



Copacabana Community Association Inc.

NSW NATIONAL PARKS & WILDLIFE SERVICE

Draft Cycling Strategy Guidelines for Implementation & Cycling Strategy Consultation

Date: January 23, 2022

Submission: Copacabana Community Association (CCA)

Copacabana Community Association (CCA) is an incorporated association located on the NSW Central Coast. We appreciate the opportunity to make this submission on behalf of our members and the wider local community.

Introduction

National Parks are essential green infrastructure for people, birds and animals: helping to mitigate against the effect of climate change and heat sinks; supporting biodiversity; providing habitat and refuge for wildlife and other fauna, including an increasing number of endangered species. **It is critically important that they are protected from development that would diminish those values.** Protection and conservation of these environmental assets has never been more important, particularly considered in context of the losses caused by the 2019-20 bushfires:

The 2019-20 bushfires in New South Wales (NSW) have been unprecedented in their extent and intensity. As of 28 January 2020, the fires in NSW had burnt 5.3 million hectares

(6.7% of the State), including 2.7 million hectares in national parks (37% of the State's national park estate).¹

Illegal trail building is a major issue, not only in National Parks

The CCA has received many complaints and representations from our members and other local community groups regarding the proliferation of illegal cycling/mountain biking trails in ecologically sensitive areas in and around Copacabana and this is the issue that we seek to address in this submission. As evidenced in the Draft Cycling Strategy Guidelines this proliferation of illegal tracks is increasingly occurring in National Parks to the detriment of the environment and ecological communities.

The building of such tracks and trails has resulted in serious damage to some of the pristine bushland surrounds on our coast and hinterlands and must be prevented in future. Most of these tracks and trails have been built by users without professional expertise and with no regard for the value of the natural environment. Representations by our members (including extensive photographic evidence) to the local Council have been acknowledged and some remediation works have been attempted, but in the absence of cogent government policies, guidelines and policing resources, the Council (and local residents) are effectively powerless to prevent further proliferation and damage.

The track-builders seem to have no regard for (or knowledge of) the illegality of their actions, nor do they take any responsibility for the damage to the bush caused by their 'sport', or the potential danger to bush walkers and other users. As in other 'mainstream' sports, the peak cycling and mountain biking bodies must address this issue and provide clear directives and guidelines to their constituents **and address illegal behaviour and damage caused by those constituents.**

The proliferation of illegal trails has 'exploded' during the pandemic

We have experienced a marked increase in such illegal trail-building over the past two years, we surmise in response to the lockdowns and restrictions imposed relating to the pandemic. This destruction seems at odds with most people's enhanced appreciation of the natural environment in

¹ NSW Department of Planning, Industry and Environment webpage '[Understanding the impact of the 2019–20 fires](#)' (last updated on 27 February 2020)

various forms and for many pursuits in the outdoors that enhance physical and mental health and wellbeing. The increase in use and appreciation of parks (local, regional, national) has been well documented as a natural 'antidote' to the confined nature of citizens' lives during Covid – working from home, home schooling etc.

It is an obvious consequence of government planning policies mandating higher dwelling densities that there is increasing 'competition' for green space and natural landscapes across the state. Higher incidence of permanent migration and tourism to regions outside our major cities, including the Central Coast, have increased such pressures. Indeed, figures quoted in the Cycling Strategy Guidelines for Implementation document state that usage of NSW National Parks (virtually) doubled between 2010 and 2018. It is obvious that this trend will have been greatly exacerbated during the pandemic.

A small, single-interest lobby group will benefit from this policy without any obligation to contribute materially

The NPWS principal objective, as stated in the documentation is to 'Protect and conserve park values' and yet there is no mandate for this special-interest user group to contribute in any material way to this objective and no financial modelling that indicates any obligation on the part of the sport.

Figures quoted in the Draft Cycling Strategy Guidelines (Page 30) state that MTBA (now AusCycling) has 17,625 members nationally. Applying the percentage of the total population that lives in NSW (31.8%) to this total membership, this equates to 5,604 members across the state (which has a population of over 8 million).

As a general principle, the CCA objects to the fact that this one small single-interest sporting/recreational community should have such influence over government with their lobbying to use the National Parks (and other parklands) for their own purposes that this strategy and policy – which may be seen to accede to the wishes of that group at the expense of other park users – has been created.

We object to the fact that organised/peak lobby groups such as Mountain Bike Australia (AusCycling) and the International Mountain Biking Association have lobbied successfully to ensure that their

constituents will have the right to use these valuable ecologically-valuable spaces, without any mandate that they (the groups) have any obligation to repair the damage proponents of their sport have (and will in future) cause to the natural environment in National Parks.

