ROYAL AREA
TRIAL
CYCLING
MANAGEMENT
PLAN
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1. BACKGROUND

Since its introduction to Australia in the mid to late 1980’s, mountain biking has become a popular recreational pursuit. In the last seven years this activity’s high growth has placed heavy demand on National Parks nationwide to provide access.

The current Plan of Management for Royal Area restricts riders to about 150 km of fire management trails and prohibits riding on walking tracks. Despite this legislation a steady increase in riders on illegal and official walking tracks has been observed. There is substantial evidence of increased track erosion and cases of...
conflict between walkers and riders. Recently there have been two recorded incidents where a mountain bike has collided with a walker. In addition numerous walkers have expressed concern for their safety when encountering riders on walking tracks. NPWS has focused on educating riders on NPWS regulations and policy. However, this has had limited success due to the significant rider demand for track which is inaccessible to four wheeled vehicles. In some areas of the park habitat fragmentation and environmental degradation are evident as tracks have been, and continue to be, cut into the bush. These tracks in the majority are made to link up existing tracks popular with mountain bikers and walkers alike.

2. A BRIEF ANALYSIS OF MOUNTAIN BIKING.

Mountain bike riders are a very diverse group, with ranging levels of skills and the degree of ‘challenge’ desired from the trail. Consultation with the mountain bike community has indicated that the two ends of the spectrum range from recreational cyclists who ride predominately on management trails (and generally appreciate conservation and NPWS management ideals), to the adventure or ‘Soul’ rider who seeks out areas that provide excitement, technical challenge and/or remote area access.

The two ends of the spectrum therefore impact the environment in completely different ways. The general recreational cyclists have minimal impact on the park as they usually ride on approved management trails constructed for vehicle use. Adventure cyclists will generally avoid management trails labelling them as uninteresting and will instead ride on single lane walking trails, steep downhill sections and rocky outcrops. These trails are the most susceptible to environmental damage and track widening, especially after rain.

There are few statistics in relation to the full demographic make up of the mountain bike community. In several meetings prior to the development of this management plan, representatives from the mountain bike community including club members and organisers, local riders, representatives from Mountain Bike Australia, the Vice President of Cycling Australia, the editor of Australia’s premier mountain bike Web site MTB-OZ and the Commissioner of the NSW MTB Commission drew an approximate demographic model of the mountain bike community detailed in the section below.

2.1 Mountain Bike Demographics

- **Competition riders/licensed mountain bikers** 5%
- **Enthusiasts** 30%
  (No connection with clubs; they ride with mates; looking for fitness and fun; believe they are environmentally aware; stick to some managed trails but will also go onto walking tracks)
- **Newcomers** 20%
  (will generally stick to management trails)
- **Free riders, down hillers** 20%
  (more into the dynamics of mountain biking; looking for skill factor, adrenalin and challenge; are willing to travel to a location; may modify trails to suit them; may modify trails without being purposely destructive)
- **Too cool for school** 5%
  (anti authority: No regard to rules or regulations, will ride where it suits them)

Mountain biking is a growth recreational pursuit. Advancements in bike technology and rider skill continue to make previously unsuitable trails accessible to a growing number of riders.

2.2 Mountain Bike Statistics

Other statistics and facts gathered from mountain bike impact studies and community consultation include:
• Only 5 – 10% of mountain bike owners actually belong to an organised group or club (International Mountain Bike Association [IMBA] Website).

• 90% of riders are male (Goeft & Alder 2000)

• Riders prefer native forest settings and avoid built up areas.

• Riders prefer circuits or loop instead of one way tracks.

• The majority of riders will come from local areas.
3. NPWS CYCLING POLICY

Current NPWS cycling policy allows the use of designated tracks at the discretion of the Regional Manager. Number 3 Provision of the NPWS policy on cycling states that:

Cycling is not permitted on single track ‘walking' tracks unless a sign indicates otherwise. These are generally narrow tracks used principally by walkers and are not suitable for, or maintained for, the purpose of cycling. In specific circumstances, for example where a ‘walking' track has suitable visibility, width, surface condition and gradient, and where there are not likely to be conflicts with other track users, cyclists may be permitted to use the track. Any such arrangements will be at the discretion of the Regional Manager and will be indicated by signage at the head of tracks.

3.1 NPWS Field Management Policies

The National Parks and Wildlife Service is committed to providing outdoor recreation opportunities in NSW. The NPWS has adopted the Recreational Opportunity Spectrum (R.O.S) as the major planning framework for guiding the provision of outdoor recreational opportunities. Within this framework a range of general principles apply including:

- The key emphasis in recreation provision is on the encouragement of those services and facilities that facilitate understanding and enjoyment of the natural environment, rather than on activities which are based primarily on facilities or of a sporting nature, which can be better catered for outside Service areas.
- In considering whether recreational settings should be provided the Service will have regard to those recreational opportunities which are available to the public outside the park system.
- The exclusive or preferential use of an area by a specific group will be discouraged.
- Wherever possible, the NPWS will manage public use of parks and reserves so as to minimise conflict between people, and between people and natural and cultural values.
- Where possible the views of park users will be considered in recreation management decisions.
- In the provision of facilities and services, it is generally inappropriate to create an artificial feature which is inconsistent with the primary objectives of providing outdoor recreation opportunities in the natural or historical setting of the area concerned.

