

**Submission
No 514**

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

Organisation: Trail Care
Name: Dr Sean Kean
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20 November 2012

Madeleine Foley
General Purpose Standing Committee No. 5
Parliament House
Macquarie St
Sydney NSW 2000

Dear Ms Foley,

RE: Inquiry into Management of public land in New South Wales

TrailCare is a not for profit mountain bike advisory group. One of the main purposes of TrailCare is to help mountain bike groups, State Government, Councils, land managers and other stakeholders to communicate with each other effectively. We proactively engage all stakeholders.

With well over 100 financial members and many more supporters we can reach and communicate with over a 1000 riders in 24 hours. Many of our core members are also professionals who work professionally in environmental approvals and the delivery of major public infrastructure.

Until recently over the last 5 years there has been very little progress or support from State and Local Government to provide sustainable mountain bike trails. As a result formal access and management of trails on public lands in NSW lags other countries by 20 years and also other States. Some States even have specific State level planning. The problem is biggest in Sydney.

As society has shifted towards unstructured recreation we have grown from a niche to a main stream user group with similar overall numbers to bush walkers and greater than traditional activities such as football. Unfortunately we do not have equitable access with only 1% of the official single track to ride on in the Sydney region. We also receive very little funding.

There are three key issues we wish to resolve.

1. The lack of single point of accountability within Government places unfair burden on riders to co-ordinate Government agencies to plan, build and maintain trails.

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TrailCare and similar organisations have engaged with NSW Government agencies and contributed several million dollars in volunteer time to assist in developing a coordinated approach. Despite this assistance over the past five years, the NSW Government has not been able to deliver access to any new trail in the Sydney region.

2. The need for improved mountain biking access and infrastructure is well proven but delivery is not prioritised within the NSW Government.

TrailCare recommends that a Sydney trail network is delivered in consultation with riders. We propose delivery responsibility and funding of the network is assigned to RMS as they are better resourced to deliver projects with complex multi-tenure stakeholder issues than local councils and other NSW Government agencies. TrailCare would be pleased to develop a concept plan to allow the scoping of this task.

3. Mountain biking is a very economically efficient means of providing public recreation but due to the largely unstructured nature of participation receives little funding or support from the NSW Government or local councils.

We recommend that the NSW Government funding priority arrangements for sport and recreation are reviewed and allocated on a cost-to-serve basis where benefits can be delivered to a significant user group. This would prevent cost efficient recreational pursuits being penalised in favour of less efficient high asset value flag ship projects.

Please find a detailed summary including detailed background, issues and recommendations. We have also attached relevant reference documents.

We are here to help develop these recommendations and facilitate consultation with riders.

Regards

Dr Simon Kean
President

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Background

Riders enjoy being active and ride in the bush because we enjoy it. We chose not to ride on the road and seek to escape the urban environment. We prefer sustainable tracks as this means more time riding and less time maintaining our tracks. We are more motivated to voluntarily maintain the sort of tracks we have fun riding.

Over the last 30 years mountain bike riding has grown rapidly to become a large mainstream recreational activity. Unfortunately very little official infrastructure has been provided and riders, especially in Sydney, have largely adopted existing eroded motorised vehicle tracks, survey tracks and some walking tracks. This combined with some inappropriately constructed user generated tracks has given riders a bad name.

2009-2010 ABS data shows that 8.2% of male and 4.9% female Australian adults ride bikes. From industry data we know that 70% of all bikes sold are mountain bikes. Comparatively only 2.3% of Australian females are bush walkers with males not exceeding the studies minimum reporting threshold. Across all recreational activities the ABS trends are consistent with recreational statistics from Sydney councils. This demonstrates that there are many people who could benefit from formal trails.

Members of TrailCare have proactively engaged with State and Local Government on numerous occasions in the last 15 years to resolve these issues. More recently (Attachments A) this has been in a more formal capacity via consultants working voluntarily from within some of the worlds largest environmental and engineering consulting firms.

