

**Individual Submission 239**

**To:** Nadine Seifert  
**Date:** 10/08/2008  
**Subject:** Hoons riding noisy Harleys

What about these noisy Harley-Davidson riding at excessive speeds with very noisy exhaust. There is a law for them and a law for the rest of us. If our cars were making the same amount of noise it would have been impounded on the spot. We had a 85 signatures petitions to the Smithfield police in Cains in the last 3 years and also wrote to the police minister Judy Spence and nothing has been done about it.

Regards: XXXX

**Individual Submission 240**

**To:** Nadine Seifert  
**Date:** 10/08/2008  
**Subject:** REVIEW OF MOTOR (TRAIL BIKE) NOISE PROBLEMS

Hi Nadine

The fact that attempts are being made to control these noisy machines in populated areas is appreciated.

In the Glasshouse Mountains area these bikes are a menace not only to humans but to the environment. They operate mainly on weekends and a check on the road between the Glasshouse Mountains lookout and the road between Beerburrum and Woodford, particularly on a Sunday would verify my statement. Another gathering point is Murphys Rd at Glasshouse on a Sunday morning. These bikes speed up this road, trespass across a neighbours property to gain access to Coonowrin National Park.

However, even with the best laws and intentions, this problem will never be solved without the proper resources to control them. Park Rangers don't have the staff or equipment, Police don't have the numbers.

Also all these motor bikes should be registered at sale, and efficient noise control mufflers fitted. This should become LAW.

All the best

XXXX  
Glasshouse Mountains Q  
XXXX

**Individual Submission 242**

**To:** Nadine Seifert  
**Date:** 10/08/2008  
**Subject:** CMC Review of Motorbike Noise Laws

Dear Nadine

I would like to submit my views regarding this issue,

I have lived in the Slade Point area now for approximate. about 5 years and have seen countless people riding there dirt bikes down slade point road unregistered and no helmets. I have them seen the enter the reserve at slade point whilst they are doing damage to the reserve they are also cause havoc through out the community I have 5 young children and am currently worried about the safety of my children as they bike riders ride at excessive speeds along the local roads. I have even had people on motorbikes revving their bikes waking my daughter up at many different times after many different complaints to the police nothing has been done about this. The laws give the offending riders too many chances and they don't respect the local police because of this I am unsure whether he courts have sufficient power to deal with these repeat offenders as few of the cases make it to court. This affects our community through frequent noise that disturbs our peaceful neighbourhood. This all occurs due to the high number of bikes in the district as there is nowhere to ride as our local council has concerns of public liability claims as this is no excuse for the riders I do not condemn them riding at slade point because there has to be some other alternative to this.

Regards  
XXXX

**Individual Submission 243**

**To:** Nadine Seifert  
**Date:** 10/08/2008  
**Subject:** Submission to CMC review of motorbike noise laws

Dear Ms Seifert,

**Submission to CMC**

Motorcycle noise remains a major issue in the Sunshine Coast hinterland, despite the introduction of new police powers in 2006. As my family and I are directly affected by this issue, I would like to make the following points:

**(i) Noise is on-going**

One would not complain about noise from a neighbouring rural property arising from maintenance work such as use of a chainsaw, or an occasional party. However, dirt bikes are used regularly (typically, every weekend and often on weekdays) and as a result are much more disruptive.

Three years ago a non-resident set up a mobile sawmill on a vacant neighbouring block. This was in regular use for several days until complaints got it moved elsewhere. The noise was comparable to that from the area's dirt bikes. Since the disruption caused by both was comparable, surely the same noise restrictions should apply to light industry and dirt bikes?

**(ii) Those affected may be scared to complain**

Population densities are low in rural areas. If an anonymous complaint is made to the police it will often be perfectly clear who the complainant was, especially if they have previously tried to resolve the issue face-to-face. Rather than cause a problem with neighbours, many residents will not complain for fear of bad relations or even reprisals.

