



## Vehicle Access - General Policy

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# Contents

- Introduction..... 4**
- Objectives ..... 4**
- Scope and application ..... 4**
- Definitions ..... 5**
- Relevant legislation or other mandating instruments ..... 7**
- Policy ..... 7**
  - General principles ..... 7
  - Where vehicles are allowed ..... 8
  - Beach access..... 9
  - Planning for new roads or the permanent closure of roads..... 10
    - Temporary Closures..... 10
    - Permanent Closures..... 10
    - Other access restrictions..... 11
  - Road classification ..... 12
  - Public transport ..... 12
  - Fees ..... 12
  - Permit systems and vehicle limits..... 13
- Related policies and other documents ..... 13**
- Contacts for further advice..... 13**

## Introduction

The use of vehicles is a common and accepted method of travel to parks. For some time there has been a growing interest by visitors to utilise other areas of parks such as management trails to extend the use of vehicles as a recreational pursuit.

All recreational activities, including use of vehicles, can generate impacts on the park environment and must therefore be managed in accordance with legislative requirements and the objectives for which lands are reserved. The *National Parks and Wildlife Act 1974* requires that the principles of ecologically sustainable development be applied in order to achieve the objects of that Act.

## Objectives

To plan, manage and regulate vehicle access to conserve nature and cultural heritage, protect human life and provide for an injury-free visit to parks.

To ensure that vehicle use in parks occurs in accordance with the legislation and the management objectives of parks.

To provide appropriate vehicle access for management purposes, including emergency access.

To provide for recreational vehicle use, where appropriate, and to ensure the ecologically sustainable management of such vehicles within parks.

To meet the needs and expectations of visitors which are appropriate to the management objectives of each park and ensure that the mix and pattern of recreational use within a park (including vehicle driving and other recreational activities such as cycling, camping and walking) maintains an appropriate level of safety, equity, harmony and satisfaction amongst park visitors.

## Scope and application

This policy applies to lands acquired or reserved under the *National Parks and Wildlife Act 1974* ("parks") and covers all types of vehicle access, including vessels.

The Vehicle Access Policy provides the broad overarching policy framework for the management of vehicle access in parks. Other specific vehicle access related policies may sit under this overarching policy, such as the Roads Policy, Cycling Policy and the Vehicle Access - Specific Issues Policy.

This Policy repeals:

- Vehicle Access Policy (2002)

- Road and Management Trail Closure Policy Statement (July 2007)
- Air Access Policy Statement (July 2007)
- Car and Motorcycle Rallies Policy Directive (October 2005)
- Towing of Private Vehicles and Vessels Policy (July 2002)
- Watercraft Policy Statement (July 2007)
- Oversnow Vehicles Policy (July 2002).

## Definitions

**'Allowed v. permitted'** – The term 'permitted' refers to the legal permissibility of an activity under the NPW Act, the Wilderness Act or a plan of management. An activity may be permissible, but not allowed under a policy.

**'Asset protection zone'** is an area surrounding a residential or other significant building, managed to reduce the bush fire hazard to an acceptable level. The width varies depending on slope and construction type.

**'DECCW v. NPWS'** – DECCW is used where the policy refers to an agency position or responsibility. NPWS is used to refer to that part of DECCW which implements the NPW Act and manages parks.

**'Designated parking area'** means an area set aside for the parking of vehicles including boats, caravans or trailers.

**'Management trails'** are vehicle trails on lands reserved or acquired under the NPW Act, which are maintained by NPWS for the purpose of park management activities. *If they are open to public vehicle use then they are 'roads' under the roads legislation.* This will therefore vary from park to park.

**'Ministerial roads'** are roads vested with the Minister for Climate Change and the Environment under Part 11 of the NPW Act, which traverse a park but are not reserved as part of the park. Note however that Ministerial roads are treated as part of the park under the NPW Regulation and this policy.

**'Park authority'** means the body responsible for the care, control and management of a park, as defined in the National Parks and Wildlife Regulation 2009.

**'Park roads'** are roads reserved as part of a park which are open to the public, though they can be closed for park management reasons. They are maintained by NPWS.

**'POM'** means a plan of management in relation to land reserved under the NPW Act that is prepared under s72 of the Act.

**'Public access system'** comprises park roads; public roads; Ministerial roads and other infrastructure designed for vehicles (such as designated parking areas, aircraft runways and boat ramps).

