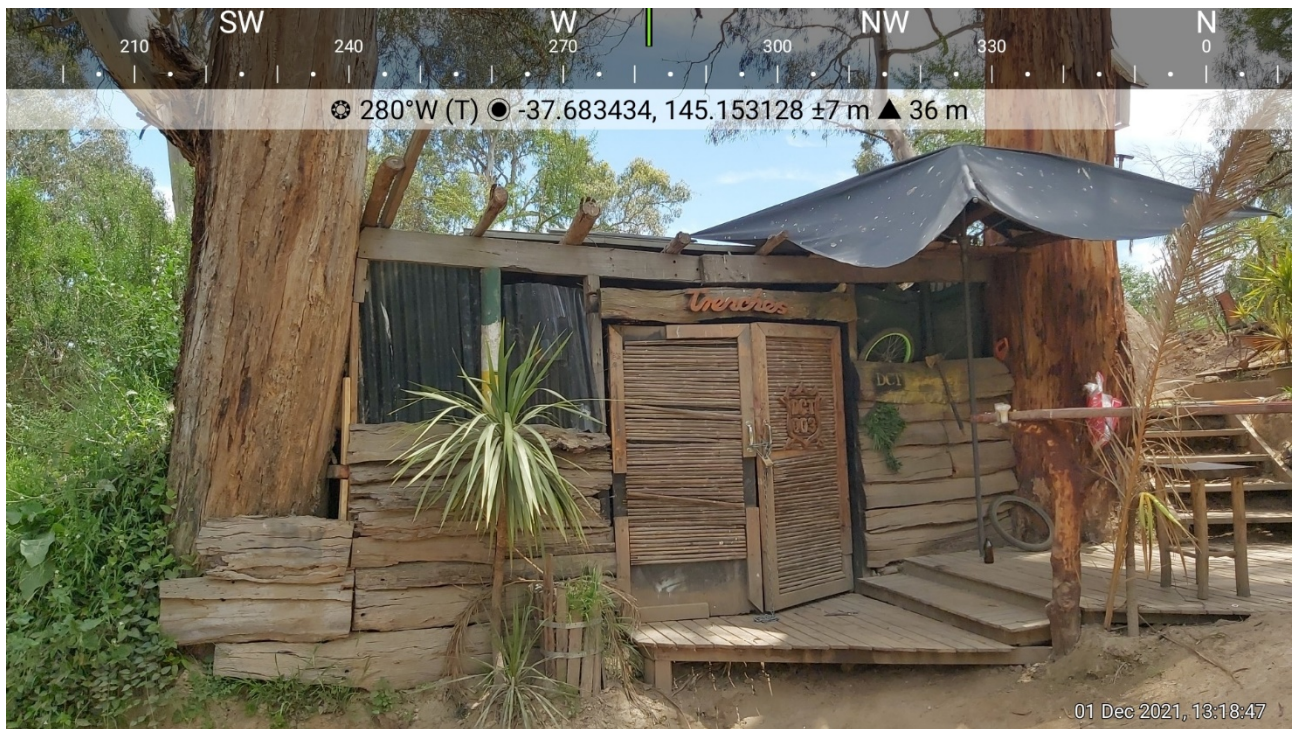
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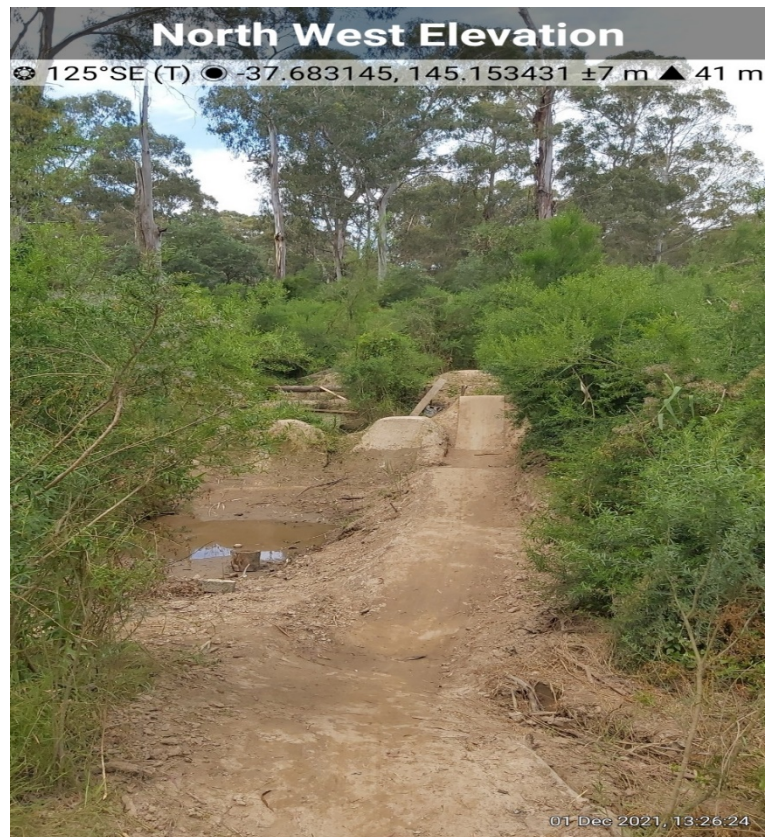
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Related Council decisions

