

ATVs on Wonga Beach

Community Engagement Findings

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Muruku Kirraji - Eastern Kuku Yalanji

Nganyji pina ngunda-lum ... Ma:Inyijirri-yngku - Yirrganydji

Executive Summary

The Draft Vehicles on Beaches General Policy, which sought to provide a balanced solution to quad bike use on Wonga Beach, was released for public consultation in September 2018.

To ensure all Wonga Beach residents were aware of the opportunity to provide feedback, letters were delivered to all 500 households in the beach community, a poster and handouts were available at the Wonga Beach Servo and articles appeared in the local media, on Facebook and on Council's website.

Council received 85 submissions, representing 187 people, of which 69% were in support, 28% were against and 3% neutral. Looking at just Wonga Beach residents, there were 162 people who lodged submissions, with almost 80% in support of permitting limited recreational use of ATVs on the beach. Those 162 people live in 85 different households of which almost three quarters support the policy overall.

Because people took the time to provide feedback it is possible to look beyond the statistics to gain better insight into community attitudes.

The overriding sentiment of those who support the policy in principal is straight forward. They enjoy riding quads on the beach and value the privilege of being able to do so. Many believe the geography and settlement of Wonga Beach makes it an ideal location for the use of ATVs. It is one of the longest stretches of sandy beach in the Shire with the northern end well away from the vast majority of homes, leaving plenty of room for other beach users. And by forbidding vehicles from driving above the high-tide mark, the impact on the environment is limited to the tyre tracks which are washed away with the next high tide.

For those who do not support quads on the beach, many are very strongly opposed. Many reasons were put forward and all are included in this report, but the most commonly mentioned concerns were the detrimental impact on the natural environment and native animals, difficulty in policing, fear that ratepayers will be liable for damage or injury caused by quads and the noise from vehicles destroying the quiet enjoyment of the beach by other users.

Whilst there is strong support of limited recreational use, some supporters felt the proposed Conditions were too limiting, and have provided feedback to that end. Not unexpectedly, those opposing the policy, thought that some Conditions were too lenient, and provided suggestions on how they should be strengthened.

The draft policy permits limited recreational use on the area of beach north of Giblin Street and provides for just one access point. Several people thought this too restrictive, particularly those in Wonga who lived south of Giblin Street. In general, ATV owners felt there should be at least one access for those people living in South Wonga, some suggesting old Redbacks site and the Wonga Beach Users Group suggested three other access points, these being the Marlin Drive Public Path Access Point; Janbal Street Access Point and Wonga Beach Caravan Park Access Point. The reason for requesting more access points than the one proposed included that extra traffic may annoy Giblin Street residents, the parking area at Giblin Street beach access area is insufficient to accommodate many cars with trailers and many thought that without more access points, unauthorised access points would be created which would cause unnecessary environmental damage.

The draft policy stipulates a maximum speed limit at any time of 20km/h. Some think this is too high, and those objecting to the policy felt if it went ahead, the speed limit should be limited to walking pace—5km/h.

The draft policy does not require vehicles to be registered for road use other than if driving on the road to get to the access point. Some felt vehicles should be road registered, clearly displaying registration plates. This, they say, would ensure roadworthiness and compulsory third party insurance coverage.

All sides agreed vehicles should display an identification sticker, although those objecting, said if it was to go ahead, then two stickers – one either side of the vehicle should be on display. In addition, one submitter thought permit holders should be issued with photo ID similar to the ferry pass and that vehicles should display a flag on an aerial which would aid in identifying non complying vehicles from a distance. The Local Marine Advisory Committee (LMAC) recommended vehicles be required to display an identification number of similar dimension to vehicle registration plates in a position visible to other beach users.

Certainly the ability to easily identify non-permit holders from a distance would be welcomed by everyone.

Some people felt it was unfair that all Shire residents could not apply for a permit. One Shire resident who said driving vehicles on a beach was a rewarding activity, but increasingly difficult to pursue, felt it was not fair to exclude other Shire residents. The writer acknowledged the purpose of restricting permits to Wonga Beach residents may be a means of limiting numbers and if that was the case, he suggested a ballot system should be adopted allowing all Shire residents the opportunity to apply for a permit.

One person felt Newell Beach, Cooya and Port Douglas must be allocated a beach for vehicle access. They said *“failure to do so is discriminatory”* and felt that *“at some time it will be challenged.”*

The LMAC proposed a solution in that if DSC did approve Limited Recreational Use of vehicles at Wonga Beach, that it is made clear that this is an exception based on historical use. They suggested this would minimise the potential for communities on other beaches to lobby for similar.

One of the Conditions in the policy is that all permit holders must have a driver’s license. This was included to support the State Government’s strategy towards safer quad bike use and to prevent young children from riding on the beach without an adult. Many of those objecting agreed with this, as did some supporters, however several people raised concerns with this stipulation. Many submitters were aged 16 or under and therefore would not be able to apply for a permit. If it was to be adopted as is, there would be a number of disappointed children in the community.

The draft policy stipulates that two wheeled vehicles such as trail bikes will not be considered for approval. Some members of the community, generally those who own a bike, want motor bikes and/or trail bikes to be included in the limited recreational use permit system. Others, who supported the policy, did so on the basis motor bikes and trail bikes would be excluded. The Local Marine Advisory Committee (LMAC) recommended that 4WD cars be included in types of vehicles not considered for approval unless being used to launch boats.

Several people raised the issue of the number of vehicles. The LMAC noted there was no information on the number of vehicles estimated to be given approval, or what volume of vehicles can satisfy and sustain the provisions stated in the policy. They recommended the number of approvals be limited to ensure vehicle volumes are compatible with the aims stated under the Provisions heading of the policy for sustainability, safety and peaceful enjoyment.

The ability to police the activity was a key concern, from people on both sides of the issue. Objectors felt many people would disobey or disregard proposed regulations; supporters felt it would be the very few who did the wrong thing which could jeopardize the activity for all. There was common ground in that both sides recommended a local committee be formed to act as an interface between all interested parties including Council, Queensland Police and other government departments in regards to any issues or breaches which may arise.

This report will be reviewed by the Local Laws team who will examine whether the Policy and/or Conditions, can be amended to alleviate any concerns raised and/or better meet the expectations of the community. The feedback will be workshopped with Councillors who will discuss the consultation findings, consider responses proposed and provide direction to the local laws team as to what the final Policy should look like. Following the workshop, the Vehicles on Beach General Policy will be amended as per feedback provided by Councillors and when finalised, will be presented at a full Council meeting for consideration.

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SECTION ONE

Introduction

At its Ordinary Meeting on 28 August 2018, Douglas Shire Council resolved to approve a draft Vehicles on Beaches General Policy to be released for community consultation. Please refer to [Appendix One](#) for a copy of the Draft policy.

The intent of the policy is to outline the circumstances in which Council may approve motor vehicles driving onto beaches in the shire. Whilst the Draft Policy applies throughout the Shire, there's a section which allows residents of Wonga Beach to apply for approval to operate vehicles for limited recreational use on the area of beach north of the Giblin Street access.

To ensure all Wonga Beach residents were aware of the opportunity to view the draft policy and provide feedback, letters were delivered to all 500 households in the beach community, a poster and handouts were available at the Wonga Beach Servo and articles appeared in the local media, on Facebook and on Council's website.

Council received 85 submissions, representing 187 people, 162 of who lived in Wonga Beach in 85 different households. This report provides an analysis of the feedback and includes all comments which have been identified.

Structure of Report

Section Two quantifies the level of support/objection received in submissions. Statistics are provided on all submissions as well as breaking down data for just Wonga Beach residents, where it provides the proportion of support / objection by the number of households as well as the number of individuals.

Section Three covers the main views expressed on either side of the debate, providing a summary of the reasons behind sentiments.

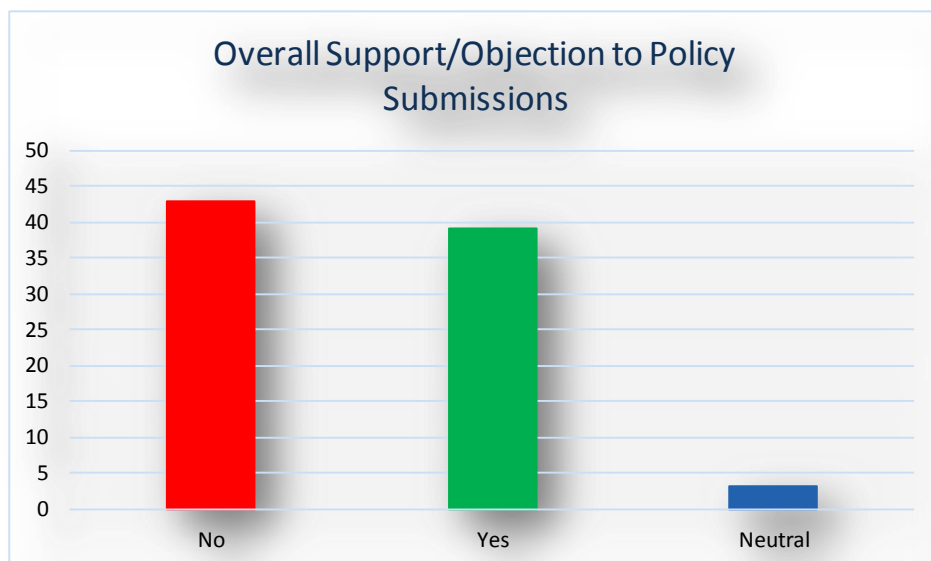
Section Four outlines feedback specifically related to the wording of the Policy and in particular, the proposed Conditions. A table is provided indicating agreement or not with each of the Conditions proposed.

The latter part of the report contains the content from all submissions. They have been grouped according to whether or not they support the policy. No comments have been attributed to any individuals. The only exception is with submissions from organisations and community groups. With their permission, these have been published under the organisation's banner.

SECTION TWO

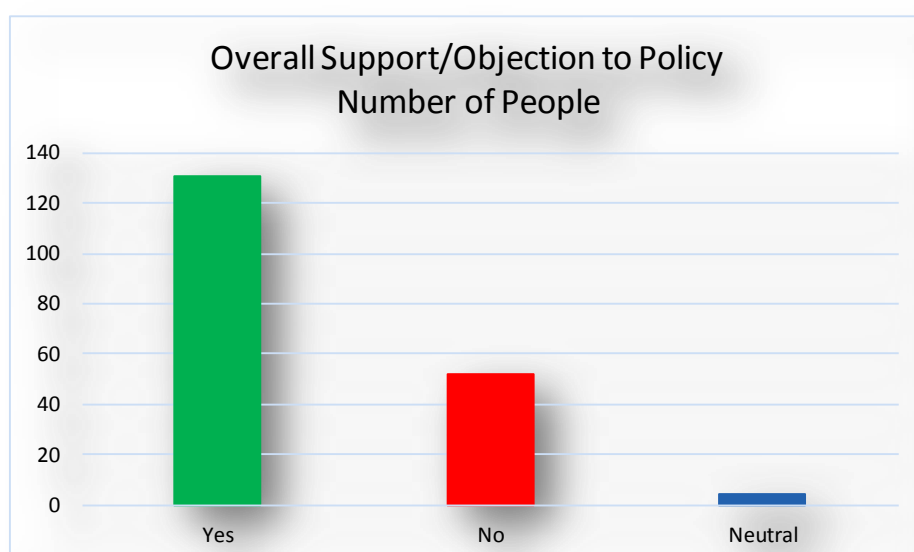
Overall Opinion - The Stats

Counting each submission as one, there were 43 objections to the proposal to issue permits for ATVs at Wonga Beach and 39 in support of the concept. There were three neutral submissions which provided a comment without specifying whether or not they supported the policy.

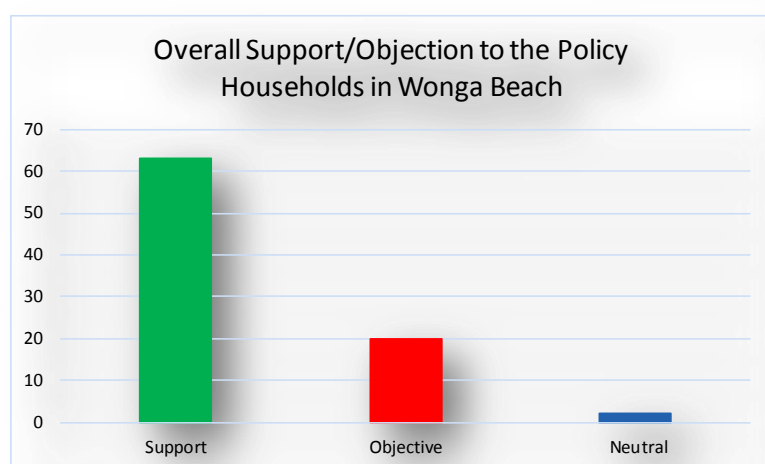
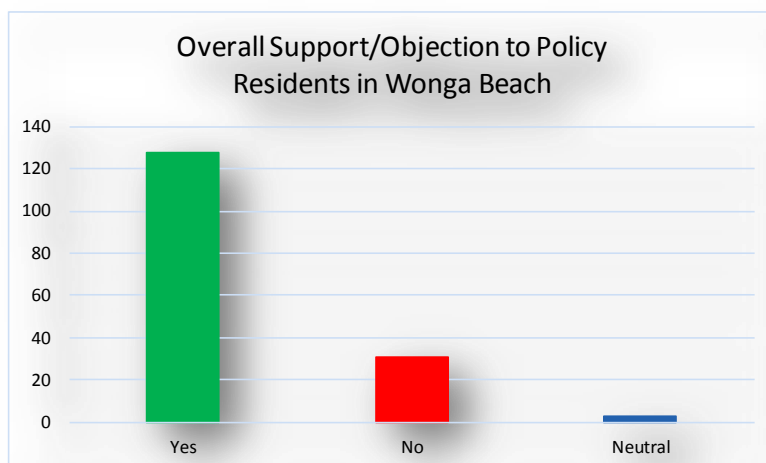


The number of signatures signed by each submission varied from one through to 98. Counting the signatures, the 85 submissions represented the views of 187 people.

Looking at the individuals represented, 69% were in support, 28% against and 3% neutral.

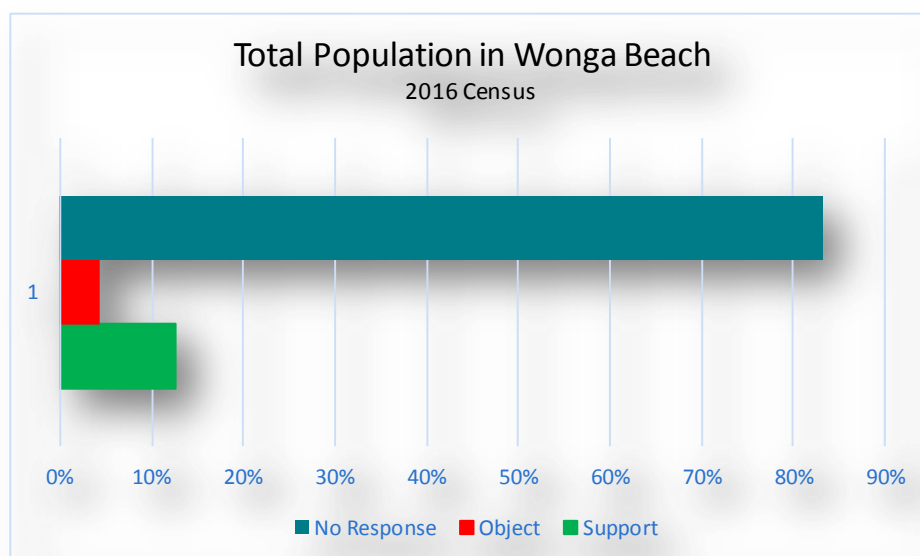


Looking at just those living in Wonga Beach, there were 162 people who lodged submissions, with almost 80% in support of permitting ATVs on the beach.



Those 162 people live in 85 different households of which almost three quarters support the policy overall.

There are an estimated 975 people living in Wonga Beach¹. The 162 people who submitted comments represent around 16.6% of the community. Looking at the total population, 12.6% support the policy, 4.2% object and 83% did not lodge a submission with Council.



¹ 2016 Census

SECTION THREE

Main Reasons Why People want to ride their ATV on Wonga Beach

The overriding sentiment is that people enjoy riding their quads on the beach.

Wonga Beach is one of the longest stretches of sandy beach in the Shire and is a valued resource for the community who enjoy a variety of recreational pursuits including fishing, crabbing, prawning, riding horses, exploring, walking dogs, jogging, bird watching, having a beach fire, practicing archery, building cubbies and, riding motorbikes and ATVs.

Many of those who support the Vehicle on Beaches policy believe the geography and settlement of Wonga Beach makes it an ideal location for the use of ATVs and all find it a rewarding recreational activity. It is an activity enjoyed by the young and the old and the in between. It is enjoyed by current residents and visitors who come to stay at Wonga Beach either at the caravan park or in a holiday home.

“Some of us kids use Wonga beach as a mode of transport. Either to get to friends' houses when our parents are busy or even to haircuts if they can't make it home from work in time. I feel much safer riding on the beach with a helmet and protective gear, rather than having to ride my push bike along the highway to get to these places.”

“My immediate family and grandchildren, aged 7, 8 and 9, live in a fast paced lifestyle in Cairns and most areas are locked out for quad/beach activities. I enjoy the fact that this is one of the last freedoms we have to enjoy the beach with fishing or a fun run or for clean up reasons with my grandchildren along for the ride where and when possible.”

“Many local families who have been visiting us at Wonga beach for many years also enjoy the use of quads to go fishing/crabbing on the beach. They are guests of Pinnacle Village, but not necessarily residents of Wonga. These activities form a major attraction for Pinnacle Village and we would strongly urge this to be able to continue.”

“We bought a quad bike this year which is very exciting. We love to go for rides and we always go north. We go with other friends and their families.”

Comments in full from those who support the Policy in principal, are shown in [Appendix Two](#).

Main Reasons Why People Do Not Want Vehicles on Wonga Beach

The four most common reasons for not supporting limited recreational use of ATVs on Wonga Beach are:

1. ATVs will have a detrimental impact on the natural environment, including degradation of sand dunes, sea grasses and interference with native and migrating birds;
2. Policing of the permit system will be difficult (if not impossible) and expensive, opening up the door for unauthorized vehicles on the beach;
3. Ratepayers could be liable for damage or injuries occurring from the vehicles.
4. ATVs are noisy and intrusive and will affect the quiet enjoyment of the beach by residents and visitors.

Each of these is explored in further detail below.

Environmental Damage

One of the key concerns for those against the introduction of the Draft Vehicles on Beaches General Policy is the potential damage to the natural environment.

The Douglas Local Marine Advisory Committee (LMAC), a forum established for local communities to discuss issues related to the management of the Great Barrier Reef and its catchment, provided a submission which is included in full [Appendix Six](#).

In its submission, based on the current manner in which recreational use has occurred, the LMAC believes limited recreational use *“is incompatible with protecting the natural values and wildlife of the region and poses an unacceptable risk to the environment and public safety.”*

Wildlife Queensland - Townsville Branch Inc., which although based outside the Douglas Shire, is an organisation with a long history of trying to protect wildlife and natural habitats, hoped Council would consider its views. The organisation’s full submission is shown in [Appendix Seven](#) – Wildlife Preservation Society of Queensland.

“We have serious concerns about allowing vehicle access to yet another stretch of almost pristine beach along our coast. Such access has the potential to cause negative impacts on the contours, vegetation and stability of both beach and dune.....and on wildlife and wildlife habitat.”

Damage to the Sand Dunes

People were concerned about the detrimental impact on the sand dunes which some say is already occurring with the current level of traffic.

Supplied with one submission was a link to a technical paper prepared by the Dune Restoration Trust of New Zealand entitled *Effects of Vehicles on Sand Dunes*. It is shown in full in [Appendix Five](#) but in brief, says there’s a significant body of literature on the subject and the debate largely focusses on how to manage vehicle use and/or carrying capacity of particular sites – there appears to be no argument that vehicles do not have an adverse impact on natural beach systems.

Impact on Birdlife

People were concerned about the impact vehicles would have on birds and a significant amount of information was supplied by one resident, which was referred to by others who shared these concerns.

The information said Wonga Beach is an ideal habitat for a wide variety of birdlife, including three species listed as either vulnerable or endangered by the Queensland Department of Environment and Heritage Protection:

- The Beach Stone Curlew [Vulnerable] at least two breeding pairs on Wonga Beach — one towards the mouth of the Daintree River and the other onshore from Bell's Reef.
- The Eastern Curlew [Critically Endangered] seen near the mouth of the Daintree River feeding for the long migration to breeding areas in the Northern Hemisphere.
- The Greater Sand Plover [Vulnerable] which uses Wonga Beach a feeding area for the long migration to Asia.

According to submitters, while these three species feed in the intertidal zone making them particularly vulnerable to vehicle traffic, all native birds at Wonga Beach would be susceptible to impacts from vehicles. Shorebirds, gulls, terns and skimmers living on the beach and in the dunes would be impacted and the Orange Footed Scrub fowl nests would be destroyed in the foreshore forest. Waterfowl near the mouth of the Daintree River are also susceptible and other shorebirds mentioned by others included the Red-Capped dotterel and Whimbrel.

Quads Destroy Sea Grass

Some believe that ATVs impact on sea grasses where Beach Stone Curlews nest. Others believe sea grasses protect the dunes from erosion: *“quads impact on sea grasses covering front dunes. Storms and run off in early 2018 eroded now vulnerable beach dunes.”*

Impact on Beach Ambience

Some are concerned about how the Policy will residents and tourists who visit the beach daily to enjoy the ambience, the beach, sea and sand, along with the birdlife and various types of vegetation. One resident wrote about being traumatised by vehicles, bikes and quads. Others felt they were noisy and intrusive even when driving at the proposed 20 km/h speed limit.

Some purchased properties to enjoy the peace and tranquillity of the beach with the *“simple patterns on the sand, the silence except for the waves and the feeling of being alone,”* which would disappear if the Policy came into effect.

“As a resident of Wonga beach and a regular user of the beach for recreational purposes, my quiet enjoyment has quite often been shattered by the not so quiet enjoyment of those on quads and trail bikes.”

One respondent said that most quad bikes are exhaust baffled and felt they were not an issue in transiting past the Caravan Park at a slow, steady speed. *“It is the home built 2 wheelers with short exhausts that are deemed noisy and at odds with the community.”* The writer suggested there could be a standard on exhausts introduced.

Policing

The ability to police the activity was a key concern, from people on both sides of the issue. Objectors felt many people would disobey or disregard proposed regulations; supporters felt it would be the very few who did the wrong thing which could jeopardize the activity for all.

There are a number of factors which make policing challenging, not the least being that activity increases on the weekend and outside normal office hours. One of the concerns raised is that it would be expensive to police the policy and hence, would use up scarce Council resources which could be diverted to higher priority activities.

Committee

There was common ground in that both sides recommended a committee be formed.

Those who object to the policy, wrote that a committee must be formed to act as interface between all interested parties. They proposed this committee would meet regularly and review the impact of vehicles, compliance etc. If there is continued non-compliance with the rules, the committee can recommend that all permits be cancelled and vehicles banned completely. This is incentive for complying vehicles to ensure that others are also complying.

The Wonga Beach Users Group also suggested the formation of a local committee to self-govern and liaise with council, Queensland Police and other government departments in regards to any issues or breaches which may arise from residents within Wonga Beach.

Other

One person said that the beach between high and low tide from Giblin to Daintree river mouth must be declared a road so that Police can patrol and enforce State Law. This was suggested on the basis that *“Council has previously shown an unwillingness to enforce any law under their jurisdiction.”*

The same person said motion activated cameras must be used to determine the number of vehicles with/without a permit, amount of trespass south of Giblin and adherence to road rules etc. The same person said Council must employ rangers to monitor vehicle movement to ensure it is within the tide zone and does not impact shorebirds, wildlife, flora, dune structure and pedestrian safety.

Opens the Door for Non-Permitted Vehicles

Some people felt that to allow some people access to the beach driving quad bikes under permit would open the door open for other, non-permitted persons to risk doing the same. They said given people are aware Council does not have the resources to fully enforce the ruling and believe the risk of being caught is low. They believe non-permitted quad bike beach-users would simply maintain enough distance from other beach users to avoid being identified as unlicensed.

Liability

Several people are concerned that ratepayers could be liable for damage or injuries that may occur from the vehicles.

Other Reasons

It is Illegal

A few people said that except for emergency vehicles, the Policy allowing vehicles to be driven on the on the beach and on the foreshore is illegal under Douglas Shire Council, State, Federal and Environmental law.

No Consultation

One submitter said that Council never asked residents whether vehicles wanted or not before embarking on this path.

Safety

One person warned that quad bikes are not toys saying *“they are quite dangerous vehicles. We have an accident waiting to happen.”*

Rubbish

One person said that rubbish that is known to be generated from this type of access.

All comments in full from those who object to the Policy are shown in [Appendix Three](#).

SECTION FOUR

Feedback on the Proposed Conditions

While many supported the overall concept of having Limited Recreational Use permits for residents of Wonga Beach, not all agreed with the proposed Conditions and put forward changes. Those who objected to ATVs on the beach, also forwarded suggested changes to proposed Conditions, in the event Council decided to proceed down the path of allowing ATVs on the beach. The table below summarises feedback for each Condition contained in the Draft.

Proposed Condition	Feedback
The vehicle is not to be driven above the high tide mark, except when travelling to and from the beach.	Agreement
Under no circumstances is the vehicle to be driven on or over frontal dunes or foreshore areas not designated as access points.	Agreement
Vehicles must not be driven by persons under the influence of intoxicating liquor or drugs. The QLD Police Service will be notified where an authorised officer reasonably believes this is occurring.	Agreement
Vehicles are to be driven only in the area specified on the approval.	No consensus
The maximum speed limit at any time is 20km/h.	No consensus
Only the vehicle nominated on the approval is to be driven on the beach.	Agreement
Vehicles must give way at all times to pedestrians and wildlife.	Agreement
Approval holders will be issued an approval identification sticker which must be visible on the vehicle at all times.	Agreement
Approval holders must only access the beach at the designated access points. Vehicles that cannot be registered and legally driven on a road must be transported by utility or trailer to the designated access point.	Agreement
Approval holders operating quad bikes or side-by-side vehicles must wear an approved motorbike helmet and not carry a passenger unless on a seat designated for that purpose.	No consensus
Approval holders must at all times carry their driver's licence when conducting the activity and provide to an authorised officer, on request.	No consensus

Where there was no consensus, the reasons behind people different opinion is expanded on below.

