



# OVERSNOW VEHICLES POLICY

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FALLS CREEK RESORT MANAGEMENT BOARD

## BOARD POLICY 3.9

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### SCHEDULE 1 – FEE STRUCTURE

## 1. INTRODUCTION

The use of oversnow vehicles in the Falls Creek Alpine Resort (**Resort**) is controlled by the Board in order to manage risk, preserve the ambience of the village and encourage pedestrian engagement. It is a specific policy of the Board to progressively limit the number of oversnow vehicles in the Resort and ensure that use of oversnow vehicles relates specifically to business, emergency services and resort/ski field operational use.

This policy provides guidance on the management and operation of oversnow vehicles within the Resort. This policy applies to all areas within the resort including the village roads.

## 2. LEGAL FRAMEWORK

Use of oversnow vehicles on the Falls Creek village public roads is governed by the *Road Management Act 2004*, the *Road Safety Act 1986* (including all amendments) and any regulations made thereunder including but not limited to the *Road Safety (Vehicle) Regulations 2009*, *Road Safety (Driver) Regulations 2009*, and *Road Safety (General) Regulations 2009*.

Members of the Victorian police force are authorised to prosecute or infringe for any offence against these Acts or the road safety regulations.

The *Alpine Resorts (Management) Regulations 2009* (**Regulations**) provide for the protection, management and control of alpine resorts by:

- (a) prohibiting access to areas of alpine resorts by persons and vehicles;
- (b) setting aside areas in the alpine resorts for access and use by the public;
- (c) regulating the use, driving and parking of vehicles in alpine resorts; and
- (d) prescribing fees and penalties for the purposes of the *Alpine Resorts (Management) Act 1997*.

This covers all areas of the Resort including areas which are not designated as public access roads.

Officers authorised under both the *Alpine Resorts (Management) Act 1997* and the *Conservation, Forests and Lands Act 1987* have the authority to take action in accordance with the Regulations, including the issuance of penalty infringement notices for failure to comply with an oversnow vehicle permit.

## 3. OVERSNOW VEHICLES DEFINITION

The following definitions apply to this Policy:

1. A vehicle means;
  - a. a motor driven vehicle including ATVs or UTVs;
  - b. a motor cycle; or
  - c. a trailer or sled attachment

2. An Oversnow vehicle means a vehicle specifically designed for use on or over snow.

Vehicles modified or adjusted allowing travel on or over snow are considered to be an oversnow vehicle.

#### 4. RESORT ENTRY

All oversnow vehicles are considered a vehicle for the purposes of entry to Falls Creek Alpine Resort.

All oversnow vehicles must also comply with Board Policy 3.10 Resort Entry and Board Policy 3.11 Authorised Access.

#### 5. PERMIT

Use of an oversnow vehicle within the Falls Creek Alpine Resort is not permitted unless the owner has an Oversnow Permit (**Permit**) granted by the Board. The Permit forms the basis of the authority for the use of an oversnow vehicle within the Resort and allows management in accordance with the Regulations.

There is no automatic entitlement to a Permit for an oversnow vehicle. The number of permitted oversnow vehicles will be determined by the Board on the basis of the following criteria:

- (a) a demonstrated genuine commercial, business, emergency services or resort/skifields operational need;
- (b) satisfactory proof that existing commercial or Board operated oversnow transport systems do not provide an adequate service;
- (c) a lease, licence or business authority specifies such use is available;
- (d) previous compliance history of the applicant; and
- (e) satisfactory completion of the application process, including provision of requested documentation and payment of fees.

Based on the above criteria the Board will, at its sole discretion, determine if an applicant has been successful in receiving a permit.

Oversnow vehicle permits are not available for private or recreational purposes or for the carriage of persons or goods for hire or reward, unless specified under an authority from the Board **Oversnow vehicles must be used only for the purposes for which the Permit was approved. It is a breach of the Permit conditions to lease vehicles to a third party or to loan vehicles so that this policy is circumvented.**

The Permit holder is fully responsible for all use of the vehicle by others including ensuring the Permit conditions are under compliance at all times for all users.

