

Oversnow Vehicles

Falls Creek Resort Management (FCRM)

1. Introduction

The use of Oversnow Vehicles in the Falls Creek Alpine Resort (Resort) is controlled by Falls Creek Resort Management (FCRM) in order to manage risk, preserve the ambience of the village and encourage pedestrian engagement. It is a specific policy of FCRM to 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 operations.

This Policy document 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. Key principles

The key principles of this Policy are:

- a) **[KP1]**: Control the use of Oversnow Vehicles within the Resort.
- b) **[KP2]**: Enhance public amenity and safety within the Resort.
- c) **[KP3]**: Define the operating constraints for Oversnow Vehicles.
- d) **[KP4]**: Define the management and enforcement processes available to FCRM.

3. Applicable Legislation

Registered Oversnow Vehicles are classed as motor vehicles and use of these vehicles on the village roads is governed by the *Road Management Act 2004*, the *Road Safety Act 1986* (including all amendments) and any regulations made thereunder. Members of Victoria Police are authorised to prosecute for any offence against these acts or the road safety regulations.

Additionally, the *Alpine Resorts (Management) Act 1997* (Act) and *Alpine Resorts (Management) Regulations 2009* (Regulations) provide for the protection, management and control of alpine resorts by:

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

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.

4. Definitions

Per the Regulations, the following definitions apply to this Policy:

1. A Vehicle includes;
 - a. a motor vehicle;
 - b. a motor cycle; or
 - c. a trailer
2. An Oversnow Vehicle means a vehicle specifically designed for use on or over snow.

Vehicles modified or adjusted for the purposes of allowing travel on or over snow are considered to be an Oversnow Vehicle.

5. Oversnow Vehicle Permit

5.1 General

Use of an Oversnow Vehicle within the Resort is not permitted unless the owner has an Oversnow Permit (Permit) granted by FCRM. 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 FCRM 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 FCRM 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. **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 or loan vehicles to a third party so that this policy is circumvented. Contravention of the same will result in cancellation of ALL Permits by the registered holder.**

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, FCRM may cancel the Permit if any condition of the Permit has been breached.

5.2 Resort Entry

The Permit also covers entry into the Resort. All Oversnow Vehicles are considered a motor vehicle for the purposes of entry to Falls Creek Alpine Resort.

All Oversnow Vehicles must also comply with FCRM Policy 3.10 Resort Entry and FCRM Policy 3.11 Village Access.

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

7.1 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 registration must be provided as part of the Permit application.

7.2 Licences

All operators of an Oversnow Vehicle must have a current Australian Driver's Licence (Licence), or valid international drivers permit, or current overseas licence. Where the licence is not in English, an international drivers permit is required.

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

7.3 Permit Stickers and Operator Cards

FCRM will provide Permit stickers for each approved Oversnow 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.

7.4 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 FCRM that **all new users of snowmobiles must have mandatory training prior to use.** A Permit card will not be issued for any new users until such training has been satisfactorily completed.

FCRM will provide 'free of charge' 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.

7.5 Areas of Use

The following Permit categories restrict Oversnow Vehicle areas of use:

1. Yellow Permit: access to village only.
2. Red Permit: access to village and skifield area.
3. Blue Permit: access to all areas including outside Resort.

Full conditions of each Permit category are outlined in the FCRM Oversnow Vehicle Manual.

7.6 Alcohol

All Oversnow Vehicles must be operated with a BAC in accordance with Victorian State Law.

7.7 Speed

All Oversnow Vehicles must travel within the defined Resort speed limits at all times. The speed limit on the village roads is 15 km/h. Other limits apply for other areas of use – refer to the FCRM Oversnow Vehicle Manual.

7.8 Use of Helmet

Operation of all Oversnow Vehicles without fully enclosed ROPs and classified as UTVs, ATVs or snowmobiles has a mandatory requirement for use of an approved ski helmet or a 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.

7.9 Misuse of Vehicle

The following items will constitute a breach of Permit based on the reasonable judgement of FCRM:

- (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; and
- (e) failing to rectify damaged or defective items affecting safe operation of an Oversnow Vehicle

7.10 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 in accordance with the Regulations.

8. Permit Fees

8.1 Fee Amounts

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. FCRM administration costs

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

8.2 Waiving of Fees

FCRM shall waive all fees payable for oversnow vehicles registered to the following entities:

- Parks Victoria
- Victoria Police
- CFA
- SES
- Ambulance Victoria
- AGL
- Telstra
- Ausnet Services
- FCRM Contracted Service Providers

9. Applicable Infringements

The following personal 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) | 2 Penalty Units |
| 2. Vehicle used without a Permit: 12(1) | 2 Penalty Units |
| 3. Not correctly affixing the Permit to the vehicle: 11(3) | 1 Penalty Unit |
| 4. Vehicle driven/parked in a manner obstructing the Board's operations: 12(5) | 2 Penalty Units |
| 5. Vehicle driven/parked in a manner obstructing a road or access way: 12(6) | 2 Penalty Units |
| 6. Unauthorised entry to an area set aside for impounded vehicles: 13(4) | 2 Penalty Units |
| 7. Failure to comply with the Permit conditions: 23(1) | 2 Penalty Units |
| 8. Failure to comply with a Board directive to move the vehicle: 55(3) | 4 Penalty Units |
| 9. Vehicle driven in a manner causing damage to Board assets 54(3) | 4 Penalty Units |

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

10. FCRM Enforcement 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.

Release of impounded vehicles must be made in writing. If no such request is forthcoming annually by 31st 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. Related Documents

- *FCRM Policy 3.10 – Resort Entry*
- *FCRM Policy 3.11 – Village Access*
- *FCRM Oversnow Vehicle Manual*
- *Alpine Resorts (Management) Act 1997*
- *Alpine Resorts (Management) Regulations 2009*
- *Conservation, Forests & Lands Act 1987*
- *Conservation, Forests & Lands (Infringement Notice) Amendment Regulations 2010*
- *Road Safety Act 1986*
- *Road Management Act 2004*
- *Environment Protection (Vehicle Emissions) Regulations 2013*

12. Further Information

Refer to the FCRM website (www.fallscreek.com.au) for the following information:

- FCRM Resort Entry Terms & Conditions

13. Regular review of this policy

FCRM will review this policy on an annual basis or more frequently, if required, to keep up-to-date with changes to laws, government policy, etc.

This policy is **due to be reviewed in June 2018**.

Date created: June 2017
Prepared by: Callum Brown, Director Infrastructure & Mountain Response, FCRM
Reviewed by: Stuart Smythe, CEO, FCRM

Revision No.	Date Approved	Signature	Position
1	June 2017	SS	CEO

Schedule 1 – FEE STRUCTURE

Table 1 – Oversnow Permit Fees (2017)

Type of Oversnow Vehicle	Permit Fee (per Annum)
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.