**(iii) Many riders are not open to negotiation.**

My experience is probably typical. Two years ago a new set of residents moved on to a neighbouring block. In the first weekend they were there, six bikes were riding at the same time. I visited them and as tactfully as possible, suggested that they would not be popular in the area if they continued to ride in this manner. The response was 'it's our land and our right to do as we please'. The same residents refused to stop riding even when requested to do so by another neighbor whose son had just returned from hospital and needed peace and quiet.

**(iv) Noise is very far-reaching**

We are often affected by the noise of dirt bikes on a property a kilometer away. It is difficult to take any action since it may not be clear from which property the noise is originating.

**Suggestions**

An outright ban is unenforceable and probably undesirable; this is a sport that, despite the attitude of some inconsiderate participants, brings pleasure to many.

Perhaps the best solution is to treat dirt bikes in the same way as jet skis, for which licences and permits are required. Specifically:

- (i) All motorcycles should meet the same standards regarding mufflers and noise emission, whether to be used on or off road;
- (ii) Restrictions on the use of dirt bikes near other people;
- (iii) Provision of dedicated areas for recreational motorcycle use;
- (iv) Publicity about the issue and guidelines for all parties concerned.

Please publish these comments on your web site if you wish. I ask that you do not publish my name.

Yours sincerely

XXXX

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Individual Submission 245

To: Nadine Seifert  
Date: 10/08/2008  
Subject: Off-road motorbike noise

Dear Nadine,  
In response to your call for public comment regarding offroad motorbike noise please find my letter attached.

Thanks and Regards

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XXXX

CMC Review of Motorbike Noise Laws

Attention: Nadine Seifert

Dear Nadine,

It is not usual for me to write to governmental bodies concerning social issues, however I feel strongly about the issue of motor cycle (I assume dirt bike) noise in our community.

I am a father of two boys  
Three years ago I bought my sons two motocross motorcycles. I did this for a number of reasons. Motocrossing would be something the boys would enjoy, it would get them away from the television and playing on the computer. It would improve their fitness and give them an interest and like all sport it would teach them to socialise and mix with other people. Additionally they would learn the mechanics and workings of a motorcycle and gain confidence in repairing and tuning a mechanical device.

Sadly my boys have now sold their motocross motorcycles, the reason? There is nowhere to ride them! The boys were members of the "Wheelstanders" motocross club at Oxley which at the time of its being closed had in excess of 400 members. The reason for its closure - excessive noise. How that can be when the track was located adjacent to the Ipswich motorway within an industrial precinct is beyond my understanding. The boys also used to ride at the bottom end of Spine Street in Sumner Park. Sumner Park is an industrial estate located behind the Wacol jail and was used at weekends by people as a place to ride. This has now been closed off, again I suspect due to noise? Unfortunately there appears to be no place in the city for motorcycling of this nature. Boys (and girls) like my sons are branded "hoons", which they most certainly are not. I am aware that there are a minority of irresponsible motorcyclists who give motorcycling a bad image, however once again it would appear that the majority are to be regulated against because of the actions of the minority.

It amuses me that "the government" is highly concerned about obesity in our youngsters, to the extent that schools now do not sell full cream milk products because they are apparently unhealthy and yet a physically (and mentally) demanding pastime such as motocross is being shut down. I also see motocross as a pastime which gives the youth of our society an interest which is healthy and which keeps such youth from making a nuisance of themselves (by writing on walls, defacing public property or some other antisocial behavior). The cynic in me says that society wants to take back the area required for motorcycling so that it can build more housing or industrial/commercial

property? Perhaps we (society) would be better to leave some area for youth activity and thus spend less on juvenile delinquency?

We live near to the river in Jindalee,

We are regularly annoyed by noisy ski boats and jet skis, however boating would appear to be a more acceptable pastime than motorcycling and the noise it makes is somehow more acceptable, as evidenced by the fact that public meetings to limit such noise have been met with a deaf ear by both local and state government departments. Similarly the noise generated by the "drifts" at Archerfield appears to be acceptable even when we can hear it at Jindalee? Certainly the noise pollution and air pollution caused by the drifts is far worse than any motocross track could ever be.

