

**Submission
No 470**

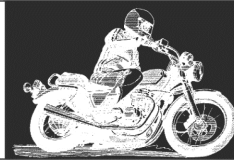
**INQUIRY INTO MANAGEMENT OF PUBLIC LAND IN
NEW SOUTH WALES**

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Submission in relation to;
General Purpose Standing Committee No.5
Management of public land in NSW (Inquiry)

28th August, 2012

MOTORCYCLE COUNCIL
OF NEW SOUTH WALES
INCORPORATED



To

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Table of Contents

General Purpose Standing Committee No.5	Management of public land in NSW (Inquiry)	1
About the Motor Cycle Council of NSW (MCCofNSW)		1
Summary		1
Trail bike trends in Australia		2
Types of trail bikes		3
Track Closures		4
Illegal trail riding		7
Tourism and regional areas		8
Conclusion		9
MCC of NSW Recommendations		10
Appendix 1		11
Appendix 2		12

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General Purpose Standing Committee No.5 Management of public land in NSW (Inquiry)

About the Motor Cycle Council of NSW (MCCofNSW)

The Motorcycle Council of NSW Inc. (MCC of NSW) is an internationally recognised umbrella group for motorcycle clubs, associations and ride groups, in the state of New South Wales, Commonwealth of Australia.

Established in 1982, the MCC of NSW is the peak body for motorcycling in this state. It represents over 41 clubs, with more than 36,000 riders.

The MCC of NSW is recognised as the peak motorcycle representative body in NSW and Subject Matter Experts on many complex issues dealing with motorcycling including crash data and statistics, traffic data and congestion information.

The MCC of NSW has published documentation that has been referenced worldwide by overseas motorcycling and traffic bodies and has produced video training films that have been utilized and referred to by many overseas bodies

The MCCofNSW has appeared before several standing commission of inquiries in NSW including the Standing Committee on Law and Justice and is often consulted on all things motorcycling by the Roads and Maritime Services (RMS)

Summary

The Motorcycle Council of NSW appreciates the opportunity to provide this submission to the General Purpose Standing Committee No.5 into Public land management in NSW.

The MCCofNSW recognises the concern the community has for managing land responsibly and for the enjoyment of all, whilst conserving areas of particular concern for future generations. Conservation of areas should be high on the list of priorities but not for the exclusive use of a select number of people and excluding other legitimate users due to a perceived bias or lack of understanding of their chosen hobbies or their point of view.

Trail riders of NSW are of the opinion that they are being gradually excluded from riding in State Forests and National Parks by closure of tracks, trails and camping areas which are being reserved for exclusive use by walkers and hikers. This exclusion is taking away the opportunity for riders to go away for a weekend with their tent/swag on the back of the bike and enjoy their chosen sport without fear or favour. The perception is that a radical element of the NSW public, with a bias against registered and licensed trail bike riders, is having an undue influence on State Forests and NPWS. The net effect is that more and more riders are being squeezed into less and less space. Trail bike sales are the fastest area of growth in retail motorcycle sales and the numbers are expected to continue to increase. The exclusion of trail riders is also limiting access to people with limited mobility who chose to see our great country on two wheels.

Public lands are defined by the word "Public" and with good management principles and practices there is room for all members of the public to use and enjoy our special places, each in our own way.

Trail bike trends in Australia

Trail bike riding is a fast growing sport in Australia and the world. The Australian Bureau of Statistics reports a 48.5% increase in motorcycles of “Total Number of Vehicles on Register” for the period 2006 to 2011 (9309.0 - Motor Vehicle Census, Australia, 31 Jan 2011).

As a further example Motorcycle registrations in NSW have doubled in the past 10 years from approx. 80,000 to 167,000 (Source RMS) and trail bikes make up a significant number of these registrations and are consistently the highest selling types of motorcycles.

According to the Federal Chamber of Automotive Industries (FCAI) website, Mr Ian Chalmers CEO of FCAI is quoted as saying;

".....seven of the top 10 motorcycles remain off-road dirt-bikes.

"Australians continue to embrace motorcycling as a favoured recreational activity, and off-road motorcycles fill this role particularly well.

