

**Submission  
No 24**

## **NON-REGISTERED MOTORISED VEHICLES**

**Organisation:** Warringah Council  
**Name:** Mr Rick Hart  
**Position:** General Manager  
**Date Received:** 19/04/2013

18 April 2013

[staysafe@parliament.nsw.gov.au](mailto:staysafe@parliament.nsw.gov.au)

Dear Sir or Madam

**Re: Submission on the Staysafe inquiry into non registered motorised vehicles**

Thank you for the invitation to make a submission to the inquiry into non registered vehicles.

Please note that the submission is made by staff and has not been endorsed by Councillors due to the time constraints for lodging submissions and Council's reporting schedule.

I note that the Committee anticipates public hearings to gather further evidence will be held after the close of submissions.

Should you wish to hear representatives from Warringah Council or have any further questions, please advise [REDACTED]

[REDACTED]

**General Manager**



# **Submission to the Staysafe Inquiry into non registered motorised vehicles**

## **NOTE: STAFF SUBMISSION ONLY - NOT ENDORSED BY WARRINGAH COUNCILLORS**

### **Introduction**

Warringah Council is located on Sydney's Northern Beaches and covers approximately 152 square kilometres including 14km of beaches and coastline.

Warringah's natural features – the bush, the beach and the lagoons – are part of its attraction for everyone who works, lives or travels in the area.

Additionally, Warringah is host to several large retirement villages, and remains an attractive destination especially for older people.

However, the difficult coastal terrain poses an ongoing challenge for access and mobility. This was recognised in 1948 when the County of Cumberland Plan identified that industrial development had "been retarded" due to the natural topography and transport difficulties (quoted in Cardew, Langdale and Rich: *Why Cities Change* [www.routledge.com/books](http://www.routledge.com/books)).

Today the topography has not substantially changed, but transport, access and mobility remain issues in Warringah. Combined with an ageing population, these factors pose significant challenges in Warringah.

Council is supportive of an integrated approach to transport planning across transport nodes and the network as well as the integration with land use planning to build more liveable centres and to make it easier for people to access employment, education and other services via more sustainable transport modes.

Council is also open to innovative solutions that can help people remain mobile and access wherever they may need to travel.

### **Topography**

The topography rises from the relatively flat coastal plain in the east to ridges along Forest Way and Mona Vale Road with elevations ranging from 0m to approximately 200m above sea level.

Much of Warringah is steep or undulating, and combined with traffic and a lack of facilities these factors can be a deterrent for cycling. However modern gearing systems for bicycles, power-assisted bikes and mobility scooters can overcome most issues with steep terrain.

### **Recommendation**

That Staysafe support mobility initiatives such as scooters, powered wheelchairs, power-assisted bicycles, etc to help people negotiate the relatively difficult terrain in Warringah.

That Staysafe recommend additional state government support for local governments to expedite their Bike Plans and Pedestrian Access and Mobility Plans, especially in the provision of wider shared paths that can accommodate such vehicles and other users, allowing all users to travel with sufficient space for comfort.

### **Demography**

Compared with the rest of Sydney, the proportion of people aged 65+ is high in Warringah. In 2006, 15.1% of the population was 65+, compared with 12% for Sydney as a whole.

In 2011, the proportion of people 65+ has increased to 15.4%, compared with 12.7% for Sydney, and nearly 33% of older people in Warringah were born overseas.

By 2031 the proportion of older people is forecast to rise to 18%, with a wide range of financial circumstances and to be comprised increasingly of 'baby boomers'. It is expected that there will be more demands on the choice and quality of services, 'lifestyle' options and that older people in Warringah will become less homogenous and more diversified, eg in their financial circumstances, cultural backgrounds and so on.

In less than 20 years, many baby boomers will be in or approaching their 80s, with a likely range of mobility impairments that seem associated with the ageing process. While driving remains an option for many, there will also be many who should not, cannot or who choose to no longer drive themselves. And there will also be many who find walking difficult or impossible.

For these people mobility options such as power assisted bicycles or tricycles, motorised wheelchairs and scooters help maintain their independence to shop, attend appointments or meetings, keep up social connections, and for recreation or simply getting out and about.

### **Recommendation**

That Staysafe recognises that the population is ageing and that consequently an increasing proportion of the population is likely to have driving restrictions and consequent loss of independence.

That Staysafe recognises the need for alternatives to private car use and supports local government in lobbying for improved public transport options, as well as investigating innovative solutions for independent travel and mobility including the use of motorised non registered vehicles.