**'Public roads'** are not part of the park and are designated as public roads under the Roads Act, or under other legislation for the purpose of the Roads Act. Public roads are most commonly land held by the RTA, local Government or the Land and Property Management Authority (for Crown roads). To determine if a road is a public road:

- check what is recorded on the deposited plan for the land,
- check the relevant Gazette or Act for the acquisition or reservation of the land, or
- enquire at the RTA.

**'Recreational vehicle area'** means land which is designated as a recreation vehicle area under s11 of the *Recreation Vehicles Act 1983*.

**'Road'** is defined in the roads legislation, and means an area that is open to or used by the public and is developed for, or has as one of its main uses, the driving or riding of motor vehicles.

The 'road' includes:

- the airspace above the surface of the road, and
- the soil beneath the surface of the road, and
- any bridge, tunnel, causeway, road-ferry, ford or other work or structure forming part of the road.

A road therefore includes: public roads, park roads, ministerial roads and, in some cases, management trails.

**'Roads authority'** is the authority responsible for managing public roads. The RTA is the roads authority for all freeways and most highways, the Land and Property Management Authority is the roads authority for all Crown roads, and local government is generally the roads authority for all other public roads. NPWS is *not* a roads authority.

**'SIMI'** – means Statement of Interim Management Intent, which may be prepared as an interim park management plan when a POM is yet to be developed.

**'Vehicle'** is defined in the NPW Act as:

- a. a boat or other object that, while floating on water or submerged, whether wholly or partly, under water, is wholly or partly used for the conveyance of persons or things,
- b. an apparatus that, while propelled, or directed or controlled, in the air by human or mechanical power or by the wind, is wholly or partly used for the conveyance of persons or things,
- c. a motor vehicle,
- d. an apparatus propelled, or directed or controlled, upon land, snow or ice by human or animal power or by the wind, or
- e. a trailer or caravan, whether or not it is in the course of being towed.

A vehicle therefore includes aircraft, watercraft, bicycles, motor vehicles (including four-wheel drive) and motorcycles (including trail bikes),

oversnow vehicles and 'blokarts' (land sail vehicles). In some cases a surfboard, body board or lilo may be treated as a vessel, e.g. clause 7(9) of the National Parks and Wildlife Regulation 2009.

References to 'vehicles' in this policy utilise the definition from the Act. However, where it is necessary to specify a certain type of vehicle, terms such as 'vessel' and 'aircraft' are used. The NPW Regulation also uses this method, where particular clauses apply to a subset of vehicles.

A horse or camel is not a vehicle under the Act and is not covered by this policy unless it is drawing an apparatus referred to in (d) of the definition above. [Note: Some clauses of the NPW Regulation treat vehicles and horses similarly, but the Regulation does not include horses in the definition of a vehicle.]

'**Vehicle infrastructure**' for the purposes of this policy, includes designated parking areas, landing strips, boat ramps, bridges, etc, but excludes roads and trails.

## Relevant legislation or other mandating instruments

*National Parks and Wildlife Act 1974*

National Parks and Wildlife Regulation 2009

*Wilderness Act 1987*

## Policy

### General principles

1. Vehicle access and associated infrastructure should
  - a. not cause unacceptable impacts on nature and cultural heritage;
  - b. be designed with sensitivity to the landscape;
  - c. promote the principles of energy conservation and sustainability;
  - d. be appropriate and necessary to meet park management needs or to provide for visitor use and enjoyment;
  - e. be designed to supply opportunities for understanding, appreciation and enjoyment of visitors, and take maximum advantage of interpretive opportunities and scenic values; and
  - f. provide access to a range of visitor experiences in parks for people with disabilities.
2. Vehicle access, including four wheel driving and registered trail bike use, is recognised as a recreational activity that can be appropriate in certain places in certain parks where compatible with the conservation and visitor management objectives of the park.

3. New roads or trails will not be developed specifically for trail bikes or four wheel drive vehicles (except where access for these types of vehicles is required for park management purposes, such as fire management). However, some roads and trails will only be maintained at a standard which is suitable for four wheel drive vehicles.
4. The public access system will be designated in an appropriate manner for public information, together with information about any access restrictions. This may include brochures, plans of management and signage.

