

# **Inquiry into the Use of Off-road Vehicles**

## **Birds SA Submission**

### **Introduction**

Birds SA is the longest running ornithological association in Australia, having been established in 1899. The Association currently has approximately 950 members and membership is growing strongly. Birds SA is affiliated with the national birding organisation, BirdLife Australia.

The objectives of Birds SA are:

- To promote the conservation of Australian birds and their habitats.
- To encourage interest in and develop knowledge of the birds of South Australia.
- To record the results of research with respect to all aspects of bird life.
- To maintain a public fund called the “Birds SA Conservation Fund” for the specific purpose of supporting the Association’s environmental objectives.

In this submission, Birds SA has limited its comments primarily to those issues impacting upon birds and bird habitats. No attempt has been made to highlight the social impacts of Off-road Vehicles (ORVs), which can be both positive and negative.

Three SA sites have been used to demonstrate the impacts of ORVs, these sites being Long Beach at Coffin Bay, Kinchina Conservation Park near Murray Bridge and the Riverland Ramsar area near Renmark.

The comments in this submission are based upon the experience of Birds SA members within public land and beaches including National Parks, Conservation Parks, Recreation Parks, Reserves and other Crown Land. These comments do not consider the use of ORVs on private land even though many of the issues are similar.

Only limited reference is made in this submission to Item 1. In the Terms of Reference, namely the “Efficacy of the current regulatory and legislative framework.”

Birds SA has based much of the material in this submission on:

- Reports from Birds SA members
- The AMLR NRM Board Discussion Paper “Off-road Vehicles on Beaches (2012)”
- The LGA Off-road Vehicles Discussion Paper (2011)
- The BirdLife Australia Population Report for Gulf St Vincent 2016-17
- “Off-road Vehicles - Impact on the Australian Environment” (Aust Govt Report March 1977)
- Australian Government Wildlife Conservation Plan for Migratory Shorebirds (August 2015)

### **Definition of Off-road Vehicles (ORVs)**

ORVs considered in this submission are four-wheel drives (4WDs) that are also usable on normal roads, quad and motorbikes (which will be referred to as trail bikes in this submission), any specialised all-terrain vehicles, mountain bikes, power boats and drones.

## Impacts of Off-road Vehicles

The experience of Birds SA members is that ORVs can impact birds and their environment in many ways. These include:

1. **Direct impact on migratory and resident shorebirds.** This applies to driving on beaches and nearby saltmarshes where birds can be disturbed from their nesting, feeding and roosting sites, nests and hatchlings run over and beaches compacted so that food sources are more difficult to extract. These are issues affecting many South Australian beaches. Hooded Plovers, listed as Vulnerable in South Australia, are one of many species directly impacted by vehicles on beaches, as acknowledged by Natural Resources AMLR. Following is information from the Natural Resources AMLR website.

*Hooded Plovers (Thinornis rubricollis) are small- to medium-sized coastal shorebirds with a distinctive black hood and throat. Listed as vulnerable nationally, there are less than 800 of these birds in South Australia and only 7000 in Australia. Recent surveys conducted on the Fleurieu found only 29 breeding pairs.*

### *Why Hooded Plovers are under threat*

*Coastal development and human activity are the major threats to Hooded Plovers. Nesting at the base of the sand dunes during spring and summer on Adelaide's beaches, they will abandon eggs and chicks if persistently disturbed by **vehicles**, dogs, humans and foxes.*

2. **Impacts on vegetation in both coastal and non-coastal areas resulting in loss of food resources, roosting and nesting habitats.** This is particularly noticeable in coastal habitats as shown in the following example from Long Beach, Coffin Bay.



Damage to Samphire in "No Vehicles" area – Long Beach Coffin Bay- 22 April 2019

An additional major impact of vegetation loss is the increased risk of erosion. Arid areas are particularly vulnerable to vegetation disturbance by ORVs taken in the context of increasing frequency of extreme weather events (floods and droughts) and the increasing prevalence of ORVs in these areas.