4. OBJECTIVES FOR MANAGEMENT

NPWS Royal Area has identified a mountain bike trail network that offers sustainable and safe mountain bike access whilst providing a greater range of riding options. This proposal will be adopted for a trial period of approximately six months. It is intended that by the start of trial period (but not restricted to) the summer season 2002, the park will:

- Have a comprehensive sign and track identification system advising riders which tracks are available to ride.
- Have clearly marked designated tracks in areas already popular with riders in the park.
- Have readily available information in electronic and hard copy versions a brochure outlining the trial mountain bike trail network. Web sites that will host this information include: the NPWS Web site and the MTB-OZ Web site; while brochures will be available from the Royal National Park Visitor Centre and local bike retailers.
• Operate on a “No Sign, No Ride” policy and that penalties will be enforced on mountain bikers found on non designated trails, tracks or off road areas.

4.1 Riders are expected to:

• Ride in a responsible manner following the “Track Etiquette” or “Code of Conduct” guidelines as displayed on NPWS cycling brochure

• Be aware that the primary responsibility of NPWS is to preserve the natural and cultural heritage values of the park

• Be aware that they can assist in track rehabilitation under supervision by NPWS officers

4.2 Additional Objectives

In addition, by the close of the trial period it is expected that:

• Significant progress in the closure of illegal tracks is achieved and regeneration programs initiated with assistance from mountain bike groups and individuals

• The riding on illegal and traditional walking tracks will have fallen by approximately 80%.

• At all times the NPWS reserve the right to extend the trial period to further monitor and assist in the implementation of this initiative.

5. MANAGEMENT STRATEGIES

As outlined in the analysis of mountain biking the terrain desired by cyclists is varied. Consultation with the mountain bike community confirmed that the legitimate management trails available to cyclist are considered to be too ‘boring’ and do not provide the experience desired by most riders. As NPWS management is legally restricted by the plan of management\(^2\) (the Royal National Park, Heathcote National Park and Garawarra State Recreation Area Plan of Management adopted by the Minister for the Environment on the 4\(^{th}\) February 2000\(^2\) states that ‘bicycles are not permitted on walking tracks’) the only possible avenue to provide some track desired by cyclists was to identify management trails that were not maintained for vehicular use. As most management trails do not join each other and hence limit the experience of the cyclist NPWS also identified trails which link other trails to make a circuit track.

5.1 Criteria for the selection of cycling track

All tracks to be designated as ‘cycling tracks’ must meet environmental and social criteria to ensure that they are sustainable and safe for all users. Criteria that were identified during the selection of track included the following:

1. The track is not an walking track

2. The track provides a link to make a circuit trail or to link one circuit with another where the majority of the track is existing fire management trail

3. The track is suitable width and visibility to reduce potential conflict issues

4. The track is of suitable surface condition to be able to sustain heavy use by mountain bikes and walkers

5. The track grade is not above 1:20 to minimise erosion by surface water, adverse weather conditions and general wear and tear by tyres and boots.

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\(^2\) Royal National Park, Heathcote National Park and Garawarra State Recreation Area Plan of Management is available at www.nsw.npws.gov.au
6. The track is not popular with walkers
7. The track does not transverse an area where threatened or endangered species have been recorded
8. The track does not impact on cultural or historic sites
9. The track has been assessed and considered safe for mountain bike access

5.2 Criteria for Suspending or Terminating the Trial

At all times the NPWS reserve the right to suspend or terminate the trial period at anytime. Factors which may influence this include:

- Higher than anticipated track and trail erosion attributed to mountain bike activity, adverse weather conditions or a combination of both.
- User group conflicts.
- Safety concerns
- The Interference / vandalism of traffic monitoring systems or signage.

4.3 Criteria for identification of tracks to be closed and rehabilitated (as outlined in the Royal Area Plan of Management / Walking Tracks /Actions (Non-designated walking tracks [including the unauthorised network of jogging tracks] will be rationalised in consultation with local users and, where necessary, closed and rehabilitated)

- The track is heavily eroded
- The track has had significant removal or disturbance to vegetation
- The track requires extensive maintenance to bring it to a standard where it is sustainable with minimal ongoing maintenance
- There are alternative tracks which link the main destinations in this area that will less heavily impact in the environment and will incur less damage and require less rigorous maintenance
- The track unnecessarily fragments vegetation or habitat or is likely to have a significant detrimental impact on threatened species.

5. PROPOSED ROUTE

The current proposed trial network for mountain bike use is displayed on the map in appendix 4. The five proposed tracks total about 6 km, join existing fire trails to create loops and follow the most popular routes used by mountain bikers. In addition these routes are not popular with walkers, have good visibility, low gradient and firm soil structure.
6. SIGNAGE

The following signs will be used to manage the trial mountain bike access plan.

1) *Cycling Information Signs*

To be erected at major entry points to the park.

![Image of Cycling Information Sign]

- Mountain biking is currently permitted on fire trails and tracks where this sign is shown.
- Please respect the work and effort being put into this trial project by keeping to these trails and not riding in closed areas.
- Guides displaying tracks available to mountain bikers can be obtained from the Royal Visitor Centre or visiting www.npws.nsw.gov

ROYAL NATIONAL PARK VISITOR CENTRE (02) 9542 0648
2) **No Bicycles, Only Walkers Signs**
To be erected at the start of traditional bush walking tracks and other trails where bike access is prohibited but walking is permitted.