Area Specified and Access Point

The draft policy permits limited recreational use on the area of beach north of the Giblin Street access at Wonga Beach.

Several people thought this too restrictive, particularly those in Wonga who lived south of Giblin Street. It would mean instead of accessing the beach directly, and puttering up the beach to the northern end, they would need to either get road registration, or trailer their vehicle to Giblin Street. In general, ATV owners felt there should be at least one access for those people living in South Wonga, some suggesting the old Redbacks site and the Wonga Beach Users Group suggested three other access points, these being the Marlin Drive Public Path Access Point; Janbal Street Access Point and Wonga Beach Caravan Park Access Point.

A few made the point that extra traffic may annoy Giblin Street residents, and one pointed out that the parking area at Giblin Street beach access area is insufficient to accommodate many cars with trailers.

An objector to ATVs on the beach said if the policy does go ahead, there should be just one access point, as they felt this was the only way to control vehicles.

Maximum Speed limit

The draft policy stipulates a maximum speed limit at any time of 20km/h. Some think this is too high, and those objecting to the policy, felt if it went ahead, the speed limit should be limited to walking pace—5km/h. Some users were in agreement with the 20 kilometre per hour. Other users felt 40km/hour would be more realistic, and could even be higher further north along the beach.

Registration and insurance

The draft policy does not require vehicles to be registered for road use other than if driving on the road to the access point. Some felt vehicles should be road registered, clearly displaying registration plates. This, they say, would ensure roadworthiness and compulsory third party insurance coverage.

Insurance additional to Compulsory Third Party, is also needed to indemnify ratepayers for environmental damage, bodily injury, salvage etc. This is currently not included as a Condition in the draft Policy.

Display of identification sticker

All sides agreed vehicles should display an identification sticker, although some of those objecting, said if it was to go ahead, then two stickers – one either side of the vehicle should be on display. In addition, one submitter thought permit holders should be issued with photo ID similar to the ferry pass and that vehicles should display a flag on an aerial [as applies to vehicles using public roadways in the Simpson Desert], which would aid in identifying non complying vehicles from a distance.

Certainly the ability to easily identify non-permit holders from a distance would be welcomed.

The LMAC recommended vehicles be required to display an identification number of similar dimension to vehicle registration plates in a position visible to other beach users.

Unfair to other Shire Residents

Some people felt it was unfair that all Shire residents could not apply for a permit. One Shire resident who said driving vehicles on a beach was a rewarding activity, but increasingly difficult to pursue, felt it was not fair to exclude other Shire residents. They described it as *“creating special elitism privileges for a select few residents of Wonga Beach”* and added *“there are many responsible 4WD and Quad owners throughout the Douglas shire who would like to enjoy the freedom of driving responsibly on Wonga beach for the purpose of recreational pursuits.”* The writer acknowledged the purpose of restricting permits to Wonga Beach residents may be a means of limiting numbers and if that was the case, he suggested a ballot system should be adopted allowing all Shire residents the opportunity to apply for a permit.

One objector wrote that if the policy goes ahead, then Newell Beach, Cooya and Port Douglas must be allocated a beach for vehicle access. They said *“failure to do so is discriminatory”* and felt that *“at some time it will be challenged.”* There were no submissions from residents from any of these three locations requesting a similar permit system be introduced for their beach.

If the policy was adopted, the LMAC suggested it should be made clear that this is an exception based on historical use. They felt this would minimise the potential for communities on other beaches to lobby for a similar permit system.

Requirement to Hold a Driver's License

One of the Conditions is that *Approval holders must at all times carry their driver's licence when conducting the activity and provide to an authorised officer, on request.*

Many of those objecting agreed with the condition that permit holders should have a driver's license, as did some supporters, however several people raised concerns with this stipulation.

Many submitters were aged 16 or under and therefore would not be able to apply for a permit. If it was to be adopted as is, there would be a number of disappointed children in the community.

There are circumstances where adults cannot get a driver's licence. One Wonga Beach resident is blind and owns an ATV which is driven by family members, friends and carers who take her for rides when visiting. None of these people live in Wonga Beach and the resident does not have a driver's licence, so if the Condition remains as proposed, she would be excluded from the activity. *"Not having a driver's licence" she wrote "impacts on her life, independence and choices significantly, which is hard enough, without it now being used to create further unnecessary barriers to enjoyable activities."* Another cannot get a driver's license for medical reasons and asked *"I do not hold a driver's license due to medical reasons and I will not be able to obtain one. With this new policy, will I be allowed to obtain a permit? Is there another way a permit can be obtained without a driver's license?"*

Permits for other vehicle types

The draft policy stipulates that two wheeled vehicles such as trail bikes will not be considered for approval.

Some members of the community, generally those who own a bike, want motor bikes and/or trail bikes to be included in the limited recreational use permit system.

Many who supported the policy, did so on the basis motor bikes and trail bikes would be excluded, while not specified, it is assumed those against ATVs on the beach would also be against motor bikes and trail bikes.

The Local Marine Advisory Committee (LMAC) recommended that 4WD cars be included in types of vehicles not considered for approval unless being used to launch boats.

One submitter felt the definition of vehicle contained in the policy needed to be clearer.

Permit Fee

The Draft Policy does not specify whether or not there would be a fee attached to the permit, either an application fee, and/or ongoing annual renewal fee, and as such, there was no feedback on this aspect.

One of those objecting did however, suggest there should be a fee charged in order to adequately cover the cost of administering the permit system. They suggested \$100 per month would not be unreasonable when compared to Desert Parks Pass etc.

Limit to Number of Permits

Several people raised the issue of the number of vehicles. The LMAC noted there was no information on the number of vehicles estimated to be given approval, or what volume of vehicles can satisfy and sustain the provisions stated in the policy. The organisation recommended the number of approvals be limited to ensure vehicle volumes are compatible with the aims stated under the Provisions heading of the policy for sustainability, safety and peaceful enjoyment.

Another respondent asked *"Has the council set maximum numbers of vehicle licenses?"*

Definition of Vehicles

One submission noted that the use of the terms “vehicle” and “motor vehicle” are interchanged throughout the document (and in the associated Schedule 26) but only the word “vehicle” is defined in the Policy and the definition includes non-motorised vehicles as per TRANSPORT OPERATIONS (ROAD USE MANAGEMENT) ACT 1995 (TORUM Act).

The submission advised that if the intent of the Policy was to only apply to “motor vehicles” then:

- the definition should be clearer and consistent with other definitions of “vehicle” in the Local Law No. 1 dictionary and TORUM Act;
- the terminology should be more consistent throughout the Policy;
- do Segways and other personal mobility devices meet the definition of a “motorised vehicle”; and
- the impact of non-motorised vehicles such as wind powered vehicles (e.g. kite buggy) on the environment, amenity and particularly public safety needs to be considered.

Alternatively, if the Policy is to apply to all “vehicles” as defined in TORUM Act, then it will include bicycles. If this is correct, should pedal powered bicycles be exempted from the Policy and Section 2 of Subordinate Local Law No.1 Schedule 26 (under Section 2? Any other excluded/exempted activities).

Compliance Regime

The compliance regime to be implemented if Limited Recreational Use Permits were issued, did not form part of the community engagement. A group of people did however, provide an outline of what they considered to be the minimum necessary to ensure Douglas Shire Council ratepayers were not at risk by being forced to pay substantial court awarded damages for breach of duty by the Council in the event of a fatality, injury or major property damage caused by a vehicle(s) on a public area at Wonga Beach. Implementing these measures, they said, would also reduce the chances of Councillors and Senior Executives being cited for negligence.

- Maintaining a current register of vehicles and undertake annual safety checks
- Ensuring Compulsory Third Party (CTP) property insurance and public liability insurance for all vehicles is valid and up to date.
- Issue and renew permits to access the beach.
- Ensure driver's licences for those operating vehicles on public areas are at all times current and valid.
- Carry out frequent and random on the beach compliance enforcement, covering holidays and after hours. This would also require the purchase, of an ATV enabling the Douglas Shire Council authorised officers to regularly patrol the approximately 7 km of beach and foreshore proposed for vehicles.
- Liaise and assist with Police on alcohol and drug testing (a major issue), ensure non-complying vehicles using roads to access public areas have conditional registration, including CTP insurance, under Queensland Transportation Regulations, assist when the inevitable accident causing death or serious injury occurs.
- Make executive time available to defend charges of negligence and defend claims for damages.
- Liaise with the Department of Transportation to maintain a register of non-complying vehicles accessing public areas which are issued conditionally.
- Install and maintain a considerable number of new signs for the whole 10 km of Wonga Beach.
- Monitor the health of the vital sand dunes and undertake remedial repairs when necessary.
- Monitor the health of the foreshore forest and take remedial action when required.
- Monitor the status of all wildlife particularly birds during their breeding season. This may require closing the beach to vehicular traffic.
- Prosecute serious offenders including impounding vehicles and defending such action in court if necessary.
- Make executive time available to assist insurance companies either as defendant or plaintiff.

Community Consultation

The Wonga Beach Users Group and one other submitter requested a public meeting with Council before any decisions are finalised.

The Local Marine Advisory Group would welcome the opportunity to meet with DSC to discuss any elements of their submission.

Process Going Forward

The previous section is a just a snapshot of the feedback received, and it is worth spending the time to read through all submissions which are contained in the Appendices.

Based on submissions, the Local Laws team investigate whether the Draft Policy can be amended to alleviate any concerns raised and/or better meet the expectations of the community.

This report, along with subsequent research done by the Local Laws team, will be workshopped with Councillors who will discuss the consultation findings and provide direction to the local laws team as to what the final Policy should look like. Following the workshop, the Vehicles on Beach General Policy will be amended as per feedback provided by Councillors and when finalised, will be presented at a full Council meeting for consideration.

Appendix One – Draft Policy Vehicles on Beach Policy



VEHICLES ON BEACHES GENERAL POLICY

Intent

- To outline the circumstances in which it may be necessary or reasonable to issue an approval under Subordinate Local Law 1 (Administration) for the bringing or driving of motor vehicles onto beaches or beach related areas.
- To preserve a high standard of safety and enjoyment of persons using beaches in the Douglas Shire.

Scope

This policy is applicable to all beaches and beach related areas within the Douglas Shire.

Reference

Local Law No. 1 (Administration) 2011

Subordinate Local Law No. 1 – Schedule 26

Provisions

- Douglas Shire Council recognises that the driving of vehicles on beaches is a popular activity for people wanting to conduct activities such as beach clean ups, launch boats and access remote fishing areas.
- Douglas Shire Council is committed to ensuring that resources are sustainably managed so that the lifestyle of the community and the environment are preserved.
- Motor vehicle use on beaches or beach related areas should not interfere with pedestrian traffic, the conduct of business, the peaceful enjoyment of private property or contribute to a lack of safety.

Definitions

Vehicle: As defined in the Transport Operations (Road Use Management – Vehicle Standards and Safety) Regulation 2010

Obtaining an Approval

Application for an approval consistent with the provisions of this policy and under *Subordinate Local Law 1, Schedule 25 – Bringing or driving motor vehicles onto local government controlled areas* must be made on the approved form, and be accompanied by payment of the required fee. Application for an approval will only be accepted in person and each applicant may only apply for a permit for himself/herself.

Criteria for assessing an application, may include, but not be limited to:

Special Approval

- An approval may be issued to the holder of a Disabled Parking Permit.
- Only the vehicle nominated on the approval is to be driven on the beach. A full description of the vehicle, including a colour photograph, must be submitted for approval.
- Details of the owner of the vehicle are to be provided as part of the application, if the holder of the Disabled Parking Permit is a passenger in the vehicle.

Event or Other Approval

- Approvals will be considered as ancillary to any other approval that may be considered under Local Law or other legislation e.g. Iron Man, Great Barrier Reef Marathon. No further approval will be required.
- This includes, but may not be limited to, beach clean-up activities conducted by an approved entity e.g. Tangaroa Blue

Emergency Services, Douglas Shire Council or contractors conducting works on behalf of Council

- Emergency service vehicles, Douglas Shire Council vehicles or equipment, or contractor vehicles or equipment working on behalf of Council will not require an additional approval.

Limited Recreational Use – Wonga Beach

- Limited recreational use will only be permitted on the area of beach north of the Giblin Street access at Wonga Beach.
- Only residents of Wonga Beach will be eligible for an approval. Proof must be provided by producing a provisional or full driver's licence with the applicant's current residential address clearly visible.
- Only the vehicle nominated on the approval is to be driven on the beach. A full description of the vehicle, including a colour photograph, must be submitted for approval.
- Two (2) wheeled vehicles such as trail bikes, will not be considered for approval.

Conditions

- The vehicle is not to be driven above the high tide mark, except when travelling to and from the beach.
- Under no circumstances is the vehicle to be driven on or over frontal dunes or foreshore areas not designated as access points.
- Vehicles must not be driven by persons under the influence of intoxicating liquor or drugs. The QLD Police Service will be notified where an authorised officer reasonably believes this is occurring.
- Vehicles are to be driven only in the area specified on the approval.
- The maximum speed limit at any time is 20kph.
- Only the vehicle nominated on the approval is to be driven on the beach.
- Vehicles must give way at all times to pedestrians and wildlife.
- Approval holders will be issued an approval identification sticker which must be visible on the vehicle at all times.
- Approval holders must only access the beach at the designated access points. Vehicles that cannot be registered and legally driven on a road must be transported by utility or trailer to the designated access point.
- Approval holders operating quad bikes or side-by-side vehicles must wear an approved motorbike helmet and not carry a passenger unless on a seat designated for that purpose.
- Approval holders must at all times carry their driver's licence when conducting the activity and provide to an authorised officer, on request.

This policy is to remain in force until otherwise determined by Council.

Manager Responsible for Review:

Manager Sustainable Communities

ADOPTED:

DUE FOR REVISION:

REVOKED/SUPERSEDED:

Appendix Two - Support Draft Policy in Principal – Comments in Full

1 AS A PARENT OF THREE TEENAGE CHILDREN who have spent their entire childhood growing up in Wonga Beach, I would like to provide feedback on the draft policy for Vehicles on Beaches.

My comments are both general, and specific in relation to the provisions.

General Comments

Our daily quality of life in Wonga Beach involves enjoying the beach in a multitude of ways.

A few years ago, we were regularly tubing, paddle-boarding and swimming in the shallows out the front of Wonga Beach, while the kids pattered around fishing and towing each other on the tube in an inflatable boat. Not so many years later, largely in part due to increased presence of crocodiles, our use and enjoyment of the coastal beach is restricted to land-based pursuits. Fortunately, the geography and settlement of Wonga Beach lends itself perfectly to this shared use and activity.

The beach is long, relatively remote, with large and wide tidal flats and lagoons particularly at low tide, a beautiful vista north to the river mouth and east to Snapper Island, with a number of public and private access points, by land and by water, providing a valued resource for a variety of recreational pursuits including fishing, crabbing, prawning, riding horses, motorbikes and quads, exploring, walking dogs, jogging, having a beach fire, building cubbies, and generally enjoying the freedoms of living in a relatively remote beach community.

Vehicles like motorbikes and quads are simply the most evolutionarily efficient, effective and enjoyable tool kids and adults use to get to this location, and to enjoy its freedoms, in the same way as horses and bamboo rafts once were.

The inevitable actions of a few clowns, combined with the fear-mongering of local vigilantes, sees the issue of shared use of the beach arise every now and again. A couple of years ago, a well-chaired liaison meeting with the relevant authorities verified community understanding of the local laws for shared use of Wonga Beach. As a result of the meeting, adults and children continue to use and enjoy the beach as per their refreshed understanding of what they are permitted to do under the relevant local law.

Naturally, as our children grew older and more mature, we permitted them the freedom to extend their riding activities from circles in the backyard to visiting local private properties where they have the owners' permission, and, over time, to the northern end of the beach. The mutual understanding of their privilege to use the area is that they show respect for both the landowners and their fellow users.

If anything happens on their ride at the beach, they needed to come home and report any incidents to us so that we have an accurate idea of what's actually going on, and so that we can address any issues if required. We, and they, as growing teenagers, assume any associated risks of permitting them to ride, it is nobody else's concern or responsibility. I'm under no delusion that they are not always perfect kids, but I believe they are safe and respectful of fellow users, wildlife and the environment, and I am also very happy for them to be enjoying a unique quality of life.

The kids have been instructed to slow down, to ride away from, and to wave to people on the beach in acknowledgment of each other, as they ride past, particularly in the vicinity of Pinnacle Village. They have taken it upon themselves to collect marine debris, and to rescue injured wildlife, and help stranded visitors in their adventures, as the occasion arises. Every day is a new adventure, and this is why we love living in Wonga Beach.

I believe that the continued shared use and enjoyment of Wonga Beach is as viable and environmentally and socially sustainable option as it has ever been. The alternatives of bored, isolated community and the heightened potential of law breaking is not at all an attractive one. I believe that my family's quality of life would be so destroyed by the

proposed changes and the mentality of a few in the community, that it would be “the icing on the cake” as a motivator to leave the area.

Specifically,

(i) I believe the draft proposal is restrictive and unrealistic to the extent that it prohibits the vast majority of current users from being able to access and therefore enjoy the northern end of Wonga Beach. Provisions in the draft proposal may provide for licensed locals with four wheel vehicles to use the northern end of Wonga Beach for recreational pursuits, but denies the same ease of access to any resident on the southern side to access the beach - my view is that the access area be extended further south, to the old pub block for example, so that in reality, most new Wonga residents can get to the beach safely without having to put their quad on a trailer and take it over to the other side- an arduous task that defeats the purpose of the activity. In reality, should this be the only access point, I honestly don't think that residents will take any notice of the proposal.

(ii) The strip to north of Giblin could be a 20 km or a 40 km speed limit area (40 km is the safe limit for school areas- surely that is a standard safety for this proposal too) while further north, a higher and more realistic speed limit should apply- this was the understanding of speed limits to date. By all accounts the proposed speed limit of 20 km/hr is completely unrealistic, and again, I honestly don't think that residents will take any notice of the proposal.

(iii) We need a clearer definition of the access points- exactly where are they?

(iv) Why the arbitrary distinction between quads and motorbikes? With these rules, what would the actual difference between the two types of vehicle mean?

While the Council proposes that their intention is to facilitate shared use that respects environmental, economic and social sustainability values, I believe they are definitely lacking balance in their consideration of our local community rights.

In conclusion, my family lives in Wonga Beach because we consider it to be a unique location in which, as a family, (perhaps not so much as a community) we are able to offer a freedom and an environment in which to find joy in simple, meaningful experiences of growing up- exploring, independence, adventure, respect for each other, and for the environment.

We strive to teach our children to respect and value each other's right to find that same enjoyment of freedom and environment.

As a parent, and on behalf of my children, we are deeply appreciative of the opportunity to enjoy our environment respectfully. Our shared use of the beach at Wonga is not just one reason why we live here. It is at the very core of why we do live here.

2 WE ARE WRITING WITH GREAT CONCERN of the proposed rules & regulations with the use of ATVs on Wonga Beach. We have lived at Wonga Beach for the past 7 years & go down the beach quite regularly. In recent times there have been a handful of idiots who have no respect for our beach or other people who enjoy this beautiful place whether being residents of Wonga or people on holidays. These people have absolutely no respect for rules, regulations or laws so the implementing of permits & registration would not solve the problem we have.

Everybody who respectfully uses the beach, whether on an ATV or a UTV (Utility Terrain Vehicle), are always travelling at a safe slow speed & are always mindful of people walking on the beach.

The handful of residents who are completely against the use of Quads or UTVs on the beach obviously have no idea of how to go about finding a way to work out how everybody can continue to enjoy our beach together. In saying that all of us who do the right thing would be more than happy to work with council & local police to obtain video footage of any wrong doing by this handful of idiots wrecking it for the vast majority of Wonga residents.

3 AS A RESIDENT OF WONGA BEACH ALL MY LIFE (15 YEARS), I have been brought up on this beach and as I've got older been able to do the same as everyone else and ride motorbikes on it. I recently purchased my first motorbike to ride in the northern end of the beach. My dad also purchased a quad about a year and a half ago, so that we didn't have to use the car to go to "the sticks" and the heads to go fishing, either with my friends, family or myself. Which is what a lot of do with they're quad bikes. The reason I ride my motorbikes to get down there is because I was attacked by a wild BOAR when I was 10 while riding my push bike through the south arm access. Therefore, I feel much safer on a quad or motorbike.

The draft Council has come up with is ok, but it limits what we are able to do. Council has, included that for people to be able to use the facility they must have a licence must use the Giblin street access and only do 20 km/h.

I really want the licence idea to be gotten rid of as a lot of the people who ride up the beach are under the age of 16. I also believe that having the only access point at Giblin Street is a waste of time as a lot of people that use the beach access anywhere between the old pub block and Giblin street so any access points between these two locations should be used.

I don't understand how it is ok for vehicle over 1 tonne is able to do 40 km/h around school students, where a lot of people's lives depend on the people behind the wheel to be good on the breaks and all that. So why does it make it ok for a vehicle a third of its size to only do 20 km/h on a beach where maybe 20 people max at any one time walking on the beach. Aged from maybe 10-70 years. Yet it's ok for a massive vehicle to do 40 km/h around children under the age of 19. So, I think that 20 km/h is ok in some spots like the gap between Giblin street and the old pub block then it should be 40 from Giblin street to pinnacle village caravan park and then whatever speed limit we like from pinnacle to the heads,

Some of us kids use Wonga beach as a mode of transport. Either to get to friends' houses when our parents are busy or even to haircuts if they can't make it home from work in time. I feel much safer riding my motor bikes on the beach with a helmet and protective gear, to reach Wonga rather than have to ride my push bike along the highway to get to these places. An example of this is whenever my mum is at work on weekends we are home alone and bored, so we go for a ride with our friends in Wonga on our motorbikes, Or I ride to their house. Another example is, if my sister wants her friend in Wonga to come over I either go pick her up or her brother rides his quad over to our house to drop her off. Another thing us kids use the beach for is as a boat ramp as we can't drive on the highway to a boat ramp either in Daintree or at rocky point. We also use it as it makes the journey much quicker and easier to get either to Snapper Island or Bells Reef. I just don't think it's necessary for Council to ruin our mode of transport and fun. But obviously Australia wants to end up like America where kids are overweight and stuck inside playing video games. I want my life to continue being fun and don't want all my good fishing spots on the beach to be taken away from me. It's not fair on the people that ride quads to be forced to do this stuff on the draft, just because one person does something wrong. What are we going to do if we can't enjoy ourselves riding our bikes on the beach??

4 PLEASE NOTE MY CONCERNS on the conditional permits being recommended on the policy draft referring to quad bikes on Wonga Beach. I am a single woman on a blind pension who is a resident and home owner in Wonga Beach. From what I can understand of the conditions listed in the draft policy there appears to be quite blatant discrimination for people like myself. As I am legally blind, clearly, I do not hold a driver's licence, yet I do own a car and a quad bike. The reasons for this are as follows: - I too like to be as independent as possible, like any other adult, by owning my own vehicles, it means that I can have others use my vehicles to take me places and access available activities without feeling like such a burden. So clearly, I have family members, friends and carers who take me for rides on my quad when they are visiting. With your proposed new rules, I am not allowed to own a quad and be driven by someone else that is discrimination. I draw your attention to the draft under "limited Recreational Use – Wonga Beach" "Only residents of Wonga Beach will be eligible for an approval. Proof must be provided by producing a provisional or full drivers licence with the applicant's current residential address clearly visible." And "Conditions" (last bullet point) "Approval holders must at all times carry their driver's licence when conducting the activity and provide to an authorised officer, on request." I note that under "Special Approval" (bullet point one) "an approval may be issued to the holder of a Disabled Parking Permit" Once again being legally blind does not qualify for a disabled parking permit. There needs to be less discriminatory policy in place that makes

allowances for residents of Wonga Beach that do not hold a driver's licence to still be allowed to enjoy the activities, that the fully sighted and/or able-bodied do. Like any other responsible adult resident, I should be permitted to apply for my quad approval with ID (not necessarily driver's licence) and then be allowed to have a licence driver of my choosing drive me to my destination or enable me to enjoy activities on my own quad. Your policy at present excludes me, a Wonga Beach home owner and resident, from applying for approval for my quad. It seems that it is only the people fortunate enough to have a current driver's licence are allowed to enjoy this right. Please note, I am by no means suggesting that I would drive my quad myself along the beach, but I should have the right to have my carer (who lives in Port Douglas) or my family or friends, none of who live in Wonga Beach, drive me on my quad along the beach to enjoy the activities available like other residents. I also have concerns and object to all quads having to enter the beach at one single point, being Giblin St. Janbal Court should also be an access point so as the traffic is more practically disbursed. Otherwise residents at Giblin St and The Esplanade are having to deal with all quad traffic which is going to entail cars and trailers as well. Common sense would be to divide traffic for a quieter and more peaceful environment between two locations as Wonga is divided into clearly separate areas anyway. Please give my objections and concerns due consideration and be a little more open minded about your approach to the rules that are about to be implemented. So as to be fair and equitable to all residents and ensure that you do not discriminate against those less fortunate. Not having a driver's licence impacts on my life, independence and choices significantly, this is hard enough, without it now being used to create further unnecessary barriers to enjoyable activities.

5 I AGREE that people should hold permits for the vehicles. There should be more than one access point on to the beach besides Giblin Street - for example the old pub site for residents in new Wonga and also people living south of Giblin Street in old Wonga? Would not the residents of Giblin Street start complaining about people bringing their vehicles on trailers which would mean more traffic in the Street?