3. ***Direct disturbance to birds caused by the presence of ORVs and excessive noise levels, the latter primarily from trail bikes and power boats.*** The incursion of ORVs off-track into previously undisturbed areas can have a major impact, forcing birds to seek alternative habitat for feeding, roosting and nesting. Whilst this may appear to be a simple change for the birds in a country as large as Australia, it does not take account of the fact that many bird species, both large and small, are highly territorial. A forced change may result in birds losing important food, shelter and nesting resources and be more vulnerable to predatory attack by other birds or animals. Excessive noise from trail bikes is an ongoing issue for both birds and people, including bushwalkers pursuing pleasant, nature-based outdoor recreational pursuits.

Following are three Case Studies detailing specific areas where ORVs are having an impact on birds and their environment.

### **Case Study 1 – Long Beach, Coffin Bay**

Long Beach at Coffin Bay is a haven for feeding and roosting shorebirds. A local resident and Birds SA member, Mr Doug Clarke, has been recording in detail the species and numbers of birds on the beach for over ten years, as the result of an initial request for volunteer assistance from the SA Department for the Environment. Birds regularly recorded include migratory waders from the northern hemisphere including Red-necked Stints, Sharp-tailed Sandpipers and small numbers of Pacific Golden Plover. Australian migratory waders such as Banded Stilts are often observed and the site is a regular roosting area for large aggregations of Australian Pied Oystercatchers. As many as 267 Pied Oystercatchers have been seen on the beach at the one time during their most populous period at this location of late Summer and early Autumn.

Motor vehicles (primarily 4WDs) and trail bikes have disturbed the birds and damaged the fragile beach and surrounding environment for many years. Refer to **Appendix 1** for photographs of this damage.

In 2009 Mr Clarke first made a submission to the State Environment Minister requesting better protection for the birds, the beach and its surrounds. This request continues to today. Birds SA first became involved with this issue in 2014 and has ramped up this involvement substantially over the past twelve months, seeking changes to better protect the birds and surrounding habitat. BirdLife Australia, the national birding organisation, supports Birds SA's objectives as do Friends of Coffin Bay Parks, the Lower Eyre Coastcare Association and senior officers within the Department for Environment and Water (DEW). Numerous communications have gone back and forth on this issue between Birds SA and DEW and its predecessors. The issue has been raised with all Environment Ministers since 2009, including Minister Speirs and his predecessor, Minister Hunter.

Signage has been placed on the beach alerting vehicle drivers and other users to the issues with respect to birds. Marker pegs have been provided to indicate to drivers where they should drive relative to the high tide level and a no-vehicle zone has been declared some way into the National Park, the boundary of which is part way along the beach. These signs are regularly ignored and have been defaced on occasion. Vehicles continue to drive well past the no-vehicle zone, disturbing the birds and damaging the dunes and the samphire at the end of the beach. Officers from DEW claim that anti-social behaviour has diminished considerably in recent years. This may be true, but it is still at a level that is unacceptable to some Coffin Bay residents and to Birds SA. It is clear to Birds SA that there are no compelling reasons for privately owned ORVs to be on this beach at all. Following is the text of a letter sent to Birds SA by a long-term Coffin Bay resident, Sue Mattson, that sums up the situation.

#### **26.3.19**

I have lived in Coffin Bay for over fifty years and have observed many changes in that time particularly the increase in the volume of vehicles traversing Long Beach. The impact this is having on the beach is plain to see, as evidenced by my accompanying photos and is causing difficulty to anyone trying to walk along the beach, especially at high tide.



The photos were taken two weeks ago and clearly show vehicle tracks on the wrong side on the marker post, vehicles are meant to pass on the seaward side of those posts. These were put in place to keep vehicles from running over potential bird nesting sites and to reduce dune erosion, it is clearly not working.