In the last 5 years TrailCare members have enjoyed support from individual MP's and ministers in all sides of politics. Some of our work, which has also been referenced internationally during other countries National Parks policy development, has also been referenced in State Parliament speeches.

Responses to rider engagement has resulted in numerous new State and Local Government policy documents, surveys showing demographics, unmet rider demand and information on which public land tenures with informal tracks are used (Attachments B).

As a result of proactive engagement by riders we are currently making steady progress in Northern Sydney with a number of Government departments and

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local Councils as well as private land owners. However we can only drive local actions and progress is constrained by the amount of volunteer time we have to coordinate across Federal, State and Local Government and private land owners and also drive Government processes. Riders have been asking for TrailCares assistance in other regions, however we have day jobs and families and have trouble progressing local projects.

The process is complex and we are working with more than 130 Government employees and land care group stakeholders to resolve access in one Council region only.

Relevant Government Documents Following Proactive Rider Engagement (Attachments B)

One of the earlier documents that permits mountain biking on designated single track was the NPWS 1999 Cycling Policy.

A recent policy review has built on this and provided strong justification of the broader sustainability benefits in providing access to the bush. It also shows that bike trails, as with walking tracks, may be constructed sustainably. This was released following State wide public consultation in the clarified NPWS 2011 Mountain Bike Policy. The background Discussion Paper generated 2500 mainly positive submissions.

This 2011 document has provided policy leadership for many other land managers and proposes a cross tenure approach, particularly in urban regions where land is divided into a number of smaller blocks.

Warringah Councils survey on demographics, where people rode including both official and unofficial trails and also asked what they wanted as an experience generated 1500 rider submissions.

The NSW Bike Plan has a number of actions to provide mountain bike trails on public land.

The Draft Oxford Falls Crown Reserve Plan of Management which has been in draft since 2010 has some actions.

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Some Council controlled Draft Plans of Management also have actions. However the documents are taking more than 2.5 years to review and have not yet been released in Draft.

Providing a high quality mountain biking experience in Northern Sydney in a National Park is also a high priority under goal 22 of the NSW 2021 Regional Plan.

Issues

1. Individual riders have devoted 1000's of hours to engaging and assisting Government on trail access over the last 15 years. I personally have used my professional skills in sustainability and public consultation to contribute \$750,000 of free consulting in the last 5 years to this cause. There are also many other professionals and enthusiasts that have made similar contributions.

This is something that is taking a significant amount of personal time away from our families that could easily be addressed with minimal funding and State leadership compared to other funded activities. It would also provide an easy win and cost effect outcome with wider public health, social and environmental benefits. It also provides popular public with minimal impact on the bush. Riders in the Northern Beaches would need Government to create at least an additional 25 sports fields if we hung up our bikes and took up traditional recreation. This region is already short on sports fields.

2. Sydney and much of NSW is still trying to resolve access issues and management that was resolved in other countries 20 years ago and some other States 10 years ago.
3. Our lawyers inform us that many informal tracks are safer, more actively maintained, managed and signed to resolve risk under the *Civil Liabilities Act 2002* than official tracks. The *Act* recognises that certain recreational activities are inherently risky and with adequate design and signage it eliminates avenues to successfully sue for personal injury. Many State and Local Government organisations do not appear to be aware of or have updated risk management approaches to reflect the *Act*.

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The insurance industry backing Councils has also largely not updated policies and approaches to include many unstructured recreational activities and also the Act.

4. There are currently very few official mountain bike tracks in Sydney that meet sustainability guidelines. This creates an adverse image. Government has been historically resistant to improving these few official trails.
5. There is belief within part of the community and some public sector employees in key positions that the types of riding styles and experiences riders are seeking are not sustainable. This is despite there being significant research internationally, within NSW and also peer reviewed Policy indicating otherwise and that the trails required can through design solutions work around sensitive areas (flora, fauna, water course etc.) without reducing the fun factors for the user..

These views are highly polarised and become political quickly in Councils and State Government. While not exclusively so this is largely a Sydney phenomenon which is slowing implementation of Policy in this region compared to other parts of NSW. These delays are also allowing continued and avoidable degradation to occur on informal trails.

