



# Attachment 3

## Development and Operations Framework

Off-road motorcycling facility in the Mooloolah  
Logging Area, Beerwah State Forest

**Disclaimer:**

The Department of National Parks, Recreation, Sport and Racing (NPRSR) is not rendering or providing any advice in this document and it is provided for information purposes only. Respondents to the expressions of interest (EOI) should make their own enquiries with respect to the site and the requirements for development and operation of a facility of this nature.

## Introduction:

The development and operation of an off-road motorcycling facility in the Mooloolah Logging Area (MLA) within Beerwah State Forest will look to address the needs of riders as identified in market evaluation research undertaken by the Queensland Government in collaboration with the Council of Mayors (SEQ)<sup>1</sup>.

With a focus on recreational activities, the off-road motorcycling facility to be developed in the MLA (the Facility) will provide riding in close proximity to SEQ urban centres, will offer facilities that riders want for a reasonable price and help support and protect the surrounding community.

This document has been developed to ensure that the proposed Facility achieves industry best practice and provides proponents with a guide on how the Facility is to be developed and managed on State land.

## Purpose and Scope of the Facility:

### Strategic Objectives

The objective is to provide a safe, legal facility for off-road motorcycling that is developed, maintained and operated at a standard recognised amongst the community as the leading facility of its type. The Facility will:

- ensure equitable access to all members of the off-road motorcycle community
- provide for a wide range of disciplines
- meet local community needs, particularly for rider development,

- training and recreational opportunities
- support the reduction in the frequency of illegal trail bike riding in SEQ
- provide for the development of off-road motorcycling both at a local, district and regional level
- support the staging of competitive and other related events in a range of disciplines at district and regional levels, and
- be operated on a professional and commercial basis.

### Operational Objectives

The following operational objectives will guide the operation of the Facility. The Facility will:

- support a reduction in illegal trail bike riding in SEQ by providing regular access to the Facility for casual, recreational riding
- be operated/ managed to retain a high level of accessibility for the community, in particular allowing for children and families and minimising any participation barriers such as cost or affiliation with specific organisations or clubs
- support and improve competitions, events and training initiatives through the provision of, and access to, high quality riding and event facilities
- attract a wide range of off-road motorcycle related usage to maximise return visits and to promote the region
- provide for all day stays in keeping with meeting the demand for “destination” recreational riding parks
- host competitions and events in accordance with recognised best practice
- be commercially viable through sound financial planning, effective and prudent operational systems and the

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<sup>1</sup> Council of Mayors (SEQ), 2009, *Market Evaluation of Trail Bike Riding*

development of innovative revenue generation strategies

- be maintained to a standard that ensures its reputation as a high quality, regional off-road motorcycle facility
- comply with all regulatory obligations, including relevant motorcycling standards
- meet best practice standards for off-road motorcycle facilities through innovative environmental management strategies including waste, water, energy, noise, community and natural environment
- maintain positive relationships with key stakeholders with involvement in the Facility and the community
- appropriately manage risk to ensure users of the Facility are protected
- have an experienced and professional operator that maintains and operates the Facility to a standard that is recognised by the off-road motorcycle community as a leading facility of its type.

## **Site Considerations:**

### **State Planning Regulatory Provisions (SPRPs)**

NPRSR has undertaken preliminary investigations to inform the future development of the Facility. SPRPs currently under development will respond to the opportunities and constraints of this site and recognise the statutory provisions of the planning framework to provide acceptable solutions to enable development of the site.

Provision for a range of off-road motorcycle activities and associated parking area, toilets, equipment storage and administration office will be included within the SPRPs. If a proponent chooses to digress from these activities, they must ensure that the proposal can comply with

the SPRPs' criteria, required elements of the site and constraints of the site.

The operator will ensure that compliance with the SPRPs is maintained throughout development and operation of the Facility.

SPRPs were developed for the Queensland Moto Park at Wyaralong (<http://www.nprsr.qld.gov.au/recreation/pdf/trail-bike/sprp-off-road-motorcycling-wyaralong.pdf>).

These SPRPs provide an example until the SPRPs for the Facility are finalised.

### **Impact of *Transport Operations (Road Use Management) Act 1995***

If the operator exercises a reasonable level of control over entry and use of the tracks/trails that are part of the Facility, and imposes conditions on entry (e.g. hours of access, safety requirements, age restrictions, etc), the tracks/trails are unlikely to be considered a 'road' under the *Transport Operations (Road Use Management) Act 1995* (TORUM Act). However, if the operator does not apply these restrictions and conditions the tracks may be considered a 'road'.