It is nonsensical to us that in these documents, this group is merely being ‘encouraged’ to ‘self-regulate’ and ‘engage in stewardship’ (which they have manifestly not done to date) rather than having any responsibility – in exchange for access – to make a physical and financial contribution (beyond ‘sponsorship’ and ‘events’ and ‘volunteering’).

It is simply unacceptable that (as proposed) ‘volunteers’ (not necessarily drawn from user or industry groups) should be expected to remove or remediate illegal trails they did not build, or maintain trails that they do not use and that this will be dependent on the ‘goodwill’ of other park users, which will limit the ability of the NPWS to effectively ‘rub out’ these trails or mitigate any damage caused.

Extract: We will assess, close and rehabilitate (where resources allow) unauthorised tracks if they are deemed to be in inappropriate areas, inconsistent with park values, or are outside of an authorised track network.²

The phrase ‘where resources allow’ is key here. The user pays principle must apply in this case, to ensure that ‘resources’ (financial and physical) are available to achieve the NPWS principal objective.

Our seven recommendations are:

- 1) **DPIE and NPWS should consider purpose-built cycling facilities** on lands that are not within the National Parks in order to avoid damage to those parks (which has and will occur) caused by the sport and conflict with other (passive) users who use the parks principally because of their appreciation for ‘being in nature’.

According to the ‘Road Cycling Market Overview’³ (presumably supplied to NPWS by the sport’s stakeholders), the majority of cyclists (57%) cite ‘physical health and fitness’ as their reason for cycling versus only 9% of people cite ‘being outdoors **in nature**’ as their reason for cycling. That would indicate that cycling, for the majority of cyclists, is a sport in which

² Page 10, Cycling Strategy Consultation Draft

³ Page 7, Cycling Strategy Consultation Draft

they would happily participate on indoor tracks, local streets and roads (for example), or purpose-built facilities. According to their own industry polling, it is the physical experience of the sport, rather than the environment, that matters to the majority of cyclists. To suggest otherwise is misleading.

In the Central Coast LGA (for example) consideration could be given to locating purpose-built facilities on redundant Council-owned sites and other lands that are surplus to the NSW government's requirements.

- 2) If this policy is approved, the NPWS should be **required to impose a small levy on ALL stakeholders within this special interest group** - professional trail builders; members of cycling groups who use the parks; event managers etc - which contributes to a fund that **pays for remediation and/or removal of illegal trails** and also maintenance of legally-sanctioned trails, particularly those designated for single purpose cycling usage.

This levy could also be added to park entry fees in the case of single (non-affiliated) cyclists in parks, who currently do not pay to enter. At the implementation stage, Treasury should establish a base fund for the remediation and removal work, so that the work can be carried out by qualified paid workers.

The 'industry' must pay for the privilege of using these spaces and be made aware that there is a cost to them for bad behaviour by the people they purport to 'represent'.

- 3) The peak bodies of the sport should be required to run education campaigns regarding rights and responsibilities of cyclists who use the park, and to widely advertise to their members and other stakeholders that illegal trail building will not be tolerated, and will ultimately cost park users (whether they have been involved in the trail building or not). Self-regulation has not worked. **There must be a 'quid pro quo' for the right to use the national parks.**
- 4) Local communities – not just the cycling community - must be properly consulted about the specifics of any proposed (legal) trail building so that they can provide input and intelligence about the parks they know and use. Members of the public are often valuable 'unofficial' guardians of wildlife, habitat and endangered ecological communities and they should be consulted before any plans are approved.

- 5) There should be a streamlined process included in the implementation plans for reporting illegal/unauthorised trail building to DPIE – both inside and outside the National Parks - with a published procedure for handling such complaints. Local Councils do not have the resources to police this issue.
- 6) More signage at the entrance to National Parks to warn against the illegal building of trails is required, as well as a requirement for all cyclists to respect the environment and the landscapes within the park. Fines should apply and be able to be issued 'on the spot'.
- 7) Just as motorists are required to do, all cyclists using the National Parks (and other public spaces) should be required to carry ID. This is a health and safety issue for the cyclists and other park users and it will also facilitate identification of any cyclists who are engaging in illegal or unsafe behaviour so that appropriate action can be taken.

Submitted by Sue Steedman, President
On behalf of the Management Committee
Copacabana Community Association
January 19, 2021

E: info@copanews.com.au / M: 0410 597 646 / PO Box 4224, Copacabana, NSW, 2251
www.copanews.com.au