The issue of motorcycle noise is, in reality, part of a wider problem whereby our young people are being shut out of beneficial activities because such activities make too much noise, or take up too much space, or cost too much. Whatever the reason, our young people need activities which give them freedom to expend energy and to learn about themselves. The more our society takes away such activities, the more our youngsters will prove to be a problem. I implore you to take this message to the decision makers and bureaucrats as we must not regulate (over regulate?) to the extent that our kids have nothing left to do but watch television and play computer games.

I thank you for taking the time to read my letter. I would appreciate the opportunity to talk more about this issue should you desire.

Yours Sincerely

XXXX

Individual Submission 246

To: Nadine Seifert  
Date: 10/08/2008  
Subject: CMC Review of Motorbike Noise Laws.

Dear Nadine.

We would like not make the following submission to the CMC Review of Motorbike Noise.

Our Situation.

Our Names are XXXX.

We live at XXXX at XXXX on a 4000sqm (1acre) block in a street where all blocks are 1acre. All Blocks on our side of the street back onto a council reserve (we believe it to be a Wildlife Corridor).

There are a number of people( some local some not who ride loud trail bikes in both private property as well as the Council Reserve. Our Neighbours 2 houses away ride very noisy bikes on their own property as well as in the Council Reserve behind our places. While these People live 2 houses away, their boundary is only 40mtrs from our side boundary. We cannot entertain our friends on our back patio for the excessive noise which you can also hear in every room of our house and even over the TV or Radio. We have complained often to Council and the Police.

Also the Dust that is stirred up lands on all our roofs when our main water supply is tank water. The vast majority of acreage living people rely on tank water collected from roofs as their main source of Drinking Water. The health issues associated with this cannot be ignored. The act needs to include dust as well as noise and police need to be given the power to act on noise and dust.

The local Police have been extremely good and understanding but are frustrated by the current laws as they have to actually catch them in the act, as these people operate on the premise that they deny everything and then you have to prove it and be able to identify the actual bike and the actual rider and the police say if the rider is under 17 years there is very little they can do and this is often the case although the father joins them on a regular basis. There is only one way into our street and any arrival of Police gives them time to stop prior to the police getting there . The Police have suggested trying to go through the PEACE & GOOD BEHAVIOUR ACT to try to solve our problems as they are powerless to act

**A very simple check of the number of applications (or lack of) to Courts in Queensland since July 2006 will show that the current Laws are not working and penalties are very inadequate.**

The police arranged Mediation ,but the other party did not respond. and there it ended.

We do not believe it should be left to residents to try to get evidence and take people to court to try and get them to stop anti social and illegal behaviour.

We have tried to video tape to get evidence and have been successful on a couple occasions but get abused with vile language and our house egged, they have also exposed their backsides to my wife. When we have got video and shown the police they then quieten the bikes for a couple of Weeks but then gradually they get back to the noise levels of before.

Council have had to use a Bobcat to undo bike jumps built in the Reserve at the back of our property, This was not caused by our neighbours 2 doors away



but people who live outside our street.

### Recommendations

#### PRIVATE PROPERTIES.

It should be illegal to ride or drive any offroad recreational vehicle including Trail and other offroad bikes on properties under a nominated size (probably 10 acres) as on a lacre block it is illegal to keep a rooster, cows, horses etc for the noise that may cause disturbance to the Peace and Quiet of Neighbours.

Another way could be to draft the law using distance (probably 1 klm or 750mtrs) from a residential building zoned Residential or Rural Residential. Properties zoned Rural should be exempted so as not to impede their ability to work their farms.

One of the problems with the current First Complaint /Second complaint setup is that often these people will ride all day Sunday (for example) knowing the Police are busy and will take time to attend and do not care about any 48hour abatement order as they then wait the time only to start up again as soon as the 48hours are up thus never getting the second order.

It needs to be pointed out that there needs to be somewhere for bike enthusiasts to enjoy their Sport, but this needs to be well away from Residential areas.

It also needs to be said that the providing of a facility will not stop many of the people who cause the problem on Private or Public Property and therefore penalties need to be a proper deterrent.