![No Bicycles, Only Walkers Sign](image)

3) **Track Closed Signs.**
To be erected on tracks to be closed to both walkers and cyclists. These tracks are to be either regenerated for future use or closed completely.

![Track Closed Sign](image)
4) Cycle Trail Signs.
To be erected at regular intervals along the propose singletrack and fire trail network.

7. MONITORING
Before the start of the trial period, the numbers of mountain bikers on illegal and traditional walking tracks shall be assessed.

Tracks will be monitored prior to, and during, the trial period to determine the volume of traffic on both illegal and authorised tracks. Ranger patrols will issue infringement notices to persons in breach of the National Parks and Wildlife Act 1974 and the National Parks and Wildlife Regulations 2002.

Post trial, the proposed sections of track will be assessed, levels of track erosion and width recorded.

8. CODE OF PRACTICE
A code of practice will be developed in consultation with the mountain bike working group. This code will be promoted to educate mountain bike riders on the sustainable use of the park environment. This may include the following points:

1) Keep your bike clean or wash your bike before entering the park.

Reason: The mud on your bicycle may be harbouring weed seeds, root rot or fungal spores that are a serious threat to the Parks biodiversity.

2) Stick to designated cycling routes and don't speed. Riding is only permitted on fire management trails and tracks where this sign is displayed. Remember, unless you are on a fire management trail, No Sign, No Ride.

Reason: Travel within the limits of your capabilities, the tracks visibility and with respect for other users.
3) Observe cycle route closures.

Reason: Riding is only permitted on specified track. Riding on unauthorised areas may cause erosion and damage vegetation or habitat.

4) Give way to walkers, Slow down on blind corners and stick to the left. Ring your bell to signal to walkers that you are coming. The cycle routes are shared access.

Reason: Improves safety public perception of mountain bike riders; reduces the risks of collisions for all park users.

5) Do not make new trails or move bush rock and logs or prune or cut native vegetation.

Reason: It is illegal and destroys native habitats of species such as the endangered Broad-headed Snake. It will result in prosecution and substantial fines.

6) Do not ride on tracks after heavy rainfall or skid your bicycle.

Reason: These actions cause serious track erosion. Wet tracks offer less soil shear resistance and are more readily eroded. When riding if you come across a muddy section, go through it, not around it. This prevents trail widening.

7) Protect your future access by ensuring others are aware of the code of conduct.

9. REVIEW

At the end of the trial period an assessment will be undertaken to determine if the trial has been successful. This assessment will examine data on the number of riders on designated and non-designated tracks and the levels of erosion on tracks. If it is determined that the majority of riders have been riding on designated tracks and the illegal use of walking tracks and the building of new trails has ceased or considerably reduced then the trial will be extended to other areas of the park where appropriate trails are identified. This will also be dependent on those criteria in section 4.2. Criteria for Suspending or Terminating the Trial not evident.

It is recommended that this Recreational Management Plan be reviewed at the end of the trial period and consequently become adopted as an appendix to the Royal National Park, Heathcote National Park and Garawarra State Recreation Area Plan of Management adopted by the Minister for the Environment on the 4th February 2000.
Cycling Policy (Sept 02)

Introduction

The riding of bicycles in national parks and other protected areas managed by NPWS is recognised as an activity which can facilitate understanding and enjoyment of the natural environment. Accordingly, the NPWS aims to provide and promote an appropriate range of opportunities for recreational cyclists.

Where cycling may conflict with other park users, or where cycling may be incompatible with the protection of natural and cultural resources, the activity may be subject to control.

Individual plans of management may also contain specific provisions for cycling. The NPWS may also develop cycling management plans for specific parks or areas where the level of use warrants specific planning provisions.

Objectives

Cycling activities are satisfactorily accommodated and managed in appropriate areas of lands managed by the Service.

Cycling in lands managed by the Service results in minimal impacts on the environment, natural and cultural heritage values and other users of the park or reserve.

Scope / Application

This policy applies to all NPWS parks and reserves.

Background

Under the National Parks and Wildlife (NPW) Act 1974, the definition of “vehicle” includes bicycles. The National Parks and Wildlife Regulation 2002 contains provisions that restrict the use of vehicles in NPWS areas to tracks set aside for use by the public.

Lands managed by the NPWS have been used for recreational cycling for some time. Adverse interaction sometimes emerges between cyclists and other users (eg walkers, horse riders) as the intensity and frequency of all forms of access increase, and where there are different expectations with regard to access, use of trails and behaviour.

Some cycling groups, such as the Australian Mountain Bike Association, have developed codes which encourage responsible cycling with minimal impacts on the environment and other people. The NPWS encourages the development of, and adherence to, such codes.
Public roads

1. Cycling is permitted generally on the NPWS public road network. In the interests of cyclists’ safety, signs may be erected prohibiting cycling on certain NPWS roads where there is a potential danger to cyclists, motorists or other road users through the joint use of a section of road. In such cases, the NPWS will identify, where possible, practical alternative routes for cyclists.

Management (vehicle) trails

2. Cycling is generally permitted on management trails (ie trails used principally by NPWS vehicles for fire and park management purposes) outside wilderness, unless otherwise indicated by signs. Periodic, occasional or permanent closure of management trails to cycling is at the discretion of the Regional Manager. Closure may be warranted, for example, where management trails are being rehabilitated; where cycling activities pose an unacceptable risk to the safety of other park visitors; where plants or animals are threatened by such activities; or where trails are affected by severe weather conditions or events.