I know that there has been local opposition to closing vehicle access to the beach but they have not factored in the huge increase in tourists with four wheel vehicles who also drive along the beach. In the past the local traffic was not that great but increasing visitor numbers mean that this beach at times resembles a highway. The degradation of the beach is an environmental disgrace and with the influx of even more four wheel drive vehicles over the Easter break I fear that any enjoyment of the beach and its wildlife will be ruined.

It is time for the relevant authorities to step up and take action to ban vehicle access to any part of Long Beach. In this time of increasing awareness of the damage done to our environment worldwide we can start to effect change in our own backyard. We need those in positions of authority to have vision and fortitude, both have been sadly lacking to date.

Sue Mattsson

It appears that the local officers with the powers to penalise those desecrating Long Beach have neither the will nor the capacity to bring this behaviour under control. The understanding of Birds SA is that penalties are rarely imposed. The unfortunate reality is that what is occurring at Long beach is happening elsewhere in the State. Whilst the offenders may be few in number, their impact is devastating.

## Case Study 2 – Kinchina Conservation Park

Kinchina Conservation Park is 414 hectares in area and forms the largest area of native vegetation in the Monarto Crown Lands region. Rocky Gully creek passes through the Park and the area is recognised for wildflowers in Spring. In the past, the Park has been noted for the presence of birds such as the Diamond Firetail, listed as Vulnerable in South Australia and the Elegant Parrot, Restless Flycatcher and Hooded Robin, these three species now recognised as being Rare in South Australia. The protection of these species, which are in decline in the Mount Lofty Ranges, was amongst the reasons the Park was proclaimed.

The Park also protects grassy woodland communities, a declining habitat across the Mount Lofty Ranges. There are populations of threatened plant species, such as Monarto Mintbush (*Prostanthera eurybioides*) and Menzel's Wattle (*Acacia menzeli*) in the park.

Mountain biking is permitted in the park with multiple tracks. The park also features a range of walking trails.

At the northern end of the park there is abundant evidence of trail bike activity which is not permitted. This activity continues despite the recent erection of signs clearly stating that it is banned. The impact of the signage on the level of misbehaviour is still to be determined. Ironically the South Coast Motocross facility is located only 2kms from Kinchina, near the junction of Maurice Road and the old Princes Highway.

The most obvious impact of the trail bikes are multiple tracks starting from the bed of Rocky Gully creek and climbing up the banks of the creek. There are also several trail bike tracks winding through the woodlands alongside the creek. As well as disturbance to the vegetation and the wildlife, these tracks promote erosion. There are numerous examples of severe erosion adjacent to the creek.

Refer to **Appendix 2** for photographs of trail bike impact at Kinchina Conservation Park.



### Case Study 3 – Riverland Ramsar Site

The Riverland Ramsar Site is on the floodplain of the River Murray, between Renmark South Australia and the State borders with Victoria and NSW. The Riverland Ramsar site is approximately 30,600 hectares in area. It is located in a semi-arid environment which is absolutely dependent on the River Murray, its backwaters and tributaries.

The wetlands are part of the large Murray-Darling Basin and consist of a variety of wetland types, including channels, anabranches, billabongs, floodplains, swamps and lakes in semi-natural condition. The lower Murray River system, including the Riverland Ramsar site, is a major centre for breeding birds, including:

- Regent Parrot
- Freckled Duck
- Australasian Bittern

These are all listed as Vulnerable in SA. The area is also important for its unique large stands of native river red gum, which border the creeks and backwaters, providing excellent wildlife habitat.