It can also easily be demonstrated in a short bush walk that sustainable design principles work. The majority of trail segments on 20 year old unofficial tracks have not eroded. This is where they meet the principles. Where they have eroded they do not meet guidelines. Photos taken by us every two years also show that water is continuing to be the cause of erosion on trails riders were banned from riding in 2008.

6. In many instances riders have not been taken seriously, especially by Local Government on these issues. We find this frustrating as we are the same consultants, lawyers and risk assessors the Government pays hundreds of dollars an hour for through our respective employers on other projects. While TrailCares local Councils are now working with us well, others across Sydney

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are still problematic.

7. Since 1999 and despite Policy from respected environmental land managers, numerous studies, surveys and proactive engagement from riders there are now significantly less places to ride. Some of this has been due to Plans of Management not reflecting current Policy and counter lobbying because of Issue 4 and 5.

There was also a dramatic increase in rider numbers which compounded impacts and Issues 4 and 5. A significant and growing proportion of the population accessing and enjoying the natural environment was also perceived as a problem resulting in some further trail closures.

8. Public and private bushland has been rezoned or developed for commercial or residential use without consideration of unofficial users in the health, social and economic impacts in the formal assessment and planning process.

This leaves Government unaware of the compounding issues and scale of unmet rider demand for official trails. Loss of these areas concentrates riders to remaining areas and compounds Issues 4 and 5.

9. Within Sydney most solutions will be cross tenure. However funding appears to be locked into different land manager budgets whom are unable to spend money on other land tenures. Many land managers with suitable land also have no mandate to deliver or manage public recreation.
10. Riders through organisations such as TrailCare have been driving and coordinating multiple councils, private land owners and State Government and public liability insurance companies to deliver cross tenure solutions. This has required us to continually educate each land manager and staff member on all aspects of sustainable design, State and Local Government policy and studies, planning documents and the *Civil Liabilities Act*.

Often we have achieved what Government employees with little resources and mandate have found difficult to do.

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Unfortunately progress is slow and too often staff turnover rate in the position is faster than project progress. We then need to re-educate the next employee.

11. Too often our work is largely undone by counter lobby letters, misinformation that has been distributed in letter box campaigns and Issues 4 and 5. These sway Councillor voting and Government staff and delay progress. Some letters occasionally raise valid points to be addressed, however the misinformation and some letters could have been discredited by adequate technical review.
12. Riders are getting restless and TrailCares credibility is on the line as after telling people to not ride in National Parks on unofficial trails as no new official trails have been constructed in Sydney. Riders frustration builds when looking at Newcastle and regional areas where new trails have been constructed and informal ones formalised. In these regions there has been little or no political opposition from a community minority to the peer reviewed Policy that went through rigorous State wide consultation.
13. Mistakes have been made where Local Government has constructed expensive compromises or altered designs resulting in unsafe or unsuitable facilities for the user group. These remain largely unused. These have cost 10 times that of better facilities built by other councils and considerably more to maintain.
14. A double standard has been applied when walking tracks and bike tracks are compared in terms of approval processes, closure due to water erosion and environmental impact.

Also the counter lobby applies this to technical difficulty where features you can step off or get down on foot are deemed to be thrill seeking and not appropriate when on a bike in a National Park. In many instances they can be negotiated more easily and more safely on a bike and as with being on foot they add enjoyment to the experience.

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The 2011 Policy has provision for adequate technical challenge in National Parks.

15. Current access to single track is not equitable between user groups of equivalent size.

Government appears to keep underestimating the scale of current informal trail networks and rider numbers. An official trail of 6km to 10km, while a great start, will not replace informal trails networks with 40km to 50km of loop options that provide ride lengths of 1 hour to 4 hours or more. Elite Cross Country racers also link up multiple areas for 100km rides. Sub loop options within the 40km to 50km networks also provide much shorter rides and greater technical challenge for All Mountain riders and gravity riders.

Trails of appropriate length and experiences are required to prevent further unofficial trails being constructed or current unsustainable trails being used.