Other tracks

3. Cycling is not permitted on single track ‘walking' tracks unless a sign indicates otherwise. These are generally narrow tracks used principally by walkers and are not suitable for, or maintained for, the purpose of cycling. In specific circumstances, for example where a ‘walking' track has suitable visibility, width, surface condition and gradient, and where there are not likely to be conflicts with other track users, cyclists may be permitted to use the track. Any such arrangements will be at the discretion of the Regional Manager and will be indicated by signage at the head of tracks.

4. Cyclists are permitted to push or carry bicycles on tracks or trails where cycling is not permitted.

5. In all cases, cycling will not be permitted off the road or track surface.

Wilderness areas

6. Cycling within declared wilderness areas is generally not allowed but may be permitted on specified management (vehicle) trails only. The use of a trail for cycling within a wilderness area must be approved by the Regional Manager and is only acceptable where such use will not degrade wilderness values or threaten the ability of the NPWS to meet its obligations under the *Wilderness Act 1987*. Trails suitable for cycling within wilderness areas may also be specified in plans of management.

7. Management trails available for cycling will be identified by appropriate signage or other information at trail heads outside wilderness areas for the benefit of cyclists and other park users. No other facilities, developments or improvements will be provided to accommodate bicycle access and use within wilderness areas.

Facilities

8. Where possible, provision will be made for short term storage of bicycles at visitor centres and/or ranger stations, or securing of bicycles at the entrances to walking tracks in heavily used areas.

9. The NPWS will, where possible, provide information suggesting preferred cycling trails and tour routes.
10. Dedicated cycling trails may be developed where compatible with the conservation objectives of the park or reserve. Dedicated cycling trails are likely to be most appropriate in regional parks.

General

11. Organised groups or club cycling activities will be permitted at the discretion of the Regional Manager and may be subject to conditions such as limitations to group size. Commercial cycling activities are dealt with under the NPWS Commercial Recreation Policy.

12. In order to foster an awareness by other park users and to promote harmonious interaction, relevant park literature should, where possible, identify shared tracks and promote an acceptance of all forms of legitimate use, including cycling. Simple track protocols or codes of behaviour (such as a recommendation that cyclists yield to walkers) can also be promoted through appropriate literature.

13. The impact of bicycles on the environment, resources and users of areas within parks will be monitored and management prescriptions revised as necessary.

Definitions

Bicycles are any pedal powered vehicle with wheels, including mountain bikes, road bicycles and tricycles. They do not include motorised bicycles, which are defined as 'motor vehicles' under the National Parks and Wildlife Act 1974 and as such are subject to the Act’s provisions relating to motor vehicles.

Relevant Legislation

National Parks and Wildlife Act 1974 and the National Parks and Wildlife Regulations 2002:

- Under the National Parks and Wildlife Act 1974 bicycles are covered by the definition “vehicle”.
- The National Parks and Wildlife Regulations 2002 provide for the entry and use of vehicles within the Service estate under Clause 6, Part 2, Division 2- Entry of Vehicles to Parks and Clause 7- Use of vehicles, camels, horses, vessels and machines in parks:
- The NPWS can prohibit the entry of vehicles in the park by notice or direction under National Parks and Wildlife Regulations 2002 Clause 4 (1), Part 2, Division 1- Regulation by public or other notice and Clause 5 (1)- Regulation by direction.
- An NPWS officer can remove people and vehicles from the park under National Parks and Wildlife Regulations 2002 Clause 8, Part 2, Division 3- Removal of certain persons and Clause 13- Offensive conduct

Relevant NPWS Policies and Other Documents

Vehicle Access to Service Areas
Walking Tracks
Adventure Activities
Wilderness Conservation Policy

Contacts

**Australian Cycling Federation**
PO Box 7183
Bass Hill, 2197 AUSTRALIA
Phone: + 61 2 9644 3002
Fax: + 61 2 9644 3006
http://www.cycling.org.au

**The NSW Cycling Federation**

**NPWS**
Policy Development Group
Strategic Policy Division
NPWS Head Office
(02) 9585 6422

**Relevant NPWS Policies**
Vehicle Access to Service Areas
Walking Tracks
Adventure Activities
Wilderness Conservation Policy
Field Management Policies

**Relevant Organisations and Contacts during the development of NPWS Cycling Policy**

- **Australian Cycling Federation**
  Contact: Stuart Dutton
  14 Telopea Avenue
  Homebush West  2140
  ph. (02) 9764 2555

- **Bicycle New South Wales**
  Contact: Peter Tuft or Roslyn Lunsford
  GPO Box 272
  Sydney  2001
  ph. (02) 9283 5200

- **Australian Bush Cycle Touring Association**
  Contact: Megan Maier
  15 Matson Cres
  Yowie Bay  2228
  ph. (02) 9767 1315

**Policy application and implementation**
Manager, Management Support Unit
Field Services Division

**Policy review and development**

Manager, Protected Areas Policy Unit
Environmental Policy Division
APPENDIX 2
The National Parks and Wildlife Regulation 2002- relevant sections