If the track/trail is considered a 'road':

- under the TORUM Act a motorcycle rider would be required to be licensed, and
- under the TORUM Regulation, it is an offence to use an unregistered vehicle.

As a consequence, the operator, in order to be able to offer use of the Facility to unlicensed riders on unregistered bikes, will need to consider how a level of control over entry and use of the Facility will be undertaken.

### **Financial Considerations:**

The funds which will be made available through the Queensland Government are not considered sufficient to fully develop

the site to the standard expected by the Queensland Government, local governments and the community. NPRSR will seek to negotiate with local governments in an effort to secure an additional contribution toward the development. However, the selected operator will be required to contribute capital and secure the balance of funds required to develop infrastructure.

Subsequent operational/maintenance costs and any further development or upgrade costs will be incurred by the successful operator. This also includes costs associated with the authority to use the State forest for the Facility and any conditions imposed under the authority.

### **Key Responsibilities and Requirements of the Operator:**

The selected operator will be required to ensure certain aspects of the Facility are developed and managed in accordance with an agreed set of terms. In general, these terms will relate to the following responsibilities:

- Ensure compliance with the SPRPs is continuously met
- Ensure compliance with the conditions specified in the authority
- Ensure any further enhancements/developments on the site are lawful and comply with the relevant planning legislation
- Ensure the facilities are properly maintained and remain accessible to the public
- Comply with all relevant safety, environmental, acoustic and financial requirements
- Have all relevant insurance to ensure that the Queensland Government is indemnified against any legal considerations.

While the specific terms will be finalised as part of the negotiations with the selected operator for the authority to use the State forest for the Facility, the Indicative Key Operating Terms below provide an indication of terms that will form part of the authority agreement.

### **Indicative Key Operating Terms:**

#### **Access and Pricing Principles**

A set of guiding principles aimed at informing future access and pricing arrangements to support the Facility to achieve the strategic and operational objectives outlined above are necessary. The pricing and access arrangements should consider:

- All forms of off-road motorcycling, including but not limited to recreational trail riding, track motocross, natural terrain motocross, enduro, supercross; observed trials, junior trails and tracks, skills learning areas and all forms of training
- All formal/ structured use of the Facility (club and event access), and
- All casual/ recreational use of the Facility.

Any formal event related to use of the Facility will preferably be on the basis of controlled access to specific sections/tracks within the Facility and should not exclude recreational use of other sections of the Facility. Regular events of such a scale as to close the whole Facility to public access will not be supported.

The Facility will establish a schedule of fees and charges aimed at ensuring the long-term viability of the venue as well as keeping the Facility accessible to a range of users. The guiding principles that should influence access and pricing arrangements for the Facility are:

- All sectors of the trail bike community shall have simple, safe, efficient and equitable access to the Facility where site location, facility condition, costs and operating times do not inhibit its use
- The fundamental usage of the Facility should be aimed at reducing the frequency of illegal riding in SEQ by providing a legal site catering to a wide range of riders
- Access arrangements shall be geared towards maximising use of the Facility and to support improved development, management and performance of the provision of recreational trail bike riding opportunities
- The operator will ensure equitable access to the Facility by all forms of off-road motorcycle riding, including formal/structured use (club and event access) and casual/ recreational use
- To avoid conflicting use and overcrowding, all access to the Facility shall be in accordance with a publicly advertised access and booking procedure
- Multiple, non-conflicting groups shall be permitted to use the Facility concurrently
- Operation of the site and conditions of access will rely on compliance with Motorcycling Queensland or equivalent insurance and risk management regimes and may require day or year licence purchases or similar consent mechanisms and insurance contribution
- Access shall only be permitted to those groups/individuals that comply with the Facility noise management strategies including noise emission and limitations on participant numbers
- Access shall be denied and/ or restricted to those groups/ individuals that adversely impact on other users'

enjoyable and safe usage of the Facility

- The hours of access and use shall not exceed the limitations designated within the SPRPs, the Facility's Noise Management Plan and/or any regulations placed upon the site
- A schedule of fees and charges will be developed by the operator consistent with the agreed access and pricing principles
- Fees and charges shall ensure equitable community access to the Facility, but should be sufficient in rate to support the long-term viability of the Facility
- The operator may develop a range of discounted charges for not-for-profit organisations or other special circumstances in regard to formal uses or access fees
- The Queensland Government seeks to encourage a family-friendly atmosphere and will require a 'family rate' be offered by the operator.