*"The off-road segment remains the second largest, accounting for **36,637** sales, almost **34** per cent of the total market," he said."*

Source; (<http://www.fcai.com.au/news/all/all/293/motorcycle-industry-finishes-2011-in-strong-position->)

With the above information in mind it would appear that trail bike riding will increase in the future and will need to be catered for now.

TOP 10 by Category (excludes ATVs) January - December, 2011 compared with January - December, 2010				
Manufacturer	Model	Total		
		YTD 2011		
Honda	CRF50F	2982	Trail blke	
Honda	CT110X	2227	Aus Post	
Honda	CBR250R	2172	Road	
Kawasaki	Ninja 250R	1984	Road	
Yamaha	TTR50	1320	Trail blke	
Yamaha	PW50	1278	Trail blke	
Honda	CRF250R	1182	Trail blke	
Yamaha	YZ450F	1152	Trail blke	
Honda	CRF450R	1057	Trail blke	
Suzuki	DR-Z400E	1038	Trail blke	

[1]

Types of trail bikes

Trail bikes are generally lumped into one group by non-riders and government dept's, this then leads to confusion regarding their needs and requirements. Motorcycle riders know and appreciate the differences and have difficulty understanding how non-riders cannot perceive these differences. This lack of understanding then leads to a one size fits all solution which in reality fits none of the individual groups. A common mistake is the belief that a small motocross complex similar to that used by the ACT Motor Cycle Club at Fairburn will cater to all riders when in fact it is a highly regulated motorcycle racing group that does not cater to casual and social riders of different wants and needs.

The definitions below were used by South East Queensland Trail Bike Management Forum March 2003 and are probably the closest to the truth;

"Trail bike" is a term generally used for a wide range of purpose-built motorcycles and related vehicles of variable design and associated activities including:

1. **Motocross bikes** – Motorcycles designed for high-speed racing (ie. motocross) on rough terrain, racing circuits which are generally between 1.4 and 2.5 kilometres in length² (ie. Motocross tracks). Motocross bikes are high performance racing machines. They are not designed to be registered for road use. However, these machines are commonly used for recreational trail riding.
2. **Enduro bikes** - Motorcycles designed for racing on relatively long, but defined, natural terrain or cross-country circuits or courses involving a mix of slow and fast sections. Enduros are similar to rally car driving in that riders compete to complete staged sections in the shortest time. Enduro bikes are usually equipped with headlights, brake lights, tail lights and exhaust systems that comply with the Australian Design Rules (ADRs) and may be able to be registered to ride on public roads.
3. **Observed trials bikes** – Motorcycles designed to negotiate complex and very rough natural and/or artificial terrain, usually at slow speeds. The objective of observed trials is to negotiate obstacles without stopping or the riders touching the ground with their feet for additional support.
4. **Mini-bikes** – Small motorcycles with relatively low-power engines that are designed to be ridden by children from 3 to 12 years old. Mini-bike riding requires small areas of flat land that are free from significant obstacles. Within such areas, defined circuits up to 500 metres in length may be used. Riding is usually supervised by adults. Mini-bikes are not designed to be registered for road use.
5. **Road registrable trail bikes** - Motorcycles designed for recreational trail riding in a wide range of situations including formally organised enduros (see above); informal riding on relatively long (between 50 and 500 km per day) natural-terrain, cross-country routes and both unsealed and sealed roads involving a mix of slow and fast sections; touring and commuting. These machines are designed and sold as new with headlights, indicators, brake lights, tail lights and exhaust systems that comply with the ADRs. They are able to be fully registered for use on public roads. However, some owners choose not to register their bikes.
6. **Quads** – Four-wheeled vehicles equipped with the same engines that power motorcycles. Some quads are designed as racing machines equivalent to motocross bikes (see above) while others are equipped as farm vehicles with headlights, brake lights, tail lights and carry racks.
7. **Trikes** - Three-wheeled vehicles equipped with the same engines that power motorcycles. Some trikes are designed as racing machines equivalent to motocross bikes (see above) while other are equipped with lower performance engines, headlights, brake lights and tail lights. Although new trikes are no longer produced by any manufacturer, they are still used by many riders.