#### RESERVES, PARKS 7 OTHER PUBLIC PLACES.

The laws are there but whether they are adequate or not I do not know, however I do know that the laws are worth very little if the resources are not there to enforce them and the penalties are not enough of a deterrent. The penalties need to be much tougher and the Environment Protection Authority needs to take the desecration of our forests by trail bikes much more seriously. A close Look at how NSW's Environmental Protection Authority works in this area could show benefits. NSW's EPA is not aligned to National Parks but works with all agencies where environmental pollution occurs. We have complained to the QLD EPA who refer us back to Parks & Wildlife who pass us back to Council.

Thank you for the opportunity to make this submission and we look forward to the results of this review.

XXXX

PS we ask that our Name and Address is kept confidential. Thank You.

**Individual Submission 247**

**To:** Nadine Seifert  
**Date:** 11/08/2008  
**Subject:** Submission regarding review of Motorbike Noise Laws

Good Morning

Please find attached a submission regarding the review of Motorcycle noise.  
I have also posted a hard copy of this submission today.

Thank You

XXXX

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XXXX

10 August 2008

Attention: Nadin Seifert

Submission in relation to Motorcycle noise on private property.

My submission is in relation to noise of motorcycles being ridden on private land, in particular small residential acreage estates.

Your website states "The new laws provide police and the courts with the power to resolve excessive motorbike noise complaints through a series of graduated responses".

I feel that this is not entirely the case as the powers given to police severely restrict them in investigating noise complaints in residential areas.

I have a situation where neighbors often ride motocross style off road bikes (noisy two - stroke) on their own property next to my residence, as well as on a drainage easement, which actually separates the two properties. My property is approx. in size and the neighboring property is slightly larger than that. My house is built approx. 10 metres from the boundary, making it approx. 20 metres from the neighbor's boundary.

The motorcycles are ridden along the boundary line making excessive noise inside my house. Despite several approaches to the neighbors with the request not to ride along the boundary line they persist in doing so. The residents also have a track constructed at the rear of their property, which is still close enough to cause considerable noise.

I have rung Police on numerous occasions in relation to the noise of the motorcycles and the Police have clearly indicated that they can hear the motorcycles over the phone. Police have also said to me that for them to take any action in relation to the noise they need to attend whilst the noise is taking place - to

use their words "find offending" and then they have power to abate the noise. The trouble here is that the police response is very slow as this is not a priority matter and by the time they attend the noise has stopped. The neighbors may seem to know this as they ride for about ½ hour periods and then stop, start later on, stop etc. When the police do eventually attend they just drive past and on not hearing any noise drive off, without even speaking to the offenders, whom I always identify when making my complaint. I feel at least that if they attend the residence of the offenders and inform them a complaint has been made and outline the consequences, this would begin to resolve the situation. By just driving by and not finding any noise, I believe that this is not an adequate response, by the police, to the complaint. I never receive any feedback from police in relation to the outcomes of their attendance to my complaint.

On reading your information sheet on the laws it states --

Police attending in response to a motorbike noise complaint must, before taking further action, be reasonably satisfied that the noise can be heard at, or close to, the complainant's residential or commercial premises (s. 579).

I feel that the interpretation of this section is inadequate or that the power itself is inadequate. I feel that the Police should have the power to act on noise complaint on reasonable investigation, with a removal of the "found offending" interpretation. If a complainant is prepared to give a statement identifying the persons creating the noise then this should be enough for police to make investigations and take action against the offenders. I also feel that if police can hear the noise over the phone, and this can be supported by inquiries made, then this should be enough to take action.

As it stands now, the power rests with the person riding the motorcycle as the chances of them being 'found offending' is very remote and Police treat the offence as a very low priority. I have been told by several police that they are really restricted in the power they are given to investigate this type of offence and to take action which would resolve the issue.

I am sure that the intention of this legislation is to provide residents with some form of comfort in knowing that their complaints can be acted upon, however this is not happening.

