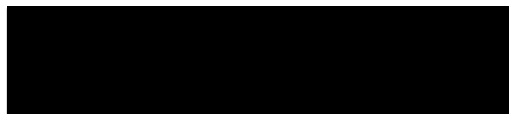


## **NON-REGISTERED MOTORISED VEHICLES**

**Organisation:** The Office of Environment and Heritage  
**Name:** Ms Sally Barnes  
**Position:** Chief Executive  
**Date Received:** 2/05/2013



Office of  
Environment  
& Heritage



Mr Greg Aplin MP  
Chair  
Parliament of New South Wales  
Joint Standing Committee on Road Safety  
Macquarie Street  
SYDNEY NSW 2000

- 2 MAY 2013

Dear Mr Aplin

I am writing to you in relation to your letter dated 28 February 2013 regarding the inquiry into non-registered motorised vehicles.

Please find enclosed our submission to the inquiry.

If you have any queries regarding this matter, please do not hesitate to contact me or have your officers contact Mr Andrew Harrigan in relation to issues regarding oversnow vehicles, or Mr Robert Quirk in relation to recreation vehicle use within the Stockton Bight Recreational Area.

Yours sincerely



**SALLY BARNES**  
**Chief Executive**

Enclosure

## **INQUIRY INTO NON-REGISTERED MOTOR VEHICLES NATIONAL PARKS AND WILDLIFE SERVICE SUBMISSION**

Non-registered motor vehicles on National Parks and Wildlife Service (NPWS) lands includes oversnow vehicles and recreational vehicles:

### **OVERSNOW VEHICLES**

Within the ski resort area of Perisher Range Resorts, NPWS regulates the use of motorised snowmobiles and other oversnow transport equipment. Oversnow vehicles are essential for the operation of this ski resort in winter as the roads are generally snow covered and inaccessible to conventional wheeled vehicles.

Typically, oversnow vehicles can be grouped into the following categories:

1. Snowmobiles: Smallest style of vehicles which carry 1 or 2 people (pillion style) and can tow a small trailer. These vehicles have 2 skis out the front to steer with and a track at the rear to drive the machine.
2. Argos: These are a skid-steer style of vehicle with rubber tracks. The operator and passengers are seated on bench seats side by side, with typically no more than 4 passengers.
3. Quad Bike and ATV: These are 4 wheel or 6 wheel bikes where the operator sits on the bike, or the 4 wheel ATV where the operator and passengers sit in seats side by side (similar to a golf buggy). For oversnow operations, the rubber tyres are removed and replaced with triangular shaped rubber tracks on each wheel.
4. Snowcats: These are the largest oversnow vehicles and are capable of carrying up to 10 passengers. They are also used to groom ski slopes, tow trailers with rubbish or supplies. They are typically a skid-steer style vehicle with steel or rubber tracks. Where the operator is accepting payment for passengers, the vehicles are considered a Public Transport Vehicle and the vehicle and operators are licensed by Transport NSW, similar to a long haul coach.

All of the oversnow vehicles owned by NPWS are or have been imported from the US or Europe.

The regulation process involves:

1. Conditional registration of the oversnow vehicle with NSW Roads and Maritime Services (RMS).
2. Registration of the vehicle with NPWS, which is in place to limit and control the number of oversnow vehicles in use in the National Park. Under the Plan of Management and the *National Parks and Wildlife Act 1974* (NPW Act), oversnow vehicles are only permitted for use in the Park for legitimate business reasons. Ski lodges and commercial operations in the ski resort have a legitimate reason because the roads are snow covered in winter.
3. Licensing of operators of oversnow vehicles. This is in place to limit and control the number of operators of oversnow vehicles. Operators have to possess a valid driver's licence (including P platers but not Learner drivers) and have demonstrated a need to possess a licence. There is no testing of their skills or experience in operating the oversnow vehicle.

