

Ku-ring-gai Council

Recreation in Natural Areas Policy

Revised Draft November 2001





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Ku-ring-gai Council

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i. Introduction

The natural areas of Ku-ring-gai have important natural values and provide habitat for a rich diversity of flora and fauna. This biological diversity includes a number of threatened species and ecological communities of State and regional significance.

The objectives for Natural Areas are specified in the Local Government Act, 1993. These objectives focus on protecting ecological, biodiversity and habitat values of the land.

Apart from these natural and ecological values, natural areas provide many social benefits. In particular, the nature based recreational opportunities offered by these areas provide a unique experience for users. These benefits are also recognised in the objectives for managing Natural Areas.

The recreational use of natural areas needs to be encouraged and managed at sustainable levels where the activity does not degrade or compromise the natural or recreational values.

Natural areas offer many users, whether they are families, individuals, elderly or the young, a range of recreation experiences. For example, natural areas provide opportunities for retreat and relaxation away from the many pressures of demanding urban lifestyles. Others appreciate the more challenging or adventure activities which bushland areas provide.

Some recreational activities can degrade (either directly or indirectly) flora and fauna habitats and therefore affect the quality of user experience. There are also inappropriate recreational activities that can conflict directly with the activities of other users.

Many commercial operators use the natural areas and take advantage of the environment. Commercial activities include those for personal development, team building, recreation, tourism and education and consideration should be made for commercial users to contribute to the maintenance of and upgrade of the natural resource being used.

It is important to note that this policy does not relate to national parks and is only of relevance to Natural Areas managed by Ku-ring-gai Council.

1. Recreation in Natural Areas Policies

1.1 Appropriate Use (non commercial)

*That it be
Council
Policy to*

- 1.1.1 Provide for and encourage the use of designated walking tracks and service trails for bush walking, running/jogging, and nature-based activities.
- 1.1.2 Recognise and allow the use of designated walking tracks and service trails except in the Ku-ring-gai Wildflower Garden for walking of registered dogs that are effectively controlled on a leash.
- 1.1.3 Allow the use of designated service trails for non-motorised cycling.
- 1.1.4 Permit the use of designated rock escarpments for abseiling and rock climbing subject to conditions and an appropriate fee being paid to Council.

1.2 Limitations on Use

*That it be
Council
Policy to*

- 1.2.1 Allow people engaged in a trade or business to conduct appropriate use activities (1.1.1 - 1.1.4), only when a permit is issued, subject to compliance with conditions and restrictions and a fee being paid to Council.
- 1.2.2 Allow volunteer Bushcare activities, only when Council has issued a Bushcare Permit.
- 1.2.3 Only allow horse riding on designated service trails, when a permit is issued, subject to compliance with conditions and restrictions and a fee being paid to Council.
- 1.2.4 Allow orienteering, rogaining and tourism activities on designated service trails and designated walking tracks, only when a permit is issued, subject to compliance with conditions and restrictions and a fee being paid to Council.

1.3**Inappropriate Use**

*That it be
Council
Policy to*

- 1.3.1 Prohibit the following recreation activities on trails and tracks in natural areas, in accordance with the relevant legislation and subsequent regulations:
- a) any activity (with or without a permit) conducted in a manner that damages the native flora or fauna;
 - b) walking of dogs which are not effectively controlled on a leash;
 - c) driving of recreational vehicles including motorised bikes;
 - d) overnight camping;
 - e) open fires;
 - f) any activity conducted by persons under the influence of alcohol or drugs;
 - g) any act or thing which will annoy or endanger any person or native fauna and flora.

1.4**Community Information/Education**

*That it be
Council
Policy to*

- 1.4.1 Provide regulatory information as to what are appropriate, permitted and inappropriate uses within natural areas.
- 1.4.2 Provide interpretive material that outlines and encourages responsible use and appreciation of the natural environment.

1.5**Incentives**

*That it be
Council
Policy to*

- 1.5.1 Provide recreation opportunities that facilitate and encourage appropriate use and enjoyment of bushland.