25. At the Council Meeting on 30 November 2021 Council unanimously resolved to:

Requests officers to:

- a. *Continue to work with the land holder VicTrack and various responsible agencies such as Melbourne Water and Metro Trains to find solutions to mitigate and manage the risks on the land alongside the Hurstbridge Rail Line and Diamond Creek, near the Diamond Creek linear reserve.*
- b. *Commence consultation with the community for BMX and off-roading opportunities in the area near the Diamond Creek trail on Allendale Road.*
- c. *Commence investigation into BMX and off-road biking opportunities across the Shire and provide progress updates to Council throughout 2022.*

Seeks funding from relevant state agencies and advocates to all levels of government to identify funding opportunities to develop BMX and off-road biking locations in the Shire

Options

26. There are several risks and impacts that require mitigation and management. In the event this cannot be achieved, in line with Council's BMX Policy and general duty of care, the structures and jumps/tracks should be removed.

Council plans and policies

27. This report directly supports the achievement of the Council Plan 2021-2025 strategy:

- We carefully protect, plan, maintain and improve open spaces, streetscapes and places to ensure that they are safe, accessible and enjoyable.
- Draft Recreation and Leisure Strategy 2022 – 2030

Priorities and Objectives in the Strategy;

- Priority 1: Increasing Participation and Usage of Facilities and Open Space
Objective: Recreation and Leisure actively support and promote opportunities to participate in active recreation opportunities, including walking, skating, scootering and cycling.
- Priority 2: Promoting Equity and Inclusion
Objective: Projects, programs and services which support and increase in access, equity and inclusion in recreation are prioritised for funding.
Objective: Recreation and Leisure actively pursue options to make recreation and leisure facilities more accessible.
Objective: Recreation and Leisure proactively work with community groups to increase awareness and build capacity around inclusion best practice.
- Priority 3: Infrastructure Renewal and Upgrade
Objective: Recreation and Leisure actively pursue grant funding opportunities to develop and renew assets to meet community needs.

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- Nillumbik BMX Jump and Mountain Bike Track Policy 2005 (**Attachment 1**):
 - to ensure appropriate public safety is achieved and maintained in this recreational setting
 - establish a fair and reasonable process to deal with emerging BMX and mountain bike facilities on Council land
 - protect and enhance the natural environment through appropriate site selection and placement of BMX and mountain bike tracks
 - ensure the process of community engagement is effective, democratic and meets expectations

Sustainability implications

28. Impacts on the environment are outlined in the discussion section of this report.

Community engagement

29. Following the adoption of the Notice of Motion at the Council Meeting on 30 November 2021, consultation commenced December 2021 and will conclude on 13 February 2022.
30. Postcards, hardcopy surveys and discussions were distributed and held at the 'Girls to the Front gig' on 9 December 2021 at the Eltham Town Square (an event hosted by the Youth team).
31. Pop up face to face consultation sessions have been scheduled for the:

Date	Time	Location
15 December 2021	3pm – 5pm	Diamond Creek Skate Park
18 December 2021	11am – 1pm	Eltham Skate Park
14 January 2022	10am – 12pm	Hurstbridge Skate Park
10 February 2022	4.30 – 6.30pm	Diamond Creek Skate Park

32. The Youth Council have a meeting scheduled for 7 February 2022, where BMX and off road biking is an agenda item for discussion.

Innovation and continuous improvement

33. Community feedback is sought on innovative approaches to meeting community demand for BMX jump sites in Nillumbik.

Collaboration

34. Officers are liaising with other Councils who have similar community needs in regards to BMX and off-road biking to gain an understanding of what has worked well when working with the community to achieve a desired outcome.
35. Council's Chief Executive Officer has raised these public safety concerns with VicTrack, VicMetro and Melbourne Water to seek their support to manage the risks.

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Budget implications

- 36. A budget allocation will be required to support consultation and planning to develop design a draft concept of a BMX and off ride facility.
- 37. It is proposed this allocation be sourced from Council's 2021/2022 budgeted borrowings to support planning capital projects for future grant submissions.
- 38. This allocation will not impact the delivery of any current projects or contribution grants already submitted.

Relevant law

- 39. Not applicable.

Regional, state and national plans and policies

- 40. Not applicable.

Conflicts of interest

- 41. Officers who have been involved in the preparation of this report declare they do not have a conflict of interest in the subject matter of this report.