6 I GENERALLY APPROVE THE POLICY with just a question about policing. As a resident of Wonga beach and a regular user of it for recreational purposes my quiet enjoyment has quite often been shattered by the not so quiet enjoyment of those on quads and trail bikes. Over the years I have indulged in discussions with these people which generally not only failed to reach a consensus but sometimes resulted in my roof being rocked. Of late, in the interests of not over stressing these motorised beachgoers, I have been photographing them and calling the police. This has had mixed success as by the time the police arrive, the beach is once more tranquil and the photos I took are somewhat blurry, probably due to the my heightened sense of anxiety caused by a lack of understanding of the necessity to take said photos by the subjects thereof. So I'll be very interested in what policing arrangements you will make, especially during the initial few weeks of the policy being implemented.

7 AS AN ACTIVE COMMUNITY MEMBER, and a long-term resident, who also a parent of three school-aged children, who have spent their childhood growing up in Wonga Beach, I would like to provide feedback on the draft policy for Vehicles on Beaches.

Currently our family does not own a quad but we have in the past, and could in the future, I feel I need to make comment as part of our community, and with the future in sight, not just silencing the few fear mongers, who most probably will not be residents in the near future.

Over the past 10 years enjoying Wonga Beach and its shallows have been our recreational space, fishing, crabbing, boating, wadding, paddle-boarding and swimming, however more recently our use and enjoyment is restricted due to more crocodile activity, teamed with the fact our family are maturing we find ourselves using this space differently, our use and enjoyment is restricted to land-based activities.

Children who attend the Wonga Beach School are taught from a very young age to be environmentally aware and respectful of its diverse but precious qualities. While on the beach (north and southern areas) I am proud to have seen Wonga Beach kids displaying this type of thoughtfulness plus being respectful of other beach users.

As previously mentioned we currently don't own a quad however have done in the past and enjoyed the freedom, environment and almost untouched wildness of northern end of Wonga Beach. Our kids are of an age where they frequently get invited to join other families or mates on quads to enjoy this space. On these occasions we allow our kids to join these type of adventures as I feel their parents have set guidelines and expectations re: using the beach. I'm also aware that as kids grow, some "push some boundaries" and some of these respectful kids have taken some risks and tested the waters, but I did have some comfort that "our" kids were on the beach, fishing and riding quads/motorbikes and not stealing cars and "joy riding" on our roads.

These kids always return home with a load of rubbish (their Reef Guardians from a young age), a feed of fresh fish and great childhood memories to cherish forever.

Specific Points of the Local Laws Draft.

I believe the draft is unrealistic and restrictive - the current users would mostly be prohibited to access. And if they do they will not be adhering to the laws.

(i) Access: I agree that the recreational activities should mainly be restricted to the northern end of the beach however the proposed access point at Giblin Street is at the most northern end of the northern residential area and there should be consideration for the southern side to access maybe at the undeveloped area of the old pub site, with the provision that on the beach south of Giblin Street access a lower speed limit (like 20km/hr) respecting the area of population and use.

(ii) North of Giblin could be a 40 km speed limit area (since 40 km/hr is the safe speed limit for school areas insuring our children are safe, therefore a good safety standard for this proposal) while further north, a higher and more realistic speed limit should apply-this was the understanding of speed limits to date. I believe the proposed speed limit of 20 km/hr is unrealistic, I don't think that users will take any notice.

(iii) Why the distinction between quads and motorbikes? With these rules, what would the actual difference between the two types of vehicle mean? Also, are you addressing the use of 4WD vehicles, tractors etc. to be permitted too?

As previously mentioned over the years of debate, there are many other shires all over Australia that successfully permit vehicular access on the beach and find a respectful balance supporting environment, economic and social sustainability levels, I believe this proposal is not yet balanced.

We strive to teach our children to respect and value each other's right to find that same enjoyment of freedom and environment: the main reason Shane and I decided to grow our family in this area.

Our idyllic paradise is picture perfect, but like any other village, is made up people from all walks of life. There will always be the "ten percenters" who thrive on pushing boundaries, with another minority who may live 'on the edge of the law' however, instead of getting caught up in the drama of differences fuelled by printed and social media, why can't we spend our energy in positive way, maybe even support each other, and in doing so, enrich our community lives.

8 DRIVING VEHICLES ON A BEACH IS A REWARDING RECREATIONAL ACTIVITY that is becoming very difficult to pursue. Concerns regarding environmental impacts, public liability and litigation has resulted in restrictions and closures throughout most QLD shires.

If DSC wishes to designate the Northern end of Wonga beach as a special use zone for authorised vehicles operating to strict rules, a proposal that I support, then this activity should not be limited to the residents of Wonga beach, but allowed for all residents of Douglas Shire.

As rate payers we should all be entitled to the same benefits and considerations that living in this great shire offers and not be creating special elitism privileges for a select few residents of Wonga beach. There are many responsible 4WD and Quad owners throughout the Douglas shire that would like to enjoy the freedom of driving responsibly on Wonga beach for the purpose of recreational pursuits.

As identified in the policy unregistered vehicles would need to be trailered to the Giblin Street access point, this consideration should be available to all Douglas shire residents. If someone is prepared to go to all the effort of trailering their quads to Wonga beach for a fishing session or family ride then they are more likely to respect the privilege and do the right thing.

A licencing and permit system with comparable fees commensurate with the activity being offered, should be made available to all DSC residents. Restricting this benefit to Wonga beach residents may be a means of restricting numbers and limiting potential environmental impacts, but the policy should not be divisive and or disadvantages towards other Douglas shire residents with similar interests. After all Wonga beach residents are not restricted in their ability to take part in any other activities throughout the Douglas shire.

If this proposed policy is to be considered then it should be open to all Douglas shire residents. If there are concerns regarding potential numbers of vehicles on Wonga beach, then a ballot system should be adopted that allows all Douglas shire residents the opportunity to apply for a restricted number of recreational permits that would be issued.

Let's keep the Douglas Shire fair for everyone.

9 I USE MY MOTORBIKE FOR TRANSPORT AND FISHING but mainly to have fun. My parents have told me to be respectful when riding past other people on the beach, and to wait until we get up the other end of the beach to go faster. I have done a lot of cool things on my motorbike like wakeboarding along the beach behind the bike, collecting rubbish, and putting boats in the water, but my favourite experience was saving a pademelon's life up near the river mouth. We use the beach for many different purposes which I would love if it could continue to happen. Overall, we are just kids being kids.

10 FIRSTLY I'D LIKE TO POINT OUT as a respectable and responsible rate payer I see no problem whatsoever riding a Quad Bike along the Beach below the high water mark. The impact on the environment is absolutely nil if this is done. We purchased our block of land 25 years ago because we loved the lifestyle and the almost untouched beauty of the area.

We initially built a shed and lived in Cairns. We'd come up on the weekends when our kids were little and spend many great days riding our Quad North along the Beach to go fishing.

My Wife and I dreamt of the day we'd move up and live for good, as I believe there is nowhere better. We eventually built the house in 2007 and have been living there since.

As you may now know we have the best interest of the area at heart and would do nothing to destroy what we've got. Now semi-retired and because of our age we use our Quad to help access fishing and bird watching spots to the Northern end.

Whilst doing this we quiet often collect rubbish that had washed up. We also watch what goes on at the beach and only a very small number of occasions have we witnessed irresponsible behaviour.

I fully understand council's and residents' concerns. In the past we have tried to stop and warn people of their behaviour. I hate this behaviour as much as anyone and I feel it is only done by a very small minority.

I believe most of these people do not live locally, but they are destroying it for the majority of the local rate payers, it's because of them I'm writing this letter.

The best people to police this other than council is the locals who use the beach and I believe to stop further irresponsible behaviour and protect our foreshore a permit system should be introduced.

I think it would be a very dark day and I might as well move back to the city if council decides to stop Quads on the beach and spoil it for the people who pay their rates and ultimately in my case and many others moved to the area for the lifestyle it provides and allows.

11 I FIND THE DRAFT POLICY WELL REASONED and acceptable as long as it can hold up in court and will be well policed. If a photo of miscreants is all that is needed to provoke action from the council or police and penalties are adequate it has the possibility of working well.

12 THANK YOU FOR THE OPPORTUNITY to give our feedback regarding vehicles on beaches at Wonga Beach. WE ARE ALL FOR IT!! We are a family of 6 (2 adults and 4 young boys) who have been living at Wonga Beach for many, many years and have other family also living at Wonga Beach. We have always used the beautiful beach whether it be for fishing, playing, walking the dogs and riding our quad bikes along the beach. We are always respectful to wildlife and other uses of the beach. In relation to the draft Council has released to the public for comment we comment as follows:- it would be great if access points be anywhere that a quad can access the beach e.g. already existing tracks and entrances.

13 AS RESIDENTS OF WONGA BEACH we agree with Vehicles on Beaches General Policy Draft.

14 REVAMPING THE INTRODUCTION OF A PERMIT for local residents to use Wonga Beach for recreational purposes is a good idea. I use my quad bike about 6 times a year for fishing, I think the permit should be for the vehicle next the operator of the vehicle, there should be signage outlining regulations at the beach access points.

15 IT IS UNFORTUNATE THAT THE IRRESPONSIBLE actions from a handful of residents have brought about the current situation. We like to pack an esky and fishing rods on a couple of quad bikes and ride up the beach for a relaxing afternoon of quality family time. It is a beautiful part of the world we live in and it is disappointing to think that the vast majority will be penalised for the actions of a few. We appreciate DSC trying to find a solution and taking into account both sides. In saying this, we are prepared to register our bikes and apply for the permits if need be but we think that the small number of people doing the wrong thing, who have prompted complaints from residents will inevitably continue to do the wrong thing and not abide by the proposed rules. If the proposed Gibson St is implemented there will be countless cars and trailers parked there at any one time. The nearby residents may complain. We think other access points need to be considered. We also don't see the difference in allowing segways on the beach at Port Douglas and what responsible quad bike users like ourselves do here at Wonga. They are all vehicles and if operated responsibly and other beach users and the environment are respected, there should be no problem. We believe that no matter what the outcome, the small minority will no doubt continue to disregard others and wreck it for the vast majority who try to do the right thing. Ultimately, we would just like to keep doing what we are doing and continue to show respect and courtesy to other people and the environment and show due care and common sense. So please DSC, don't penalise the majority for the disrespectful and irresponsible actions of a small minority.

16 AS A RESIDENT OF SOUTH ARM DRIVE FOR 14 YEARS and a block owner since 1992. I fully support the use of quad bikes on Wonga beach. As a parent we thought long and hard about purchasing a quad bike after 18 months of thinking. We bought one early in 2017 and then purchased a motor bike in late 2017 for our son to ride. we laid down a set of ground rules for use, always wear a helmet, foot ware, ride safely and don't go fast, respect other users. There is not much for kids to do in Wonga and living at the northern end sometimes restrictive. My son rides the beach to meet his friends and has been known to go by bike when I have been late home from work to get a hair cut. I feel more confident as a mother of my kids going down the beach track by motor bike ever since my son was gored in the back of the neck by a feral pig when he was 10. it took him along time to get over it. His motor bike gives him the freedom to have fun and go fishing down the Daintree heads. I would like to see the ruling include 2

wheel motorbikes. They leave lesser footprint than a quad or a 4x4 buggy. We use the quad bike to launch our tinny on the beach when it is calm for my son and his friends to go out fishing on Snapper Island or out at Bells Reef. With the entrance at the southern end of the beach you rule out most of new Wonga. most kids I know go on to the back at the old Redbacks site which is of course private property. Why not make it the last close on Marlin Drive, Yumba Close? When we go down the beach we do a bit of beachcombing and pick up rubbish especially plastic and we ask that the kids do the same. We live in a beautiful paradise beach time is fun we encourage our kids to be polite and wave to others users. My son has got to meet interesting people on the beach because he has bothered to stop and have a chat with people since he has been allowed to do motor activity. Please let our kids have a bit of fun they are outside in the fresh air there is always one who spoils it but the majority do the right thing. At least they are not out doing Drugs or drinking alcohol, rocking roofs and break and entering. ADDENDUM- Why is it some folks have been able to cut tracks through to the beach from their properties to the beach so they can sit and have happy hour drinks and leave chairs there. Correct me if I'm wrong but isn't the foreshore Crown Land with a native title claim? When this has been done Port Douglas reparations are required.

17 AS A LONG-TERM RESIDENT OF WONGA BEACH I write to express my full support to the "Draft Vehicles on Beaches General Policy".

18 WE AS A FAMILY OF FOUR STARTED COMING here for holidays in 1996, staying at Pinnacle Village. Our friends in the area lent us a quad bike to go fishing, picnicking etc further north along the beach thus enjoying what Wonga Beach had to offer.

In 2004 we purchased a property in the area as well as two famer style quad bikes. We have respected the rights of all who use the beach, walkers, joggers, fisherman etc and other people riding quad bikes, staying at least 20 meters away at all times. We still fish, picnic and take our friends here on holidays down to the beach to enjoy.

This beach is a wonderful resource to the community as a whole. Over the years as a local I have witnessed two wheel bikes and racing style quads as well as some unregistered 4 wheel drives doing the wrong thing on the beach. I do agree these only should be banned outright. I have not seen any destruction of sand dunes caused by quad bikes north of Pinnacle Village, however council should understand that any sand or dune disruption above high tide is solely from feral pigs. In the last two years from regular observation the pig damage along the high tide mark especially north of Pinnacle Village has increased at lease five times to what it was in 1997/1998.

I therefore ask council to support responsible quad bike riding on Wonga Beach north of the Giblin Street access as a right to those people who live here, who love the lifestyle and respect others. We live in a democratic society and why should a tiny minority of people take away a unique tradition that I hope my new grandson will enjoy in the coming years ahead.

19 PRO BIKES - I am all for motorbikes being allowed along Wonga Beach. I grew up without any restrictions on motorbikes, and there was never any injures or complaints and it was an all-around great atmosphere and community. Personally, the restrictions that are being made are unrealistic, people move to Wonga and surrounds for the lifestyle of being able to ride there bikes freely on the beach. It's a community! not anything else, you ask any one of the motorbike users on the beach what most of them do for an afternoon, and they will tell you they went for a ride down the beach. I personally know families that have afternoons down the beach where they ride down there on there quads have a BBQ and bring a community closer. A thing to consider changing in the draft proposal is the access points and the speed limit. It would suit and be a lot safer if there were more access points to the beach, e.g. at the old Redbacks as well as the proposed area. This will stop people having to ride which they more than likely will along roads to get to the single access point provided in the draft. And increasing the speed limit to at least 40km, if you were to go and watch the community of Wonga Beach on a weekend or during the holidays you will see kids fishing playing having fun, skim boarding behind their quads... if the speed was any slower then this it will not be possible for them to do that. If increasing the speed in all areas is 100% not applicable, then at least give designated

areas for higher speed so that this outdoor fun is still able to happen. I would much rather see our younger generations out of the house skim boarding and having fun then inside all cooped up because one of their favourite outside activities has been taken off them when they have done no wrong, there is enough obesity in this country already. I have three younger siblings all of which have friends in Wonga that they get to see and play with because of the motorbikes on the beach. Think about it we live in a community where areas are just that far apart that unless you have a license freedom to see friends is not possible. But in Wonga this can happen because of the motorbikes on the beach. Personally, I feel as though they're safer riding their motorbikes with their protective gear along the beach than them walking or push biking along the main road where people drive 100km and some even faster. If the proposal goes through this will stop my siblings being able to have any freedom at all to go, see their friends. My street hasn't got any kids my sister's age and if she isn't able to use the beach because of the rule that she doesn't have a licence then that totally inhibits her to be able to freely see friends without the safety risks of riding along the main highway. If the motorbikes are taken off the younger generation who can't get a licence, then there should be a safe way from Wonga beach to South arm where parents can be reassured that their kids are 100% safe. I don't mind having to get a permit or register the bike with council if it's not overly priced and that the kids can still use their motorbikes so they can have some freedom that living in this community where areas are so far apart doesn't normally provide. If you think back a few years my neighbour in South Arm was attacked by a feral pig accessing the beach on a push bike with his best friend. As kids we used to feel safe just on push bikes or walking but now because of this we no longer feel safe, and we use the motorbikes as a safety tool. I am almost 20 and I will not walk or ride anything not motorised through there for safety reasons, if I feel like this imagine my siblings who are aged from 6-16 and how they feel, the youngest two are petrified to go through walking, but can't get to their friends otherwise freely. In the end the proposal needs to be re drafted and thought through more thoroughly to suit the community better. Don't ruin something just because one person has done wrong. The points above are logical and realistic and consider safety and the versatility of the people who use the beach with their motorbikes.

20 I LIVE IN WONGA WITH MY MUM. We bought a quad bike this year which is very exciting. We love to go for rides and we always go north. We go with other friends and their families. We go fishing and have picnics and we have a lot of fun. We take our little dogs with us they love it too. I hope we can still go up the beach on our quad as it is better than sitting around home bored. Please don't stop this. I always look forward to our next ride.

21 I HOPE WE CAN STILL GO UP THE BEACH on our quads as it is better than sitting at home bored.

22 AS RESIDENTS OF OLD WONGA for 21 years we have experienced the beach activities as we regularly walk ourselves and dog an average of 5 days each week. Our observations are that most riders are considerate and well behaved, slowly and quietly passing by when we walk – often we are startled by the low noise when they approach from behind – a toot of the horn to let their presence be known would be more cooperative for all.

I myself have a Diahatsu Scat 4WD (Jeep style beach buggy) that I have used to access the Daintree River mouth section for both fishing the gutters and bait gathering. This light vehicle has high clearance and has been used in two beach recoveries of breakdowns to date. It has fully functioning lights, brakes, turn indicators, but more importantly, seating for the grand kids and recovery equipment. The vehicle has also been used in recovering large plastic debris items periodically with the rubbish being dropped at the foreshore Council bins at Giblin Street.

There has been insignificant damage by the new Wonga quad riders but 2-3 access points have appeared towards that end of the beach, but provided no new trails be made, then the area should remain pristine.

Our observations are that any problems incurred are from kids or adults being silly in close proximity to the Caravan Park – doing burn outs/doughnuts or riding too fast in front or passing the Park. These visitors are paying guests and deserve quiet to holidays. I live in Barra Close and can hear 2 wheeled “unbaffled” motor bikes on the beach at times so no wonder complaints are made which jeopardize it for all of us.

I have always been in support of a ride on the beach but have always advocated that it should be from Giblin Street onwards towards Pinnacle Village and beyond where the noise bothers no one and the tyre prints wiped out by the following high tide.

Personally I would like to continue to use the beach for access to fishing areas and to use the wide open expanses north of Pinnacle Village (low tide) to teach my grandchildren to practice their driving and gear changing skills with nothing to run into. I also use this area for archery practice at targets towards the sea when safe and isolated.

I think it would be impossible to stop the quad riders from continuing to ride along the beach from New Wonga to get access from Giblin Street north. Most quad bikes are exhaust baffled and are not an issue in transiting past the Caravan Park at a slow, steady speed and are not a problem. It is the home built 2 wheelers with short exhausts that are deemed noisy and at odds with the community. Perhaps a standard on exhausts? It is possible that a signed indemnity declaration by each registered person to indemnify the Council against liability could be made – in other words, a “Do so at own risk” policy for approved persons?

I have also noticed that 1-2 beachfront rental properties or beach houses are regularly rented out and that they have a quad bike collection for use by paying guests or the guests arrive with their own bikes but are not always conversant with the local do's and don'ts or lack understanding or consideration to others who spoil it for everyone.

My immediate family and grandchildren, aged 7, 8 and 9, live in a fast paced lifestyle in Cairns and most areas are locked out for quad/beach activities. I enjoy the fact that this is one of the last freedoms we have to enjoy the beach with fishing or a fun run or for clean up reasons with my grandchildren along for the ride where and when possible.

I have been diagnosed with PTSD from my military service and I find beach area access to more remote areas comforting and calming to my overall wellbeing.

For your consideration towards a good decision with perhaps an access point for quads nominate at New Wonga to overcome the need to travel over to Old Wonga to deliver quads by ute or trailer.

23 I AM WRITING TO INFORM THAT I OWN AN ATV and use it on Wonga Beach from Giblin Street access to Daintree River.

I also pick up Plastics and other Rubbish during my rides and place it in Council Bins

I have seen all sorts of vehicles on the Beach, Motor Vehicles, Motor Bikes, ATV, Quad Bikes and even Horses and I have not seen damage to beaches or any stupid activities.

I am OK with Council maybe suggesting Permits as other Areas in QLD have done.

I own an ATV which has a full roll Cage and seat belts which gives me better protection than open ATV/Quad, so I would like vehicles safety requirements judged on their individual cases. (it may come under your description of a side-by-side)

I welcome the idea of allowing us to use the Beach with vehicles and agree that we all need to clean up rubbish we see on the beach so I would propose that the Council maybe nominate a couple of days per year where all Vehicle users do a beach clean-up, but this would need to include south of Giblin Street access for these dates only.

24 I AGREE THAT THE SPEED LIMIT should be 20km per hour. I agree that we need to get permits for our quad bikes and that there needs to be some form of identification on the quad bike. I agree that two wheel vehicles and 4x4 cars should not be allowed these permits. I agree that there should be no riding on the foreshore area except for the authorised entry/exit points but I would like to see a few designated beach access points not just one. The foreshore areas have a lot more damage done to them by residents clearing the area so that they have ocean views and breeze. I do not agree with wearing a helmet. We are restricted to 20km per hour and only on the open sand areas. I don't feel that wearing a helmet will have great benefit. I have lived at Wonga Beach since 1989 and

have enjoyed the relaxed lifestyle. Being able to take the quad bike up the beach towards the Daintree River mouth to fish has always been a favourite pass time. The fact that a handful of disrespectful young people are causing problems should not mean that everyone is punished, even those who are being careful, cautious and courteous to other beach users. This law will still not stop young riders on their bikes flying up and down Marlin Drive and along the pathway in front of beach frontage homes. While I would like to see policy passed by council I would like the assurance that the rules won't be changed in a few months leaving us stuck with registered and permitted quad bikes and nowhere to ride them again.

25 I HAVE BEEN FARMING OUT HERE AT WONGA BEACH since 1971 and in those days I use to drive along the beach with my Fiat tractor with my family on a carry all where we would spend the day fishing and enjoying the beach. Then I had my 4WD utility and began to use that along the beach. Now I have my quad bike to go up and down the beach and also my family enjoy it as well. However the only damage along the beach that I can see since 1971 is being caused by Feral Pigs digging up vegetation above the high tide mark and the Singapore Daisy which is taking over the native plants. In a few years time the beach will be covered in Singapore daisy. To this day I still drive up and down the beach in my 4WD or Quad with my grandkids and family to enjoy the surroundings and being able to take them fishing and swimming along the shallows. This is one thing I would not like to have to stop doing. If this was to be taken away from all families that enjoy the beach especially on weekends it would be devastating. For the sake of a few that do the wrong thing and people that just have to whinge about kids and families having fun, don't penalize the rest of us.

26 I HAVE LIVED AT WONGA BEACH FOR THE PAST 30 YEARS and been a rate payer of the Douglas Shire since 1984. I have driven on Wonga Beach in a 4WD during this time and a quad bike in the last 10 years. Myself, family and friends on their bikes have cleaned up the beach north of Giblin Street on a regular basis in those 10 years also. We fish and just enjoy the beauty of this secluded beach. We respect the beach, people and wildlife that use it. A speed limit around people is just common sense but I realise we need to tell some people. A permit to use is a good idea but I would prefer that the person has the permit, not the bike as I might be using a friend's quad. It is the rider who does the wrong thing not the bike. South Wonga needs a beach access as well as Giblin Street. A lot of the foreshore damage is done by residents clearing in front of their houses so that they have sea views and a private walkway to the beach, not because people take bikes through. If you have more than one exit/entry point that is easy for people to access they won't make their own. No 4WD vehicles or 2-wheel motor bikes should be allowed for recreational use of the beach. In making rules keep it simple, and don't forget a great majority of these bike owners are rate payers and voters and not causing any problems. Don't spoil this way of life by affecting the majority of people's leisure time because a handful of trouble makers are upsetting some of our residents.

27 I AM IN FAVOUR OF MOST OF THE COUNCIL'S CONDITIONS for riding quads on the beach at Wonga. I agree that all quads and only quads need to be approved and need a form of visible approval. I would however like to see that families with teenagers who are not yet licenced drivers be allowed to be able to access and ride the beach in the presence of a parent or Qld drivers licence holder family member. I agree with the speed limit and that there should be designated beach access points. I don't think there should only be one access point at Giblin Street. With the bikes identification visible we should be able to access the beach via at least one point in South Wonga. If there are designated points people are less likely to make their own tracks over the dune area on the foreshore as many of the residents along the foreshore have already done. With the speed limit set at 20km per hour I would like to see the motor bike helmet rule removed. Having a helmet on hides a person's face or makes it harder to identify a person who is misbehaving. Bikes can be "borrowed" legally or illegally and it is the rider at fault not the bike. We have been riding quad bikes on this beach up to the Daintree mouth now for at least 10 years. Spending time fishing and picking up rubbish. Most of the older owners all use common sense and courtesy especially around the caravan parks. We have never had any problems or complaints from people on the beach. But there is a very small minority of mostly young unsupervised 2-wheel bike riders who will continue to cause trouble no matter what rules are bought in. These trouble makers need to have their 2 wheeled unregistered bikes taken off them just as hooners have

their cars taken off them. Don't punish all the quad bike owners for the bad behaviour of a few troublemakers who thumb their nose at authority and rules. For this policy to work we also need more of a police presence at times when people are more likely to use the beach for quad riding. After school, weekends and school holidays are when you are likely to catch bad behaviour. Not between 9am and 4 pm Monday to Friday.