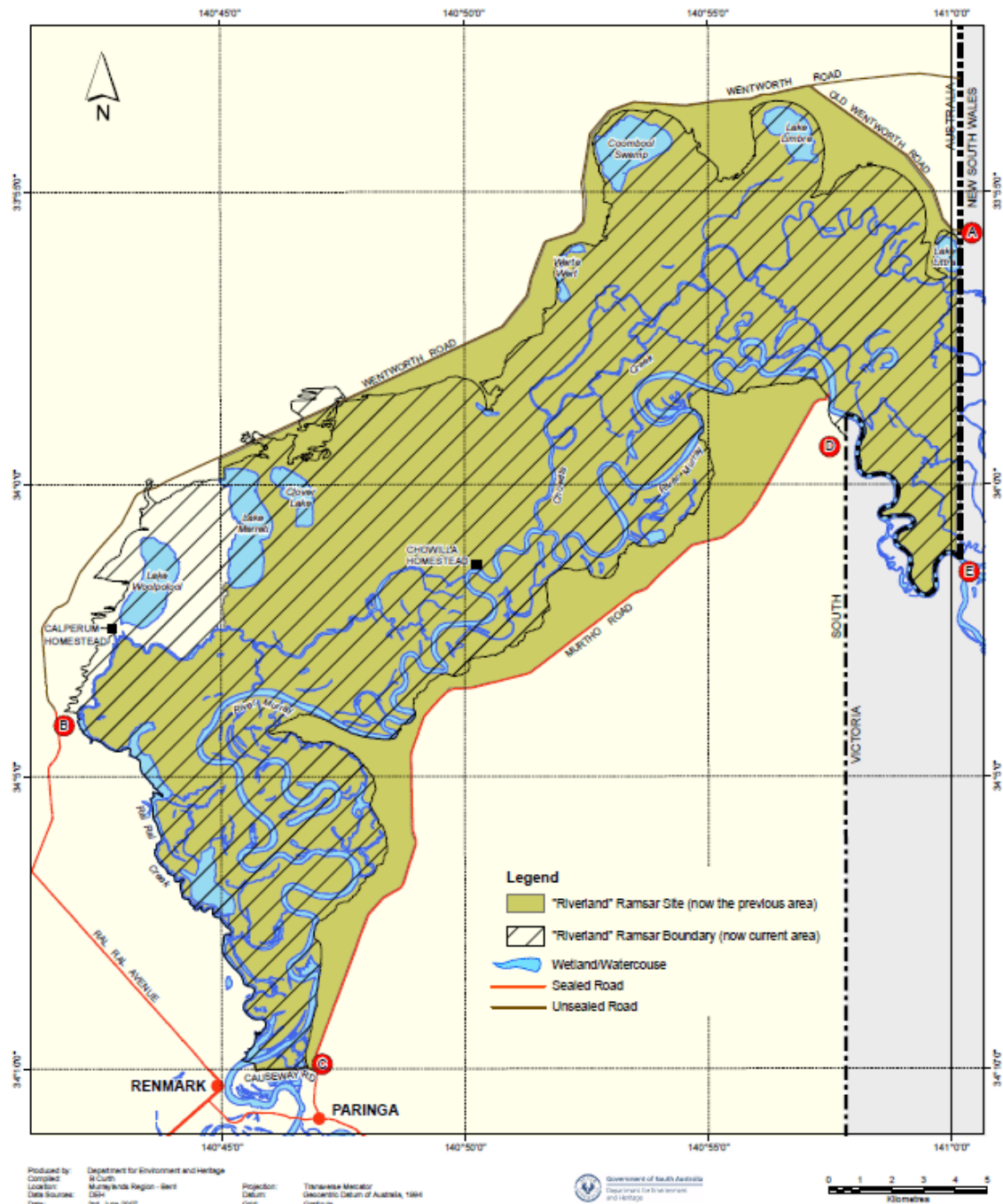
The Convention on Wetlands of International Importance holds the unique distinction of being the first modern treaty between nations aimed at conserving natural resources. The signing of the Convention on Wetlands took place in 1971 at the small Iranian town of Ramsar. Since then, the Convention on Wetlands has been known as the [Ramsar Convention](#).

In designating a wetland as a Ramsar site, countries agree to establish and oversee a management framework aimed at conserving the wetland and ensuring its wise use. Wise use under the Convention is broadly defined as maintaining the ecological character of a wetland.

The Riverland Ramsar site was first listed in 1987 under the criteria of the Ramsar Convention.