The trails in NSW are utilised by groups 2, 3 and 5 legally and other groups illegally as they are unregistered vehicles. The unregistered riding is partially to do with a lack of anywhere

to ride for non-competitive motocross bikes, quads and trikes and a lack of facilities for children to ride bikes in a supervised non-competitive atmosphere. Additionally physically impaired riders can and do make use of quads and ATV's to give them added mobility outdoors but without the benefits of registration. Quad's and ATV's are used extensively by NPWS and State Forests with "Conditional Registration" (App 1) by staff and contractors with no ill effects.

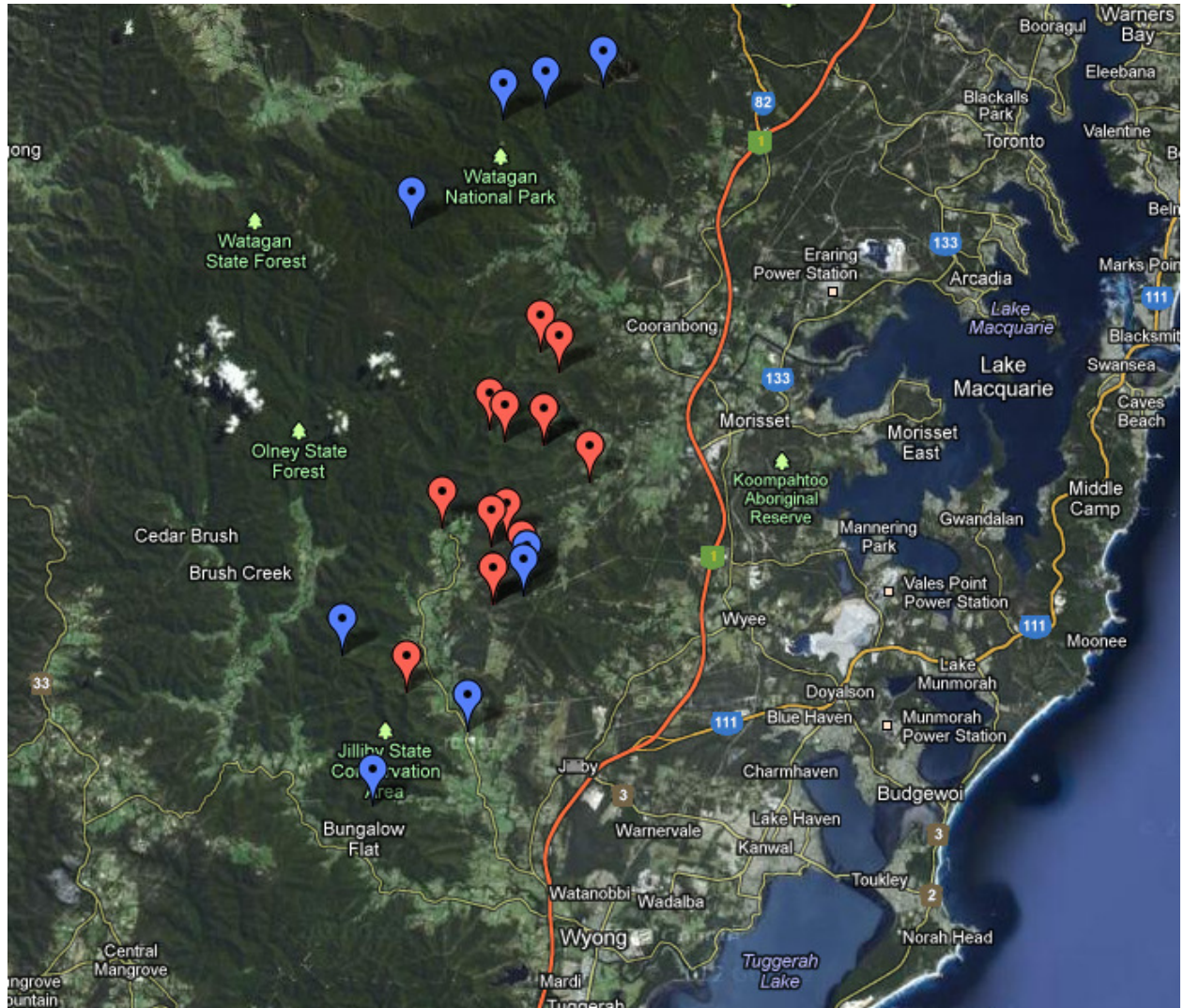
Road registered bikes can make use of existing fire trails and tracks legally but some of these do not meet with the challenges sought out by enduro riders. Enduro riders are looking for rocky hill climbs and single track in regenerative forests much the same way off road Mountain bike riders are looking for the same thrills. In fact a traditional areas used by trail bike riders have been handed over to Mountain bikers by State Forests and this has been the cause of some ill feeling towards the Mountain bike community as single track was viewed by the trail bike riders "as ours." The general feeling is "How can mountain bike riders be given approval to construct trails in Nature reserves?" gaining exactly what trail bike riders have been seeking for many years.