### **Environmental considerations**

As an organisation, Warringah is serious about reducing our impact on the planet and is proud to be taking a leading role in the community in sustainability.

Warringah Council is continually looking for new ways to reduce its fleet's carbon emissions and has implemented a long-term vision for greenhouse gas reduction.

Council is implementing its BikePlan 2010 – 2015, and also the Pedestrian Access and Mobility Plan.

A key part of sustainability is universal design – the concept of designing all products and the built environment to be aesthetic and usable to the greatest extent possible by everyone, regardless of their age, ability, or status in life (see Wikipedia [http://en.wikipedia.org/wiki/Universal\\_design](http://en.wikipedia.org/wiki/Universal_design)). This is applicable to urban design, eg the design and widths of public pathways (see also AS1428.2 – 1992: a width of 1.8m is desirable to allow 2 wheelchairs to pass, 2m near schools and small shops).

As the population ages, the incidence of disability will increase, and universal design will become even more important.

Council recognises the importance of active transport, especially cycling and walking, in reducing car dependency, improving health and fitness and enhancing the role of local centres.

Electric vehicles, especially electric bicycles where the rider still pedals ('pedalecs'), can offer a transport option that is fuel efficient and that can improve health and fitness. However, there have been discrepancies in the size of permissible motors between the major producers in Europe and NSW restrictions, resulting in increased costs and limited choice for consumers. It should be noted that new laws to allow more powerful electric bikes under the European standard, up to a maximum continuous power rating of 250 watts are being introduced by the ACT Government.

### **Recommendation**

That Staysafe make recommendations that embrace the concept of universal design to effectively remove barriers to mobility for people of all ages and abilities.

That Staysafe recommend standardisation of the motor size of electric bikes or other vehicles to be consistent with overseas regulations (ie 250 watts) so that buyers do not have additional costs of modification.

### **Non registered motorised vehicle characteristics**

Non registered motorised vehicles, such as mobility scooters and power assisted bicycles, tend to have a relatively short range due to the limitations of batteries or fuel storage, but may be more affordable than powered wheelchairs.

Navigating in restricted spaces, whether in public spaces or in buildings can also be a problem.

Compared with three wheeled scooters, four wheeled scooters tend to be more stable than especially for kerb climbing and turning sharp corners. However, three wheeled scooters tend to be more manoeuvrable and have a smaller turning circle. Generally the larger the wheels, the more stable the scooter, and the larger and wider the tyres, the more easily the scooter will manage kerb climbing and rough terrain.

### **Recommendation**

That Staysafe recommend that the characteristics of non registered motorised vehicles such as mobility scooters be taken into account in the design of public places and that consideration be given to the amendment as necessary of local and State Government guidelines to take account of the increasing use of such vehicles.

### **Economic considerations**

Warringah is known for its vibrant lifestyle, strong local economy, diversity and strength of businesses with low unemployment rates.

Future challenges relate to the provision of local jobs to match business expansion needs. There is also an urgent need for new health and transport-related infrastructure investment to support the overall economic development of the region.

### **Recommendation**

That Staysafe acknowledge that motorised non registered vehicles can provide an accessible and affordable transport option that can help increase access to education, training and employment, increase economic participation and thereby improve the standard of living and quality of life.

That Staysafe supports a range of accessible transport options that enable economic participation, social inclusion and wellbeing for everyone, and especially in areas with poor public transport.

### **Legislation and data collection**

An extract from the Road Rules is attached at the Appendix for information as to definitions, etc.

Council does not collect data on the extent of sales, hire, use, crashes or other road safety problems related to such vehicles, and is unaware of any major issues associated with non registered motorised vehicles.

Such data is essential prior to any 'knee jerk' regulatory and potentially costly reaction to what may not be a real issue.

### **Recommendation**

That Staysafe supports responsible road and path etiquette and education (such as 'share the road and share the path') as the key enforcement points, rather than regulation.

That Staysafe encourage the collection of data on sales, hire, use and crashes involving non registered motorised vehicles

## **Insurance**

Individuals may take out their own insurance (third party or otherwise) without government involvement and without any administration costs. For example in the UK, Chartwell is a long established insurance company that specialises in insurance for mobility scooters etc. See <http://www.chartwellinsurance.co.uk/>.

Cyclists who are members of Bicycle NSW or Cycling Australia (covering Cycling NSW) are covered for third party, ie damage to other people and property. Velosure is a cycling specific insurer with a variety of policies available. Given that many bike owners also own a car or have household insurance, there could be scope to offer add-on modules to current insurance policies to cover power assisted bikes, motorised scooters, etc.