Part 2 Regulation of use of parks
Division 1 Regulation by notices or direction

4 Regulation by public or other notice
(a) designate points of entry to the park,
(b) close the park, or any part of the park, to the public,
(c) reserve the park, or any part of the park, for a particular use or for the use of particular persons or bodies or a particular sector of the public,
(d) impose fees and charges on persons (whether on foot or driving vehicles, horses or camels) entering or using the park, any part of the park or any facilities in the park and on persons driving vehicles, horses or camels who enter or use any public or other road traversing the park,
(e) regulate or prohibit the use of any facilities in the park or the carrying out of activities (including driving vehicles, horses or camels or operating or mooring vessels) in the park,
(f) grant any consent that is required by this Regulation in relation to the use of the park,
(g) impose conditions, including conditions relating to the payment of fees or charges, on persons (whether on foot or driving vehicles, horses or camels) entering or using the park, any part of the park or any facilities in the park,
(h) impose conditions relating to the payment of fees or charges by persons driving vehicles, horses or camels who enter or use any public or other road traversing the park.

(2) A person must not:
(a) enter any park or part of a park that is closed to the public in accordance with this clause, or
(b) remain, or leave a vehicle parked, in any park or part of a park after the time that it is closed to the public in accordance with this clause, or
(c) enter any park or part of a park that is reserved for the use of particular persons or bodies or for a particular sector of the public in accordance with this clause unless the person is a person, or belongs to a body or sector of the public, for whose use it is reserved, or
(d) use any park or part of a park for a use other than that for which it is reserved, or
(e) enter or use any park or part of a park or any public or other road traversing a park without paying any fee or charge that is imposed in that regard in accordance with this clause, or
(f) use any facilities in a park or carry out any activity (including driving a vehicle, horse or camel) in a park in contravention of the terms of a notice under this clause, or
(g) enter or use any park, any part of a park, any facilities in a park or any public or other road traversing a park otherwise than in accordance with any conditions imposed in accordance with this clause.
Maximum penalty: 30 penalty units.

5 Regulation by direction
(1) A park authority may issue an oral direction to a park user in relation to any of the following:
(a) points of entry to the park to be used by the park user,
(b) the closing of the park, or any part of the park, to the park user,
(c) reserving the park, or any part of the park, for a particular use or for the use of particular persons or bodies or a particular sector of the public,
(d) the regulation or prohibition of the use of any facilities in the park or the carrying out of activities (including driving vehicles, horses or camels) in the park,
(e) the granting of any consent that is required by this Regulation in relation to the use of the park,
(f) the imposition of conditions, including conditions relating to the payment of fees or charges, on the park user (whether on foot or driving vehicles, horses or camels) entering or using the park, any part of the park or any facilities in the park.
(2) A park user to whom such a direction is given must comply with the direction.
Maximum penalty: 30 penalty units.
(3) A person does not commit an offence under this clause for anything done or omitted to be done with
the consent of a park authority and in compliance with a direction under this clause.

**Division 2 Regulation of traffic**

**6 Entry of vehicles to parks**

(1) A person must not drive a vehicle into a park otherwise than on a road leading into or traversing the
park.

Maximum penalty: 30 penalty units.

(2) A person does not commit an offence under this clause for anything done or omitted to be done with
the consent of a park authority and in accordance with any conditions to which the consent is subject.

**7 Use of vehicles, camels, horses, vessels and machines in parks**

(1) A person must not do any of the following in a park:

(g) drive a vehicle, camel or horse, or tether a camel or horse, otherwise than on a road, track, trail or
way, or in an area, set aside for that purpose,

(h) drive a vehicle, camel or horse in a dangerous or
reckless manner,

(i) park a vehicle otherwise than in an area set aside for the parking of vehicles,

(k) operate or use a vessel in such a manner as to cause a nuisance or endanger the safety of other
users of the park,

(m) tie a vessel by any means to any vegetation,

Maximum penalty: 30 penalty units.

(2) A person must not drive or park a vehicle on a road, track, trail or way or in an area in a park if:

(a) a gate, barrier or similar device is positioned, or an obstruction has been created by any means, in
such a way as to restrict or obstruct vehicular access to the road, track, trail, way or area,

(b) vehicular access to a road, track, trail, way or area is restricted or obstructed in any other way.

Maximum penalty: 30 penalty units.

(3) A person must not drive a vehicle so as to cause damage to any road, track, trail, way or area in a
park if vehicular access to the road, track, trail, way or area has been prohibited or restricted by the park
authority in any way.

Maximum penalty: 30 penalty units.

(4) A person must not:

(a) open, damage or destroy any gate, barrier or similar device in a park, or

(b) remove, shift, damage or destroy any obstruction that has been positioned or created, by any means,
so as to restrict or obstruct vehicular access to any road, track, trail, way or area.

Maximum penalty: 30 penalty units.

**Division 3 Regulation of conduct generally**

**8 Removal of certain persons**

(1) An authorised officer may direct a person to leave a park or any part of a park if, in the opinion of the
authorised officer, the person:

(a) is trespassing, or

(b) is causing annoyance or inconvenience to any other person in the park, or

(c) has committed an offence under the Act or this Regulation.

(2) A person to whom such a direction is given must comply with the direction.

Maximum penalty: 30 penalty units.

(3) An authorised officer may remove from a park, or any part of a park, any person who fails to comply
with a direction under this clause and any vehicle, vessel, animal or other property in the possession of
the person.