Track Closures

There is a large body of evidence that legitimate trail bike riders are being progressively excluded from many areas of public land within NSW. Trail riders on various web forums and speaking directly to the MCCofNSW are growing increasingly concerned at the fact that roads and trails often frequented by licensed and registered riders are being closed off for "Maintenance purposes" and are rarely if ever being re-opened. Many trails are ex logging tracks and with minimal traffic in any case, yet still these trails are being gated and locked for "maintenance" in areas such as the Olney SF, Watagan SF and Jilliby State Conservation Area (Ex State Forest), traditional riding areas for registered and licensed riders from Sydney and the Central Coast region.

These locked tracks have been plotted on Google maps

<https://maps.google.com.au/maps/ms?msid=218317608021846466731.0004c17c9e36367f3c1c5&msa=0>



When looked at in this manner there a substantial number of closures in just these few areas. This is just one riding area being closed off to legitimate riders in NSW. No statistics or maps have been collated for other areas yet. Closing off areas to trail bike riders is also having an effect on the less mobile who have no other way to access some areas. There is a decided push to close off other areas such as Clarence (Zig Zag Railway) near Lithgow with interest groups apparently taking matters into their own hands and felling trees across tracks in locations that make it hazardous for trail bike riders.

When this is combined with Local Councils closing off private pay for use riding areas the pressures on the small number of riding areas left over become greater and greater. The “close them up and lock them out” frame of mind would appear to be a short sighted solution and smacks of poor management techniques as this is then putting greater pressures on the ever dwindling riding areas and is creating areas of erosion not previously seen.

This is exacerbated by ongoing misinformation campaigns by various radical elements backed by spurious selective statistics and attributing recycled photographs of environmental damage to which ever group they are currently campaigning against, Trail bike riders, Four wheel drivers or horse riders.

Management of public land in NSW (Inquiry) cont/

Anecdotal comments on other closed areas over the years from various sources include;

- Red Hill
- The Brick Pits
- Bantry Bay
- Terry Hills
- Hungry Creek (Private ride park)
- Forest Lodge near Oberon, home of the '98? A4DE
- Dargle
- Settlers Rd
- Menai
- Heathcote
- Engadine
- Holdsworthy
- Appin
- Lower French's Forrest
- Trails off Wakehurst Parkway
- old Jamboree site on Henry Lawson Drive
- Duffys Forest
- Terry Hills Crossroads before the Industrial Park
- Davidson
- Failford Park
- Oxford Falls
- Kurnell sand hills
- Yalwal creek to the Shoalhaven river then up to Tallowa dam.
- Seven mile beach in summer.
- The old Drovers track to Nerriga pub,
- enduro park/ property at werombi on the south west outskirts of Sydney
- Rover Park Private ride park
- Limeburners Fire Trail in the lower Blue Mountains National Park near Mt Werong.
- **Calabash Road, Arcadia.** Closed - Feb 03
- **Wirraba Ridge & The Face, Wollomi NP,** Permanently Closed - Apr 96
- **Fred's Hill, Yengo NP.** Permanently Closed - Confirmed 20 Jun 2003
- **Spanish Steps - Newnes State Forest** The link track between Sunnyside Track and Blackfellow Hand Track in 2002
- **Lost City - Newnes State Forest**
- **Stockrington, Rio Tinto Property –**
- **Mt Sugarloaf** Many of the most popular tracks in the Mt Sugarloaf area are on mining leases, including those held by Rio
- **Hunter Main Range - Wollomi NP**
- **Settlers Road/Paynes Crossing - Yengo National Park**
- **The Mebbin State Forest** has now become a national park and all off shoot tracks up to the escarpment have been gated, though the road(not a track anymore) still runs through to Kyogle.
- **Beach access at Fingal Head (Tweed)** has also now been fenced off, with signage though when I was there a while back I was struggling to see the signs the ranger was so adamant were there.

