

5. Assembly areas, starting lines, checkpoints, refuelling and service areas should be located on relatively flat, open sites that are well drained. Refuelling areas will not be permitted within 500 metres of any permanent stream or water body, unless refuelling is carried out on tarpaulins providing an effective barrier in which case the distance will be reduced to 100 metres.
6. Events should be organised so that they have minimal impact on or interference with other forms of public recreation, either directly or indirectly (i.e. noise impacts). Important areas to avoid include picnic and camping areas, walk paths, horse trails and scenic drives.
7. Events should be organised so as not to unduly disrupt other operations (e.g. commercial logging operations, beekeepers) and/or users of DEC-managed lands.
8. Events should be located sufficiently distant from adjoining properties so as not to create noise and dust problems for those residents or unduly interfere with their land use activities.
9. In competitive events, mass starts where large numbers of competitors leave simultaneously from the same point should not be permitted. Instead, staggered starts (e.g. 2-3 competitors leaving at one-minute intervals) are to be used.
10. If there are no existing arrangements in place, events, whether on or off-road, will be subject to periodic monitoring by DEC to identify any impacts resulting from such activity and to subsequently carry out at the organiser's expense any rehabilitation which might be required.

5.4 OFF-ROAD VEHICLES

Introduction

These policy guidelines deal with the public's off-road use of all motorised vehicles on lands managed by DEC, whether by conventional vehicles, four-wheel drive vehicles, motorcycles, dune buggies, all-terrain vehicles or other motorised vehicles such as farm tractors.

This policy needs to define what is regarded as a 'road' so as to explain the term 'off-road' and to describe the types of vehicles likely to be involved in off-road driving.

The definition of 'road' in section 5 of the *Road Traffic Act 1974* (Road Traffic Act) includes any highway, road or street open to, or used by the public. The *Land Administration Act 1997* defines a road as land dedicated at common law or reserved, declared or otherwise dedicated under an Act as a road, street or thoroughfare for pedestrians or vehicles or both. Whilst a road is not defined in the *Local Government Act 1995* there is reference to public thoroughfares and (obliquely) to those thoroughfares that are dedicated for public use. Roads under these three Acts can best be described as dedicated roads, being Crown land set aside as a road. Earlier descriptions included the terms 'public road' and 'gazetted road' (there is no requirement now to publish road details in the *Government Gazette* nor to give a dedicated road a number) but the preferred term 'dedicated road' is now gaining acceptance. Dedicated roads are managed by Main Roads WA or by a local government.

Where dedicated roads pass through land managed by DEC, the road remains a Crown land road reserve and does not form part of the surrounding CALM Act land estate.

Another category of road is that which is constructed on CALM Act land, is maintained by DEC and which is open to use by the public. These CALM Act roads are not dedicated under the three Acts cited above. Parts of these CALM Act roads or tracks may be closed to the public by DEC by signage or barriers e.g. 'management track - authorised vehicles only/no access' type signage.

'Off-road' driving includes accessing roads or tracks closed to the public or driving where there are no roads, e.g. across vegetation, beaches/sand or rock.

All motorised vehicles travelling on DEC-managed lands are subject to this policy. Included are conventional vehicles, motorcycles and four wheel drive vehicles licensed under the Road Traffic Act; all-terrain vehicles also licensed under the Road Traffic Act (which include four wheel and six wheel motor bikes and 'gofer' type vehicles often used by the disabled); vehicles licensed under the *Control of Vehicles (Off-road areas) Act 1978* (notably dune buggies); and all other vehicles which are not licensed under either Act (e.g. farm tractors).

It is recognised that the ownership of four-wheel drive vehicles licensed under the Road Traffic Act has increased significantly in recent years and that a growing number of people enjoy off-road or four-wheel driving. At the same time, there has been considerable community concern expressed over the environmental damage that can be caused by vehicles used in such a way. Considerable funds have been spent by all levels of Government to restore areas damaged by the use of vehicles off-road, particularly in coastal and hilly areas. There has also been an encouraging involvement by four-wheel drive clubs and associations seeking to promote responsible four-wheel driving on DEC-managed lands.

The *Control of Vehicles (Off-road areas) Act 1978* is currently under review, and DEC has provided input to this review process.