### **Where vehicles are allowed**

5. Generally speaking, public vehicular access is allowed on all parts of the public access system, unless access is restricted in accordance with clause 25 of this policy.
6. General public vehicular access is not allowed on management trails as they are not part of the public access system. However, non-management vehicular access to management trails may be allowed in the following circumstances:
  - a. for cycling, where allowed under the Cycling Policy;
  - b. as part of an approved, registered and supervised volunteer activity, including activities involving the use of 4WD vehicles under an approved Memorandum of Understanding; an approved scientific research activity; or an approved fire management or fire training activity;
  - c. to access neighbouring properties in accordance with the Access to Inholdings Policy;
  - d. for access by licence holders or leaseholders to infrastructure, such as telecommunication towers or apiary sites;
  - e. by contractors, engaged to carry out works or activities in parks;
  - f. for emergency access (no approval required) and for training events (such as search and rescue) by emergency services personnel;
  - g. for access by professional fishing operators, under conditions set out in the Professional Fishing Access Policy;
  - h. to enable Aboriginal people to access sites for cultural purposes in accordance with an approved partnership agreement (refer to the draft Aboriginal Partnerships Policy); and
  - i. by other government agencies in the performance of their duties, where approved by the park authority.
7. Public vehicular access is not allowed in asset protection zones, except upon a park road, public road or Ministerial road if such road is contained within the asset protection zone.

8. Except as provided in clause 9 of this Policy, vehicles (other than NPWS or emergency services vehicles, watercraft or aircraft) are not allowed to be driven in any area other than on roads, trails or other vehicle infrastructure, such as designated parking areas (i.e. "off-road"). Use of such vehicles off-road will be limited to what is necessary to emergency operations or to conduct essential management activities that cannot be accomplished reasonably by other means.
9. Vehicular access to and along beaches (i.e. "beach access") will have an impact on the environment and may pose a hazard to public safety. Public beach access will not be allowed in nature reserves under any circumstances. Beach access will not be allowed in other parks except as provided for in clauses 10 and 11.

## Beach access

10. Beach access may be carried out in accordance with the Professional Fishing Access Policy.
11. Where beach access exists at the time a park is gazetted, the preferred approach is to remove the activity, or to reduce the scale of the activity. Such beach access will generally not be allowed to expand after a park is gazetted unless a change in access route/s is required for environmental or safety reasons. Beach access will not be allowed to continue without discussion with relevant stakeholders and consideration of the following matters:
  - a. potential impacts on natural heritage, including but not limited to:
    - i. the morphology of the beach; and
    - ii. potential impacts on threatened species and ecological communities;
  - b. potential impacts on cultural heritage, particularly middens;
  - c. potential impacts on visitor or management access; and
  - d. potential impacts on the safety of other people using the beach or the park.
  - Note: Provisions 9-11 only apply where the beach is reserved as part of the park. In many cases, the beach may be controlled by a local council.
12. A recreational vehicle area exists in the Worimi Conservation Lands at Stockton Bight. Certain types of recreational vehicles (such as 4WDs, quadbikes, motorbikes and dune buggies) are allowed in this area, if a permit is held. These vehicles must be conditionally registered with the RTA and may only be driven on public roads or within the recreational vehicle area. No new recreational vehicle areas will be designated in parks.

Note: Recreational vehicle areas can only be designated by order published in the Gazette under the *Recreation Vehicles Act 1983*.

## Planning for new roads or the permanent closure of roads

13. Natural and cultural heritage values need to be identified and their location ascertained to enable road planning to minimise the impacts of roads.
14. Planning for new roads or the permanent closure of existing roads must be informed by and consistent with a park's POM, and will also be informed by park visitation planning where available. Any new roads proposed must be based on sound strategic reasons including major benefits for operational management and visitation.
15. In considering the benefits and impacts of a road, road planning must consider both construction, ongoing maintenance and other management costs.
16. Any proposed acquisition of land will consider the ability to gain legal road access to the park, and the condition and legality of the existing road network.
17. The Park Authority has power under the NPW Act and Regulation to close all or part of the public access system (with the exception of public roads), either permanently or temporarily, for management or visitor safety reasons.

## Temporary Closures

18. Roads, trails or other vehicle infrastructure may be temporarily closed where:
  - a. the infrastructure poses a short term safety risk to users – e.g. there is an essential management purpose being undertaken, such as weed spraying or baiting, prescribed burning operations or where the infrastructure is damaged;
  - b. there is a special event;
  - c. there is a natural incident such flood, fire or snow; or
  - d. there is a requirement for the short-term protection of natural or cultural heritage values, or park assets.
19. Temporary closures may take the form of seasonal closures where there are seasonal natural events such as high rainfall periods, snow falls, or threatened fauna breeding seasons.
20. Consent is required from the appropriate roads authority (RTA or council) to temporarily close a public road.