28 I AM A LONG-TIME AND LONG-TERM RESIDENT OF WONGA BEACH. I would like to have my say on behalf of my family in response to the draft 'Vehicles on Beaches General Policy'. I appreciate the efforts of Douglas Shire Council to propose a policy that respects the needs and wants of residents at Wonga Beach, although fear that the squeakiest wheel is going to get the oil, so to speak. I am aware that some residents do not appreciate the use of quadbikes on any part of the beach and make every endeavour to complain and overstate the so-called misuse of the beach. Please let me state that these residents are the minority and do not speak for the majority of community members. Most families ride quad bikes safely on the beach as a leisure activity or to access northern fishing areas. Unfortunately, a few are causing a volatile and unsettled feeling in the community by actively trying to police the beach (taking photos of people riding quad bikes, blocking access points so quad bikes are not able to access the beach and verbally abusing minors). My family (including my under-age children) have all observed people taking photos of us and are outraged that those against quadbike use on the beach, will stoop to hiding in bushes and setting up cameras to try to 'catch' people riding on the beach. This action itself is illegal - to photograph minors without permission of the parent, being that the intended use of the photos is unexplained. For the safety of minors, this needs to stop! How are we able to teach our children the difference between stranger danger / potential paedophiles and the residents wanting to catch people out. Neither is acceptable as it only causes irritation and encourages confrontation. In order to help reach some resolution on the subject, I would like to comment on select points of the draft policy. I agree with the provisions of the draft policy - Obtaining an Approval for Limited Recreational Use – I disagree that use will only be permitted on the area of beach north of the Giblin Street access. While the Giblin Street access is suitable for my family (as we reside close to this point on Snapper Island Drive), it is unrealistic to expect people to transport quad bikes to this access point in order to travel north. I propose that a number of access points be designated along Wonga Beach to allow quad bikes access points south of Giblin Street.

29 AS A RESIDENT OF WONGA BEACH and an avid beachgoer who owns and rides a quad bike with the upmost respect to other Wonga residents and tourists I wish to provide feedback to the current proposal of new rules and regulations for Wonga Beach In the proposal it restricts the southern end of Wonga access to the beach without a trailer to take quads or bikes to the access point on the northern side of Wonga. There is access points all along the beautiful beach and every point should be able to be accessed by any vehicle or pedestrians The strip north of Giblin St should be a 40 klm not 20 klm area if it is good for our school zones then why not a recreational area that is and has always been shared by all There should be a clearer definition of where these access point are or will be for no miss conception or communication And why haze of distinction between motorbikes and quads? What is the difference between the vehicle? I would love to see Wonga Beach stay as it is kids free to be kids Adults free to teach their children how to be social and enjoy the greater things in life Being outdoors in their backyard.

30 I HAVE LIVED AT THIS PROPERTY FOR ABOUT 10 YEARS and overall, I have lived in the area for 25 years. I would like to comment on the draft proposal to change the local law, which will restrict the use of quad bike use on Wonga Beach. I have recently retired and spent \$13000 on a buggy, as I was looking forward to being able to ride my vehicle up the beach to go fishing. I understand that I may still be able to do this and hope that the Council takes into consideration that the complaints come from a select group of residents here at Wonga Beach. I have been approached by nearby residents with a letter of complaint about quad bikes racing up and down the beach at night. However, my house fronts onto the foreshore and if this was happening, I assume that I would be able to hear this activity. I often hear quad bikes riding up the beach but have always believed that riders have done so in a respectful manner, taking into consideration other residents enjoying the beach. Old or young, riders always slow down, veer away from others on the beach and wave hello. I sincerely hope that quad bikes use on the beach is

allowed to continue, as we have such a beautiful lifestyle where we live and many families enjoy fishing up the northern end of the beach. If this issue was such a problem, I think I would have noticed considering that I live so close to the beach. The only problem that I have experienced at Wonga Beach of late is the negative attitude of a few residents who are provoking confrontation about the issue in order to force change by taking matters into their own hands.

31 THE MANAGEMENT AND RESIDENTS OF PINNACLE VILLAGE HOLIDAY PARK (Lot 40 Vixies Road, Wonga Beach) would like to make some suggestions for the proposed draft policy for using vehicles on Wonga Beach. Our park is situated on the most northern end of Wonga Beach, approximately 2kms from the suburban esplanade of Wonga. South Arm Drive, another residential area, lies behind our property about half way down Vixies Road. Over the past years, there has been many debates about the use of quad's, motorbikes and vehicles on Wonga beach from locals and visitors alike. The recreational use of vehicles on the beach has had scrutiny from residents and in recent times we've had issues with powerful trail bikes using our park as a gateway to the beach, going at excessive speed and tearing up the beach front from here all the way up to the mouth of the Daintree River. We feel this has been the worst violation for noise and traffic on the beach and it (as a minority) has ruined it for the majority of people who do the right thing. We strongly agree with the plan that no 2-wheeled trail bikes be allowed anywhere near the beach, at any time. We have many senior citizens that reside and visit our park year after year. Many of them have disabilities and enjoy the use of quads to be able to access the beach for fishing or for transport down to the beach. We also have many people, mostly the grey nomads, who launch their boats from the beach when the weather permits. Many local families that have been visiting us at Wonga beach for many years also enjoy the use of quads to go fishing/crabbing on the beach. They are guests of the park, but not necessarily residents of Wonga. These activities form a major attraction for our park and we would strongly urge this to be able to continue. Maybe a temporary permit for casual users who are registered guests at Pinnacle Village or, they can apply to council for a permit as a visitor to Wonga beach. This would allow our guests that are not residents to be able to continue their holiday activities with their families. All the other documented conditions we agree with and our residents and guests welcome a positive outcome for everyone.

32 WE CURRENTLY HAVE A QUAD BIKE to go down on the beach with and now are looking to purchase a side by side as our family is growing. We often go down to the beach and head north for the day loaded up with gazebo, esky, chairs and fishing rods (too much to carry by hand). My kids enjoy heading north of Wonga for when its low tide you are left with shallow pools which they can splash around in. I love seeing the teenagers on the quads with fishing rods heading out for the day it keeps them busy and out of trouble. Please don't take away this privilege as it makes great family and friend memories.

33 I WRITE THIS LETTER AS A RESIDENT OF WONGA BEACH concerned about the recent application to ban quad bikes, side by sides and motorbikes on the beach. I understand there has been some people upset in recent times and would like to say I believe there are only a couple of people causing this problem. The majority of people who use the beach are families who take their children out for the day to enjoy what we are so lucky to have at our doorstep. Mostly these people drive on to the beach and park for most of the time. These people will also let anyone know if they are deemed to be doing the wrong thing. In the view of parents, it's better for their children to be outside spending time with family and also these children are taught how to behave when on the beach and what is acceptable and what is not so that the next generation can have the same privilege. When we go to the beach we drive way down to the mouth of the river so as to not annoy anyone. We have our quad bike registered but for those who don't it is extremely hard to do. It would be a shame to stop the residents who do the right thing from enjoying such a great asset because of the couple of idiots that have no respect for others and seem to lack responsibility. I would like to see the beach being able to be used by bike riders with an access point south of the Wonga Beach caravan park and a speed limit of 20km up to Giblin St with another access point and a speed limit of 40km north of Giblin St. Registering the bikes for recreational is mostly impossible and will mean the kids will need a licence which

is not practical. The Wonga Beach residents are open to a meeting and working with council and local police to resolve this issue in a manner that is fair to all concerned.

34 I ACCEPT THE TERMS AND CONDITIONS and I would like to be permitted on the area of beach north Gilbin Street. Please see attached Doc ID for Details of Vehicle.

35 COMMENTS

- Restricting use of the beach to north of Giblin Street is discriminating against those who live at new Wonga.
- The parking at Giblin Street beach access area is insufficient to accommodate numerous cars with trailers.
- Pre-existing beach access points between new Wonga and South Arm Drive should be permitted for use.
- The wearing of helmets should be at the operator's discretion as it is not a legal requirement for recreational ATV users in QLD.
- The 20KPH speed limit should apply up to one kilometre north of Pinnacle Village caravan park then increase to 30 KPH
- Public liability insurance is expensive, \$20,000,000 indemnity value is excessive and will make it unaffordable for people who will abide by the Policy to ride on the beach.
- Children under 12 should be able to ride their approved age appropriate vehicle on the beach under supervision of parent or legal guardian.
- Children aged 12 years or older should be able to ride their approved, age appropriate vehicles.
- It is ignorant that the Policy should only apply to residents of Wonga Beach and visitors for the area should also be able to purchase temporary permits, to ensure they are also paying to use our beach.

36 THANK YOU FOR THE OPPORTUNITY to be able to comment on the draft vehicles on beaches General Policy for Wonga Beach. I would like to comment on who can access the beach and the proposed conditions.

- Emergency service, Douglas Shire Council and DSC contractor vehicles should have approval
- I do not agree that Giblin Street access in old Wonga be the only access point, with a small amount of work, the beach access track at the end of Vixies Road could be an alternative access point, especially for residents of South Arm Drive, all other access tracks through private property, crown land and the area set aside or aboriginal use should be closed.
- No vehicles to be driven over the frontal dunes, beach access point only to be used
- Definitely no drink drivers
- Vehicles to be driven in the approved areas only
- Do not agree with the 20kph speed limit. 40kph would be a more suitable speed with a proviso that the driver drives to the conditions with regard to soft sand, water, people and other vehicles.
- Agree only the vehicle nominate on the approval is to be driven on the beach.
- Vehicles must give way to pedestrians and wildlife, however, what can be done about feral animals that are in the area, naming pigs, dogs and cats.
- Do not agree that approval holders display identification stickers if they are registered. It would be far better to ensure all vehicles have limited road use registration. An approval would still need to be issued.
- Suitable head gear and foot wear should be worn when using your vehicle
- If you are driving a registered vehicle, you should at all times carry your driver's license and product it on request.
- In conclusion, I would like to make further comment on a few matters. It seems that Council is hell bent on restricting quad bike use on the beach; why is it not as important to restrict the use of the RVs along South Arm Drive?
- On numerous occasions I have witnessed children riding on the road without helmets and up to 3 on the quad bike.

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- Anyone caught hooning on the beach should have the privilege of being able to use the beach withdrawn.
 - If all vehicles are registered they would be covered automatically with 3rd party insurance.
 - And finally, who dies have control of the intertidal zone that is the beach?

37 I WOULD LIKE TO APPLY FOR A PERMIT to use my quad bike to tow my boat from my home to the beach. I do not hold a driver's license due to medical reasons and I will not be able to obtain one. With this new policy, will I be allowed to obtain a permit? Is there another way a permit can be obtained without a driver's license?

38 WONGA BEACH USERS GROUP

VEHICLES ON BEACHES GENERAL POLICY

INTRODUCTION:

On behalf of the Wonga beach users group we would like to put in a submission to the vehicles on beaches general policy. The history of the Wonga beach area is renown for its fishing, camping, strolling along the natural beaches, horse riding, running, bicycle riding, quad bikes and side-by-side vehicles. The Wonga beach area has a strong community spirit, which relies heavily on the use and access to the beach and restricting access, and imposing strict laws will have an impact on relaxed lifestyle within the Wonga community.

Due to the expansion of population and development in the Wonga area it has seen an introduction of residents wanting the sea change lifestyle from the built up urban areas they previously resided in to a relaxed and recreational lifestyle within the Wonga area. The residents that have moved into the Wonga area would have been attracted to its relaxed lifestyle and its beautiful environment. The constant complaining from a very small minority of residents that reside in Wonga are creating a divide within the Wonga Beach community and is generating a not so relaxed environment to live in. The Wonga beach users want to seek a balanced solution with these small minorities of residents in the community, to share and use the beach for its beauty and recreational purposes. Wonga beach users have submitted the following submission and detail our proposal below.

CURRENT SITUATION AND ASSUMPTIONS:

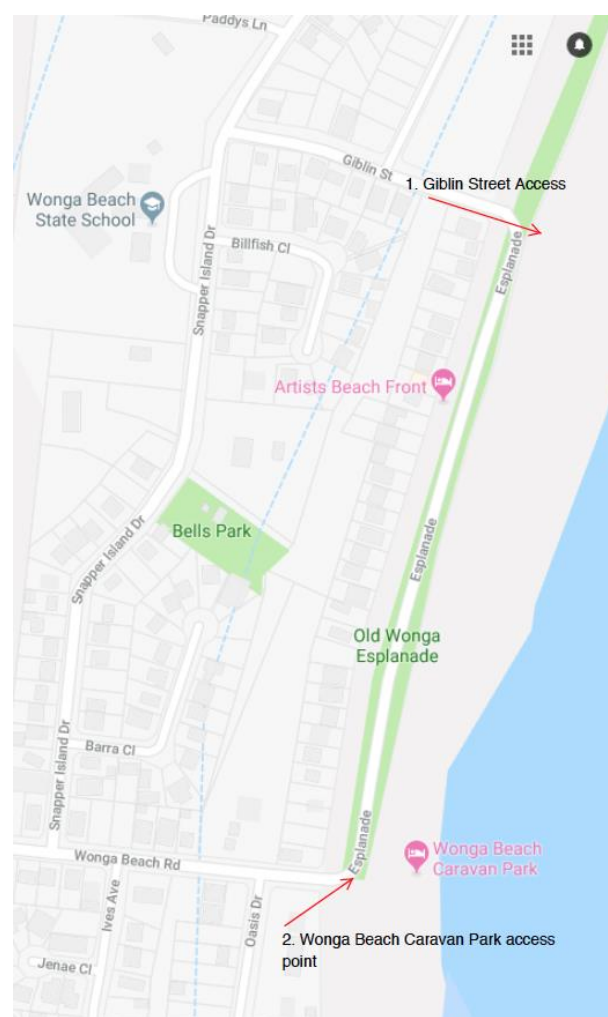
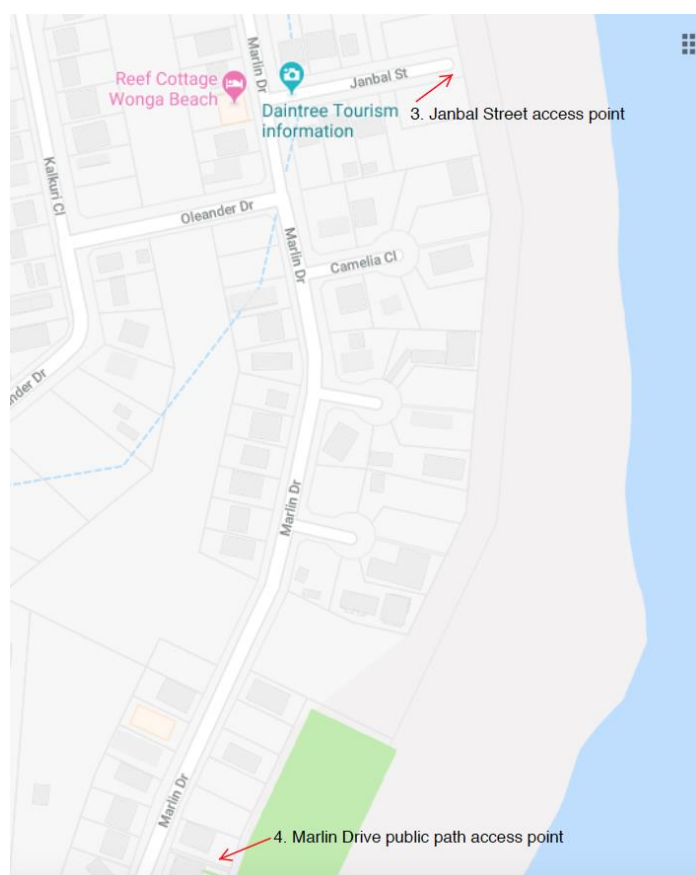
- A very small minority of Wonga residents have blocked beach access with logs and branches cut down from the natural environment
- A small minority of 4 wheelers have been seen driving too fast along the beach
- Minority of 4 wheelers may be from out of town such as holiday makers who are accessing the beach
- A small minority of 4 wheelers are impacting on the natural environment
- A small minority of 4 wheelers are children not wearing helmets
- A small minority of 2 wheelers use the Wonga beach area.

WONGA BEACH USERS PROPOSAL

- Only Wonga beach residents will be eligible
- Children under the age of 13 must be accompanied with an adult
- Approval holders will be issued an approval identification sticker
- Approval holders must only access the beach at the 4 designated access points which are:
 1. Giblin Street (as proposed by council designated beach access point)
 2. Marlin Drive Creek public path access point
 3. Existing permanent beach access point near Wonga Beach Caravan Park – southern side
 4. Janbal Close public path access point

- Wonga beach users form a committee where they self-govern and liaise with council, Qld police and other government departments directly in regards to any issues or breaches that may arise from resident within Wonga Beach.
- The vehicle is not to be driven above the spring high tide mark, except when travelling to and from the beach.
- Under no circumstances is the vehicle to be driven on or over frontal dunes or foreshore areas not designated as the 4 access points.
- Vehicles are to be driven only in the area specified on the approval and via the 4 designated access points.
- The maximum speed limit at any time is 20kph.
- Only the vehicle nominated on the approval is to be driven on the beach.
- Vehicles must give way at all times to pedestrians and wildlife.
- Approval holders will be issued an approval identification sticker, which must be visible on the vehicle at all times.
- Approval holders must only access the beach at the 4 designated access points.
- Approval holders operating quad bikes or side-by-side vehicles must wear an approved motorbike helmet and not carry a passenger unless on a seat designated for that purpose.
- The 4 designated access points to be filled with rock base material to avoid sand dune erosion.
- The Wonga beach users would like to request a public meeting with Council before any final decisions are finalised.
- Allow multiple approval permits per family.

Maps below show the proposed 4 designated access points.



Appendix Three - Objections to Draft Policy - Comments in Full

- 1 **VEHICLES SHOULD NEVER BE ALLOWED** on Douglas beaches (with the exception of emergency vehicles). Council never asked residents if vehicles were or not wanted before embarking on this path. It is wrong on every level, illegal under DSC, State, Federal and Environmental law.
- 2 **WE ATTENDED THE "QUAD BIKE FORUM"** that was held at the Wonga Beach State School in December 2015. There people were informed that quadbikes could, even then, be registered to be driven on Wonga Beach. In fact, there was one person in attendance, who had their quadbike registered for this purpose. Since then we have only observed one such registered vehicle on the beach, and we walk on Wonga Beach almost every day (picking up rubbish). This is telling us that these people do not want to register their quadbikes as then they will be able to be identified. They want to be able to drive anywhere on the beach and foreshore, when and how ever they wish. As they are now. We do not want any vehicles being driven on Wonga Beach as we believe they will not obey any of the proposed regulations. If this draft is approved, will it be left to ordinary people to monitor/report breaches to authorities, and so incur the wrath/retaliation of the drivers as happens now? In our opinion these permits should only apply to people with special needs, as you state in your proposal. We would like to know the Council's reasoning behind the decision to choose Wonga Beach for this potential environmental degradation. So, please, NO VEHICLES on Wonga Beach.
- 3 **WE NEED TO HAVE THE SAME LAWS** that apply to Newell, Cooya and Four Mile Beaches. Just because our beach is further north it does not mean we should have different conservation policies and local laws. I believe residents and tourists who visit this beach daily to enjoy the ambience the beach, sea and sand provide along with the birdlife and various types of vegetation, should be able to do so without quad or motor bikes roaring past. The main problem with the licensing and restrictions who is going to police it, I believe both the council and police are struggling with resources to address illegal behaviour on the beaches now. Much simpler policy no vehicles on Wonga Beach unless launching boats at designated access points.
- 4 **QUADS DESTROY SEA GRASS** covering front dunes. Storms and run off in early 2018 eroded now vulnerable beach dunes.
- 5 **MANY THANKS FOR YOUR HELP** from time to time by responding to my emails although you are busy. Since quad bikes are seen by my husband and I daily on and around the beach at Wonga, we just thought you might like to read our thoughts on the quad bikes issue.
 1. It is illegal to drive them on the beach and on the foreshore. There are safety and environmental issues here.
 2. Any person driving a motorbike or quad bike should be licensed, insured and equipped with a safety helmet.
 3. A parent who has enough money to purchase a vehicle for their child has enough money to pay for insurance, a helmet, lessons for a license and the license itself for their child.
 4. A parent who encourages or allows their child to break the law is at fault and should bear the consequences viz fines and costs especially if there is an insurance claim.
 5. Policing of a 'no quads' law should not be too difficult as the law is broken generally after school hours and on weekends, school and public holidays.
 6. A solution for parents who are keen to have their children use quad bikes would be that they acquire some land for that activity and supervise their children. Quad bikes are not toys. They are quite dangerous vehicles. We have an accident waiting to happen.

6 IN RESPONSE TO YOUR DRAFT POLICY on vehicles on the Beach, I think any vehicles including quad bikes or two wheeled bikes (except for those requiring special approval i.e. emergency vehicles, events requiring vehicles on the beach, or clean-up activities) should not be allowed on any beach in the Shire.

7 MY CONCERN IS VEHICLES DO NOT NEED TO BE REGISTERED thus THEY ARE NOT INSURED. The Council by way of allowing this to occur (Approval granted) could be liable for damage or injuries that may occur from the vehicles. I and my fellow rate payers should not be held liable for unregistered vehicle activity on the beach, that may result in possible liability claims.

8 OVER THE LAST FEW YEARS I have been traumatised by the vehicles, bikes, quads etc. which have been freely allowed beach access. Everything from noise, beach destruction, disrespect for all the flora, fauna have become a major problem by allowing this kind of activity to occur. I do believe vehicles of all types to be completely prohibited as is with every other beach community. Under your draft policy it would be too complex and difficult to monitor, therefore restricted vehicle access would just allow a green light for whoever does not wish to abide by the restrictions. As I live on my own, I have been and would be in fear of making any complaints due to the repercussions of doing so. By prohibiting all vehicles on Wonga Beach then there are no grey areas to worry about. Please find attached the submission made by [names removed] which I absolutely fully support. [Refer to [Appendix Four](#) for 26 page submission referred to, including attachments to that submission]

9 BIRDS THAT BREED ON THE BEACH. The numbers are not large at present as they have been declining but if more chicks survived they would have a chance of improving their numbers. To carelessly continue to contribute to their extinction for such an unhealthy recreation should weigh heavily on our consciences. In these days of rampant obesity shouldn't we be encouraging people to use their legs rather than sitting on a machine to exercise their dogs or wander off for a bit of 'quiet' fishing? A slow quad kills just as effectively as a fast one. I do still find launching boats from Giblin St acceptable as long as it is no wider than necessary, i.e. road width. I am also somewhat concerned about a law for one and not another. Has the homework been done on that?

10 AS RESIDENTS/RATEPAYERS ... We are in agreeance with many others within this community who after considering all the facts have made an informed assessment of the proposed policy. The following points of issue together with the submission outline the reasons why we – the majority of resident/ratepayers are against any vehicle access to Wonga Beach or any beach in the Douglas Shire: The draft Vehicles on Beaches General Policy discriminates against the people of Wonga Beach. All beaches in the Shire should be treated equally. Failure to do so is discriminatory and may at some time be challenged. From a business management perspective: The draft policy is neither manageable, financially viable to administer nor do ratepayers of the DSC expect to support funding toward a 'minority wish' at Wonga Beach. The illegal beach activity usually takes place outside normal office hours of 9 - 5 pm & then on Saturdays & Sundays & Public Holidays. The DSC cannot possibly police/manage this policy. There are no Local Laws Officers on duty during these hours. Vehicles can be heard on Wonga Beach/foreshore/roads anytime of the day/night, high or low tides....If on a high tide then we know that foreshore habitat is being driven over & destroyed! The draft policy allows & opens up the DSC to the possibility of civil action, to litigation, criminal negligence & a plethora of legalities consistent with accidents & non-compliance. We do not want our rates to be placed at risk nor the destruction of the Wonga Beach foreshore for a minority of law breakers, some not even residents. There are other options for ATVs & Motorbikes in the region. The DSC would be well advised to seek out more favourable options as financially viable & manageable which this draft policy is NOT.

11 WE ARE NOT RESIDENTS OF FAR NORTH QUEENSLAND but visit Pinnacle Village at Wonga for approximately three months each year during winter and spend a lot of time fishing, walking and several times a week picking up litter along Wonga Beach. We do not fish from a boat but fish from the beach itself. During the years we have been visiting Wonga we have noticed an increase in the number of vehicles using the beach for recreational purposes. We have also noticed some vehicles parking up and/or driving over the tops of the dunes and entering, we assume, camping or residential areas behind the trees further to the north of the Pinnacle Village access point. Vehicles can

be heard at all times of the night as well, obviously depending on the tides. Traffic along the beach is sometimes quite fast although most people tend to slow down when passing the Pinnacle Village entrance. Even though most vehicles appear to drive within the 20 kph speed limit, our concern is the number that frequently do speed along the beach with some swerving and doing “circular work”. Those vehicles include four-wheel drives as well as quad and trail bikes. Families with young children often sit on the beach out front of Pinnacle Village with children having to dodge traffic. We have witnessed three quad bikes on the northern end of the beach, driven by male adults, actually racing one another - and one of these had a child passenger. At that particular time the participants were holiday makers visiting Pinnacle Village on a public holiday long weekend, the quad bikes having arrived on the backs of Landcruiser-type utes. Sometimes whole families seem to be on board quad bikes and on occasion some of the drivers hardly seem to be old enough to legally drive a vehicle – but perhaps there isn’t a minimum age requirement for that type of vehicle? There is a sign at the Pinnacle Village access point prohibiting vehicles from driving along the beach. It is an out-of-date sign which people “don’t see” or don’t take notice of. Even so, history shows that many people disregard signage anyway but perhaps new warning signs could be erected? The Noosa Shire Council runs a campground called the Noosa North Shore Beach Campground. The council prohibits any vehicular traffic along the beach in front of this campground, making traffic access the beach further to the north. Fines apply. We are happy that Council is at last addressing this problem and perhaps making a popular holiday destination a little safer for all concerned, as well as protecting the environment.

12 PLEASE NO QUAD BIKES ON ANY DSC BEACH, close off the illegal access points, revegetate, prosecute offenders vigorously and hope some of the beach stone curlews come back.

13 IF THIS PROPOSAL COMES INTO EFFECT, we will be documenting damage noise and other concerns where young children not supervised are using these quads to access the Beach.

14 PLEASE RECORD OUR FULL SUPPORT FOR A TOTAL BAN ON vehicles being ridden or driven on Wonga Beach. We urge Douglas Shire Council to take full note of the important issues surrounding this Submission as included in that from [names removed]. Refer to Appendix Two for 26-page submission referred to.

15 I AM STRONGLY OPPOSED to quad bikes on Wonga Beach. I support [name removed] submission - Refer Appendix Two. Please keep my submission re quad bikes anonymous.