## **Noise Management**

The Facility will be designed and managed in accordance with the recommendations and conclusions outlined in the SPRPs and the preliminary Acoustic Report<sup>2</sup>.

One or more of the following mitigation and management procedures may be required or alternate strategies developed by the operator, to achieve the noise management criteria:

- Limiting rider numbers to reduce the overall noise emissions. The final design and noise management plan should set limits for rider numbers at various sites
- The track design and alignment will play a major part in the noise emissions from the site and where possible, tracks and trails should be located such that the line of sight to the noise receivers/sensitive receptors is obstructed. Locations on the top of ridgelines should be avoided where possible
- Mitigation can be achieved by purpose built noise barriers or earth mounds, but can also be achieved by utilising well positioned facilities, buildings or other structures
- Limiting individual motorbike noise emissions and carefully scrutinising motorcycles and quad bikes to ensure that the maximum noise emissions are not exceeded. The maximum noise emissions for various grades of rider should be detailed in the noise management plan along with testing procedures and the operator should prevent usage of vehicles at the Facility until the noise emission is reduced to or under the limit

- The noise emissions from public address systems should be included in the final design and noise emission model.

## **Facility Design/ Development**

The operator shall participate and provide advice on the final detailed design of the Facility. The operator shall be permitted to make recommendations on its preferred design outcomes; however the decision on the final design in regard to expenditure of the capital contribution of the Queensland Government rests with NPRSR.

The operator will be responsible for funding and developing Facility requirements beyond those facilities agreed to be funded via the Queensland Government.

The operator will be responsible for the testing and commissioning of the Facility once it is developed. This work will include provision of a report to the Queensland Government confirming the Facility has been successfully commissioned, is safe and fit for purpose.

The Facility will provide for a range of riding activities including recreational trail riding/enduro, track motocross, natural terrain motocross, supercross, observed trials, junior trails and tracks, skills learning areas and all forms of training unless otherwise agreed by the Queensland Government.

## **Term**

To support the viability of the management rights and the capital investment by the operator it is anticipated that a long term authority for use of the State forest for the Facility will be required.

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<sup>2</sup> The Queensland Government has commissioned preparation of a preliminary Acoustic Report on the site which will be finalised in mid-March 2014.

The terms and conditions of the authority may be reviewed by mutual agreement by the parties following the first full 12 months of operation when both parties will have a better understanding of the issues, activity, commerciality and general performance of the Facility. Despite this review, the fundamentals of the agreement and the Facility Objectives will remain.

### **Permitted Use**

The Facility shall only be used for off-road motorcycle and off-road motorcycle related activities unless the express permission of the Queensland Government, acting through NPRSR, has been given for alternative uses that do not compromise the overall objective of the site to provide for off-road motorcycle riding.

### **Asset Management and Outgoings**

The operator shall be responsible for all costs and expenses of maintaining, conducting and supervising the operation and management of the Facility and its assets, including but not limited to:

- Insurance covering all plant, equipment and buildings
- An overall asset maintenance program and staged improvements that keep the Facility competitive in the market
- Regular inspections of all facilities and prompt rectification of faults once identified
- Ensuring that all warranties given by suppliers to the Facility are properly maintained and claims are made under such warranties as necessary
- Repairs or replacement of damaged, destroyed or lost facilities and equipment
- Operation of all Facility equipment efficiently and safely, ensuring that the equipment is operated by people appropriately trained or skilled and adopting and maintaining all measures

required by law for the safety of people and property at the Facility

- Ensuring the Facility is thoroughly clean and tidy, including all garbage, litter and other waste
- Ensuring all local laws and health regulations are complied with
- Management of declared weeds and pest species, on the site and rodents, vermin and insect pests within buildings
- The cost of maintaining liquor, food and other licences for the Facility
- The cost of all services obtained by the operator in connection with the operation of the Facility
- The costs of engaging a site manager and other staff
- All expenses incurred for advertising, promotion, marketing the Facility, as well as all expenses of communication and public relations activities
- The costs of implementing all plans relating to the operation and maintenance of the Facility
- On-site asset repairs and maintenance including tracks, paths, parking areas and buildings
- Rates and statutory charges
- Administration, insurances and finance expenses
- Pre-opening and facility readiness
- Utilities, and
- Security.