## Permanent Closures

21. The road network in a park should be fit for purpose, and any road which does not have a clear purpose should be deemed surplus to needs and be permanently closed. In particular, roads with a classification of either 'minor' or 'low' should be considered for permanent closure (for guidance on road classification see the Roads Policy and Roads Manual).

- 22.** Permanent closures to public access may occur where:
- a. the road or vehicle infrastructure poses a long term safety risk to users;
  - b. the infrastructure is no longer considered necessary, or duplicates another (i.e. there is alternative access);
  - c. continued use or maintenance is likely to significantly impact on nature or cultural heritage or wilderness values; or
  - d. to reduce road maintenance costs.
- 23.** The decision to permanently close a road must consider:
- a. the current and likely future use of the road;
  - b. the values of the road, including any heritage values; and
  - c. any impacts, including risks to safety or the environment, likely to occur if the road is not closed.
- 24.** Roads, trails or other vehicle infrastructure must not be permanently closed to public access if they are:
- a. a public road managed by a roads authority under the *Roads Act 1993*;
  - b. identified as open for public access in a plan of management – unless the plan is amended;
  - c. the only practical means of access to neighbouring properties;
  - d. access roads vested in the Minister as defined under the National Parks Estate (Reservation) Acts;
  - e. under any licence, easement or contractual agreement – unless the other party agrees to the closure; or
  - f. identified as being open in any MOU or contractual agreement (such as a licence or easement) between the Park Authority and another person or authority – unless the MOU or agreement is amended.

### **Other access restrictions**

- 25.** Vehicle access may be restricted on a temporary or permanent basis:
- a. to protect vulnerable park assets, such as the nesting sites of threatened species or an Aboriginal site;
  - b. to reduce risks to public safety;
  - c. because of fire hazard, flooding or snow;
  - d. to minimise the risk of transporting pathogenic organisms;
  - e. to minimise damage to road surfaces and minimise maintenance; or

- f. for other purposes which contribute to the achievement of the objects of the NPW Act.

Restrictions may relate to the type of vehicle; times of use; washing of tyres; and other measures.

- 26.** Roads, trails or other vehicle infrastructure that are closed to public vehicular access must be signposted in accordance with the Signage Policy and Signage Manual, and should be gated or have some form of barrier to identify that they are closed.
- 27.** Neighbouring landholders and other stakeholders who may be affected by a proposed closure, whether temporary, seasonal or permanent, will be consulted prior to the decision, where feasible. Discussions may include whether there are alternatives to closure that meet management objectives. Where prior consultation is not feasible, neighbouring landholders and stakeholders will be informed of the closure and the reasons for it.
- 28.** Permanent road closures must only be undertaken under an approved POM. Permanent closures must not be undertaken via a SIMI.
- 29.** Roads, trails or other vehicle infrastructure that is permanently closed may be actively rehabilitated or left to rehabilitate naturally. Roads or trails should be physically closed with gates or natural barriers.

## Road classification

- 30.** Classification of road or trail for specific types of vehicles such as 4WD vehicles and bicycles may be considered where:
  - a. it assists in promoting recreational opportunity and in optimising the user's experience of the park; and/or
  - b. it assists in managing impacts on the park and its values.

## Public transport

- 31.** NPWS will actively encourage the use of public or other forms of commuter transport to parks, to minimise traffic in parks and reduce air pollution. However, public transport in parks must be consistent with the general principles in clause 1 and other provisions of this policy.

## Fees

- 32.** The Park Authority may from time to time charge fees for vehicle use of an area.

## Permit systems and vehicle limits

33. The Park Authority may introduce a permit system (under clause 31(1)(c) of the *National Parks and Wildlife Regulation 2009*) or limit group sizes for vehicle touring where warranted by the level, intensity, impacts or extent of vehicular activities or the environmental sensitivity of the area where vehicles are permitted.
34. Where possible, the Park Authority will consult with relevant stakeholders prior to the introduction of a permit system within a park, and where possible, alternative management mechanisms should be explored to achieve the management objectives.

## Related policies and other documents

Refer to the Park Management Policy Manual for related policies

Fire Management Manual (and in particular, the Fire Roads and Trails Policy)

Memorandum of Understanding between NPWS and 4WD NSW & ACT

Roads Policy and Roads Manual (in draft)

Signage Policy and Signage Manual

Worimi Conservation Lands Beach Driving (brochure)

## Contacts for further advice

Reserve and Wildlife Policy Section (02) 9585 6542