16 FUNDAMENTALLY FLAWED. We cannot agree with the provisions of this draft policy as it has at least one fundamental flaw. To allow some people access to the beach driving quad bikes under permit will leave the door open for other non-permitted persons to risk doing the same. People are aware Council does not have the resources to enforce the ruling with sufficient frequency to present a significant risk of non-permitted, quad bike beach-users being apprehended by an authorised person. Non-permitted quad bike beach-users would simply maintain enough distance from other beach users to avoid being identified as unlicensed. This distance may be as little as 30 metres, depending on the size and nature of the permit displayed. Due to lack of enforcement action, the proposed policy is wide open for abuse and may do more to encourage rather than discourage unauthorised use of the beach by quads and other vehicles. Under the draft, only the recreational use of motorbikes is to be totally banned from the beach. Any motorbike rider seen doing this will therefore be instantly recognised as acting illegally. This is the way it needs to be for all other recreational vehicles as well. Under the proposed policy, non-permitted use of the beach by other vehicles would normally not be reported by the concerned public as they would not know whether the user was permitted or not, without a close examination of the vehicle. Community Disharmony The DSC web site states “Council hoped the final policy would fuel a culture of self-regulation that builds on the harmonious community. The draft policy recommends a permit system that holds drivers accountable for their own behaviour and condemns those who drive without approval” Seriously?? Who believes that?? Would Council please come down from the clouds and recognize the reality that surrounds the Wonga Beach quad bike issue? Only a handful of Wonga residents have quad bikes. Some have been vociferous and indeed aggressive regarding their demands to use the beach. [name remove] has already been threatened with physical violence when he showed mild disapproval of a

grandfather driving past at speed with his granddaughter on his knee. Neither wore helmets. He was astonished by the grandfather's reaction in front of his granddaughter, whilst not in the least intimidated by the man's irrational and aggressive response. The Council meeting at Wonga Beach to discuss quad bike use on the beach was not attended by most of us who are against it because we did not wish to be the target of abuse and retaliatory action following the meeting. I wrote to council to give my views but never received any acknowledgement. If the final policy permits any recreational use of the beach areas by vehicles between the Daintree Estuary and Rocky Point, it is our opinion that this will fuel more community disharmony not harmony. Complete Ban on recreational use of all vehicles on the beach recommended. The only solution is to amend the draft such that Council formally recognises the wishes and rights of most of the community to enjoy the peaceful, remote tropical ambience of Wonga Beach without violation of this by noisy, potentially damaging quad bikes. There is no valid justification for the unreasonable desires of a few to spoil what we came here to enjoy and indeed paid for in terms of property prices. Justification for maintaining the complete ban on recreational use of vehicles on the beach. Recreational vehicles on the beach and the tracks they leave ruin the tropical ambience we came here to enjoy and have paid for in terms of property prices. It puts vulnerable and rare birds such as the red-capped dotterel and beach stone curlew that nest just behind the high tide-line, north of Giblin Street, at risk. There is no need for such recreational use. Claims that kids need it as a leisure activity are at best misguided. Generations have benefitted from walking "to remote" and other fishing spots. We need remote fishing spots to remain remote for stock preservation reasons. Remote fishing spots offer a challenge and rewards to fit and enlightened children. This challenge is ruined when some unfit person cruises past on a vehicle. Kids need activities that get them off their backsides and provide them with exercise. The beach should be kept solely for such healthy activities by parents and their children alike. Access to the beach by quads would benefit only the privileged few, i.e. those who can afford the luxury, creating the "haves" and "have nots". This would fuel further disharmony and competition to see who could nag their parents into buying a quad and lead to bragging rights and one-upmanship. Finally, in summary, the greatest issue of all: having some permitted vehicles on the beach gives the ideal cover for non-permitted users to pretend they had a permit. We suggest this is likely to lead to an increase in unpermitted use and an increase in community disharmony. We trust that council will recognise the true situation at Wonga Beach and show the necessary leadership to continue to enforce the present policy of no recreational vehicle use on the beach except for direct access to launch boats. In our opinion, the above reflects the true wishes of most concerned Wonga Beach residents.

17 I LIVE AT SOUTH KOLAN QUEENSLAND, just west of Bundaberg, so may be questionable as being a voice for the banning of vehicles on the beach. But I believe I have information spanning years almost 45 years on those affects to the beach itself and to Port Douglas as a whole. In the 1970s my husband and I took our very first trip to the Daintree with a friend who lives in Cairns. It was a long and rough journey then and required arriving at the first beach, then into the rainforest, back out to the second beach and back into the rainforest, and back out on to the third beach, our final destination just before the CREB track. This was isolated and quiet. Along the way we passed Mason's shop and a lagoon that was 15-20 feet deep and as clear as crystal and ice cold. It was approximately 20 feet wide. We made this trip frequently over the years, spending long weekends there, our annual leave, and it became a place to rest and release the tension of Cairns hectic work cycle. Always stopping at Port Douglas on our way home back to Cairns for our special meat pie that was legendary in the area. As the years went on, we noticed changes with more trail bikes who were tearing up the beach when doing burn-outs. Later on, we heard that a new subdivision was opening up called "Camelot" and the spiel was 'come and live in the rainforest', which appealed to us immensely. Upon arrival, we saw the destruction, the rainforest was bulldozed to make way for the estate! That was not quite what was spouted in brochures. We of course refused to purchase land and a home there. As our friend still lives in Cairns, he has told us of the changes to the once pristine wilderness, coaches now go as far as the third beach, roads improved for the tourist trade. It is not now as we once knew it. Do you see the pattern? Once it is opened up to tourism, and areas made to cater for them, it is only then a small step before you have big business muscling their way in to create hotels, motels, etc to cater for the tourist. There goes another pristine wilderness. I am seeing so much destruction with deforestation that there is little left anymore. Ban vehicles on the beach and I

would also include trail bikes too, because in time it will erode the beach and as those with trail bikes will want more of a riding experience, they will not stop at the beach and will start their trail blazing within the rainforest itself. I thank you for reading my email and please think before allowing this to happen. Take the words of someone heading for 70 years old who was there before progress and it is what kept us coming back over and over again.

18 AS A RESIDENT OF MAGNETIC ISLAND I feel obliged to comment on the draft policy. On Magnetic Island vehicles are not permitted on our beaches and yet this happens often. The reasons are varied but from personal observations it appears that many are drivers of small hire vehicles and as often foreign tourists, are ignorant of the law. Others are long term locals who feel they have the right to do this as they and their families 'have been doing it for years'. While I am pleased the proposed policy only extends to quad bikes and comes with restrictions to locals only and a 20km max speed limit is in place, policing of these rules in out of the way locations is another matter. Rangers and police rarely, if ever, manage to prosecute law breakers and the appearance of tyre tracks to non locals will in itself suggest strongly that driving on beaches is permitted. Such signs open a Pandora's box of damaging behaviour and because of the location, people think they can get away with all sorts of other beach environment destroying activity. These can include camping and, with it, polluting through defecation in sensitive environments close to the water where nutrient-rich water promotes algal growth over coral; intrusion into dunes and beach stabilising vegetation as non permitted users will ignore the regulations thinking they will be gone in a day or two so who cares; vehicles then get bogged at low tide and require assistance from locals who do not take kindly to helping people who have acted stupidly; the impact of very annoying quad bikes on other recreational uses such as quiet beach enjoyment, bird watching and fishing. I understand that the very vulnerable beach stone curlew is a resident of this area and as we have just one pair on Magnetic Island, I can only urge the Douglas Council to do all you can to protect these birds. The evidence for vehicle impact on the ecology of crustaceans and other invertebrates that live in beach sand above and below the tide mark is growing. Here is one link to a range of issues related to beach vehicle access in New Zealand [Effects of vehicles.pdf](#). The report has been downloaded and is shown in **Appendix Five**. It details the three key impacts of vehicles on beaches:

1. Physical impacts - direct effect of pressure from wheels driving on vegetation and dunes;
2. Impacts on biodiversity - indirect effects related to loss of vegetation, changes in Microclimate – (localised atmospheric conditions such as wind speed and temperature) loss of and changes to biodiversity; and
3. Social and other impacts - vehicle use that conflicts with non-motorised beach users.

I should add that find it particularly frustrating to point out, usually to fishers, that the very act of driving on the beach to reach a fishing spot helps destroy the food chain that provides the fish they seek. It also ruins the experience of being away from noise and human impacts that a quiet time on the beach so importantly creates. In short, open the beach to quad bikes and you will get much more than you wished for. I would respectfully suggest that the very reason so many Australian and international tourists seek out the experience of beaches such as Wonga is to avoid the noise and intrusion your draft policy seeks to enable.

19 IT IS A RIDICULOUS PROPOSAL that would allow vehicles to damage and destroy the pristine beaches in the Douglas Shire. I am asking for you to seriously reconsider. The potential damage to fragile eco-systems should not be entertained for the sake of appeasing the laziness of some people. People can already access the beach on foot and this (allowing vehicles) will open up a whole new dimension of problems like enforcing speed limits, breath testing drink drivers and the potential for injury to both people and wildlife without even considering the potential destruction of marine habitats and potential increased erosion. In the interest of common sense, please consider leaving the current rules in place.

20 WILD LIFE IS UNDER THREAT all over Australia with Australia having one of the highest extinction rates in the world. Wonga beach is a beautiful beach and to allow 4WD drive vehicles to drive on in not only endangers birdlife but humans as well. Having had a near miss while being on the beach at Frazer Island when a 4WD drive nearly mowed us down while sun bathing I don't believe beaches and vehicles should be together. There is enough access

for people to walk on the beach without having to drive the 4WD drives over bird nests and disturb the wading birds. From a safety perspective for tourists and wild life this is a very bad idea. Not only will you get locals roaring up the beach but if everyone is allowed to use their big 4WD drives on the beach then tourists without much experience will do the same. Will the council cover the damage to dunes and foreshore?

21 IT IS WITH GREAT DISTRESS that it has come to my attention that the Douglas Shire Council would even consider such a policy amendment, encouraging any operation of vehicles for recreational use anywhere in the Northern Eastern beaches, let alone those which provide shorebird feeding habitats near the Daintree river. I remember visiting myself the Noosa beach by car to see the Coloured sands in 1975. I was only a young and naive 18 year old and thought it was harmless as it was an isolated area. How could one car affect this beautiful area. To my shock in 2002 I returned to the same area to see that in fact, it had turned into a beach highway providing access to new developments in isolated areas. My point is this, as a mature adult and one who is very concerned about our environment, I plead with you to not go ahead with such a change in policy. This too will eventually lead to more destruction of our beaches, flora and fauna and even in the short term considerably damage one of the few remaining gems of the north. "If you give an inch, you could take a mile". This would be a shameful decision for the Douglas Shire to support when they are privy to living in such a beautiful place of residence and custodians to this area.

22 IT DISTRESSED US INTENSELY to hear you are considering allowing vehicles access to Wonga beach. We love to share your part of the world with our international visitors as well as for our own holidays. Vehicle access will reduce that attraction and therefore the tourist \$ flowing to your community. Beyond the immediate economics, the impact on local flora & fauna as well as the rubbish that is known to be generated from this type of access is not acceptable. Please have the foresight and courage to decline this access to such a special part of this world and continue your custodianship with dignity.

23 THIRTEEN YEARS AGO we purchased property at Wonga Beach and built a house here. Our primary reason for choosing South Arm Drive was the proximity of a pristine beach without road access. We love this beach and have always enjoyed the peace and tranquillity it offers. We walk to and along the beach most days. Because of the lack of road access, the World Heritage forest, and lack of houses on the foreshore the natural assets of the beach the beach between Vixies Road and the Daintree River mouth is very different to other beaches in the region. It is these very qualities that the council is proposing to compromise. We are devastated that the council is considering a plan to legalise vehicles and thereby encourage traffic on the beach. We would never have established a life here if we knew this would happen to the natural environment on our doorstep and right alongside World Heritage forest too! The Douglas Shire Council should protect our beach from vehicle impacts rather than cave in to public pressure from a minority of Wonga Beach residents. I strongly feel that even if 100% of residents would like to take vehicles onto the beach – the council should disallow this and protect our natural assets for us and future generations. PLEASE consider OUR rights as residents who wish to enjoy the beach in the traditional way. Please try to understand that the presence of vehicles unacceptably intrudes on that experience. Reference is made to report shown in *Appendix Five* – page 93.

Impacts to Residents of South Arm Drive

Our experience of our local beach has become degraded by constant traffic on the beach. The essential qualities we enjoyed on our beach are gone.

Vehicles are noisy and intrusive even when driving at 20km an hour. Beaches are our rightful sanctuaries for walking and quiet contemplation and experiencing the natural environment. We love and care about maintaining the health of the full range of invertebrate and vertebrate life we find on our beach, all of which be negatively affected by vehicles.

Peace, tranquillity, simple patterns on the sand, silence except for the waves, the feeling of being alone is destroyed by walking on a vehicle highway. Why destroy the qualities of the most pristine beach this side of the river?

We were very careful to select a block of land that had no traffic noise from the highway. Now we hear traffic noise – not from the highway but from the beach!

Impacts to Other Species

Beach Stone Curlews have virtually disappeared from our beach and this species appears to no longer attempt to breed here. Gone too therefore is the significant or extra economic potential from National and International ornithological enthusiasts in pursuit of this species in particular. This species is known to be highly susceptible to disturbance and will not tolerate large numbers of people or traffic.

There are very few beaches this side of the Daintree River where Beach Stone Curlews could live and breed because most beaches have too much human activity. Prior to vehicles regularly traversing this beach between Vixies Road and the mouth of the Daintree they were routinely seen here in pairs and nesting behaviour has been observed.

A flock of Red-capped plover frequents this beach, comprising around 12-15 breeding pairs. These birds do still nest on our beach here, but are now unlikely to ever be successful with consistent vehicle traffic. This species has inconspicuous nests (just a shallow depression in the sand) and highly camouflaged eggs, making them vulnerable to being run over by vehicles. The impact of vehicles running over chicks and eggs, and disturbing birds during breeding season is likely to contribute to the overall nest failure rate.

The beach is a complete ecosystem, not just a wasteland of empty sand. We value all the species that live there which form an important part of our ecosystem. Science is becoming increasingly aware of the impacts to all invertebrate species from vehicles driving on beaches. Sand is constantly being compacted by ongoing vehicle traffic, which negatively impacts all the life forms living within the sand. Molluscs and bivalves are crushed by vehicles and worms are less able to feed with greatly impacted sand. Please refer to this link provided – refer to [Appendix Five](#) for copy of report shown following the link.

Proposed Reasons for Allowing Vehicles on Wonga Beach

I wonder if consideration would be given to vehicle access on Four-mile beach if it was what locals there wanted? In that location vehicles would actually make LESS difference to the current beach 'experience' because of sheer numbers of people already on the beach, and the proximity of the roadways and houses. However, such a proposal would likely be considered unacceptable because of the intrusion on the enjoyment and relaxation of so many tourists. We WANT that same beach experience ourselves. Do tourists have more rights than locals? It would seem so. If the same logic is applied the Council allow vehicles on ALL beaches in the Shire since they are considered to have such 'minimal impact' on people's enjoyment of the beach as a natural environment.

In contrast to motorised vehicles we don't have any objection to pushbikes on the beach, as they are quiet and compatible with motor beach use and do not intrude on a natural experience, and do not destroy other life forms as motorised vehicles do.

Most people at Wonga Beach who can afford to own a quad bike are likely to already also own a dinghy (or at least could afford one as they cost less than a quad bike). They CAN therefore go fishing at the end of the beach if they so wish. This particular argument for allowing vehicles on the beach is therefore invalid. However on this point, why should vehicle access be provided to remote places just so people can go fishing without having to walk? Don't we have enough places to go fishing that can be easily accessed? It is quite possible to walk to the end of the beach carrying fishing gear, making this line of reasoning unconvincing. The idea that EVERYWHERE must be accessible to vehicles is the fundamental issue. Shouldn't we be standing firm against that idea? It is highly desirable to maintain less accessible places for those who think it worthwhile to protect other species from ever-increasing human pressure.

Thankfully to date there has been a low volume of rubbish on the northern end of Wonga Beach, and never too much to carry while walking (especially with a backpack), so I dispute that vehicles are needed for this purpose.

What type of community are we encouraging by allowing vehicles on beaches?

Do we really want our children growing up thinking beaches are only good for riding vehicles on? Or do we want them to respect the natural environment and other species and understand that not everywhere is suitable for vehicles, and that we have a responsibility to protect the delicate and often hidden ecosystem of the coastal environment.

Safety on Remote Beaches

Feeling safe walking as a single female requires that nobody can arrive unexpectedly and suddenly. I no longer feel safe to walk to the end of the beach on my own as I am likely to be overtaken by vehicle(s) at any time.

Policing

There has been no outline given to residents as to who will monitor and enforce the council guidelines? Why is this? How will guidelines be enforced and what will the penalties be?

Since people have been using vehicles on the beach illegally it seems unlikely that vehicle owners will happily abide by future council rules, stay under the speed limit etc. unless regularly patrolled. If guidelines are not enforced there is potential for serious ongoing disharmony in the community.

It is a strange logic to reward ongoing lawlessness by changing the law? Does the council also intend changing the law to allow removal of beach vegetation by foreshore residents?

Vehicle users on the beach will likely continue to drive into the vegetated dune area at the estuary end of the beach vegetation (world heritage!) as they have already been doing this without consequence to themselves. Indeed the significant widespread damage to vegetation there is clear evidence of their disregard for the environment. Please refer to the photos at the end of this document. Is there going to be someone at the end of the beach to police this during daylight hours?

Other Considerations for the Future

The future picture of our beach looks bleak. Increasing numbers of locals may buy quad bikes to use on the beach if this practice is legalised. There may be pressure on the council to allow hire/visitor vehicles onto the beach. Has the council set maximum numbers of vehicle licenses? We don't want Wonga Beach to become known as a place where you go to drive on the beach.

When visitors to our area see vehicle tracks they already routinely drive onto the beach thinking this is acceptable.

There are significant numbers of caravan park users travelling with off-road vehicles, and many already drive onto the beach via Pinnacle Village Caravan Park as we have seen. I very much doubt that visitors will resist using their vehicles on the beach when they see locals driving on the beach. What a nightmare of policing this will become!

Alternatively, it will become a nightmare of NON-policing and resultant local friction and anger.

Everywhere on our planet the environment is suffering increased pressure from people and vehicles. There are ever-diminishing purely natural quiet experiences to be found. We can assume that this country's population will continue to increase. This has the potential to increase both the recreational pressure and user conflicts on our beaches.

I always believed that our local council would protect our environment from undue harm, but this plan is not in keeping with preserving our environment or enjoyment of the natural world. Refer: Appendix Five – page 101.

Possible Solutions

The plan does not propose a restriction on WHEN vehicle can be on the beach resulting in NO time we can be on our beach WITHOUT vehicles. Perhaps if the council cannot see a way to uphold our fundamental rights to our enjoyment of the natural environment, it should at least restrict vehicles to one or two days a week (weekends

perhaps). At least this way, residents are entitled to still enjoy the beach in its natural state for most of the time. We can then choose to avoid the days when vehicles are there.

Unfortunately, this option does not overcome the impact that vehicles have on our native birds such as the Beach Stone Curlew and others, and on our invertebrate life within the sand. Beach nesting birds always nest below the astronomical high tide, so they are not protected at all by council guidelines. If the council wants to have any pretence at protecting beach nesting birds, the guidelines should specify no vehicles above 'mean high water' (below which birds do not nest). We would like to point out to the council that it is virtually impossible for vehicle users to identify mean high water and stay below it, without GPS navigation assistance.

The paper in the link below (refer to Appendix Three for paper) has many points of significance and should be considered before legitimising vehicle use on Wonga Beach.



The above satellite photos showing the northern end of Wonga Beach/Daintree River mouth area. The outlined section in yellow indicates the area where the photos below were taken showing vegetation damage and vehicle tracks.

The following photos were taken on 27th September 2018 to document the extensive damage being done by vehicles to the vegetated dune region of the river mouth with numerous well-formed vehicle access tracks to the beach.



24 I WOULD LIKE TO SUBMIT MY OBJECTION to the proposal to allow vehicles into Wonga Beach and other beaches in the Douglas Shire. Apart from being detrimental to shore birds such as whimbrels and beach stone curlews, vehicles crush molluscs and other invertebrates which live under beach sand. They also damage shoreline vegetation which protects beaches from erosion. Please maintain any prohibitions currently in place against vehicles on beaches and further strengthen barriers to prevent illegal access to beaches.

25 I WISH TO EXPRESS MY DISAPPOINTMENT that council is licensing vehicles to access the northern end of Wonga Beach for recreational purposes, for the following reasons: It is commonly known that local licensed fishermen are incensed at the practice of "grey nomads" who frequent Wonga Beach each year who launch their boats from the beach and catch their quota but keep repeatedly going out again and again on the same day and catching much more than what could be considered a sustainable catch. Licensing vehicles condones this exploitation of the local fishing areas. Local fisherman Scrubber Harris could inform council of this practice. While this is more a fisheries department issue, the council should be aware of this practice and give the local licensed fishermen some protection. While there are some young people who use quad bikes on the beach in a respectful manner, it's my experience that quad bike users tend to speed along the foreshore without regard for people on the beach. If there are speed limits in place, these are not enforced and drivers certainly do speed along here. Not only can they intimidate people who use the beach for recreational purposes (walking) this vehicular use is detrimental to the beach foreshore and its inhabitants. vehicular traffic most certainly does interfere with pedestrian traffic. If council allows such traffic and profits from it financially, council should police this traffic. At any time you can see a multitude of tracks along the beach between the low and high tide marks. I used to see a lot of eagles and other sea birds, beach curlews etc but these sightings are becoming rarer due to the increased traffic along the beach. Beach curlews are shy birds and the noise would scare them away. The tyres would also crush little crabs. I am highly surprised that a council that considers itself "green" allows such a practice to continue, unchecked. Children have to have some outlet but I don't believe that this is an option. I have seen quad bikes driving between the northern and southern ends of Wonga Beach; both ends of the beach are used by recreational drivers. Of most concern is the deliberate destruction of the foreshore, especially at the entrance to one property on the northern end of the beach, beyond the park area. I have taken photos of this vandalism that has been going on for years, apparently condoned by council. The people who have done this should be made to restore the land to its original status. Not only have natives been cut down but coconuts as well, a huge swathe that is large enough for a truck to drive through has been carved through pristine foreshore vegetation. This is just not acceptable. When representatives from the Department of Environment and Science were at the local markets on the 22nd September, I communicated how the beach foreshore has been degraded by locals, with respect to quad bike users, especially in one very obvious location. They commented that other people had alluded to this as well. I believe that not only should this area be replanted with appropriate natives, it should be fenced off to allow regrowth and to prevent these people from continuing to degrade this area. Access should only be via the designated area, at the northern car park area. Any vehicle user who deliberately degrades the foreshore should be prosecuted. It is not rocket science to see who has done and is doing this. Residents of Wonga Beach are fully aware that young quad bike drivers drive their bikes to the beach along the local roads. I have never in the past 26 years that we have lived in this area, seen a quad bike being towed to the beach by trailer or dropped off by a ute. It is obvious that young quad bike users (some as young as seven years old) are accessing the beach illegally and this practice should be stopped as it is dangerous. Can I suggest that any licence granted by council makes it mandatory that the owner must also have either a registered ute or trailer to accompany the quad bike? Alternatively, council officers should police this practice. I agree that beach access should be given to people who do clean-up activities and this includes one Wonga Beach based family whose children ride a quad bike along the beach regularly to pick up litter. Such actions could also be rewarded by council. While I realise that young people need something to do when they are bored, terrorising the local wildlife and pedestrians along the beach are not options. I've read letters of complaint as well as reported incidents of quad bike drivers abusing pedestrians, recorded in the local paper. I've seen just how fast these bikes are driven, not only by young people but also by middle aged people as well, some holding beer stubbies as they drive along. This is not safe and I don't understand why beautiful Wonga Beach is being singled out as the sacrificial lamb. Other people like to use this beach for recreational purposes, such as bird watching, but bird watching here is quickly becoming a thing of the past, with the birds retreating to quieter beaches.

26 I HAVE LIVED IN THE DOUGLAS SHIRE for 30 years and during this time I have been an avid beach walker. The beach front dunal systems have taken a battering as our population has grown and erosion has eaten away at the vegetation. I believe that all vehicles from motorbikes to quad bikes to 4WD need to be banned from all beaches in the Shire to protect the vegetation and dunal system. It is not possible to monitor their use and as shown at Newell beach riders drive over vegetation carelessly with no regard to the environment or the noise pollution that they create. Driving on beaches belongs to the past when there was a lot less beach users and erosion was not the issue that it now is. We need to act now and protect our beaches for future generations. All of the beaches in the Douglas Shire need individual Beach plans that with community consultation will address the individual issues that relate to each beach.

27 AS REGULAR VISITORS TO WONGA BEACH WE ARE ALARMED to learn that the Council is considering formalising vehicle access to the northern section of the beach. Our most recent visit to the beach was disturbed by a quad bike, with driver and child passenger, bowling along the beach and obliging us to step aside on our afternoon walk. Our 'peaceful enjoyment' of the environment was lost. A place for peaceful recreational activities We firmly believe the proposed motorised recreational activity is inappropriate for this area of beach and incompatible with the peaceful recreational activities enjoyed by many residents and visitors such as ourselves over the years. These special northern beaches are for walking, relaxing and enjoyment of wildlife, not for driving (unless for a specific management purpose). Those who wish to fish can access the beach by existing roads, by boat or on foot. Nesting seabirds For us, the attraction of Wonga Beach is its relatively wild and unspoilt nature, with the opportunity to enjoy the sounds and views of the seascape free of disturbance. When walking with local residents on the beach we have been privileged to see red-capped plovers which have regularly nested here. Their well camouflaged eggs, laid in shallow sand depressions, are hard to detect by walkers, and would be readily disturbed by passing vehicles, as would any surviving chick. We even recall the occasional encounter with beach stone curlews ('beach thick-knees') nesting high on the beach but it seems that the vehicles have already made this a thing of the past. Beaches are not the place for vehicular traffic. A home for sand-dwellers We love the signs of life on the ebbing tide - of burrowing crabs, sand-dwelling pipis and sea snails, tube worms and sand dollars - small but significant invertebrates will be crushed and their sandy home compacted by repeated passes of 4WD tyres. Damage to delicate dunes Coastal sand dunes such as those in the northern section of the beach, south of the Daintree River mouth, are notoriously sensitive to vehicle damage. Specialised vegetation plays a key role in stabilising the fragile environment. Unregulated vehicle traffic in the area has already disturbed the vegetation and has produced a series of unconsolidated tracks to the beach. The Daintree dunes, already under pressure, will lose resilience to more extreme weather and predicted sea level rise. Enforcing the rules: who will administer and enforce the proposed rules? It appears Council is under pressure from a minority group of local residents who want to play on the beach in their quad bikes and 4WDs. Does Council plan to limit the number of approvals issued per household of Wonga Beach residents? Are we to expect regular beach patrols, particularly on weekends, checking licences and vehicles on the beach? How, and by whom, will the dune access be prevented at the far end of the beach - by a beach patrol quad bike? We are not convinced that the proposed permitted activity can be adequately policed and controlled before it gets out of control. We are not aware of other beaches where vehicle access is permitted in this area and are fearful that, when word gets out that this is the place to do it, it will attract unlicensed drivers to the spot (i.e. non-residents of Wonga Beach) and any hope of peaceful enjoyment and wildlife watching at this beautiful spot will be totally lost to the many Wonga Beach residents who oppose the activity, and to visitors like ourselves who come because we love it and because we care.