### **Inspection and Access**

The operator must allow all authorised representatives of the Queensland Government and all third parties authorised under the *Forestry Act 1959* or other Act to access the Facility to allow them to inspect the facilities, to access the site and/or to undertake any authorised or permitted activities.



A minimum period of 24 hours' notice will be provided to the operator, prior to a Queensland Government authorised representative accessing the site.

In those circumstances where for whatever reason the Queensland Government believes the Facility assets or its users may be at risk, immediate access will be granted.

### **Signage and Acknowledgement**

The operator, at its cost, will recognise the contribution of the Queensland Government through the placement and maintenance of signage and in marketing material for the Facility.

This signage is to be erected in a prominent location and to be of a suitable size to ensure all users of the Facility are aware of the ownership and funding arrangements of the site.

### **Marketing**

The logo of the Queensland Government or similar acknowledgement is to be included in all marketing collateral and letterhead designs for the Facility.

The operator must actively promote the use of the Facility including investigating new sources of business and activity for the Facility.

The operator will develop a marketing plan on an annual basis and be responsible for the implementation and evaluation of the marketing activities.

Marketing strategies shall focus on initiatives that promote sustained activities specifically targeting opportunities for all forms of off-road motorcycling, including structured and casual/ recreational use.

### **Sponsorship**

The operator must obtain approval from the Queensland Government before entering into any arrangement for broadcasting or naming rights of the Facility. The operator will be entitled to any revenue or other benefits derived as a result of any approved broadcasting or naming rights sponsorships.

The Queensland Government reserves the right to reject or approve requests by the operator to enter into any broadcasting, naming rights or other sponsorship arrangement, however any request considered reasonable and consistent with the Strategic and Operational Objectives of the Facility will not be rejected.

Any arrangement for sponsorship of the Facility must acknowledge and agree to the right of the Queensland Government to access the Facility for events and that the Queensland Government may require a "clean venue". The operator will be entitled to any revenue or other benefits derived as a result of any general sponsorship.

The operator may only grant concession rights with the approval of the Queensland Government except where the term is less than or equal to 12 months and does not extend beyond the end of the term of the agreement between the operator and the Queensland Government.

### **Termination of Agreement**

The authority agreement with the operator for use of the State forest can be terminated by the Queensland Government where:

- the operator is dissolved or
- the operator is insolvent
- there is a major change in the management or control of the operator, without the prior written consent of the Queensland Government, and as a

result, the operator is unlikely to be able to perform its obligations under the agreement

- the operator fails to manage the Facility in accordance with the agreed terms and performance management standards
- the operator fails to comply with its asset management obligations
- the operator fails to effect and keep current and in force insurances
- the operator defaults in a material respect in the due observance and performance of any of its obligations under the agreement, and does not remedy that breach within a reasonable time after service by the Queensland Government.

In the event the operator has not rectified a default within 21 days of the date the Queensland Government gives the operator written notice of the event of default, the Queensland Government and the operator are to enter into an agreed dispute resolution process.

Upon termination of the agreement, the Queensland Government will not be liable to pay any compensation or other money to the operator. Nor will the Queensland Government be liable for any debts or liabilities of the operator at the time of termination. Ownership of all built assets and any plant, other facility, equipment or other thing provided by the Queensland Government will remain the property of the Queensland Government.

### **Communication**

The operator is to ensure the reputation of the Queensland Government is protected in all dealings with the various community stakeholders of the Facility and to develop and implement communication and dispute strategies, including for the broad range of community stakeholders of the Facility.

### **Environmental Management**

The operator must develop and implement strategies to minimise environmental harm caused by the Facility and to meet all requirements for environmental management including but not limited to:

- energy management
- storm water and waste water management
- noise management
- waste management and minimisation
- fauna and vegetation management
- fire management, including with the managers of the neighbouring lands
- weeds and pest control
- surface erosion and sedimentation
- protecting water quality of streams within the site.

### **Risk Management**

The operator must have a detailed Risk Management Plan that covers operations and complies with industry recognised standards for the operation of a public facility. The operator must take all practicable steps to ensure safe and responsible behaviour by attendees and hirers and consideration of all users.

The operator must ensure the provision at the Facility of all safety, fire fighting, emergency, medical and first aid facilities which are required by law, including the development of procedures for dealing with risks and emergent incidents.

### **Insurances**

The operator must have all appropriate insurances, including insurance equivalent to Motorcycling Queensland event insurance requirements and at a minimum, public and product liability (minimum \$20 million), workers compensation, professional indemnity, contents and permanent disablement or death insurance.