This list is anecdotal and far from complete.

Illegal trail riding

Ongoing illegal trail riding is an issue that faces many regional councils, State Forests and NPWS. The Hunter Illegal Trail Riding working party which includes members of State Forests, NPWS, Dept of Premiers and Cabinet, NSW Police and the Motorcycle Council of NSW (MCCofNSW) have reached the conclusion, after nearly 2 years of discussions, that in order to reduce illegal trail riding activity in the Hunter region, areas to legally ride trail bikes need to be provided.

The NSW Police force have been unable to curb illegal trail riding despite the current raft of enforcement policies, provision of trail bikes and dedicated patrols.

The nett effect of providing legal areas for use by trail riders is less illegal riding, less danger to local residents, less instances of trespass, and less damage to the environment through good management principles.

The MCC of NSW is keen to support defined trail riding areas for Trail bikes and motocross bikes to enable families to ride in a safe and controlled environment. Somewhere that parents can teach their children good habits and lifelong skills that will benefit them for years to come.

This could be achieved in part by the introduction of a Recreational Registration scheme similar to the Victorian option and as outlined in the "Motor Accidents Council Briefing Paper 5.3" (attached Appendix 1) presented to Minister Pearce and the Department of Premier's and Cabinet in August 2011. This outlines a system of registration that would be of benefit to State Forests by virtue of a proportion of the registration fee being payable to State Forests for maintenance and provision of facilities.

If Recreational Registration proves too difficult then expansion of the existing system of Conditional Registration for use on Recreational Vehicle Areas (RVA's) such as Stockton Beach is a simpler answer. RVA's once dotted rural areas of NSW but pressure from fringe groups gradually closed these areas off to riders and their families. RVA's allowed dad's to teach their kids how to ride in a safe and supervised environment. See Appendix 2

Tourism and regional areas

The Queensland Government have reached the conclusion that giving riders somewhere to ride will reduce widespread illegal trail riding and recently announced the opening of a new 745 hectare purpose built trail bike and motocross facility at Wyaralong in SEQ.

“ Council of Mayors (SEQ) Chairman Campbell Newman said Motorcycling Queensland had been chosen to operate the 745-hectare trail bike site after a six month tender process.

The Wyaralong Regional Trail Bike Facility will be a unique venue that will offer South East Queensland’s 230,000 trail bike riders a first-class legal riding option,” Cr Newman said.

“SEQ Councils have been working with the State Government to bring this project to fruition.

“We have recognised off-road trail bike riding as a legitimate recreational pursuit that is becoming increasingly popular in Queensland.”

(Source Motorcycling Qld website

http://www.ma.org.au/index.php?id=97&tx_ttnews%5Btt_news%5D=4182&tx_ttnews%5BbackPid%5D=95&cHash=93d028822b).

“The Council of Mayors (SEQ) has long recognised that South East Queensland's 230,000 trail bike riders need more legal and safe riding options that won't adversely affect local residents, the environment, or the health and safety of riders themselves,” said Cr Jones

“The identification and development of new facilities is a proactive step towards reducing illegal and unsafe riding in unsuitable sites by providing more legal riding opportunities.

(Source; Council of Mayors SEQ Website <http://www.seqmayors.qld.gov.au/>)

The ACT Government has also come to the conclusion that legal areas to trail ride will lower the incidence of illegal riding and are in the process of developing a Trail Bike strategy for the ACT area.

One organised ride alone known as “The Kowen Forest Ride” held annually in Kowen Forest ACT attracts more than 300 entrants a year. The entry fee alone generates nearly half a million dollars. When one then takes into account the flow on effects of these kinds of attendance numbers being increased by partners and children in attendance, the financial contribution to the ACT is substantial.