28 I HAVE READ THE DRAFT POLICY for vehicles on beaches, and have a couple of general comments. The negative environmental impact of vehicles on beaches is well known and includes the potential for impact to wildlife such as collisions with wildlife, destroyed nesting sites, disruption to feeding, breeding etc., and to the landscape such as increased erosion, damage to coastal vegetation. Specifically, to the proposed area Wonga beach, a number of birds have been identified to be potentially impacted such as the red-capped plover. Any impacts are likely more intense given that the beach is an environmentally sensitive area adjoining the Wet Tropics World Heritage area and near the Great Barrier Reef. Further, the beach is already driven on illegally and a move to legalise vehicles is likely to lead to more traffic and misuse. Government resources are often stretched to police this unfortunately. From the social perspective I understand the desire to drive on beaches, and believe that some beaches are suitable for this

activity. I have lived in Western Australia where driving on beaches is common, opening areas up to recreational fishing, and other leisure activities. As a non-driver on these beaches I felt that the vehicles dominated the area, and I did not feel safe as a pedestrian, and enjoyment of the beach and aesthetics were severely affected. My experience made me appreciate the tight regulations around vehicles on beaches in North Queensland, which has led me to comment on this draft policy, and voice my opinion. Based on the information provided to me and previous visits to the Douglas Shire and my background as an environmental scientist, vehicles on the beaches in the Douglas Shire, specifically Wonga beach in this case, would have a greater negative impact on the natural values of the area than the positive impacts to leisure. Vehicles on Wonga beach should not be permitted.

29 DSC HAS A MORAL & LEGAL OBLIGATION to protect the natural environment. Vehicle access to public areas on Wonga Beach violates this principal. In an era of global warming, sand dunes and their cover become a vital first defence against wind and wave erosion and sea level rises and must not be damaged. Public safety is paramount. Use of ATVs and normal community use are incompatible. Expensive, complex and time-consuming compliance regime will need to be implemented to protect from charges of negligence and there are higher priority district wide uses for scarce resources. Attachments provided – refer [Appendix Four](#).

30 I CANNOT AGREE with the policy change and believe DSC should maintain its full restriction on the use of vehicles on the beach. Vehicles on the beach interfere with the peaceful enjoyment of the beach. There is no real need to allow the use of recreational vehicles on the beach other than to launch their boats with access directly across the beach, perpendicular to the shore line. Vehicles and their tracks on the beach spoil the tropical ambience we value so highly (reflected in property prices). Children require activities to provide them with exercise. Sitting on a bike on the beach does not do this. Access to the beach by quads would benefit only a few. Having some permitted vehicles may encourage others to pretend they have a permit. This may lead to increased unpermitted use and an increase in community disharmony. Kids benefit from walking to remote fishing spots. These pose challenges and offer rewards to motivated individuals. This is removed when someone flashes past on a vehicle. Insurance? I can't see how DSC can sign off on unregistered/uninsured vehicles on the beach. Who pays in the event of an accident? There are far too many vehicles on the beach at present. I would like the current policy enforced.

31 AS RESIDENTS/RATEPAYERS OF MORE THAN 17 YEARS, we have researched current & historic facts & have made an informed assessment of the proposed policy with a practical & common sense approach. The following points of issue outline the reasons why we amongst the majority of ratepayers are against any vehicle access to Wonga Beach, or any beach in the Douglas Shire:

The draft Policy discriminates against the people of Wonga Beach. All beaches in the Shire could be treated equally. Failure to do so is discriminatory and may at some time be challenged.

From a business management perspective, the draft policy is neither manageable, financially viable to administer, nor do ratepayers of the shire expect to support funding toward a “minority wish” at Wonga Beach.

The illegal beach activity usually takes place outside normal office hours and then on the weekends and public holidays. DSC cannot possibly policy/manage this policy. There are no Local Laws Officers on duty during these hours. Vehicles can be heard on Wonga Beach/foreshore/roads anytime of the day/night, high or low tides... If on a high tide, then we know that foreshore habitat is being driven over & destroyed. On a full moon & low tide quads & motorbikes are heard throughout the night! The noise & smell in these hours does in no way allow for “quiet enjoyment”.

The draft policy allows & opens up the possibility of civil action, to litigation, criminal negligence and a plethora of legalities consistent with accidents & non-compliance. We do not want our rates to be place at risk nor the destruction of the Wonga Beach foreshore for a minority of law breakers, some not even residents.

There are other options for ATVs and motorbikes in the region. The DSC would be well advised to seek out more favourable options as financially viable & manageable which this draft policy is NOT. Please see comments and supporting documentation on following pages.

SUBMISSION TO: DOUGLAS SHIRE COUNCIL
SUBJECT: VEHICLES ON WONGA BEACH DRAFT POLICY 5.2
DATE: SEPTEMBER 2018
LODGED BY: JEFF & CAROL FLEMING
9 BARKA CLOSE

Name and address removed.

Signature:

5.2. VEHICLES ON BEACHES GENERAL POLICY

REPORT AUTHOR(S) Sara Roberts, Team Leader - Local Laws

GENERAL MANAGER Michael Kriedemann, Acting General Manager Operations
DEPARTMENT Sustainable Communities

RECOMMENDATION:

That Council resolves:

1. To endorse the draft Vehicles on Beaches General Policy for public consultation; and
2. To delegate authority, in accordance with section 257 of the *Local Government Act 2009*, to the Chief Executive Officer to undertake community consultation on the approved draft policy, including notifying the Department of Environment and Science of the draft policy and requesting feedback.

EXECUTIVE SUMMARY

Council's Local Law No. 1 (Administration) provides an approval process for Prescribed Activities. Subordinate Local Law No. 1 (Administration), Schedule 25 – Bringing or driving motor vehicles onto local government controlled areas provides the approval process.

This draft Council General Policy will make clear all circumstances and requirements for approval.

BACKGROUND

The current local laws and Schedule 25 were gazetted in 2011 when the Douglas Shire was amalgamated with Cairns Regional Council. Council staff have in the past provided limited approvals for the use of motor vehicles on Council controlled areas for circumstances such as disabled access and event set up and pack down.

The use of quad bikes on Wonga Beach has been a popular recreational pursuit for many years, including a period prior to the commencement of the new Douglas Shire. A public meeting was held at Wonga Beach on 1 December 2015 and one of the outcomes of that meeting was that the community identified a need to resolve the management of quad bikes on the beach.

The above statement is not altogether correct. As a resident of Wonga Beach for the past 17 yrs I report that it was not a "popular recreational pursuit" because the Local Law forbade recreational vehicles on the foreshore. It was illegal. It was an offence. Punishable with \$2000 fines. There was community compliance. See appendix 1.

Prior to the meeting in 2015 quad/motor bikes on Wonga Beach were a rarity. Seldom seen or heard & never in southern Wonga (Marlin Drive vicinity) However after the meeting in 2015 when the meeting was told by the DSC representative & Police that although it was against local laws, they would "turn a blind eye" to this activity sighting "too hard to control" After that meeting there was an explosion of unregistered recreational vehicles bought specifically because there were no consequences & ridden predominately by speeding, unlicensed, unregistered, illegal riders some juveniles as young as 10 & 12 years old. The beach became a highway for quads & motorbikes & remains that way today - September 2018. See supporting images.

The management of the quad bike activities must be balanced with the potential environmental impacts and the enjoyment of the beach for all users. The proposed policy seeks to achieve this.

It is not possible to 'balance' quad bikes with the Wonga Beach foreshore or any beach/foreshore in the DSC. This policy cannot achieve what it wishes to seek & is therefore flawed. The pursuit of such a flawed draft policy is a waste of ratepayer's monies. Quad bikes by their very nature are environmentally destructive. They are not compatible with other beach users and especially destructive to the dunes, all flora & fauna, importantly the bird life of Wonga and any beach in the DSC. The Wonga Beach bird life has been decimated. Quad & motorbikes have destroyed their habitat – the length of Wonga Beach from Rocky Point to the Daintree River mouth has been destroyed. See supporting images.

See Appendix 2 pages 1 & 2 Dune Conservation: Coast Care. Caring for our Dunes DSC Appendix 3 Pages 1 & 2

As a participant in the annual National Bird Count: The 'Aussie Backyard Bird Count' administered through Bird Life Australia, I report that over the past 3 years the rapid destruction of the foreshore by quads & motorbikes has decimated the numbers of shorebirds, waders, skimmers, gulls, terns, Osprey, Brahminy Kites & many migratory birds.

Appendix 4 pages 1, 2 & 3.

So much so that at the last count 2017 several species were not sighted & some - only 1 or 2 birds recorded - where once there were dozens. I refer to the Beach Stone Curlew

Appendix 5 pages 1 & 2 and the Eastern Curlew. Please note 'What can you do to help this species' Appendix 6 pages 1 & 2 & 3

Quads & motorbikes & their riders are pollutants by noise, smell & physical destruction & are directly responsible for the demise of the birdlife at Wonga Beach.

For the DSC to tout: sustainability & environmental awareness! Sustainability & awareness for the environment, does not flow through with this draft policy especially when Wonga Beach abuts the World Heritage, globally recognised Daintree River & Rainforest!

COMMENT

Public consultation for the proposed policy will allow the whole community and any interested parties to provide a submission on the subject. This process will better inform Council as to the wishes and wants of the community and guide staff in an assessment process. It is also believed that this process will assist Council in developing operational procedures regarding the future management of foreshore areas, particularly Wonga Beach.

The community (majority of Wonga Beach residents) have already informed the Council of their wishes over the past 3 years. After the infamous meeting. There has been a consistent flow of objection: verbally/written & by demonstration to Councillors walked down the beach to view the destruction. Their objections to allow vehicles on Wonga Beach have been voiced loud & clear however only after two beach pedestrian residents were verbally & physically attacked by ATV & Motor Bike riders in separate incidences did the Police start patrols. These patrols lasted 1 month. Again both DSC & Police are turning a blind eye.

A poll held in the Cairns Post Nov 2015 showed 78% VOTED NO to 'Should vehicles be allowed on beaches south of the Daintree' Yet the DSC have continued to procrastinate with its agenda of delay, delay, and delay over these past 3 years. All the while Wonga Beach was being destroyed.

Appendix 7.

By its own admission & according to Mr Paul Hoyer: The DSC will have limited ability to administer & particularly manage the vehicles on the beach, based upon the remoteness of Wonga Beach and its extensive length.

See comments from Mr Hoyer DSC in reply to letter from Paul Carlson Acting Deputy Director General Local Government and Regional Services Quote: Paul Hoyer: "Wonga Beach, the remoteness of the beach & its extensive length limits the Councils ability to enforce local laws there". Appendix 8 pages 1 & 2

It must also be noted that at the Ordinary Council Meeting – 28 August 2018 Councillor David Carey made comment to the effect: that he too recognised that the draft policy for vehicles on the beach would be difficult for DSC to administer/manage

PROPOSAL

That Council resolves to:

1. approve the draft Vehicles on Beaches General Policy;
2. delegates authority to the Chief Executive Officer to undertake community consultation on the approved draft policy; and
3. Notify the Department of Environment and Science of the draft policy and request comments.

We do not believe that the Council has given sufficient consideration to all aspects nor levels of this draft policy to be able to 'approve' the above PROPOSAL

The consultation process will be open for 28 days and will run concurrently with the community consultation for the draft local laws.

FINANCIAL/RESOURCE IMPLICATIONS

Conducting public consultation on this policy concurrently with the local laws ensures that no additional resources are required. This will allow the community to consider the policy as an ancillary item to the draft local laws.

RISK MANAGEMENT IMPLICATIONS

The draft policy provides a clear mandate for staff and the community of the mechanisms for assessment of applications.

SUSTAINABILITY IMPLICATIONS

- Economic:** The draft policy makes clear that any approval for the use of vehicles on public land is ancillary to any other approval granted by a local law or a development approval. This eliminates "red tape" by reducing the need for an additional approval. Whilst it may be 'ancillary' it remains an uneconomic exercise to administer & manage & will create more "red tape"
- Environmental:** The draft policy provides specific conditions to help manage the use of vehicles on public land, thereby minimising the environmental impacts of the activity. Not possible: The draft policy cannot control/manage/ nor minimise the environmental destruction of vehicles on the beach/foreshore. The cost to administer/manage this policy is flawed. Further, the use of small vehicles has become a popular mechanism for use by environmental groups to assist in the collection and removal of rubbish in public areas. At all the beach clean ups I have been involved with over the past decade in the DSC, no vehicles have been used on the beach. Tangaroa Blue are responsible users & would not destroy beach foreshore habitat!
- Social:** The use of vehicles on public land has proven to be an emotive issue with varying points of view being expressed by residents and special interest groups. Given the increasing popularity of the activity as a recreational pursuit, the draft policy provides a balanced solution. The majority of residents/ratepayers wish that Wonga Beach, the foreshore & public lands be available to all peoples & that the environment be preserved owing to the delicate 'balance' of flora & fauna unique to this area and NOT the minority of ATV & Motorbikes users who have decimated the beach/foreshore & destroyed the habitat of the flora & fauna. See attached images.

CORPORATE/OPERATIONAL PLAN, POLICY REFERENCE

This report has been prepared in accordance with the following:

Corporate Plan 2014-2019 Initiatives:

Theme 4 - Engage, Plan, Partner

4.1.2 - Undertake community engagement activities that are clearly identified and are appropriate in relation to the project.

COUNCIL'S ROLE

Council can play a number of different roles in certain circumstances and it is important to be clear about which role is appropriate for a specific purpose or circumstance. The implementation of actions will be a collective effort and Council's involvement will vary from information only through to full responsibility for delivery.

The following areas outline where Council has a clear responsibility to act:

Regulator Meeting the responsibilities associated with regulating activities through legislation or local law.

CONSULTATION

Internal: Council's Open Spaces team

External: National Parks and Wildlife Service

COMMUNITY ENGAGEMENT

Public consultation of the draft policy will be through notices being placed in the Port Douglas and Mossman Gazette and on Council's website and Facebook page inviting interested parties to make a written submission. Additionally, residents of Wonga Beach will receive a letter inviting them to make a submission.

ATTACHMENTS

1. Draft Vehicles on Beaches General Policy [5.2.1]



VEHICLES ON BEACHES GENERAL POLICY

Intent

- To outline the circumstances in which it may be necessary or reasonable to issue an approval under Subordinate Local Law 1 (Administration) for the bringing or driving of motor vehicles onto beaches or beach related areas.
- To preserve a high standard of safety and enjoyment of persons using beaches in the Douglas Shire.

Scope

This policy is applicable to all beaches and beach related areas within the Douglas Shire. 1

Reference

Local Law No. 1 (Administration) 2011

Subordinate Local Law No. 1 – Schedule 26

Provisions

- Douglas Shire Council recognises that the driving of vehicles on beaches is a popular activity (It is NOT a "popular activity" A minority of unlicensed, unregistered, underage persons, speedsters who have/continue to destroy the beach/foreshore) for people wanting to conduct activities such as beach clean ups, (never in 17 years have we observed a vehicle on Wonga Beach conducting a "beach clean-up" let alone any of the current ATV/Motorbike perpetrators who could not pick up anything when travelling at speeds of 40/50 kph & more) launch boats (there are responsible boat owners who launch their boats at designated ramps) and access remote fishing areas. (the fishers of yesteryear did not treat the beach & foreshore with disrespect, they appreciated the environmental impact their vehicles had & were mindful – unlike the vandalism that is perpetrated today with the area from Giblin to the Daintree River Mouth being used as a 'race track' & dumping ground)
- Douglas Shire Council is committed to ensuring that resources are sustainably managed so that the lifestyle of the community and the environment are preserved. The DSC commitment is not sustainable nor common sense.
- Motor vehicle use on beaches or beach related areas should not interfere with pedestrian traffic, the conduct of business, the peaceful enjoyment of private property or contribute to a lack of safety. The above statement is contradictory. There can be NO compatibility of: Vehicles on the beach AND pedestrians and peaceful enjoyment of private property or safety! Not practical.

Definitions

Vehicle: As defined in the Transport Operations (Road Use Management – Vehicle Standards and Safety) Regulation 2010

Obtaining an Approval

Application for an approval consistent with the provisions of this policy and under *Subordinate Local Law 1, Schedule 25 – Bringing or driving motor vehicles onto local government controlled areas* must be made on the approved form, and be accompanied by payment of the required fee. Application for an approval will only be accepted in person and each applicant may only apply for a permit for himself/herself.

Criteria for assessing an application, may include, but not be limited to:

Special Approval

- An approval may be issued to the holder of a Disabled Parking Permit.
- Only the vehicle nominated on the approval is to be driven on the beach. A full description of the vehicle, including a colour photograph, must be submitted for approval.

-
- Details of the owner of the vehicle are to be provided as part of the application, if the holder of the Disabled Parking Permit is a passenger in the vehicle.

Financially unviable to administer

Event or Other Approval

- Approvals will be considered as ancillary to any other approval that may be considered under Local Law or other legislation e.g. Iron Man, Great Barrier Reef Marathon. No further approval will be required.
- This includes, but may not be limited to, beach clean-up activities conducted by an approved entity e.g. Tangaroa Blue

Emergency Services, Douglas Shire Council or contractors conducting works on behalf of Council

- Emergency service vehicles, Douglas Shire Council vehicles or equipment, or contractor vehicles or equipment working on behalf of Council will not require an additional approval.

Limited Recreational Use – Wonga Beach

- Limited recreational use will only be permitted on the area of beach north of the Giblin Street access at Wonga Beach.
- Only residents of Wonga Beach will be eligible for an approval. Proof must be provided by producing a provisional or full driver's licence with the applicant's current residential address clearly visible.
- Only the vehicle nominated on the approval is to be driven on the beach. A full description of the vehicle, including a colour photograph, must be submitted for approval.
- Two (2) wheeled vehicles such as trail bikes, will not be considered for approval.
- A Certificate of Currency for Public Liability Insurance, noting Douglas Shire Council as an interested party, and showing an indemnity value of \$20,000,000.00 must be supplied to Council, unless the vehicle holds a current certificate of registration.

Conditions

- The vehicle is not to be driven above the high tide mark, except when travelling to and from the beach.
- Under no circumstances is the vehicle to be driven on or over frontal dunes or foreshore areas not designated as access points.
- Vehicles must not be driven by persons under the influence of intoxicating liquor or drugs. The QLD Police Service will be notified where an authorised officer reasonably believes this is occurring.
- Vehicles are to be driven only in the area specified on the approval.
- The maximum speed limit at any time is 20kph.
- Only the vehicle nominated on the approval is to be driven on the beach.
- Vehicles must give way at all times to pedestrians and wildlife.
- Approval holders will be issued an approval identification sticker which must be visible on the vehicle at all times.

-
- Approval holders must only access the beach at the designated access points. Vehicles that cannot be registered and legally driven on a road must be transported by utility or trailer to the designated access point.
 - Approval holders operating quad bikes or side-by-side vehicles must wear an approved motorbike helmet and not carry a passenger unless on a seat designated for that purpose.
 - Approval holders must at all times carry their drivers licence when conducting the activity and provide to an authorised officer, on request.

This policy is to remain in force until otherwise determined by Council.

With all due respect: Irrespective of: definitions & approvals, all of the above and any other conditions the DSC need to apply to this draft policy ... It cannot be managed, administered or policed to an acceptable level. Over the past few months with regular Police patrols & a community awareness to enforce the already in place Local Laws - No vehicles on the beach/foreshore – the ATVS & Motorbike have continued. Local Laws Officers work 9 – 5 pm Mondays to Fridays. No weekends & No public holidays. ATVs & Motor bikes race up & down the beach at any time, mainly after 4 pm, all day Saturday & Sundays & throughout Public & School holidays.

Supporting documentation 1, 2, 3 and Images.

On behalf of the law abiding Wonga Beach Community: We REVOKE the draft proposal to allow Vehicles on Wonga Beach

Appendix Four

From: BirdLife Australia <info@nc.birdlife.org.au>
Sent: Saturday, 22 September 2018 8:23 AM
To: [REDACTED]
Subject: Save the date — Aussie Backyard Bird Count

Can't view this email? Click [here](#) to open it in a web browser



birds are in our nature

AUSSIE BACKYARD BIRD COUNT – 22-28 OCTOBER 2018

Save the date — the [Aussie Backyard Bird Count](#) is back from 22-28 October 2018.

The #AussieBirdCount is a great way to connect with the birds in your backyard, no matter where your backyard might be — a suburban backyard, a local park, a patch of forest, a farm, down by the beach, or the main street of town.

To take part all you need is 20 minutes and your favourite outdoor space. Not only will you be contributing to BirdLife Australia's knowledge of Aussie birds, but there are also some [great prizes](#) on offer. Head to the website and register as a Counter today!

REGISTER NOW

If you've taken part before and are registered for this year why not introduce someone else to the wonderful world of birding through this easy, fun, all-ages event? And if you're a teacher, check out our Bird Count curriculum-based [lesson plans](#) to get your students (or the whole school!) involved.

If you have questions about the Aussie Backyard Bird Count, please head to our [FAQ page](#), where you'll find more information about registering, participating, and troubleshooting.

29 days to go — and counting!



Supporting Documents

From:
Sent:
To:
Subject:

From: V
Sent: M
To: Gar
Subject: Re Draft Policy for Vehicles on Beaches

Vehicles should never be allowed on Douglas beaches (with the exception of emergency vehicles). Council never asked residents if vehicles were or not wanted before embarking on this path. It is wrong on every level, illegal under DSC, State, Federal and Environmental law.

If Council pursues this then several stipulations need to be made:

The beach between high and low tide from Giblin to Daintree river mouth must be declared a road so that Police can patrol and enforce State law. Council has previously shown an unwillingness to enforce any law under their jurisdiction.

Permitted vehicles must be road registered, clearly displaying registration plates. Quad bikes etc can be road registered. Every other jurisdiction that permits vehicles on beaches has this as the prime requisite even if the beach is not a declared roadway. Registration ensures roadworthiness and CTP. Additional insurance is also needed to indemnify ratepayers for environmental damage, bodily injury, salvage etc.

Permitted vehicles must display a permit sticker to both sides of vehicle.

Permit holders will be issued with photo ID similar to ferry pass.

Permitted vehicles must display a flag on an aerial as applies to vehicles using public roadways in the Simpson Desert etc. This aids identifying non complying vehicles from a distance.

The fee for a permit must adequately cover the cost of administrating the permit system. \$100per month is not unreasonable when compared to Desert Parks Pass etc

Newell Beach, Cooya and Port must be allocated a beach for vehicle access. Failure to do so is discriminatory and will at some time be challenged.

Just one access point must be allocated and enforced. Giblin Street is suitable.

All other access points and potential access points must be blocked. Private roads must be blocked and monitored. This is the only way to control vehicles.

Motion activated cameras must be used to determine the number of vehicles with/without a permit, ammount of trespass south of Giblin and adherence to road rules etc.

Speed should be limited to walking pace only.

Council must employ rangers to monitor vehicle movement to ensure it is within the tide zone and does not impact shorebirds, wildlife, flora, dune structure and pedestrian safety.

A Consultative Committee must be established to act as interface between all interested parties. The committee should meet regularly and review the impact of vehicles, compliance etc.

If there is continued non-compliance with the rules, the Committee can recomend that all permits be cancelled and vehicles banned completely. This is incentive for complying vehicles to ensure that others are also complying.

Sent from Samsung tablet

1



Supporting
Doc.

Thank you for your correspondence to the Office of the Honourable Stirling Hinchliffe MP, Minister for Local Government, Minister for Racing and Minister for Multicultural Affairs.

Please be assured that the contents of your email are receiving attention and a response, should it be required, will be provided as soon as possible.

Again, thank you for taking the time to contact the Minister for Local Government, Minister for Racing and Minister for Multicultural Affairs.

Office of the Honourable Stirling Hinchliffe MP

Minister for Local Government, Minister for Racing
and Minister for Multicultural Affairs

P 07 3719 7560 E lgrma@ministerial.qld.gov.au

1 William Street Brisbane QLD 4000

PO Box 15009 City East QLD 4002

From: Sandgate Electorate Office [mailto:Sandgate@parliament.qld.gov.au]

Sent: Tuesday, 3 July 2018 4:09 PM



Cc: Minister for Local Government, Racing & Multicultural Affairs <LGRMA@ministerial.qld.gov.au>

Subject: RE: [SPAM ?] FW: DOUGLAS SHIRE COUNCILS "FAILURE TO ACT" WORLD HERITAGE DANGER

Good afternoon

Please be advised your email, received at the Electorate Office, has been forwarded to the Ministerial Office.

The email address for the Ministerial Office is above, should you wish to make further contact.