Policy Guidelines

- 5.4.1 Any motorised vehicle used on land managed by DEC must be licensed/registered under the Road Traffic Act or the *Control of Vehicles (Off-road Areas) Act 1978*. Vehicles that are not licensed under either Act are not permitted on land managed by DEC (either on roads or off-road) unless given written lawful authority to do so by the Regional or District Manager. Prohibited unlicensed vehicles will include farm tractors. Unlicensed drivers, including under-age drivers, will be similarly prohibited on DEC-managed land and roads, except on permitted areas under the *Control of Vehicles (Off-road areas) Act 1978* in accordance with that Act.
- 5.4.2 CALM Act roads may be closed to all public vehicle access or to selected classes of vehicles and will be signposted accordingly. These closures may be for restricting access in declared Disease Risk Areas, or as a temporary measure for management purposes, such as logging, maintenance, bridge repair or safety reasons. Regulations 5 ('Restricted areas') and 51 ('Vehicles') have been amended to enable vehicles to be excluded from CALM Act roads that form part of walking tracks (e.g. Bibbulmun Track) and exclude vehicles other than bicycles from cycle trails (e.g. Munda Biddi Trail). Roads may be designated as being for management purposes only and therefore not available to public access by vehicle. This section does not apply to dedicated roads managed by Main Roads WA or local government.
- 5.4.3 All vehicles are required to stay on established roads or tracks while operating on lands managed by DEC. Vehicles may only be used off a dedicated or CALM Act road if an area has been designated and signposted for such use, e.g. areas designated under the *Control of Vehicles (Off-road areas) Act 1978* (see 5.4.4 below), beach access, or tracks or firebreaks suitable for four-wheel drive vehicles. Regulations 6 ('Designated areas') and 51 ('Vehicles') have been amended to allow vehicular access that would otherwise be unlawful under the Regulations, e.g. vehicular access along the Cape Le Grand National Park beachfront. Such designation will not be given in nature reserves and will only be given in other lands managed by DEC by way of a management plan, compatible operations or interim management guidelines.
- 5.4.4 Under regulation 52 of the *Conservation and Land Management Regulations 2002*, a person must not have or drive on DEC-managed land an off-road vehicle within the meaning of the *Control of Vehicles (Off-road areas) Act 1978*, unless on a permitted area under that Act or with a permit issued under section 8(4) of that Act. Vehicles within the meaning of that Act are not registered for on-road use under the Road Traffic Act and can include unlicensed conventional vehicles. Areas may be established as permitted off-road vehicle areas consistent with the *Control of Vehicles (Off-road areas) Act 1978* for vehicles registered under that Act. Vehicles licensed under the Road Traffic Act do not require separate off-road registration to utilise these permitted areas. Permitted areas under the former Act will cater for motorised recreation but will only be established on State

forest and timber reserves and on CALM Act section 5(1)(g) and (h) reserves, consistent with approval from the CEO. Adjoining landholders will be consulted prior to the designation and establishment of permitted areas under that Act. DEC-managed permitted areas may also be cancelled if environmental or safety concerns cannot be accommodated. Permits under section 8(4) of the *Control of Vehicles (Off-road areas) Act 1978* need to be issued by the Minister administering that Act (currently the Minister for Local Government and Regional Development) and it is anticipated that their issue will continue to be restricted in number.

- 5.4.5 There may be instances where permission will be sought to use motorised vehicles (including all-terrain vehicles such as four- or six-wheel motorcycles and 'gofer' type vehicles) off-road to allow a disabled person access or to accommodate a particular event or activity. The DEC Regional or District Manager may issue permission for the use of a vehicle for such a purpose, as long as the vehicle is registered under the B class conditional registration arrangements of the Road Traffic Act. Registration of vehicles under that Act will provide the owners with comprehensive third party insurance for personal injury. Conditions of use attached to the DEC permission will include consideration of the length of time the permit is required and the designated area where any vehicles can be used.

Approval will be contingent on:

- The driver holding a current and appropriate drivers' licence and the vehicle being registered under the Road Traffic Act.
- The CEO being indemnified from any liability arising from the use of the vehicle.
- The permit being carried by the user when the vehicle is being used on land managed by DEC.
- There not being a significant negative impact on the natural environment and the use and enjoyment of other visitors.
- Compensation being paid to DEC should damage to nature conservation values/DEC assets occur.

Permission will be withdrawn if any of the specified conditions are not adhered to.

If the vehicle has ACROD status, it may be permitted on DEC-managed lands in areas where it will not pose a danger to other users, or in situations where the user may safely access their destination.

- 5.4.6 DEC will continue to work with organisations including Tread Lightly! Australia, Track Care WA and the WA Four Wheel Drive Association to actively promote the responsible use of 4WD vehicles in natural areas. Four-wheel drive owners will be encouraged to attend special driving classes for safety and environmental awareness.
- 5.4.7 This policy does not restrict DEC staff or their agents from driving vehicles off-road to carry out DEC'S functions, e.g. feral animal control, fire fighting and rescue operations.

5.5 LAND YACHTING

Introduction

A land yacht is a wind-powered, non-motorised vehicle. Land yachting in Western Australia began on Lake Lefroy, a salt lake near Kambalda in 1897. Most land yachters belong to a club and there are at least two clubs in Western Australia - the Lake Lefroy Land Sailing Club and the Sandgropers Land Yacht Club.

Land yachts require a hard flat surface such as a hard beach, salt lake or clay pan. They rely solely on wind power, and cannot operate in soft sand. Organised clubs usually require that yachts have brakes and seat belts and that operators wear crash helmets. Land yachts can travel at speeds of 80 kilometres per hour or faster in favourable conditions.