When talking about these laws on Friday, June 30 2006, Minister for Police and Corrective Services The Honourable Judy Spence was quoted as saying "Hooning in these areas also impacts on residents living nearby, who moved there to enjoy peace and quiet. They shouldn't have to put up with the roar of trail bikes". This is certainly the case but is not happening at the moment, as I have made several complaints over a period of approx. 12 months and the issue remains.

My submission is

- that police do not have sufficient power to deal with noisy off-road motorcycles as outlined above
  - the laws could be improved, as well as the way the complaints are responded to, so that a reasonable outcome can be obtained in the following ways.
1. That this law should be changed so that the 'found offending' situation be removed and that police be given power to take action on a 'belief on reasonable grounds' that the noise is causing discomfort to persons in their residence.
  2. That the riding of motorcycles on private property in residential areas be banned totally.
  3. That complaints made in relation to riding of motorcycles be treated more seriously by police and that investigations be undertaken to identify offenders and issue abatement notices based on these investigations.

I am willing to discuss this matter in any forum deemed necessary and can be contacted on XXXX or XXXX

and can be emailed at XXXX.

I thank you for taking the time to inquire into this matter and your consideration of my submission. I look forward to some positive action being taken so that the laws allow police to positively address the situation.

XXXX

Individual Submission 249

To: Nadine Seifert  
Date: 11/08/2008  
Subject: Motor Bike Noise

CMC Review of Motorbike Noise Laws  
Attention: Nadine Seifert,  
GPO Box 3123,  
Brisbane Qld 4001

Dear Ms Seifert,

I write with regards to the noisy off road motor bikes near our home at XXXX, XXXX.

Our home is on a five acre block with adjoining neighbours also on five acres.

Over the last few years we have been bombarded with "noisy dirt bikes" mainly riding around the adjoining property above ours. These bikes go for hours on end, not only causing a nuisance with the noise but also with the amount of dust that is produced from the constant race track and jumps around the neighbours five acres.

We have had our driveway covered with bitumen to help elevate the dust problem, and try to keep our property clear of debris as well. All of the properties in XXXX are on Tank Water, so you can imagine the dust and dirt that is falling into our drinking water when these bikes start racing either in the property above or on the footpath is quite considerable. To date we have had our house roof cleaned three times in the last year, I find this completely unacceptable, especially with everyone trying to be conscious of water restrictions, it is an unnecessary expense and work load for my family to attend with.

Should you wish to contact me, please do not hesitate to phone me on XXXX

Sincerely

XXXX

**Individual Submission 250**

**To:** Nadine Seifert  
**Date:** 11/08/2008  
**Subject:** Comments for Motor Cycle Noise Law Review

Nadine,

Please find attached my submission document relating to the current review on Off Road Motor Cycle Laws.

Thanks,

Regards, XXXX.

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XXXX  
XXXX  
11<sup>th</sup> August 2008

To CMC -- GPO Box 3123, Brisbane Qld 4001

Subject: CMC Review of Motorbike Noise Laws

Attention: Nadine Seifert

Please review my comments regarding the current Motor Cycle Noise Law review.

We live quite a distance out in the country, some 15 minutes drive from the nearest town where police are stationed. I would like to reflect on some of my personal difficulties stopping noisy offroad machines.

We moved to this area 5 years ago onto        acres, in retirement after major illness.

The property next to us is        acres or so, and of recent time the owners have taken to the activities of noisy motor cycles, up and down their main property road, which is 30 metres from our house.

They quite regularly hold unofficial motor cycle and quad bike meetings, so at any one time we can have several of these noisy unmuffled machines, roaring past our house. We have tried to discuss this problem with the neighbour, who simply said "Go Jump".

According to the existing laws we are within our rights to complain, and have the bikes stopped, however, the loopholes in the existing laws require that the police have to see and lister to the offending machines.

Now the property next door being        acres, these noisy machines are not always roaring past the house. Calling the police at any time usually means a delay before they arrive, at the best of times. For me to call the police means there is usually a delay in the arrival of police on site, and by that time the machines are more likely to be at the other end of the property. So in effect the police see nothing, and go on their way and waste their time.