Rental of equipment for the weekend, casual employment of staff for support services, spare parts purchased from various motorcycle shops, the Vietnam Veterans club providing the catering for riders at a cost to them over and above the entry fee.

Then the dollar effect of accommodation costs, purchases of fuel and other supplies it is not beyond the realms of possibility that this one event injects well over \$2mill into the economy of the ACT in one weekend.

Add to this the fact that the local branch of the Dual Sport Motorcycle Riders Association (DSMRA) organises one social ride a month with a minimum of 30 riders from around the local area and then add in the semi organised rides from social dirt bike websites like www.dirtbikeworld.net.au which had an ACT ride listed for every single weekend of 2011

consistently attracting 20 riders or more, we are now looking at a significant tourism industry, albeit a non-organised industry, for the ACT alone.

Part of the development strategy was to survey riders as to how much they spend, how long they stay and what sort of facilities they require. The ACT Government has recognised the tourism aspect of trail riding and the consequential influx of tourist dollars into the local region's economy.

Regional Tourism by motorcyclists has been recognised by the NSW State Tourism Minister and NSW Tourism. So much so that the NSW Government's Regional Flagship Events Program helps market local events and gives grants to promote these events including many trail riding events across the State.

Victoria also recognises the benefits of promoting trail bike riding and Dargo is a good example of the benefits that active promotion and the consequential tourism benefits can produce for a struggling regional community.

"Many regions of Victoria rely on the tourism dollars that flow in as a result of their towns embracing recreational riders," "With regional economies struggling in NSW, riders would flock to areas that offered good riding, good facilities and a welcoming attitude. It's not rocket science." (source; MCCofNSW Website)

Motorcycling is an activity which involves all members of the family, outdoors enjoying the bush and parents imparting valuable skills to their offspring in a safe environment.

Trail Bike riders are often tarred with the brush of anti-social behaviour, but you could argue that there is plenty of that in the main street of Sydney. Trail bike riders are everyday people, mums, dads, children, policemen, garbo's, lawyers, truckies, interior designers, IT professionals, labourers etc and are no more anti-social than any other group of individuals. In fact, one of the highest paid sportsmen in the world today is Chad Reed, an Aussie motocrosser and multiple world champion, then there is Casey Stoner, MotoGP World Champion who started his riding career in motocross up at Kurri Kurri NSW. There are the likes of Charley Boorman and Ewan McGregor, film stars who have made trail riding even more popular. Trail riders have the right to pursue their chosen hobby and should not be excluded because of small minded prejudices. As a part of the NSW public we should be consulted on use of public land, just like any other user group.

Conclusion

In conclusion, trail bike riding will not go away and will increase in the future. This being the case, if you manage trail bike riding well, much like Vic and Qld, then the benefits will flow onto the NSW economy and surrounds. Manage it badly and the various NSW dept's will be consistently wasting money and resources in an effort to curb trail riding and to enforce the unenforceable along the same lines as the current practices.

The trails need to be managed in a way that provides for safe riding with minimal impacts on the environment and as an attraction to interstate and international visitors and allows all users to share the bounty available to us.

MCC of NSW Recommendations

1. Introduction of a Recreational Registration scheme as outlined in Appendix 2.
2. Expand the existing "Recreational Vehicle Area" scheme with conditional registration to designated areas of State Forest with a levy going to State Forests for maintenance of tracks and facilities.
3. Allow "Single Track" riding in State Forest areas due to be harvested.
4. Better consultation with all user groups before closing off areas to trail riders, horse riders, mountain bikers and four wheel drivers. Not just an advertisement in the local paper, but real consultation with the peak State bodies and with a decent notice period.
5. Designate areas for trail bike riding similar to the facilities afforded to Mountain bike riders.
6. Close off one area, open another.
7. Increased funding to allow maintenance to be completed on closed tracks and trails.
8. Recognise the tourism benefits of various forms of recreation including Horse riding, Four Wheel Driving, Mountain bike riding, fishing, mushroom collecting and Trail Bike riding.
9. Investigate the lack of funding for roads maintenance and review and investigate other forms of revenue generation.

regards

Christopher Burns, Chairman.

On behalf of MCCofNSW Committee