The main users of the oversnow vehicles are NPWS, Emergency Services including SES, ski resort operators (eg. Perisher Blue, Thredbo), utility operators (eg. Snowy Hydro, Essential Energy, Telstra), ski lodge operators and accommodation providers, and ski resort based businesses (eg. retail, food).

Issues that arise with their use include:

1. Design capacity of vehicles for passengers, particularly pillion style, is not always clearly defined by the manufacturer, and as a result, operators take advantage and transport multiple passengers on a vehicle not designed for multiple carriage. Regulation of this is difficult because of the poor manufacturer details. Manufacturers may dictate the number of people permitted on the vehicle or a maximum weight allowable.
2. Trailers: Many snowmobiles tow small trailers which are used to carry luggage, rubbish, supplies for lodges or skis. The trailers are attached by a tow bar / ball arrangement but there is no requirement for safety chains, lights or registration.
3. Helmets: There is no requirement to wear an Australian Standard (AS) motorcycle style helmet when riding a Snowmobile or a 4 wheel or 6 wheel bike on snow. Most government organisations have adopted AS helmets for their staff; some companies wear ski/snowboard style helmets and most others wear no head protection. Snowmobile vehicle speeds can reach 100-150km/hr, and travel regularly on uneven terrain and steep slopes.
4. Compliance with speed, negligent driving and excess passengers is difficult for NPWS and Police to enforce, because the legislation on which an infringement relies is not clear, and the unique conditions in the ski resorts present opportunities for operators to challenge infringements.

For any enquiries, please contact:



#### **RECREATION VEHICLE USE WITHIN THE STOCKTON BIGHT RECREATIONAL AREA**

The NPWS has day to day management responsibility for the Worimi Conservation Lands (WCL). This is approximately a 4000 hectare reserve on the coast north of Newcastle on land owned in freehold by the Worimi Registered Aboriginal Owners, which has been leased back by the NSW Minister for the Environment to be managed under the provisions of the Aboriginal Ownership and Leaseback provisions of Part 4A of the NPW Act.

Management direction is set by a 13 member statutory Board of Management (the Board), which has a majority membership of Aboriginal owners, along with representatives of local government, neighbours, conservation interest, and the NPWS.

On gazettal of the reserve in 2007, the Board and the NPWS inherited management responsibility for an area of land known as the Stockton Bight Recreational Vehicle Area (RVA). Gazetted under provisions contained in the *Recreational Vehicles Act 1984* (the RV Act), the RVA allows for the legal use of vehicles that are not ADR compliant, subject to the granting of a specific Conditional Registration permit by the RMS.

As a result, our submission relates most specifically to two of the specific terms of reference:

- f) Initiatives taken by local Councils and other jurisdictions to certify, register and regulate the use of currently non-registered motorised vehicles; and**
- g) Any other related matters.**

The Stockton Bight RVA appears to be the only active RVA remaining in NSW under the legislative provisions.

Whilst the background to the creation of the RVA is not well documented, it was assumed to originally be focussed on allowing for the use of dune buggies, which have been actively driving on sand dunes in the area since the 1970's. By 2007, the primary user group was quad bikes, and while this remains the case there is increasing pressure from users to make the area available for use by "light utility vehicles"; essentially small buggies that have evolved from quad bike designs but include side by side seating and steering wheels.

To operate a quad bike in the Stockton Bight RVA, a user needs the following:

1. Conditional Registration from the RMS; and
2. Beach Vehicle Permit issued by the NPWS.

#### **Conditional registration.**

Conditional Registration for a Recreational Vehicle for Stockton Bight RVA has been provided in Attachment 1. Only non-complying (ie non ADR compliant) motorcycles and quad bike vehicles can currently be registered in this way. The applicant must also have Third Party Insurance from an approved insurer (of which there is currently only one supplier).

#### **Beach Vehicle Permit.**

Beach Vehicle Permits are used to authorise and regulate access onto the Worimi Conservation lands by all motorised vehicles. Permits are issued either for registered motor vehicles broadly, or RVA vehicles specifically. On average, around 470 annual passes, and another 610 three day passes, are issued for RVA vehicles.