Alternatively, third party insurance could be made mandatory, and the introduction of compulsory training for users considered. However, the costs to the users and the costs of administration will rise if such measures are required and cost / benefit analyses should be undertaken prior to any legislative requirements.

## **Recommendation**

That Staysafe allow the market to determine insurance for non registered motorised vehicles.

That Staysafe recognise the scope for insurance companies to offer add-on modules to current insurance policies for non registered motorised vehicles.

## **Conclusion**

Enabling and facilitating transport options for people is preferred to enforcing and regulating, especially with the inherent administration costs associated with the latter.

Keeping people active and mobile helps build social inclusion, strong communities and community connectedness, can help increase economic participation, and can improve independent access to services.

Good quality, reliable data on the use and crash incidence of non registered motorised vehicles is essential prior to any 'knee jerk' regulatory and potentially costly reaction to what may not be a real issue.

## **Appendix – Extracts from the *Road Rules (NSW 2008)***

[www.legislation.nsw.gov.au/fullhtml/inforce/subordleg+179+2008+pt.20-div.1-rule.316+0+N](http://www.legislation.nsw.gov.au/fullhtml/inforce/subordleg+179+2008+pt.20-div.1-rule.316+0+N)

### **15 What is a vehicle**

A **vehicle** includes:

- (a) a motor vehicle, trailer and tram, and
- (b) a bicycle, and
- (c) an animal-drawn vehicle, and an animal that is being ridden or drawing a vehicle, and
- (d) a combination, and
- (e) a motorised wheelchair that can travel at over 10 kilometres per hour (on level ground), but does not include another kind of wheelchair, a train, or a wheeled recreational device or wheeled toy.

### **18 Who is a pedestrian**

A **pedestrian** includes:

- (a) a person driving a motorised wheelchair that cannot travel at over 10 kilometres per hour (on level ground), and
- (b) a person in a non-motorised wheelchair, and
- (c) a person pushing a motorised or non-motorised wheelchair, and
- (d) a person in or on a wheeled recreational device or wheeled toy.

### **240 Wheeled recreational devices and toys not to be used on certain roads**

- (1) A person must not travel in or on a wheeled recreational device or wheeled toy on:
  - (a) a road with a dividing line or median strip, or
  - (b) a road on which the speed limit is greater than 50 kilometres per hour, or
  - (c) a one-way road with more than 1 marked lane.
  
- (2) A person must not travel in or on a wheeled recreational device:
  - (a) on a road that is declared, under another law of this jurisdiction, to be a road on which wheeled recreational devices are prohibited, or
  - (b) on a road at night, or
  - (c) on a road at any time while any person travelling in or on the device is wholly or partly assisted in propelling the device by means other than human power.

### **241 Travelling in or on a wheeled recreational device or toy on a road**

- (1) A person travelling in or on a wheeled recreational device or wheeled toy on a road:
  - (a) must keep as far to the left side of the road as is practicable, and
  - (b) must not travel alongside more than 1 other pedestrian or vehicle travelling on the road in the same direction as the person, unless the person is overtaking other pedestrians.

### **242 Travelling in or on a wheeled recreational device or toy on a footpath or shared path**

- (1) A person travelling in or on a wheeled recreational device or wheeled toy on a footpath or shared path must:
  - (a) keep to the left of the footpath or shared path unless it is impracticable to do so, and
  - (b) give way to any pedestrian (except a person travelling in or on a wheeled recreational device or wheeled toy) who is on the footpath or shared path.

**bicycle** means a vehicle with 2 or more wheels that is built to be propelled by human power through a belt, chain or gears (whether or not it has an auxiliary motor), and includes:

- (a) a pedicab, penny-farthing and tricycle, and
- (b) a power-assisted pedal cycle within the meaning of vehicle standards, as amended from time to time, determined under section 7 of the *Motor Vehicle Standards Act 1989* of the Commonwealth,  
but does not include:
- (c) a wheelchair, wheeled recreational device, wheeled toy, or
- (d) any vehicle with an auxiliary motor capable of generating a power output over 200 watts (whether or not the motor is operating), other than a vehicle referred to in paragraph (b).

**wheeled recreational device** means a wheeled device, built to transport a person, propelled by human power or gravity, and ordinarily used for recreation or play, and:

- (a) includes rollerblades, rollerskates, a skateboard, scooter, unicycle or similar wheeled device,  
but
- (b) does not include a golf buggy, pram, stroller or trolley, a motor-assisted device (whether or not the motor is operating), or a bicycle, wheelchair or wheeled toy.