Notwithstanding also, given the lay of the land here means, that it is unlikely a police car could arrive unseen, unless the police take extreme

measures of parking miles away and marching through the bush. This also makes it difficult to view and hear offending machines. If a police car were seen in the area, you could bet the noisy machines would not show their face again for some time, that is logical.

It is my belief that the laws compelling the police to see and hear the bikes in the complaint area, should be changed to allow police, on a complaint from a resident, to go to the offending property and reivew the machines in question, in that situation, and deal with them accrodingly, or warn them off the noisy offensive riding. If the police could take this action, then it would be plainly obvious that many of the offending machine have no mufflers, and it would be fairly obvious they make one hell of a noise when speeding up the roadway.

The laws as they exist at the moment, simply do not allow the noisy riding of unmuffled machines past a domestic dwelling, but the laws are useless in stopping it happening, with the requirement that the police have to see and hear the offence. I mean, in my case it would be easy to photograph the offenders, and it would be good if the police could act on the photographed evidence, which is readily immediately available from a digital cameras. Perhaps police could take into account the local environment more, such as house proximity to the illegal motorcycle raceway.

Also it seems that the vast majority of the complaints from others as well as myself relate to the fact that the mufflers have been removed from these machines, making their noise level 1000 time worse than necessary. I also think more stringent regulations should be applied to noisy machines that have tampered with their muffler system.

It seems to me wasting police time, to come all the way out into the country when there is nothing to see when they arrive, is countrerproductive to police time, which could be better spent in achieving results rather than a wasted exercise.

As for myself, I am not anti-motorcycle, quite to the contrary, I have been riding a street machine for 42 years, and only gave it up last year due to my age and lack of use for it. I have also expereince with off-road machines on a property I owned in the 80's. Each of such machines without altered muffler systems, ridden with responsibility and consideration for others, rarely causes a problem.

The offroad noisy community, by and large, usually comprises irresponsible teenagers, or much lower aged offenders, who think it is great to make as much noise as possible, take extra action and diversions to upset the complaining neighbour, and don't really care about any persons peace and quite enjoyment of their property.

I for one would like to see laws that would make it much easier for police to deal with, and put these noisy offenders out of action, once and for all. I trust you can effect suitable revisions to this existing law to achieve this result.

I would prefer that my name, address and email address were NOT published online.

Signed: XXXX.

Individual Submission 251

To: Nadine Seifert  
Date: 11/08/2008  
Subject: Review of Motorbike Noise Laws

CMC Review of Motorbike Noise Laws  
Attention: Nadine Seifert

XXXX  
XXXX  
11/8/08

Submission to Review of Motorbike Noise Laws:

I have lived at the above address for five years. From early in that time I have had quite constant annoyance from a specific private property adjacent to the XXXX. There are other private properties in the same vicinity that have motorbike tracks or use of the same as 'sport'. However, it is the first named property that has given greatest trouble to the neighbourhood.

While being private property the owners have made it available to visitors to the district. At times there would be a dozen or more bikes in use. I have made two approaches regarding their possibly reducing the amount of time and noise, there being occasions when bikes were operating all day and every day in a fortnight. On the first approach, machines had been in operation on all day of every day for over a week. They and I reached an equitable compromise. On another occasion an older group's response was entirely negative. One of the family members of the property owner told me that not only would he do as he pleased, but that friends passing had access to the track. I did not view as constructive me making any further direct approach.

While this specific site is cause of most intrusion in the area, there are other private properties in the same district that have constructed and use motorbike tracks at any time of their convenience.

My approach to the Council clarified that what I had originally interpreted as being a club was in fact not so. Also I was informed that the Council had been unable to act on complaints about the same operation from many other residents. I am aware that the Council has attempted to measure sound levels, but when instruments were in place, it was as if the riders were aware of their presence and chose not to operate bikes despite a number being on the property.

I was informed by the Council that the only legitimate action available to me was to contact the police and to lodge a complaint regarding noise levels and frequency.