2. Administration

2.1 Responsibilities

This policy is administered and enacted in accordance with the delegations of authority from the Council to the General Manager and subsequent delegations from the General Manager to staff.

The policy is intended to be reviewed every four years or as required.

3. Definitions

Biodiversity: is the variety of life forms, the different plants, animals and micro-organisms, the genes they contain and the ecosystems they form. It is usually considered at three levels: genetic diversity, species diversity and ecosystem diversity.

Designated Service Trails: is a trail designed for multiple use including bush fire suppression and prevention, management vehicles, pedestrians, and other recreational activities such as cycling.

Designated Escarpment: is a rock outcrop specifically identified by Council where recreational activities (eg abseiling, rock climbing) are permitted and managed to a level where there is minimal impact on the surrounding environment.

Designated Walking Track: is a track designed for pedestrian use.

Natural Area: is community land that is categorised as a Natural Area under the provisions of the Local Government Act 1993 or is Crown land managed by Council which is subject to the provisions of State Environmental Planning Policy No. 19 -Bushland in Urban Areas.

4. Legislation

4.1 Statutory Obligations

Council has the statutory responsibility and powers with respect to recreational use in bushland under the following legislation and State Planning Policies:

- Local Government Act, 1993;
- Environmental Planning and Assessment Act, 1979;
- State Environmental Planning Policy No.19 - Bushland in Urban Areas, 1986;
- Recreational Vehicles Act 1993;
- Companion Animals Act;1998
- Rural Fires Act, 1997

4.2 Local Government Act, 1993

The Local Government Act (1993), requires Councils to identify all community land and categorise that land. One of the categories identified in the Act is Natural Area and specific objectives for this category are specified in the Act. These objectives for a Natural Area are:

- to conserve biodiversity and maintain ecosystem function in respect of the land, or the feature or habitat in respect of which the land is categorised as a natural area, and
- to maintain the land, or that feature or habitat, in its natural state and setting, and
- to provide for the restoration and regeneration of the land, and
- to provide for community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion, and
- to assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in a recovery plan or threat abatement plan prepared under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*.

The Act also requires Plans of Management to be prepared to implement the objectives and any law permitting the use of the land under section 35 of the Act. Section 68 (2) (part-d) outlines what activities are permissible with approval. These include activities associated with persons engaging in a trade or business.

4.3**Environmental Planning and Assessment Act, 1979**

The Environmental Planning and Assessment Act (1979) requires all activities to consider the impact on the environment under the provisions of part 5 of the Act. As natural areas are environmentally sensitive, activities should be undertaken in a manner where there is no long-term cumulative effect that could impact on future activities.

4.4**State Environmental Planning Policy No.19**

State Environmental Planning Policy No. 19 encourages appropriate recreational use. The general aim of the policy is "to protect and preserve bushland because of:

- its value to the community as part of the natural heritage;
- its aesthetic value; and
- its value as a recreational, educational and scientific resource.

4.5**Recreational Vehicles Act, 1993**

Recreational Vehicles Act (1993) outlines the framework where in areas can be set aside as a Recreation Vehicle Area. Section 10 of the Act requires occupiers to apply to the Environmental Protection Authority for designation of land as a Recreation Vehicle Area.

4.6**Companion Animals Act, 1998**

The Companion Animals Act, 1998 relates to dogs, cats and any other animal prescribed by the regulations. The Act requires companion animals to be identified and registered and further specifies the animal owner's responsibilities. Section 13 requires a dog in a public place to be under effective control by means of an adequate chain, cord or leash.

4.7**Rural Fires Act 1997**

The Act specifies the Bush Fire Danger Period as beginning 1 October and ending 31 March the following year, unless otherwise varied by a notice. During this period it is an offence to light a fire for hazard reduction purposes unless a fire permit is issued.

Where the Minister is of the opinion that it is in the public's interest for example extreme weather conditions, the Minister has the powers to declare a "Total Fire Ban", prohibiting the lighting of any fires.

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