16. It seems councils are looking at larger department like NPWS and Crown Lands to see what they are doing for mountain bike access before moving on issues within their own lands.
17. We understand that most land managers are talking together more in the last couple of years which is a positive development. However shared resources and better communication of how other managers are tackling these issues, especially when trails are over many tenures, would result in more timely outcomes.
18. Government seems to have a preference for constructing high asset value flag ship recreational facilities that also receive proportional annual maintenance budgets. This seems to be at the expense of significantly cheaper and more cost efficient recreational facilities, such as mountain bike trails, that would receive similar annual visitation.

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Suggested Actions for Consideration

1. Implement best practice sustainability principles and management measures on existing and new formal bike single tracks. Fund and deliver this at a scale that mirrors the trail lengths, experiences and user group needs currently met by informal trails. Otherwise informal trails will continue to be ridden and constructed.
2. Provide sufficient funding to assist volunteer crews with maintenance. Formal trails generally receive increased numbers of riders from other areas as the trail becomes a rider travel destination. This has placed unanticipated pressure on local volunteer crews at NSW Parks trails such as Glenrock in Newcastle.
3. Deliver a new high quality mountain biking experience in a National Park in Northern Sydney as indicated in NSW 2021. Build on the experience from Glenrock, Kosciusko and Livingstone National and Regional Parks.
4. Review all existing unofficial single track for opportunities to upgrade and rationalise extents. Also identify potential new segments to provide quick and cost effective delivery of a trail network utilising sections of fire trail with sub loop options to create 1 to 8 hour rides in addition to the new high quality experience above. This review will also result in the stabilisation of areas that are currently eroding due to water and reroute away from cultural and environmentally sensitive areas.

Use this process to review the sustainability design principles for local soils rather than delaying other projects until new 'pilot' projects can be constructed and studied over a number of years. Note that these existing tracks are worst case situations with no formal management.

Harness and utilise volunteer trail crews to assist with maintenance.

5. Provide funding for site investigation, concept routing and construction. This needs flexibility so that it can be spent within any Federal, State and Local

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Government or private land tenure. Current funding is too restrictive and limiting in its application as it is a 50% subsidy for construction only. In Sydney it is not uncommon to pass through three land tenures in 700m of trail.

6. Amend Plans of Management so that they provide reference to current Policy. It is also recommended that they have provision for incorporating future policy updates without revision of the entire Plan of Management. Many PoM's are a repeat of policy at the time the plan was last revised rather than referring to policy documents. This appears to make updating a PoM cumbersome and time consuming. As a result many NPWS Plans of Management, where mountain biking is popular, have not been reviewed for 15 years and predate the previous NPWS 1999 Cycling Policy.
7. Local Government PoM's and policy should reference relevant State Government policy and recognise that solutions are cross tenure requiring broader coordination with other areas. State direction and strategy on this matter would be very beneficial.
8. A State organisation should be responsible for coordinating and assisting delivery of mountain bike trails strategically across multiple land tenures. This will stop multiple State and Local Government actions progressing slowly in isolation with considerable duplication of effort and resources. Experience gained from one project will also be transferrable and assist in managing political counter lobbying.

Consider using Roads and Maritime Services to deliver projects as they have a proven record in delivering public infrastructure and working with other stakeholder organisations. For example RMS are currently working on a coastal walking track that is unrelated to their land tenure.

In some instances RMS may be able to coordinate funding and off road linkages with other on road bike infrastructure.

Any State led delivery of trails will need to continue working with the local riding community and partner with other land managers. All successful public

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recreational tracks have strong volunteer involvement from users during development, construction and maintenance.

9. There needs to be an individual or a number of individuals paid full time who have a priority to strategically deliver and coordinate mountain bike projects in NSW across multiple land tenures.

10. We recommend that the NSW Government funding priority arrangements for sport and recreation are reviewed and allocated on a cost-to-serve basis where benefits can be delivered to a significant user group. This would prevent cost efficient recreational pursuits being penalised in favour of less efficient high asset value flag ship projects.

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