Do Police have sufficient powers? -----

The nearest police station is at XXXX, some 8 kilometres from my residence. As I understand the process involved under existing lawful procedure, the police would have to visit my home and then assess the noise level. They would then



have to drive to the site of the noise which, by road is approximately another five kilometres - it being a round trip into XXXX and then out again on the XXXX road back to XXXX. Whether the police have possession of or are experienced in the use of sound recording technology is another matter. But how is a non-subjective measure to be made without such technical equipment when it must be evidence for possible court action?

In the past the owner-user of the property has rejected approaches from the XXXX Mayor, and when I approached him previously, his manner was he would do what he liked. It is an attitude that removes personal negotiation and places the matter with the only institution available, that being the police. Given that there is widespread exasperation with this one property, and that there are other bike tracks in the same district which also create annoyance, it is hardly feasible that every response can only be through the one police station at XXXX. After all, the police have a much wider bailiwick than warning off-road bike riders. And warning them appears to be about all they can do, given the logistics of distance and attaining a legally binding measurement on the noise level being produced. It is a situation enhanced by the belligerent attitude of the owner of the property. There is no legal action open to anyone, including the police, against 'bad attitude'.

Not only do police have insufficient powers, but they are caught in the middle of a process that should not have got as far as it has.

: Could improvements be made? -----

The fundamental issue regarding how to handle the many legitimate complaints is not the finessing of the procedure, but the ready availability and what is very much a public use of the type of machine being used. That the machines emit the high pitched screaming they do means they are an inappropriate presence in either residential or a rural area which comprises mostly small acreages. Some issues can be settled amicably by one neighbour speaking to another, and this has occurred in my instance: An act of mutual civility. However, most noise is produced by those who ignore such civility. They must be given an option of becoming reasonable or having their machines banned from use. The community is reasonably tolerant of reasonable use, any broaching of this expectation should initiate a ban. Complaint levels to police are a reasonable measure for this. I have seen little evidence of unreasonable complaint.

If the principal avenue of complaint is through the police, and these officers have no other technology or facility with which to measure sound levels, then police must possess the power to close down such places as that at XXXX on the basis of the many complaints received. The technicality behind which inconsiderate persons can now hide, must be removed. That private residents and the local government authority have all been unable to have their expressed concerns acknowledged by the perpetrators, means they and the police are shackled by a legal technicality. Having degrees of warning as now exist, is meaningless, given empirical sound measurements have to be produced for action to be taken.

: Do courts have sufficient power? -----

The simple answer is, this is almost an irrelevant question, given that police have first to make the charges for them to appear in court. The difficulty of police attaining evidence is referred to in the previous section. Hence, if no

evidence, then no charges, then nought for the courts to act on. The issue is the use of the type of machine in the midst of residential areas, whether urban or small rural. They are inappropriate and their use must be premised on the basis on community location, not private property.

:Local Community modes of management: -----

Regarding abusive use of motorbikes, essentially all a local community has been able to do in this region, is take the issue to the Council and to the police. Neighbours have been able to come to an agreement in lesser instances. My experience has been that some families were unaware of the capacity for noise to travel. In the case of the XXXX site adjacent to any such attempt is likely to be met with degrees of beligerence: An experience of myself and the local authorities. There are those in this area who have no respect for what their neighbours might experience from their activities. There is the risk of conflict.

: Other issues regarding noisy off-road motorbikes: -----

Given that the local government authority in this region have been unable, despite trying, to assert any control over use of these machines, it is essential that this lack of power be rectified. Local Authorities must have legislated power to control the use of off-road motorbikes in their area of administration, it to be a matter of zoning use. Any group activity must be well away from residential areas, and tracks proposed on private properties to be assessed as suitable or not by that local authority, and only for the use of the resident of that property. As it now stands, for a Council to act against excessive or abusive use of these bikes, it would require costly legal action with an unknown result. Control must be removed to a planning use and not a legal contest.

XXXX

11/8/08

Nadine, I am happy for my submission to be posted on a your website with my name attached. XXXX