(4) A person who has been given a direction under subclause (1), or who has been removed from a park
under subclause (3), must not re-enter the park for a period of 24 hours after the direction was given or
after he or she was removed from the park, whichever is later.
Maximum penalty: 30 penalty units.

(6) In this clause: 

**authorised officer**, in relation to a park, means:
(a) an officer or employee of the National Parks and Wildlife Service, or
(b) a person who is authorised by the park authority to exercise the powers conferred by this clause, or
(c) a police officer.

11 Littering and damage

(1) A person must not:

(f) write or paint or otherwise mark or affix any bill, notice or advertisement on or to, or deface by painting, carving, scratching or any other means, or damage, destroy, remove or interferewith, any fixture, improvement, rock, tree, equipment, water supply or relic in a park, or

(g) deposit, leave or abandon a vehicle or part of a vehicle in a park, or

(h) interfere with, dig up, cut up, collect or remove for any purpose any soil, sand, gravel, clay, rock, ochre, mineral, timber (whether or not consisting of or including dead timber), gum resin, humus or other natural substance or object in a park, whether on land or on or under water, or

(i) dam, divert or pollute the water in any waters or water tank in a park, or

(j) carry or possess any soil, sand, gravel, clay, rock, ochre, mineral, timber (whether or not consisting of or including dead timber), gum resin, humus or other natural substance or object in a park, or

(k) carry, possess or use any spray cans of paint, or any bolt cutters, oxy-acetylene equipment, angle grinder or other cutting equipment in a park, or

(l) possess or have custody of any key or other similar device that is capable of opening any lock or other device securing a gate or barricade located in a park, or

Maximum penalty: 30 penalty units.

12 Protection of animals

(1) A person must not in a park:

(b) hunt, shoot, poison, net, spear, pursue, interfere with, injure, hurt, capture, destroy, trap or snare, or have in the person’s possession, an animal, or

(c) take any animal’s nest or egg, or interfere with any animal’s nest or egg or habitation or resting place or any beehive, or

Maximum penalty: 30 penalty units.

13 Offensive conduct

(1) A person must not in a park:

(a) behave in a disorderly manner or use insulting or offensive language or commit a nuisance or act of indecency or cause annoyance or inconvenience to other persons, or

(c) drive, ride, operate or use any machinery, plant, radio, television, cassette player, compact disc player, record player or other equipment for relaying music or sound, or any vehicle, vessel or aircraft (including any model vehicle, vessel or aircraft) in a manner likely to interfere with or cause a nuisance to any person or animal.

Maximum penalty: 30 penalty units.

(2) A person must not ride or use a skate board, roller skates, bicycle, scooter or other means of conveyance (other than a disability assistance aid) on a track, trail or way, or in an area, set aside in a park for pedestrian traffic only.

Maximum penalty: 30 penalty units.

15 Cultural heritage

(2) A person must not within any Aboriginal area or Aboriginal place have in the person’s possession:

(b) any sieve, spade, shovel, fork, mattock, pick, bar, axe, chisel, hammer or similar implement.

Maximum penalty: 30 penalty units.

(3) A person must not in a park:
(b) touch or interfere with or do anything that may cause or assist the mutilation or destruction of any relic, or
Maximum penalty: 30 penalty units.

(c) construct, operate or use any structure, installation, engineering work, plant, equipment, amusement
device, fixture or improvement in a park, or
(d) erect a hoarding or notice, or exhibit any commercial or political advertising matter, sign, bill or poster,
in a park.
Maximum penalty: 30 penalty units.

17 Protection of vegetation
(1) A person must not:
(a) gather, pluck, pull up, poison, take, dig up, cut, fell, remove, damage or destroy any vegetation in a
park, or
(b) have any vegetation in the person’s possession in a park, whether for removal or otherwise, or
(c) introduce any exotic vegetation into a park.
Maximum penalty: 30 penalty units.

(5) In this clause:
vegetation means the whole or part of any tree, shrub, fern, creeper, vine, palm, plant or seed, whether
alive or dead.

21 Sporting, recreational and other activities
(1) A person must not in a park:
(a) conduct or take part in any sporting activity that forms part of an organised competition or tournament,
or
(b) organise, attend or participate in any concert, public meeting, function, demonstration or gathering
involving more than 40 persons or such other number of persons as is stated in a plan of management for
the park, or stated in a notice erected in the
park or given to a park user, whichever is the lesser, or
(c) organise, attend or participate in any group activity involving more than 40 persons, or such other
number of persons as is stated in a plan of management for the park, or stated in a notice erected in the
park or given to a park user, whichever is the lesser, any manoeuvre whether of a military, naval, aerial
nature or otherwise, any course of training or any similar activity, or
(d) engage in any activity or recreational pursuit that involves risking the safety of the person or the safety
of other persons or damaging the environment.
Maximum penalty: 30 penalty units.

24 Interference with park management
A person must not:
(a) destroy, damage or remove any thing that is being used or intended to be used by the park authority
for the suppression or destruction of any animals in a park, or
(b) interfere with any thing that is being used or intended to be used by the park authority for the
suppression or destruction of any animals in a park in a manner that is likely to impair its effectiveness, or
(c) remove, relocate, damage, destroy or obscure by any means any sign or notice that has been erected
or displayed in a park by a park authority or that has been erected or displayed in a park with the consent
of the park authority, or
(d) interfere with or obstruct any action taken by a park authority for the purpose of the care, control and
management of the park, or
(e) attempt to do any of the things referred to in paragraphs (a)–(d).
Maximum penalty: 30 penalty units.