In accordance with the Regulations, the Board may cancel the Permit if any condition of the Permit has been breached.

## 6. VEHICLE STANDARDS

All oversnow vehicles are required to comply with standards as follows:

1. **Emissions & Noise** – oversnow vehicles must comply with the *Environment Protection (Vehicle Emissions) Regulations 2013*. This includes emissions such as oil or coolant leaks must be immediately rectified once identified.
2. **Electromagnetic Interference** – all vehicles must be suitably screened to eliminate electromagnetic interference with other signals in the village. In particular older model snowmobiles may require to be fitted with ignition suppressors to avoid this problem.
3. **Mechanical Safety** – all vehicles must be in a mechanical operating condition suitable for the intended purpose. All safety features of the vehicle must be fully operational and must not be tampered with or altered in any way.
4. **Insurance** – all vehicles must have appropriate insurance for registering motor vehicles in that state of Victoria.

A compliance certificate or suitable documentary evidence may be requested by the Board if, in its reasonable judgement, there is evidence of non-compliance of any of the above items.

Where an oversnow vehicle is also registered for use on standard road surfaces, road worthy compliance must be in accordance with the Road Safety Act 1986 and any regulations.

## 7. OPERATIONAL REQUIREMENTS

1. **Registration** – all oversnow vehicles must be currently registered in the State of Victoria and have registration plates attached to the vehicle. Registration requires endorsement by the Board – note that endorsement by the Board does not imply a Permit will be issued for use of the vehicle.

Evidence of current registration must be provided as part of the Permit application (for example payment receipt with Vicroads).

2. **Licences** – all operators of an oversnow vehicle must have a valid and current Driver's Licence (**Licence**) in accordance with the requirements for the State of Victorian.

Evidence of current Licence must be provided as part of the Permit application for all operators.

3. **Permit Stickers and Cards** – the Board will provide Permit stickers for each approved vehicle and Permit cards for each approved operator. Stickers must be fixed to the vehicle in a visible location. Permit cards must be carried by the Operator at all times the vehicle is in use.

4. **Operator Training** – employers must ensure they comply with the Occupational Health & Safety Act 2004 with respect to the duty of care to all employees. This means ensuring they are sufficiently trained for the duties of their respective employment, including use of oversnow vehicles.

**It is the policy of the Board that all new users of snowmobiles must have mandatory training – this must be identified on the application form. A permit card will not be issued for any new users until such training has been satisfactorily completed.**

The Board will provide ‘free of charge’ introductory operator training for snowmobiles via Ski Patrol. It is strongly recommended that all operators of snowmobiles undertake this training to ensure they are familiar with safe operation of these vehicles. However, Board provided training does not indemnify the owner of the vehicle against inappropriate use or inadequate training for any operator in all conditions.

5. **Areas of Use** – oversnow vehicle Permits have restricted areas of use. Refer to the FCRM Oversnow Vehicle Manual for further detail.
6. **Drugs & Alcohol** – in accordance with Victorian State Law it is an offence to operate a vehicle with a BAC exceeding legislated levels or to operate a vehicle while under the influence of drugs.
7. **Speed** – all oversnow vehicles must travel within the defined Resort speed limits at all times.
8. **Use of a Helmet** – operation of all oversnow vehicles classified as UTVs, ATVs or snowmobiles has a mandatory requirement for use of an approved ski helmet or protective vehicle helmet. Ski helmets must comply with the CEN 1077 standard (or equivalent) and protective vehicle helmets must comply with AS1698:2006 or UN/ECE 22.05.
9. **Misuse of Vehicle** – the following items will constitute a breach of Permit based on the reasonable judgement of the Board:
  - (a) operation of an oversnow vehicle in contravention to the manufacturer’s rated capacity;
  - (b) operation causing an unreasonable disturbance to others;
  - (c) operation in a dangerous manner;
  - (d) modification to an oversnow vehicle impacting the safe operation of the vehicle;
  - (e) failing to rectify damaged or defective items affecting safe operation of an oversnow vehicle; and

(f) abandoning a vehicle in the village or resort creating a safety or operational hazard or a poor guest amenity.