The Beach Vehicle Permit is only issued to users who possess the relevant Conditional Registration from RMS, and includes regulatory information on appropriate behaviours to guide RVA users.

There are also two commercial operators licensed under the NPW Act to operate in the RVA, who provide the opportunity to ride quad bikes under supervision in the RVA.

Information on the Stockton Bight RVA and Worimi Conservation lands beach vehicle permits is available at [www.worimiconservationlands.com](http://www.worimiconservationlands.com).

#### **Experience with attempts to manage and regulate quad bike use.**

As the only place where a quad bike can be legally ridden for recreational purposes on public land, the Stockton Bight RVA is subject to very high levels of use, and has a strong and committed user group. Many of these users have been using the Stockton area for the past 10 or more years, when there was no effective management or regulation of the RVA.

The Board and the NPWS have attempted to ensure that users of the RVA comply with the basic requirements of the RV Act and the NPW Act, with a particular focus on the safety of all park users. The RVA area is not restricted to RVA vehicles only. It covers a key entrance to the beach as well as the majority of the high sand dunes

currently available for all public vehicle access. It is subject to very high levels of often conflicting levels of recreational use.

The RV Act does not have any associated regulations, making enforcement of its provisions problematic. The operations of the RV Act turn off the majority of the provisions of the Motor Traffic Act, with only the Dangerous Driving and Proscribed Consumption of Alcohol offences applying.

Quad bike users have proven to be a particularly difficult group to regulate and manage. Whilst considerable efforts over 5 years has seen a majority of quad bikes operating on the WCL having the required conditional registration, unregistered quad bikes and trail bikes still frequent the area in large numbers. Both registered and unregistered vehicles habitually operate outside of the RVA, which voids the Conditional Registration and associated third party insurance.

Many of the users wish to utilise the area for essentially "motorsport" activity: high speed, erratic and adventurous riding involving jumps, slides, wheel stands whilst operating on exceptionally steep slopes. Such use poses a considerable risk to other users of the area, and is considered inappropriate in lands reserved under the NPW Act. Use of the NPW Act, and associated regulations, to manage this use has had some affect, but is problematic. Unlicensed riders (allowed for in the RVA) do not necessarily carry identification. Unregistered vehicles prove very difficult to track down. The areas 40km speed limit is also very difficult for NPWS staff to enforce.

Attempts to manage RVA usage currently dominates regulatory activity on the WCL. Despite a 6 year education program utilising signage, interpretation, detailed permits, ranger patrols and manned entry stations, illegal and inappropriate activity continues at a very high level. Dealing with inappropriate activity by both conditionally registered and unregistered recreational vehicles represents about 60% of enforcement activity on the WCL. For example, in the past 3 years more than 70 infringement notices have been issued for riding an unregistered vehicle in the WCL.

#### **Adequacy of data collection for injuries and fatality rates.**

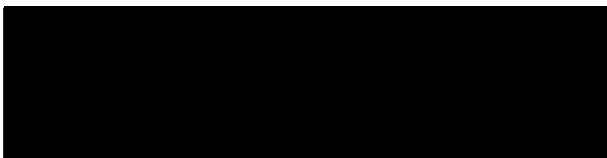
The NPWS do not have or maintain accident and injury rates for quad bike use on the WCL. The NPWS is aware that the NSW Ambulance Service regularly attend incidents on the WCL, but we have been unable to access data on this issue.

It is anecdotally reported that many accidents go unreported to avoid detection by law enforcement authorities, who will follow through with hospitalised victims.

#### **Vehicle standards requirements for recreational vehicles in the RVA.**

Currently there are limited standards for non ADR vehicles obtaining Conditional Registration to operate in the RVA. Currently applicants complete a "Customer Roadworthy Declaration" to address the minimum requirements, but these are not independently checked. NPWS staff often encounter heavily modified Conditionally Registered vehicles, with large engines, turbo charges and/or super chargers, nitrous injection systems, modified suspensions, axles and wheels; all developed to increase the speed and acceleration of the vehicle.