33 Second and subsequent offences
(1) A person who commits (or is, by virtue of section 159 of the Act, guilty of) a second or subsequent
offence against this Part is liable to be excluded from a park by the park authority for any period of time
determined by the park authority.
(3) A person who has been excluded from a park under this clause must not re-enter the park before the period of exclusion ends.
Maximum penalty: 30 penalty units.

APPENDIX 3
The National Parks and Wildlife Act 1974- relevant sections

75 Adoption of Plan of Management for National Parks or Historic Sites

(1) Where a plan of management has been prepared for a national park or historic site (other than a national park or historic site reserved under Part 4A), the Director-General shall give notice as prescribed that the plan of management has been prepared and shall, in that notice:

(a) specify the address of the place at which copies of the plan of management may be inspected, and

(b) specify the address to which representations in connection with the plan of management may be forwarded.

(2) Any person interested may, within one month or such longer period as may be specified in the notice, make representations to the Director-General in connection with the plan of management.

(3) The Director-General shall, upon the expiration of the period referred to in subsection (2), refer the plan of management, and any representations forwarded to the Director-General, to the Council for its consideration and advice.

(4) The Director-General shall thereupon submit the plan of management to the Minister together with any comments or suggestions of the Council.

(5) The Minister shall, before adopting the plan of management, consider the comments and suggestions of the Council.

(6) The Minister may adopt the plan of management without alteration or with such alterations as the Minister may think fit or may refer it back to the Director-General and the Council for further consideration.

(7) The Minister may:

(a) amend or alter a plan of management for a national park or historic site from time to time, or

(b) cancel the plan and substitute a new plan.
(8) Where the Minister proposes to amend or alter a plan of management for a national park or historic site or to cancel a plan of management for a national park or historic site and substitute a new plan of management, the Minister shall instruct the Director-General to cause the amendment or alteration or the new plan of management to be prepared, and the Director-General shall proceed to do so as soon as practicable after being so instructed.

(9) The provisions of sections 72 (2), (3) and (4) and 74 and subsections (1) to (6), inclusive, apply to and in respect of an amendment or alteration referred to in subsection (8) in the same way as they apply to and in respect of a plan of management for a national park or historic site, as the case may require.

79A Lapsing of Plan of Management

(1) A plan of management for lands reserved or dedicated under Part 4A expires on the tenth anniversary of the date on which it was adopted unless it is sooner cancelled under this Part.

(2) Not less than 6 months before a plan of management expires, the board of management for the lands concerned must prepare a new plan of management to replace it.

(3) The board of management is to have regard to a plan of management that has expired until the new plan of management comes into effect.

81 Operations under the Plan of Management

(4) Despite anything in this or any other Act or in any instrument made under this or any other Act, if the Minister has adopted a plan of management under this Part, no operations shall be undertaken in relation to the lands to which the plan relates unless the operations are in accordance with that plan.

99A Directions relating to protected fauna

(2) An officer of the Service may give a direction to a person to stop any activity that is causing, or is likely to cause, distress to protected fauna.

(3) A person must not fail to comply with a direction given to the person under this section.[Penalty: Maximum penalty: 25 penalty units.]

(4) A direction under this section has effect only for a period of 24 hours after the time at which it was given.

(5) However, nothing in subsection (4) prevents a further direction being given under this section.

118D Damage habitat of threatened species, populations or ecological communities

(1) A person must not, by an act or an omission, do anything that causes damage to any habitat (other than a critical habitat) of a threatened species, population or ecological community if the person knows that the land concerned is habitat of that kind.[Penalty: Penalty: 1,000 penalty units or imprisonment for 1 year or both.]

155 Regulations relating to parks

(1) In this section, "park" means national park, historic site, state recreation area, regional park, nature reserve, state game reserve, karst conservation reserve or Aboriginal area.
(2) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that, by this Act, is required or permitted to be prescribed by regulations or that is necessary or convenient to be prescribed by regulations for carrying out or giving effect to this Act and, in particular, for or with respect to:

(a) the regulation of the use and enjoyment of parks,

(b) the securing of decency and order in parks,

(c) the removal of trespassers and other persons causing annoyance or inconvenience in parks,

(d) the regulation or prevention of the taking of intoxicants into, and the consuming thereof in, parks,

(e) the regulation, control or prohibition of the taking of animals on or into parks and public and other roads traversing parks or the permitting or suffering of animals to be on or in parks and any such roads,

(f) the regulation, control or prohibition of mooring, parking, camping or residing in parks, the making of charges for mooring, parking, camping or residing in parks and the collecting and receiving of those charges by the Minister or by other persons,

(g) the preservation or protection of, or prevention of damage to, trees, shrubs, ferns, creepers, vines, palms, plants, flowers, herbage or other vegetative cover in parks,

(h) the conditions under which trees or timber may be cut or removed from parks and the amount of royalties, fees and charges payable in respect thereof,

(i) the preservation or protection of any rocks, soil, sand, stone, or other similar substance on or under or comprising part of a park, or the removal of any such substance from a park and the amount of royalties, fees and charges payable in respect thereof,