The extent of the Ramsar site is shown overleaf:





In the latest available Management Plan for the Riverland Ramsar site (2010-2015), among the management issues associated with visitor activities are listed:

- Vehicle and motorbike track proliferation
- Disturbance to colonial nesting waterbirds from boating and noise

In this same Management Plan it is stated that 179 species of birds have been recorded at the site, of which 63 species are wetland dependent.

Commencing in the early 1980's boat races, called Dinghy Derbys, have been conducted through the anabranch creek systems in the Riverland Ramsar Site, using high powered aluminium dinghies. The extent of these races can be found at the following link: <https://dinghyderby.com.au/events/redbull-dinghy-derby-maps/>



A series of races takes place throughout the year and competitors undertake extensive practice sessions in between each race event. These dinghy races have become major social and tourism events for Renmark.

It is the understanding of Birds SA that these boat races were not included in the original Ecological Character Description when Ramsar listing was granted in 1987.

## Conclusions

1. The Discussion Paper “Off-road Vehicles on Beaches - the impacts, implications and options for coastal managers in Australia” published in 2012 by the AMLR Natural Resources Board is as relevant today as it was in 2012. It is a sad indictment of our public officials that very little has been done to address the fundamental issues raised in this document.
2. The same could be said for the Discussion Paper “Management of Off-Road Recreation Vehicles in South Australia” published by the Local Government Association of SA in 2011.
3. There is overwhelming evidence that ORVs have a significant negative impact on the ecology of off-road areas where they are used. The codes of practice promulgated by 4WD Clubs seek to minimise this impact, not eliminate it.
4. It is our perception that ORV users can be categorised in three broad groupings:
  - a. Those who see ORVs as a means to get to areas where they can appreciate and enjoy the natural world. They understand the impact of humans on the environment and will comply with codes of practice and directives to minimise this impact. Some will be members of 4WD Clubs. We believe most ORV users visiting publicly accessible destinations would fit in this category, including many Birds SA members.
  - b. Those who see the natural world as a challenge. They like to test themselves to see whether they can meet this challenge with activities such as climbing and descending steep sand dunes and rocky outcrops, recovering from becoming bogged, speeding along beaches, fording deep streams and pioneering new routes away from established tracks, thereby impacting native vegetation.
  - c. Those who engage in self-indulgent behaviour with little or no regard for the environment, other users and directives given via signage. The damage highlighted in Case Studies 1 & 2 in this document could be largely attributed to this group.
5. Various inquiries and research dating back to 1977 indicate that ORVs have a major impact on the habitat of many Australian birds (both resident and migratory). With expected increases in human population and increases in the sales of new ORVs, it is reasonable to expect the negative impacts of ORVs will also increase unless changes are made. This will require measures to be introduced to curb the activities of categories b. and c. mentioned above, in vulnerable locations.
6. When used responsibly in a manner that minimises their environmental impact, ORVs can provide a means for people to observe and appreciate our native flora and fauna.
7. Increased education of ORV users about the potential damage to the environment caused by ORVs and education on ways of reducing this impact, whilst needed, will be insufficient to prevent significant damage occurring. Other measures will be needed.
8. Related to 7. above it needs to be acknowledged that there will always be a section of society that ignores regulations, by-laws and codes of practice relating to ORV use. This is patently obvious in many of the State’s parks and other Crown Lands. The authorities currently having the power to penalise bad behaviour in ORVs appear to be unwilling or incapable of performing this function effectively. It appears that in some jurisdictions, authorities are more concerned with appeasing miscreants than protecting the environment.



9. The popularity of the Dinghy Derbys at Renmark is such that opposition from the local community would be expected if attempts were made to totally stop this activity.