For any enquiries, please contact:



## **ATTACHMENT 1**

### **Advice on Recreation Vehicles**

NSW has one Recreational Vehicle Area (RVA) located in Stockton Bight, commonly known as 'Stockton Beach'. The RVA is situated within a reserve known as Worimi Conservation Lands. These lands, including the Stockton Beach RVA, are managed by the Office of Environment and Heritage (OEH).

Only non-complying motorcycles and all-terrain vehicles (ATVs) with conditional registration and specifically conditioned for recreation use on Stockton Beach are considered 'Recreation' vehicles. No other types of vehicles are considered recreation vehicles and recreation vehicles cannot be used in any other area.

Non-complying motorcycles and ATVs used for other purposes, such as farming and surf lifesaving are not considered recreation vehicles and are not affected by this policy.

Fully registered vehicles are not considered recreation vehicles; however, they may use the Stockton Beach RVA subject to conditions independently imposed by the OEH.

Unregistered vehicles issued with a UVP are not permitted to use the Stockton Beach RVA. RSOs must **not** issue a UVP for a vehicle to be used on the Stockton Beach RVA.

All conditionally registered recreational vehicles must be declared roadworthy by an Authorised Inspection Station (AIS) report or a Customer Roadworthiness Declaration.

Conditional registration for recreational vehicles must be established **only** at Nelson Bay Motor Registry.

Conditional registration for recreational vehicles may be renewed at any registry. RSOs must ensure the correct conditions are applied.

## **Recreation vehicle (Stockton Beach only)**

### **Recreation vehicles - Frequently Asked Questions (FAQs)**

#### **Why are Unregistered Vehicle Permits (UVPs) no longer issued for Recreational Vehicles?**

The Office of Environment and Heritage (OEH) has implemented recent changes to the management of the Stockton Beach Recreational Vehicle area. They now require:

- all recreation vehicles to display number plates;
- the maximum speed of conditionally registered recreation vehicles be restricted to 40km/h or the manufacturer's recommended speed, whichever is less, to comply with the existing speed limit;
- all established conditional registration transactions for recreation vehicles be processed **only** at Nelson Bay Motor Registry. This is to ensure consistent application of these conditions and for DECC staff to liaise locally on any problems.

#### **I have a current UVP, is it still valid?**

Yes. When your current UVP expires, and if you still want to use your recreation vehicle on Stockton Beach, you will have to apply for conditional registration.

#### **What are the fees for Conditional Registration?**

Conditional Registration fees consist of an administration fee, a plate fee and costs for the Compulsory Third Party (CTP) insurance.

#### **How long can I get Conditional Registration for?**

Unlike UVPs, which are issued for a maximum of 28 days, Conditional Registration can be for a period of three, six or twelve months. The fee is calculated depending on the period of Conditional Registration you require.

#### **Can I apply for Conditional Registration for my recreational vehicle at any Motor Registry?**

Yes. Applications for Conditional Registration may be lodged at any registry, but the receiving registry must forward the application to Nelson Bay registry for processing. There are procedures in place to allow payment, collection of number plates and issue of the registration label to be made by the receiving registry.

#### **Will I have to get a roadworthy certificate to apply for conditional registration?**

No. Conditionally registered recreation vehicles can be declared roadworthy by a Customer Roadworthiness Declaration or by an Authorised Inspection Station pink slip.

#### **My last UVP was processed by phone. Will I still be able to apply for Conditional Registration this way?**

No. You must attend a Motor Registry (or send an authorised representative) to establish Conditional Registration. Renewals of conditional registration can be processed at Motor Registries or by mail.

#### **Do I have to arrange (CTP) insurance before coming to the RTA?**

No. CTP insurance, provided by QBE Insurance (Aust) Ltd, is issued as part of the conditional registration transaction.