**10. Post Season Removal** – all oversnow vehicles must not impact public amenity of the village and must be removed from all roadway parking areas at the conclusion of the Declared Snow Season. Failure to comply will impact future permit applications and may result in impoundment of the vehicle.

## 8. PERMIT FEES

Fees for use of oversnow vehicles are shown in the attached Schedule 1.

The fee amount is inclusive of the following:

1. Entry of the vehicle to the Resort;
2. Use, driving and parking of an oversnow vehicle as part of the Permit; and
3. Board administration costs.

The fee structure in the Policy has been set to encourage the transition from snowmobiles to tracked vehicles.

## 9. APPLICABLE INFRINGEMENTS

The following infringements may apply to non-compliant use of an oversnow vehicle under the Regulations and/or Policy:

- |   |                         |
|---|-------------------------|
| 1. Vehicle driven/parked in an area prohibited under the Permit conditions: 12(3) | <b>10 Penalty Units</b> |
| 2. Vehicle used without a Permit: 12(1)   | <b>10 Penalty Units</b> |
| 3. Not correctly affixing the Permit to the vehicle: 11(3)                        | <b>5 Penalty Units</b>  |
| 4. Vehicle driven/parked in a manner obstructing the Board's operations: 12(5)    | <b>10 Penalty Units</b> |
| 5. Vehicle driven/parked in a manner obstructing a road or access way: 12(6)      | <b>20 Penalty Units</b> |
| 6. Unauthorised entry to an area set aside for impounded vehicles: 13(4)          | <b>10 Penalty Units</b> |
| 7. Failure to comply with the Permit conditions: 23(1)                            | <b>10 Penalty Units</b> |
| 8. Failure to comply with a Board directive to move the vehicle: 23(1)            | <b>10 Penalty Units</b> |

Note that other infringements can also be issued the Board or by Victoria Police for compliance matters relating to use of a vehicle on public roads in accordance with Victorian State Law including general parking infringements.

## 10. BOARD ACTIONS

The Board may take the following actions in relation to breaches of this Policy:

1. On occasion of the first breach the Permit holder will receive a written warning.
2. On occasion of the second breach the Permit holder will receive an infringement notice.
3. On occasion of the third breach the Permit holder will have their Permit cancelled and will receive an infringement notice.
4. For any subsequent use of the oversnow vehicle, the vehicle will be impounded at the Howman's Gap Snow Clearing Quarters under Regulation 13. Release of the vehicle will only occur at the conclusion of the Declared Snow Season and will be subject to a further infringement notice.

Request for release of impounded vehicles must be made in writing. If no such request is forthcoming annually by 31<sup>st</sup> December, the Board will recover costs via sale of the asset.

For gross breaches of the Policy or Regulations, the Board reserves the right to immediately cancel the Permit and issue any applicable infringements.

## 11. REFERENCES

*Alpine Resorts (Management) Act 1997*

*Alpine Resorts (Management) Regulations 2009*

*Road Safety Act 1986*

*Road Safety (Vehicle) Regulations 2009*

*Road Safety (Driver) Regulations 2009*

*Road Safety (General) Regulations 2009*

*Road Management Act 2004*

*Conservation, Forests and Lands Act 1987*

*Environment Protection (Vehicle Emissions) Regulations 2013.*

*FCRM Oversnow Vehicle Manual 2016*



# SCHEDULE 1 – FEE STRUCTURE

Table 1 – Oversnow Permit Fees 2016

<b>Type of Oversnow Vehicle</b>	<b>Permit Fee (per Annum)</b>
Snow Mobiles	\$100
Tracked ATV and UTVs	\$40
Trailers & Sleds (any Non-Powered Attachment)*	\$20
Other Oversnow Vehicles	\$100

\*All trailers and sleds must be identifiable to registration or permit number.