## Recommendations

1. It is recommended that, as a matter of urgency, DEW compile a listing for all SA publicly accessible national parks, conservation parks, recreation parks, beaches, reserves etc identifying whether these or parts of these can be classified as key biodiversity areas. Assessment criteria would include whether any species present are listed as Rare, Vulnerable or Endangered (National Parks & Wildlife Act 1972), whether the sites contain prime habitat for native flora and fauna (including birds) and whether the sites host migratory birds.
2. It is recommended that the State Government, in conjunction with local councils, publishes maps for all publicly accessible parks and reserves, showing access points, existing trails and roads and indicating clearly where ORVs are permitted or excluded.
3. It is recommended that the State Government, in conjunction with local councils, develop and implement legislation and by-laws which stipulate the areas where:
  - ORVs are permitted without restriction
  - ORVs are permitted, subject to specific rules
  - ORVs are not permitted

The key biodiversity area assessments, mentioned in recommendation 1. above, would be prime input data for developing these rules. Associated with this would be a schedule of penalties for non-compliance. ORVs used by emergency services operations, Police, Council maintenance operations, compliance officers and relevant State Government departments should be able to access all areas in performing their duties.

4. Related to the foregoing recommendations, ORVs should be excluded from Long Beach at Coffin Bay and all similar habitats across the State.
5. The area within the Riverland Ramsar Site which is subject to dinghy racing should be excised from the Ramsar listing. These boat races are not compatible with the spirit of the Ramsar Convention. The dinghy races should not be permitted to expand beyond their current geographical footprint and actions should be taken to limit the disturbance to native flora and fauna caused by the boat races and the associated spectators. Environmental offsetting actions should be explored. A suggestion for one such action would be the conversion of the Chowilla Game Reserve, within the Ramsar area, to a non-hunting status.
6. It is recommended that the State Government, in conjunction with ORV user groups and local councils, develop and promulgate Codes of Practice for ORV use on both public and private land.
7. It is recommended that the State Government and the SA Local Government Association conduct an immediate review of the mechanisms used to police compliance with laws and directives applying to parks coming under their jurisdiction with a view to minimising the impact of bad behaviour by users of ORVs. Such a review should recommend changes that will better ensure compliance and identify the resources required and associated costs. One avenue to be considered for cost recovery for repair, maintenance and policing of sites should be the issuing of permits for ORV operation, similar to many other jurisdictions around Australia. Refer to the site shown below for an example of permitting and related educational material.

<https://www.midcoast.nsw.gov.au/Recreation/Beaches/Driving-on-Beaches>



## Appendix 1 – Long Beach, Coffin Bay South Australia



Figure1: Vehicle Tracks with Pied Oystercatchers at the Water's Edge 29 March 2016



Figure 2: Signage – 6 February 2017





Figure 3: Long Beach – 5 February 2017



Figure 4: 10 December 2017





Figure 5: Tracks of vehicles through Pied Oystercatcher roosting area – 24 March 2018



Figure 6: Wheel ruts in “No Vehicles” area – 31 March 2018





Figure 7: 19 April 2018



Figure 8: ORV disturbance making the beach difficult for walkers to negotiate





Figure 9: Evidence of “hoon” driving – 10 March 2019



Figure 10: Impact of ORVs – 6 April 2019





Figure 11: Trail Bike and Other ORV tracks in “No Vehicles” area - 14 April 2019



Figure 12: Trail Bike Rider – 14 April 2019





Figure 13: Tracks at the top of a large sand dune – 21 April 2019



Figure 14: Failure to "Keep Right" – 21 April 2019





Figure 15: Damage to Samphire in “No Vehicles” area – 22 April 2019



Figure 16: Signage – Long Beach





## Appendix 2 – Kinchina Conservation Park – 28 July 2019



Figure 1: Attempt to discourage trail bike entry



Figure 2: The view of Figure 1 from the other side of the fence





Figure 3: Trail bike impact through woodland



Figure 4: Trail bike impact through woodland





Figure 5: Trail bike impact through woodland



Figure 6: Trail bike impact through woodland





Figure 7: Deep ruts and erosion caused by trail bikes



Figure 8: Deep ruts and erosion caused by trail bikes