(j) the preservation or protection of any animals in parks,

(k) the preservation or protection of, or prevention of damage to, any relic or Aboriginal place in a park,

(l) the regulation, control or prohibition of the use of any relic or Aboriginal place for commercial purposes in a park,

(m) the making of charges or entrance fees for persons, clubs or associations or for vehicles using or entering a park, or any specified part of a park, or any public or other road traversing or bounding a park or such a part, and the collecting, receiving and waiving of those charges and fees by the Director-General or by other persons,

(n) the reservation of any portion of a park for such separate or exclusive use as the regulations may prescribe,

(o) the closing of, or the regulation, control or prohibition of the entry of any person or class of persons into, a park or parts of a park and the conditions to be observed with regard thereto,

(p) the regulation, control or prohibition of private trading in a park,

(q) the use of roads, tracks, trails and other ways within a park and the circumstances under which roads, tracks, trails and other ways therein shall be open or may be closed to public traffic or use,
(r) the powers and duties of any officer of the Service appointed in respect of a park,

(s) the regulation of the use of vehicles and the conditions under which they may be used in a park,

(t) the regulation of the speed of vehicles in a park,

(u) the regulation of the use of chair lifts, surface tows and ski jumps and the conditions under which they may be used in a park,

(v) the regulation, control or prohibition of the erection of buildings, marinas, structures, signs or other improvements in a park,

(w) the protection of buildings, marinas, structures, signs and other improvements in parks,

(x) the regulation, control or prohibition of exotic plants in parks,

(y) the collection of scientific specimens, the preservation or protection of marine life (other than fish within the meaning of the Fisheries Management Act 1994), and the pursuit of research in parks,

(z) the regulation, control or prohibition of the use of firearms or other weapons and the carrying of firearms or other weapons in parks,

(aa) the management and maintenance of pounds within a park,

(bb) the procedure for the impounding of cattle, horses, asses, mules, sheep, goats, swine and dogs within a park and for their subsequent disposal, sale or destruction,

(cc) the damage fees, driving charges, sustenance charges, deterrent fees and pound fees chargeable in respect of the impounding of cattle, horses, asses, mules, sheep, goats, swine and dogs within a park,

(dd) the fees chargeable in respect of the sale or offering for sale and in respect of the destruction of cattle, horses, asses, mules, sheep, goats, swine and dogs impounded within a park, and

(3) may be made to apply generally to all parks or to all such other lands so acquired

156A Offence of damaging reserved land

(1) A person must not, on or in land reserved under this Act or acquired under Part 11:

(a) remove any water other than for purposes authorised by or under any Act or for the purposes of personal use on the land, or

(b) damage or remove any vegetation, rock, soil, sand, stone or similar substance, or

(c) damage any object or place of cultural value.

[;Penalty: Maximum penalty: (a) in the case of a corporation—10,000 penalty units, or (b) in the case of an individual—1,000 penalty units or 6 months imprisonment, or both. ]

(3) It is a defence to a prosecution for an offence under subsection (1) if the act constituting the alleged offence is referred to in subsection (1) (c) and the accused proves that he or she did not know, and could not reasonably have known, that the object or place concerned had cultural value.
(4) If a court finds a person guilty of an offence under subsection (1), the court may, in addition to or in substitution for any pecuniary penalty for the offence, direct the person to take any action to mitigate the damage to, or to restore, the land or object concerned or to take such other action in relation to the land or object as the court considers appropriate in the circumstances.

(5) The court may specify the actions to be taken to mitigate the damage to or to restore the land or object under subsection (4) and may order the person to provide security for the performance of any obligation imposed under that subsection.

156 Requirement to state name and address

(1) The Director-General or any officer of the Service, or any person duly authorised by the Minister in that behalf, may require a person whom he or she suspects on reasonable grounds to be offending against this Act or the regulations to state the person’s full name and residential address.

(2) The Director-General, any officer of the Service duly authorised by the Director-General in that behalf or any person duly authorised by the Minister in that behalf may require the driver of a motor vehicle in a national park, historic site, state recreation area, regional park, nature reserve, state game reserve or Aboriginal area to produce his or her driver licence and to state his or her full name and residential address.

(3) A person shall not:

(a) fail or refuse to comply with a requirement under subsection (1) or (2), or

(b) in purported compliance with such a requirement, state a name that is not the person’s name or an address that is not the person’s residential address.

175 General offence and penalties

(1) A person who:

(a) does that which by this Act (Parts 2, 3 and 5 excepted) the person is forbidden to do, or

(b) fails or neglects to do that which by this Act (Parts 2, 3 and 5 excepted) the person is required or directed to do,

(1) is guilty of an offence against this Act.

(2) A person guilty of an offence against this Act, whether pursuant to subsection (1) or otherwise, is, where no other penalty is prescribed, liable to a penalty not exceeding 100 penalty units, in the case of an individual, or 200 penalty units in the case of a corporation.
APPENDIX 3 Map of proposed track to be designated in the Heathcote and Temptation Creek and Heathcote areas
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ACT Department of Conservation and Land Management (1997) *Environmental impacts and management implications of the 1997 National Mountain Bike Championships held in Canberra Nature Park, ACT.*


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IMBA (International Mountain Bike Association) [www.imba.com](http://www.imba.com)


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