Regards
Avalon

Avalon MacKellar
Electorate Officer
Hon. Stirling Hinchliffe MP



Minister for Local Government, Minister for Racing
and Minister for Multicultural Affairs

P: 07 3639 9100

E: sandgate@parliament.qld.gov.au

Twitter: @StirHinchliffe

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Facebook: /stirlingforsandgate

Shop 3, Fifth Avenue, Sandgate, Qld 4017

Hon Stirling Hinchliffe

Minister for Local Government, Minister for Racing and Minister for Multicultural Affairs

Phone: (07) 3639 9100

Email: lgma@ministerial.qld.gov.au

DOUGLAS SHIRE COUNCILS 'FAILURE TO ACT' TO SAVE WONGA BEACH
THE BEACH THAT MEETS THE ICONIC WORLD HERITAGE DAINTREE RIVER

To the Hon Stirling Hinchliffe

Dear Sir,

As our Minister for Local Government, Minister for Racing and Minister for Multicultural Affairs we are seeking your support in assisting the residents of Wonga Beach to STOP the DESTRUCTION & ultimate DEMISE of our iconic wild habitat that is Wonga beach. This is the beach that meets the World Heritage Daintree River. Unmanaged by the Douglas Shire Council, recreational vehicles have been allowed to decimate habitat leading to the beach, the foreshore, the dunes, the littoral forest, native trees – the whole habitat right up to the Daintree River mouth. Gone are all the birds & animals that once made Wonga Beach their home, Gone are the soaring eagles, the nesters, waders & migratory birds. Gone are the Goannas & other animal life from the foreshore. The constant noise & smell from the onslaught of unregistered, unlicensed ATV & MOTORBIKE riders has decimated the habitat.

Enough is enough. We need help please.

The Douglas Shires 'Failure to Act' has allowed a 'highway to hell' to the Daintree River & bought the Wonga Beach foreshores & habitat to its knees.

Mr Hinchliffe – can you help us please?

.....

The letter below to the Douglas Shire Mayor & Councillors was sent Tuesday June 5th 2018. As at this date, July 3rd 2018 - a month later... I am yet to receive acknowledgement. No reply from the Mayor nor any of the Councillors to this matter of utmost importance.

From: [REDACTED]
Sent: Tuesday, 5 June 2018 5:16 PM
To: 'julia.Leu@douglas.qld.gov.au' <julia.Leu@douglas.qld.gov.au>; 'david.Carey@douglas.qld.gov.au' <david.Carey@douglas.qld.gov.au>; 'michael.kerr@douglas.qld.gov.au' <michael.kerr@douglas.qld.gov.au>; 'abigail.noli@douglas.gov.au' <abigail.noli@douglas.gov.au>; 'roy.zammataro@douglas.qld.gov.au' <roy.zammataro@douglas.qld.gov.au>
Cc: [REDACTED]
Subject: FW: DECIMATION, DESTRUCTION & DEMISE OF WONGA BEACH

Good Afternoon Julia & Douglas Shire Councillors,

Please find attached my statement to the Mossman Police & supporting images in regard to the ongoing destruction & demise of the once pristine Wonga Beach foreshore & habitat.

DOUGLAS SHIRES "failure to Act" by your continued support in allowing motorised, unregistered, unlicensed vehicles & riders to destroy: the foreshore, the habitat & the 'quiet enjoyment' that all residents in a community are entitled to ... is no longer acceptable.

Please note my letter to Shane Nichols, Editor of the Gazette & my visit to the Mossman Police. I am also in contact with Leanne Enoch MP. Minister for Environment and the Great Barrier Reef, Minister for Science and Minister for the Arts. I will inform the Minister of the outcome.

Enough is Enough. We ask that you as our Local Council "act" to put a stop to the current situation which is unmanaged & totally out of control.

If you can manage Four Mile, Oak, Cooya & Newell Beaches then you can manage Wonga Beach.

Today Tuesday June 5th – ATVS & MOTORBIKES have been on the beach from mid-morning & even as I write I can hear/smell these vehicles up & down, up & down, up & down.
No longer acceptable.

Yours sincerely

LETTERS OF SUPPORT:

We ascertain that 85+% of the community are seeking support to remedy this madness resulting from the DOUGLAS SHIRE COUNCILS "FAILURE TO ACT". Please stop the destruction & demise of the beach that fronts the mighty World Heritage Daintree River - WONGA BEACH

Example support Letters from the community:

Letter to the Editor.

Dear Shane

I am surprised that the Douglas Shire Council can state that ATVs and motorcycles are allowed on Wonga Beach foreshore and reserve. With encouragement from the Council, as suggested in the Gazette, I have researched Local Law and come to the firm conclusion they are not. Rather all vehicles are strictly prohibited. I believe this is correct.

There has been no change since the Cairns Regional Council, using the same Local Law, banned all vehicles on Wonga Beach Council controlled areas. This ban is consistent with that enforced on all other beaches in the Shire. Both the Wonga Beach foreshore and reserve are listed in the register of Local Government controlled areas and thus subject to Local Law. This law states that "use of a vehicle except where indicated" is prohibited. The only indications on Wonga Beach are blunt Council signs stating the opposite. "No Vehicles On Foreshore" and for the reserve "No Unauthorised Vehicles Past This Point".

This local law is reinforced by section 11A of the Summary Offences Act which states "a person must not drive a motorbike (or a 4wheeled motorbike) on public land in contravention of a Local Law."

Local Law also prohibits damage or interference with native wildlife or vegetation on all local government controlled areas. ATV's and motorcycles are, by their nature, at variance with this stipulation and on this basis alone must be banned. This is proven by the destruction in many places of the Wonga Beach native foreshore forest and the almost complete disappearance of most wildlife, sadly some rare birds, since ATV's and motorcycles were "permitted" on the Wonga Beach reserve and foreshore. It is unlikely the Douglas Shire Council will ever be in the running as the world's leading sustainable tropical shire while such wanton environmental damage is allowed.

State legislation dealing with public places emphasises that these are places for people to use, pass through and enjoy without interference, or likely interference, by the behaviour of others. ATV's and motorcycles are incapable, again by their nature, of meeting this test even if used in a "safe and respectful" way by the Council adopting "more restrictive measures." On the Wonga Beach foreshore and reserve vehicles are an unacceptable public nuisance.

The law can frequently be accused of being an ass. However a civil society requires that laws are obeyed by all including those charged with their compliance. The opposite is chaos as so vividly demonstrated by "permitting" ATVs and motorcycles on Wonga Beach.

Name removed

Letter to the Editor

Why is it that Wonga Beach is the only beach Douglas Shire Council and the Police turn a blind eye to Quad Bikes and Motor Bikes being ridden on the Beach by underage children, as well as aggressive adults? This action by a small minority are ruining the peace and enjoyment of residents and tourists who enjoy the quiet of the beach as well as the birdlife. The last incidents involving motor bike and quad bike attacking residents on the beach highlights the danger of allowing this activity to go on uncontrolled. This disturbance on the beach contravenes Queensland Police and Local Laws of Douglas Shire Council but both the police and the Douglas Shire Council are apathetic to stop this action on our beach. If it was Four Mile Beach at Port Douglas it would be enforced, why do we have double standards? If the Police and Douglas Shire Council allow it on Wonga Beach why not allow it on Port Douglas Beaches, Cooya Beach, Newell Beach and Oak Beach????

It's time for our elected Councillors to take a stand to assist residents of Wonga Beach to stop this dangerous driving of quad and motor bikes on our beach. Residents have been trying for years without any results.

Concerned Resident of Wonga Beach

Name removed

Mr Hinchcliffe,

Thank you for taking the time to read my email. We appreciate your attention to this matter & would be grateful for any support you & your Office can offer to WONGA BEACH









This submission had several attachments which other respondents had also supplied and all are shown in Appendix Four. Rather than duplicate information, below is a list of documents referred to, and the page number in this report.

- Attachment 13 - Important Information for the Residents of Wonga – Page 90
- Attachment 2 Dune Conservation Fact Sheet – pages 73-74
- Attachment 3 - Caring for our Coastline, DSC brochure – pages 75-76
- Attachment 4 - eBird Field Checklist – Page 77-78
- Attachment 5 – Beach stone-curlew Fact Sheet – pages 79-80
- Attachment 6 – Eastern Curlew pages 81-82
- Attachment 7 – The Cairns Post – Today's Web Poll – page 85
- Attachment 8 – Letter from Department of Local Government Racing and Multicultural Affairs – page 87-88
- Attachment 12 - Facebook Post – No ATVs - page 90
- Attachment 10 - Current Local Laws – page 87

31 IN RESPONSE TO YOUR DRAFT re: vehicles on beaches, I would like the following to be looked at

- Does the driver/rider of the vehicle have public liability insurance?
- Does the driver/rider have State vehicle registration to access the beach, and if not does the vehicle have to be transported by a registered trailer to a designated area to be off loaded?

- Does the driver/rider have a license?

- If an unforeseen accident occurs and a member of the public is injured does Douglas Shire Council become responsible under its duty of care policy?

As to Wonga Beach the beach access should be at the northern end of the Giblin St. Note: I have been holidaying at Wonga Beach Caravan Park for close on 20 years and the current situation with motor bikes and quad bikes is getting out of hand such that the Police made a visit here in July, however it's getting back to where it was before with speeding vehicles on the beach. Also these riders use the caravan park southern access road to the beach as a speedway. As former OHS practitioner I advise Council respectfully to use signage (boats only, no parking) as to beach access for the southern end of the caravan park. I also strongly advise council to look at liability if and when an accident will occur re: southern access.

Appendix Four – Submission Received 26.9.2019

Submission to Douglas Shire Council September 2018 Vehicles on Wonga Beach

We are [name removed] Wonga Beach Queensland 4873.

We appreciate being given the opportunity to make this submission on a matter of considerable importance to us and the future of the Wonga Beach community.

Below is an executive summary of our overall conclusions and recommendation. Please read entire and appendices as part of this submission.

- 1) The Douglas Shire Council has a moral and legal obligation to protect: the natural environment. Vehicle access to public areas at Wonga beach violates this principle.
- 2) In an era of Global Warming sand dunes and their cover become a vital defence against wind and wave erosion and sea level rises and must not be damaged.
- 3) Public safety is paramount. Vehicles, particularly dangerous ATVs, and normal community use of public places are incompatible.
- 4) In the event vehicle access to public areas at Wonga Beach is permitted an expensive, complex, time consuming compliance regime must be put in place to protect the ratepayers from a financial shock and Councillors and their Council Executives from charges of negligence.
- 5) There are many higher priority district wide uses for the scarce ratepayer resources required in 3) above. A very small minority of Douglas Shire Council ratepayers/residents are beneficiaries if vehicle access permitted and
- 6) Consistent with Council-wide Local Law and as enforced at other beach communities, vehicle access to public land a Wonga Beach should continue to be prohibited. Local Law can be enforced at Wonga Beach simply by distributing an information memorandum similar to Attachment 13. This is low cost and worked successfully in the past. Wonga Beach residents are largely law abiding. No additional signage is required.

Signed [signatures removed].

A) Perceived Relevant Background

- 1) The Wonga Beach village is on a wedge of coastal land surrounded by nature reserves two of which are World Heritage Parks. To the east the Great Barrier Marine Park, to the west a National Park and north across the Daintree River is the iconic Daintree Forest Park. The approximate 10 km long beach is of world ranking enhanced by a strip of lush vegetation. These are native Daintree Forest species unique to and surviving on the hostile foreshore environment.

The beach is the focus of the community for beach type recreation i.e.s exercise, picnicking, contemplation, bird watching, fishing, swimming, access to nature etc. Most residents are passionate, as we are, about presenting the beach and foreshore by ensuring it is not abused.

- 2) All public areas at Wonga Beach are administered by the Douglas Shire Council. As well as its other obligations to the Community (see Attachment 1), the Council promotes its self as being environmental responsible/active with a focus on sustainability and protecting nature.
- 3) The beach is open to wind and wave erosion. The sand dunes and coastal vegetation are a natural defence protecting the land and buildings behind it. As detailed in Attachments 2 and 3, destruction of the foreshore vegetation and damage to the sand dunes has severe long term adverse consequences as well as weakening short term protection in the event of a severe storm/cyclone. Climate change with the resulting rise in sea levels and increase in the severity and frequency of tropical storms makes dune and foreshore vegetation protection and regeneration essential. Human impact particularly by vehicles must be minimised preferably eliminated.
- 4) As itemised by Birds Australia (see Attachment 4) Wonga Beach is an ideal habitat for a wide variety of birdlife. These include the following whose conservation status is listed as either vulnerable or endangered by the Queensland Department of Environment and Heritage Protection,
 - a) The Beach Stone Curlew is listed as Vulnerable (see Attachment 5). Historically there have been at least two breeding pairs on Wonga Beach — one towards the mouth of the Daintree River and the other onshore from Bell's Reef.
 - b) The Eastern Curlew is listed as Critically Endangered (see Attachment 6). Historically this bird has been seen near the mouth of the Daintree River feeding for the long migration to breeding areas in the Northern Hemisphere.
 - c) The Greater Sand Plover is listed as vulnerable. Again this bird makes use of Wonga Beach as a feeding area for the long migration to Asia.

Significantly these three species feed in the intertidal zone and are thus particularly vulnerable to vehicular traffic. The protection of the two migratory species could be subject to International Migratory Bird Agreements. The Beach Stone Curlew nests in sea grasses in the dunes.

All native bird species are vulnerable to human interference particularly vehicles. Shorebirds gulls, terns and skimmers on the beach and dunes while the Orange Footed Scrub fowl nests are readily destroyed in the foreshore forest. Waterfowl near the mouth of the Daintree River are again susceptible.

- 5) An old (pre-amalgamation with Cairns) Douglas Shire Council sign (see Attachment 7) still on Wonga Beach succinctly itemises the benefits of protecting vegetation on the foreshore.
- 6) Allowing vehicles on Public Areas is very controversial. As a result, in November 2015 The Cairns Post (see Attachment 8) sought the views of its readers by asking "Should vehicles be allowed on beaches south of the Daintree". The response was an unequivocal near 80% no.
- 7) ATVs are dangerous. ATV models can weigh up to 250 kg and reach speed over 100 km/hour. Every year ATVs (Quad Bikes) are a major cause of death and serious injury. In the years from 2011 to 2016 there were 104 quad bike fatalities in Australia involving 11 children aged 11 years or under. Although a considerable number

of fatalities were caused by roll over, about half were caused by uneven terrain including sand. An example was a fatality on One Mile Beach Port Stewart in 2015 where an ATV hit soft sand and flipped.

Alcohol is a major cause of ATV fatalities and injuries.

Non-fatal ATV injuries are not recorded in Australia but in the USA there were about 120 ATV reported injuries per fatality.

Understandably Governments both State and Federal are imposing restrictions on age and training of operators, number of passengers and mandating use of safety equipment etc. ATVs do qualify under Transport Operations (Road Use Management — Roads) Regulations for restricted use on roads.

Because ATVs normally operate in remote areas the fatality/injury statics represent and regulations are designed to safeguard operators of these vehicles. Public safety where ATVs operate for those using the beach for more traditional activities is not: dealt with. Most perceive NIA/s on public areas as incompatible.

- 8) Under the current and historic Douglas Shire Council Local Laws, including those inherited from the Cairns Regional Council, vehicles are prohibited on all Council controlled areas in the Shire. (See [Attachment 9](#)) For absolute clarity this prohibition includes the reserves, foreshore, beaches, footpaths and pedestrian alley ways behind the beaches and includes all public controlled areas at Wonga Beach (See [Attachment 13](#)). The Queensland Summary Offences Act 2005 section 1 IA (see [Attachment 10](#)) makes it a public nuisance offence to drive a motor bike (includes a-wheeled) on public land in contravention of Local Law.

Since de-amalgamation from Cairns Regional Council the Douglas Shire Council has over the intervening years "permitted" ATVs on Wonga Beach by generally letting it be known, and despite signage prohibiting vehicles on the foreshore, that Local Laws would not be enforced. Totally uncontrolled access to the beach and foreshore has and is permitted. No formal approvals allowing access have been issued. The Council states it cannot do otherwise because of the remoteness of the beach and its extensive length. This is confirmed by a letter (see [Attachment 11](#)) to Mrs Carol Fleming from Department of Local Government following a discussion by them with Mr Hoyer - a Douglas Shire Council executive.

- 9) As a result the length of Wonga Beach becomes, when the tide is low, an unregulated dangerous high speed motorised racetrack for motor bikes and ATVs. Many/most vehicles are unlicensed and uninsured and often driven by unsupervised juvenile drivers (even children) joy riding and/or racing, doing wheelies or fishtailing after birds. Often vehicles are overloaded and occupants do not wear helmets. ATVs are brought in from other locations for an afternoon of hooning. Recently 4x4 road vehicles have begun driving the length of the beach.
- 10) The hard evidence showing trashing of the foreshore vegetation and increase in erosion of the sand dunes by removal of the sea grass cover, both of these a consequence of vehicle access, is there for all to see. Both breeding pairs of vulnerable Beach Stone-Curlew have gone and the critically endangered Eastern Curlew hasn't been seen for a considerable period. Several Orange Footed Scrubfowl nests have been destroyed used as ATV and motor bike jumps. Most shorebirds have gone.
- 11) The Douglas Shire Council does enforce Local Law prohibiting riding/driving on other close by beaches - see [Attachment 12](#) attached. Newell Beach is about 2 km from the south end of Wonga Beach.
- 12) There are options other than the use of public areas for Wonga Beach resident youth to drive ATVs safely and under supervision. Nearby Daintree Station has a specialised quad bike adventure trail. Convenient access to the Daintree River mouth for fishers other than along the beach by ATV is readily available via South Arm Drive. An ATV could be used on this route if registered as a non-complying vehicle.
- 13) There is no difference in youth offending depending on access for ATVs to a public beach. Nearby Newell and Cooya beaches, where the Douglas Shire Council prohibit vehicles and enforce compliance, do not suffer a higher incident of youth offending compared to Wonga where vehicles are permitted.
- 14) Permitting uncontrolled access to vehicles on public land at Wonga Beach is almost certainly to expose, in the event of damage property or injury or death on public areas, the Councillors and Executives of the Douglas Shire Council charges of negligence breach of duty. Further the small number of Douglas Shire Council

ratepayers will be exposed to a significant financial risk in this event if a Court awarded damages or compensation under the Queensland Civil Liability Act. The risk of an accident involving ATVs particularly in a public area can be readily foreseen, the consequences are not insignificant and the Douglas Shire Council must take those precautions a reasonable person would have made in the circumstances. Currently with uncontrolled access the Council is vulnerable.

B) Conclusions from Above

- 1) The Douglas Shire Council does not have and never had a mandate from the Wonga Beach residents 'to allow vehicle access of any form onto public areas. The premise by the Council that there is strong community support for such access is a dreadful mistake. However, any decision on vehicle access to sensitive natural areas cannot be made by poll. The Douglas Shire Council must, through environment leadership, act as advocate for the native vegetation and wildlife it is obligated to protect.
- 2) ATVs are dangerous machines incompatible with areas frequented by the public.
- 3) ATVs on the foreshore and beaches anywhere and under all situations are unacceptable from an environmental point of view. These special areas cannot be abused as though they contain no life. Everyone has a special obligation to protect vulnerable or endangered wildlife. Most look to the Council for leadership for this.
- 4) As well as harming wildlife, by their very nature, ATVs physically destroy sand dunes with long lasting adverse effects in the future amplified by the advent of climate change.
- 5) The actions of vehicle users/operators have proven self-regulation or regulation by residents is not realisable. Compliance must be vigorously imposed on an ongoing basis.
- 6) If The Douglas Shire Council were to allow vehicular access in any form on Wonga Beach a significant enduring commitment of scarce funds and executive and administrative time to enforce a complex compliance regime will be essential. This would include among other things:
 - Maintaining a current register of vehicles and undertake annual safety checks,
 - Ensuring CTP, property insurance and public liability insurance for all vehicles is valid and up to date,
 - Issue and renew permits to access the beach,
 - Ensure driver's licences for those operating vehicles on public areas are all times current and valid,
 - Carry out frequent and random on the beach compliance enforcement. This of necessity will have to focus on holidays and after hours requiring overtime payment to compliance officers. This would also require the purchase, maintenance insurance and registration of an NIA/ enabling the Douglas Shire Council compliance officers to regularly patrol the approximately 7 km of beach and foreshore proposed for vehicles,
 - Liaise and assist with Police on alcohol and drug testing (a major issue), ensure non-complying vehicles using roads to access public areas have conditional . registration, including CTP insurance, under Queensland Transportation Regulations, assist when the inevitable accident causing death or serious injury occurs,
 - Make executive time available to defend charges of negligence and defend claims for damages,
 - Liaise with the Department of Transportation to maintain a register of non-complying vehicles accessing public areas which are issued conditionally,
 - Install and maintain a considerable amount of new signage the whole 10 km of Wonga Beach,
 - Monitor the health of the vital sand dunes and undertake remedial repairs when necessary,
 - Monitor the health of the foreshore forest and take remedial action when required,
 - Monitor the status of all wildlife particularly birds during their breeding season.
 - This may require closing the beach to vehicular traffic,
 - Prosecute serious offenders including impounding vehicles and defending such action in court if necessary.
 - Make executive time available to assist insurance companies either as defendant or plaintiff and
 - Manage and coordinate all of the above.

The above is perceived to be the minimum necessary to ensure Douglas Shire Council ratepayers are not at risk by being forced to pay substantial court awarded damages for breach of duty by the Council in the event of a fatality, injury or major property damage caused by a vehicle(s) on a public area at Wonga Beach. It would also reduce the chances of Councillors and Senior Executives being cited for negligence.

- 7) It should also be noted that north of Giblin Road is not a public free zone. There are dwellings along the north end of Snapper Island Drive and South Arm Drive and during the tourist season there is a large population at Pinnacle Holiday Park seeking a beach holiday. These visitors contribute to the local economy and deserve assurance that the beach is safe for them and their children; and
- 8) There are readily available options for the relatively few ATV enthusiasts to enjoy their recreation in other places other than the Wonga Beach public foreshore.

Attachment 1

From Local Governments Accountability to Community - Department of Local Government Racing and Cultural Affairs

Nevertheless, local governments and councillors are required to conduct their local government functions and activities in accordance with principles set out in the Acts:

- transparent and effective processes, and decision-making in the public interest:
- sustainable development and management of assets and infrastructure, and delivery of effective services, democratic representation, social inclusion and meaningful community engagement
- good governance of and by local government
- ethical and legal behaviour of councillors and local government employees,



Appendix 2 Page 1

DUNE CONSERVATION FACT SHEET

Why are we revegetating the ~~beach~~ foreshore?

The following 'snippets' explain (in brief) the benefits of repairing and maintaining our native dune vegetation.

2.1 THE COASTAL SYSTEM (i)

The coastline has a number of natural defences against waves. These include the offshore seabed, the sandbars on which waves break, beaches and dunes. The dunes are nature's last line of defence. They restrict the intrusion of waves, wind, salt spray and sand into the back beach areas. They act as a reservoir for resupplying sand to a beach during storms and they provide for a transition from marine to terrestrial environments. Unfortunately, in many locations along the coast, dunes have been removed, replaced or adversely affected by:

- residential development
- protection works, e.g., seawalls
- modifications to the dune shape
- uncontrolled pedestrian or vehicular access
- heavy mineral mining and/or sand extraction activities.

Repair of damaged dunes (ii)

Why are dunes important?

Vegetated frontal dunes play an important part in coastal processes. They protect the beach in front and the land behind acting as a buffer against wave attack and a source of sand during periods of erosion. Dune vegetation traps wind blown sand aiding dune build-up and preventing sand moving inland where it is lost to the beach/dune system.

How are dunes damaged?

Dunes and the vegetation they support are damaged by cyclones, storm surges, wave overwash, salt water inundation, strong winds, droughts, bush fires and parasite attack. Apart from these natural causes man's activities viz. grazing, burning, development and foot and vehicular traffic often result in damage or destruction of vegetated dunes.

What happens if dunes are damaged?

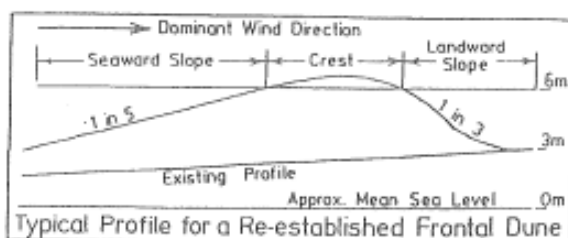
Destruction of vegetation on the frontal dunes results initially in the development of bare areas on the dune, and these are subject to wind action and become blowouts. Further damage causes the whole frontal dune system to become mobile and move in a landward direction. Sand blown landward from the beach is no longer trapped in the frontal dune. The volume of sand near the beach in the dune decreases and storm waves travel further inland to dissipate their energy and beach erosion rates are accelerated. The mobile dunes cover anything in their path and serious property damage occurs in some areas.

DUNE REVEGETATION

OBJECTIVES (i)

The major objective of any dune revegetation program should be to provide sufficient plant cover to protect against wind erosion (Fig. 45). Species native to the coastal dune system are adapted to survive the hostile environment of drifting sand, strong winds, salt spray and infertile soils. They provide long term stability to the system.

A successful revegetation program will also provide other benefits to the coastal system including increased protection for landward areas and amenities, improved habitat for native fauna, particularly birds, and enhanced beach amenity.



(ii)



Appendix 2 Page 2

DUNE CONSERVATION FACT SHEET

DUNE VEGETATION

CAN

PREVENT WIND EROSION by decreasing wind speed at ground level
BUILD UP SAND DUNES and thus REDUCE THE EXTENT OF RECESSION PRODUCED BY A STORM
REDUCE WAVE EROSION CAUSED BY OVERWASH where dense vegetation exists
REGENERATE NATURALLY AFTER STORM DAMAGE — where dune management allows
TOLERATE A HOSTILE ENVIRONMENT — of high winds, salt spray, sand blast, covering by sand, sandy soil and little water
ACCEPT MASSIVE MOVEMENTS OF THE DUNES both vertically and horizontally
FUNCTION AS A SELF SUPPORTING COMMUNITY where plants are mutually dependent for protection and nutrient supply

DUNE VEGETATION

CANNOT

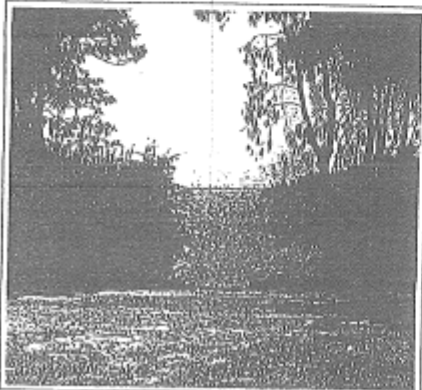
PREVENT DIRECT WAVE EROSION — dune sand is not strongly bound by roots under wave attack
SURVIVE DIRECT WAVE ATTACK — much of the seaward vegetation will be destroyed in a storm
TOLERATE EXCESSIVE PHYSICAL DAMAGE — caused by people, stock or vehicles
TOLERATE MISMANAGEMENT such as:
MOWING: which destroys some species and juveniles of others
TOPSOILING: which prevents free drainage and is unsuitable for growth of many natural dune species
OVERFERTILIZING: which can be toxic to some species
INTRODUCTION OF UNSUITABLE PLANT SPECIES: some undesirable plants displace natural vegetation — others such as palm trees do not reduce wind erosion and accelerate wave erosion when they fall.

(ii)

2.7 VEGETATION

(i)

Native coastal vegetation is well adapted to withstand harsh conditions such as strong wind, salt spray, sand drift and infertile soils. It can have a profound impact on several of the pathways of the sediment budget and can therefore considerably influence the rate of shoreline movement. Dune vegetation, together with the dune ridge, provides protection for more sensitive landward plants. They reduce the exposure which would otherwise quickly kill these species.



Existing pedestrian access to the beach at Clifton Beach could be improved by the provision of properly constructed walkways.

(iii)

DUNE ACCESSWAYS

Accessways are used to allow pedestrians and vehicles access to dunes in a manner which protects both the dunes and adjoining vegetation. They are fenced to direct and confine the movement of traffic. The dune surface is generally protected by materials such as board and chain to prevent sand blowing from the accessway and to provide traction for traffic.

7.4 FENCING

Fencing on either side of accessways (vehicular and pedestrian) is usually necessary as traffic, if not controlled, tends to divert from the track. This is particularly evident with pedestrian traffic. If accessway traffic is not confined to the tracks, significant damage can occur to both mature and establishing dune vegetation.

Board and Chain Accessways

Board and chain accessways have been designed to adjust to the changing dune profile. They are flexible, and the boards act as sand traps so that with proper maintenance they can accommodate sand loss due to waves, and sand gain due to wind. Construction details are

(i)

REFERENCES

- (i) "COASTAL DUNE MANAGEMENT". Soil Conservation of NSW. Pgs 3, 23, 25.
- (ii) "COASTAL DUNE MANAGEMENT" (1981). Beach Protection Authority, Q.L.D. v-03.3, 111-01.
- (iii) "MULGRAVE SHIRE NORTHERN BEACHES" (1984). Beach Protection Authority, Q.L.D. Pg 319.

Beach Protection Authority

The Department of Environment has overall responsibility for coastal planning. The Department's Beach Protection Authority has technical expertise in coastal works and provides advice to Local Councils.

The Beach Protection Authority has produced Erosion Prone Area Plans for the Queensland Coast. These plans relate to the area of the coast that may be subject to erosion by tidal waters within the next 50 years.

These plans are used by the Council's planners when planning new coastal developments.

What can you do?

- You can plant a range of trees, shrubs and ground covers that encourage wildlife on your property. A list of suitable species can be obtained from the Council's Environmental Officer or the Council Nursery.



- Use the established tracks through the beach scrub to the beach rather than opening new ones.
- Please do not cut down or remove vegetation from the parks along the foreshore. Trees, bushes and ground covers must not be removed without Council's permission.
- Dispose of garden prunings in your garbage or compost bin, NOT in the foreshore vegetation where it could become an environmental weed.

For further information :

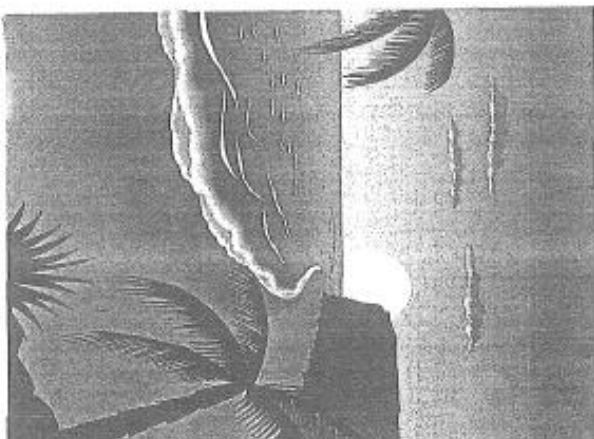
Douglas Shire Council
PO Box 357
Mossman 4873
Environmental Officer
Tel (07) 4099.9450

Beach Protection Authority
PO Box 155
Brisbane Albert Street
QLD 4002
Tel (07) 3227. 8494
Fax (07) 3221.0788

Department of Environment
10-12 McLeod Street
Cairns 4870
Tel (07) 4052.3043
Fax (07) 4052.3046



Appendix 3 Page 1
Caring for Our Coastline



Protecting Our Coastline - The importance of coastal vegetation in Douglas Shire

Beaches for Everyone

The Douglas Shire has around 114km of coastline on the Coral Sea which includes the Great Barrier Reef. Rainforest covered hills meeting the reef is evident along sections of this coast, drawing over one million tourists each year to experience this natural beauty.

The great majority of residents of Douglas Shire have also chosen to live along this coastline in communities such as Port Douglas, Newell, Cooya, Wonga and Oak Beach. The residents of these areas have recreational, amenity and lifestyle needs which at times may impact upon the coastal environment.

Dunes - The first defence

The front sand dunes act as barriers against the action of waves and tides, and are a source of sand for the beach during periods of erosion. If they are damaged by storm waves, the remaining vegetation traps sand blown from the beach and the dune is reformed.

Dunes are built by wind and wave action. Vegetation plays an important role in determining the shape and form of dunes.



Pioneer plants such as Beach Bean, Coastal Pigeon, Beach Grass and Sea Lettuce trap and hold wind blown sand. This sand acts as a reservoir for the beach during periods of wave erosion. In the absence of this vegetation, wind blown sand moves inland and is lost to the dune system.

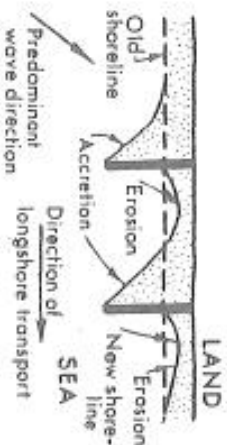
built by wind action. Vegetation plays an important role in the size, shape and stability of dunes.

dune plants such as Beach Bean, Coastal Pigeon, Beach Grass and Sea Lettuce trap and hold wind blown sand. This sand acts as a reservoir for the beach during periods of wave erosion. In the absence of this vegetation, wind blown sand moves inland and is lost to the dune system.

Moving Sands

The main sources of sand for coastal areas are streams and rivers, together with coral and shell fragments. A beach is never static. Sand is easily moved by the forces of waves, currents and wind. High energy storm waves erode sand from the beach. This sand is deposited offshore as submerged sand bars. During calmer periods, low energy waves move this sand back to the beach.

Erosion is a natural part of beach behaviour. Seawalls and groynes can actually cause or worsen erosion by blocking natural sand movement. This type of erosion is of real concern because the sand cannot be easily restored by natural coastal processes.



GROYNES

Vegetation - what it can do

- Prevent wind erosion
- Build up dunes and thus reduce the extent of recession produced by a storm.
- Provides shelter and protection from the winds and climatic forces of the Coral Sea.

Destruction of vegetation on the frontal dunes results initially in the developments of bare areas on the dune and these are subject to wind action and become blowouts.

It is often necessary to revegetate the damaged areas to prevent wind erosion and restore dune stability.

Appendix 3 Page 2

Vegetation - what it cannot do

- Prevent direct wave erosion.
- Tolerate excessive physical damage - caused by people or vehicles.
- Tolerate mismanagement such as - mowing, introduction of unsuitable plant species (eg Singapore Daisy).

Biodiversity Values

A variety of wildlife is also dependent on the protection of this strip of coastal vegetation. The Beach Stone-curlew is one rare species of bird which nests amongst beach vegetation.

Orange-footed Scrub Fowl. A wide range of other birds, lizards and frogs rely on coastal vegetation for food and shelter.



One of the rarest forest types also exist on coastal sand dunes. These are vine forests (rainforest), with scattered examples remaining at Nesh Beach, Four Mile Beach and other locations.

Council's Role

The area between residential property boundaries and the sea is state land (zoned as esplanade, beach reserve etc.). Under the Beach Protection Act 1968, the management responsibility for protection of coastal vegetation lies with local governments.

Thus, permission from the Council is required to clear or prune vegetation on state land in beach areas. Penalties may apply to individuals who do not obtain permission from Council.

eBird Field Checklist - Wonga Beach

ebird.org/australia/hotspot/L1853665

105 species (+2 other taxa) - Year-round, All Years

This checklist is generated with data from eBird (ebird.org), a global database of bird sightings from birders like you. If you enjoy this checklist, please consider contributing your sightings to eBird. It is 100% free to take part, and your observations will help support birders, researchers, and conservationists worldwide.

Waterfowl

Spotted Whistling-Duck
Wandering Whistling-Duck
Radjah Shelduck
Pacific Black Duck

Megapodes

Orange-footed Scrubfowl

Pigeons and Doves

Spotted Dove
Brown Cuckoo-Dove (Australian)
Common Bronzewing
Peaceful Dove
Bar-shouldered Dove
Wompoo Fruit-Dove
Rose-crowned Fruit-Dove
Torresian Imperial-Pigeon
Topknot Pigeon

Cuckoos

Little Bronze-Cuckoo

Frogmouths

Papuan Frogmouth

Swifts

White-throated Needletail
Australian Swiftlet

Shorebirds

Bush Stone-curlew
Beach Stone-curlew
Pied Stilt
Australian Pied Oystercatcher
Pacific Golden-Plover
Masked Lapwing
Lesser Sand-Plover
Greater Sand-Plover
Red-capped Plover
Whimbrel
Eastern Curlew
Bar-tailed Godwit
Sharp-tailed Sandpiper
Sanderling

Shorebirds continued

Common Sandpiper

Grey-tailed Tattler

Common Greenshank

Gulls, Terns, and Skimmers

Silver Gull
Little Tern
Gull-billed Tern
Caspian Tern
Sterna sp.

Crested Tern

Lesser Crested Tern

Frigatebirds, Boobies, and Gannets

Lesser Frigatebird
Brown Booby

Pelicans

Australian Pelican

Hérons, Ibis, and Allies

Great Egret
Intermediate Egret
White-faced Heron
Eastern Reef Egret
Cattle Egret
Striated Heron
Australian White Ibis
Straw-necked Ibis
Royal Spoonbill

Vultures, Hawks, and Allies

Osprey
Black-shouldered Kite
Pacific Baza
Black Kite
Whistling Kite
Brahminy Kite
White-bellied Sea-Eagle

Kingfishers

Little Kingfisher
Laughing Kookaburra
Forest Kingfisher
Sacred Kingfisher

Bee-eaters, Rollers, and Allies

Rainbow Bee-eater

Falcons and Caracaras

Nankeen Kestrel

Australian Hobby

Cockatoos

Sulphur-crested Cockatoo

Parrots, Parakeets, and Allies

Double-eyed Fig-Parrot

Rainbow Lorikeet

Scrub-birds and Bowerbirds

Tooth-billed Bowerbird

Honeyeaters

Yellow-spotted Honeyeater

Graceful Honeyeater

Dusky Honeyeater

Black-chinned Honeyeater

Helmeted Friarbird

Thornbills and Allies

Yellow-throated Scrubwren

Atherton Scrubwren

Mountain Thornbill

gerygone sp.

Woodswallows

White-breasted Woodswallow

Bellmagpies and Allies

Black Butcherbird

Cuckooshrikes

Black-faced Cuckooshrike

White-bellied Cuckooshrike

Varied Triller

Whistlers and Allies

Bower's Shrikethrush

Golden Whistler

Old World Orioles

Yellow Oriole

Australasian Figbird

Drongos

Spangled Drongo

Fantails

Willie Wagtail

Grey Fantail

Monarch Flycatchers

Magpie-lark

Leaden Flycatcher

Australasian Robins

Grey-headed Robin

Martins and Swallows

Welcome Swallow

Fairy Martin

Tree Martin

Starlings and Mynas

Metallic Starling

Common Myna

Flowerpeckers

Mistletoebird

Sunbirds and Spiderhunters

Olive-backed Sunbird

Old World Sparrows

House Sparrow

Estrildids

Red-browed Finch

Scaly-breasted Munia

Chestnut-breasted Mannikin

Beach stone-curlew

Common names: beach stone-curlew or beach thick-knee

Scientific name: *Esacus magnirostris*

Family: Burhinidae

Conservation status: The beach stone-curlew is listed as Vulnerable in Queensland (Nature Conservation Act 1992) and it is ranked as a high priority under the department's Back on Track species prioritisation framework.

Description: The beach stone-curlew is a very large thick-set wader that is readily distinguished from all other waders by its large size, massive bill with yellow patches at the base, and bold black and white pattern on the head.



Beach stone-curlew, Picnic Island, Great Sandy Straits
Photo: D Stewart, Queensland Government

Adult beach stone-curlews have a large head, slightly uptilted bill, hunched profile, stout legs and thick 'knees' (ankles). The upper body, forehead, crown and nape are grey-brown with a distinctive black and white pattern on its face, shoulders and secondary wings. The shoulder is grey-brown and bordered by white, separating it from the remainder of the wing which is grey. The throat and breast are a paler grey-brown and the belly is white.

The bill is predominantly black with a yellow base and the eyes and legs are yellow. In flight, the flight feathers are mostly black with a large white patch on the back of the flight feathers.

Young beach stone-curlews are similar to the adults, except the yellow at the base of the bill is dull and the eye-brow stripe is broken by black above the eye and the grey-brown feathers on the back are edged with white.

Habitat and distribution

The beach stone-curlew is usually found on open, undisturbed beaches, islands, reefs, and estuarine intertidal sand and mudflats, preferring beaches with estuaries or mangroves nearby. However, this species also frequents river mouths, offshore sandbars associated with coral atolls, reefs and rock platforms, and coastal lagoons.

The beach stone-curlew has been observed around the north coast of Australia and associated islands from Derby in Western Australia to the Manning River in New South Wales. The species has largely disappeared from the south-eastern part of its former range, and is now rarely recorded on ocean beaches in New South Wales. In Queensland, beach stone-curlews are uncommon on beaches in the south of the state but numbers gradually increase northward.

Life history and behaviour

Beach stone-curlews are largely sedentary, with young birds not moving very far from the parental territory. Beach stone-curlews are usually solitarily or in pairs, although occasionally small groups of up to five birds can be observed. The activity of beach stone-curlews is largely dictated by tides. At high tide, they can be found roosting in the shade of trees or at fringes of mangroves. When resting

they are often seen standing on one leg or squatting with their feet forward under their body, similar to other waders. At low tide they move out onto the exposed intertidal mudflats, sandflats, sandbanks and sandpits to feed on crabs and other marine invertebrates.

Beach stone-curlews breed from September to February. Their nests can often be located on sandbanks, sandpits, or islands in estuaries, coral ridges, among mangroves or in the sand surrounded by short grass and scattered casuarinas (she-oaks). Typically one egg is laid per season but a second may be laid if the first is lost. Both parents care for the hatchling who remains dependant on them for 7 to 12 months.

During the night, breeding beach stone-curlews use a harsh, wailing territorial call which is higher pitched, harsher and less fluty than that of the bush stone-curlew. When alarmed, the species may vocalise with a weal yapping.

Threatening processes

The stronghold for this species in Queensland is on the Great Barrier Reef, where threatening processes for these birds are very few (Milton 1998). On the mainland, threatening processes for beach stone-curlews include pollution due to residential and industrial development. Feral cats, dogs and pigs are also a threat due to predation of adults, chicks and eggs. Human disturbance from activities such as walking dogs off their leashes, boating, off-road vehicles and beach-combing can also severely impact on the natural behaviour of these birds.

Recovery actions

- Protect important habitat areas from urban and industrial development, and pollution.
- Restrict or control access to beaches where these birds are resident, particularly during the breeding season.
- Increase public awareness about the effects of beach/sand dune driving.
- Educate dog owners to restrain their animals in habitat areas.
- Implement control measures for feral animals.
- Monitor populations to determine long-term trends.

What can you do to help this species?

You can help this species by:

- avoiding driving or operating all forms of vehicles and recreational devices on beaches and mudflats.
- keeping dogs under control and well away from feeding, roosting and nesting sites.
- preventing pollution - remember that rubbish and pollutants discarded on the land often end up in waterways.

Eastern curlew

Common name: eastern curlew

Scientific name: *Numenius madagascariensis*

Family: Scolopacidae (curlews, sandpipers, snipes and godwits)

Conservation status: The eastern curlew is listed as Endangered in Queensland (Nature Conservation Act 1992). Nationally the curlew is listed as Critically Endangered and is identified as a 'Listed Migratory Species' (Environment Protection and Biodiversity Conservation Act 1999). It is also identified as a migratory species in appendices to the Bonn Convention, and in JAMBA (Japan/Australia Migratory Bird Agreement), CAMBA (China/Australia Migratory Bird Agreement) and ROKAMBA (Republic of Korea/Australia Migratory Bird Agreement). It is ranked as a low priority under the department's Back on Track species prioritisation framework.



Eastern curlew Photo: A McDougall, Queensland Government

Description

The eastern curlew is the largest wading bird that visits Australia, with females (the larger of the sexes) reaching up to 66cm tall. It has an elongated, elegantly curved bill for probing in mudflats, and long olive-grey legs that enable them to wade in boggy areas. The eastern curlew is pale brown above and below with finely streaked black-brown mottling over their head, neck and breast and heavy dark brown mottling on their back. Juveniles resemble adults but are paler with finer streaking on the breast and their bill is initially much shorter, slowly growing to adult length. The eastern curlew has a mournful, haunting yet melodious call and a deliberate, steady walk. This species is wary and quick to take flight, usually needing only a short take-off run.

Habitat and distribution

The eastern curlew is found on sheltered coasts, mangrove swamps, bays, harbours and lagoons that contain mudflats and sandflats, often with beds of seagrass. At high tide, when their feeding habitat becomes inundated, they move to saltpans, sand dunes and other open areas where they roost above the high water. For this reason, the eastern curlew needs two types of habitat in order to survive, one within the tidal zone, and one above it.



Eastern curlew Photo: A McDougall, Queensland Government

The eastern curlew is found in coastal regions in the north-east and south of Australia, including Tasmania, and is scattered in other coastal areas. On route from their Northern Hemisphere breeding grounds, they are commonly seen in Japan, Korea and Borneo with small numbers visiting New Zealand.

Life history and behaviour

The eastern curlew is a migratory species, moving south by day and night, usually along coastlines, departing breeding areas in the Northern Hemisphere from mid-July to late September. The eastern curlew flies along the East Asian Australasian Flyway arriving in north-western and eastern Australia mostly in August. Large numbers arrive on the east coast from September to November. Most leave again from late February to March. Eastern curlews breed in Russia and north-eastern China on swampy moors and boggy marshes.

Eastern curlew chicks attempt their first migration when they are only six to eight weeks old, after the adult birds have already departed. These chicks inherit from their parents an instinctive sense of distance and direction required to navigate their migratory paths.

During low tide the eastern curlew uses its long probing bill to fish out worms and crustaceans from deep mud. The species forages by day and night stalking slowly on sandy and muddy flats, using its bill to make rapid vertical exploratory probes, then a sudden deep thrust, sometimes immersing its head to grab the food.

The eastern curlew will boost its body weight by between 40% and 70% before migrating and will lose all of this added weight within two or three days of continuous flying.

Threatening processes

To successfully complete their migration route of approximately 10,000km, the flight path of the eastern curlew must include a chain of wetlands that enable them to rest, feed and replenish their fat reserves. The loss of even small areas of wetland on these 'flyways' can be devastating to the eastern curlew as they might not have the strength and energy required to complete their migration. Major threats to wetlands are urban development, flood mitigation, agriculture and pollution.

Population studies for the eastern curlew estimate that this species has declined by approximately 58% between 1995 and 2010 (Studds et. al. 2017). This decline was largely linked to the reliance of these curlew on the feeding areas in the Yellow Sea during migration. These feeding areas in the Yellow Sea have become degraded through environmental pollution, reclaimed for tidal power plants and barrages, industrial use and urban expansion and general human disturbance

Waders are very easily disturbed by activity that can interrupt their breeding, feeding or resting. For example, causing an eastern curlew to take flight represents a significant disturbance as they use critical energy that is required for migration and breeding. Disturbances, particularly repeated disturbances that occur before or after migration, are particularly damaging because, without sufficient energy reserves, they may be unable to complete their migration or breed. The main disturbances to eastern curlews are from human activities such as driving on beaches and sand dunes, and unrestrained domestic dogs.

Recovery actions

- Work with governments along the East Asian – Australasian Flyway to prevent destruction of key migratory staging sites.
- Develop and implement an International Single Species Action Plan for eastern curlew with all range states.
- Protect important habitat areas (wetlands and sand dunes) from urban and industrial development and pollution.

- Restrict or control access to areas used by these birds.
- Increase public awareness about the effects of beach/sand dune driving.
- Educate dog owners to restrain their animals in habitat areas.
- Implement control measures for feral animals.
- Manage important sites to identify, control and reduce the spread of invasive species.
- Monitor the progress of recovery, including the effectiveness of management actions and the need to adapt them if necessary.
- Action relevant recommendations in the Draft Threat Abatement Plan for the Impacts of Marine Debris on Vertebrate Marine Species (2017).

What can you do to help this species?

- **Avoid driving or operating all forms of vehicles and recreational devices on beaches and mudflats, especially above the high tide mark where the eastern curlew roosts.**
- Keep domestic animals such as dogs under control and well away from feeding/roosting sites.
- If fishing from a sandbar, choose the opposite end to where the birds are gathered.
- Consider how your actions may disturb the eastern curlew. For example, where you set up camp or go for a stroll.
- Dispose of rubbish appropriately - remember that rubbish and pollutants discarded on the land often end up in waterways.

Attachment 7

A cynic would suggest this sign will be in place indefinitely as the vegetation has not regenerated: in fact destroyed further. It has already been there 18 plus years.

Douglas Shire Council Sign on Wonga Beach Foreshore

Illegal Clearing or Destroying Vegetation on Esplanade

"The vegetation along this section of the Esplanade has been illegally cleared or destroyed.

Beach esplanades are Public Land and belong to the whole community. All esplanades in Douglas Shire are under the jurisdiction of Douglas Shire Council.

It is an offence to damage or interfere with vegetation on the esplanade.

Native foreshore vegetation has many important benefits such as protection from erosion, providing important habitats for small animals and birds, acting as a wind break and increasing the aesthetic appeal of coastal areas.

today's web poll

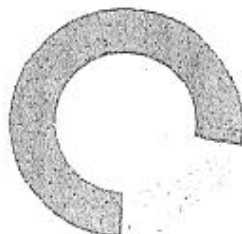
Do you agree with the council
investing in public transport for
New Year's Eve celebrations?

HAVE YOUR SAY ONLINE AT
WWW.CAIRNSPOST.COM.AU

Yesterday's web poll

Should vehicles be allowed on beaches
south of the Daintree?

YES
22%



NO
78%

Today's Bible thought:

"But the Lord is the true God; He is the living
God and the everlasting King." Jeremiah
10:10 a, New Revised Standard Version.
Chosen by Bible Society.

Cairns Post 24 Nov 2015



PO Box 723 Mossman Qld 4873
www.douglas.qld.gov.au
enquiries@douglas.qld.gov.au
ABN 71 241 237 800

Administration Office
64 - 66 Front St Mossman
P 07 4099 9444
F 07 4098 2902

OUR REF: 868423

15 August 2018

Mr Lyndon Ferry
PO Box 1169
MOSSMAN QLD 4873

Dear Mr Ferry,

Enquiry RE: Vehicles on Public Land Wonga Beach

In response to your letter dated 24 July 2018, please be advised of the following:

1. The copy of the letter distributed by Cairns Regional Council to Wonga Beach residents that you requested, is enclosed;
2. Your request for a copy of a more recent letter distributed to residents of Cooya Beach and/or Newell Beach, is unknown. However, a reminder message aimed at Newell Beach residents was posted to Council's Facebook page on 4 September 2017, following complaints about 4WD vehicles and quad bikes moving barriers and traversing the beach. A copy of the post is enclosed;
3. The current local laws were gazetted in 2011 and contain *Schedule 25 – Bringing or driving motor vehicles onto local government controlled areas* in Subordinate Local Law No. 1 (Administration) 2011. Vehicles are not permitted on local government controlled areas without the approval of the Council. For a full copy of the local laws, a link to the Queensland Local Laws Database can be found on Council's website.

Should you require any further information please contact Local Laws on telephone 4099 9444.

Yours faithfully

A handwritten signature in black ink, appearing to read "S Roberts".

S Roberts
Team Leader Local Laws

Appendix W

11A Unlawful driving of motorbike on public land

- (1) A person must not drive a motorbike on public land in contravention of a regulation under this Act or a local law that regulates access by motorbikes to public land, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

Page 10

Current as at 5 September 2014

Summary Offences Act 2005
Part 2 Offences

[s 12]

- (2) If a regulation under this Act or a local law requires a person to possess a stated type of authority while driving a motorbike on public land, a person who drives a motorbike on public land must be in possession of the stated authority while driving the motorbike, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

- (3) A person found by a police officer driving a motorbike on land mentioned in subsection (1) must produce the stated authority to the police officer on request.

Maximum penalty—20 penalty units.

- (4) In this section—

motorbike has the meaning given by the *Transport Operations (Road Use Management) Act 1995*, and includes a 4-wheeled motorbike that is ridden in the same way as a motorbike.

public land, for a regulation or local law, means public land as defined under the regulation or local law, but does not include a road.

road has the meaning given by the *Transport Operations (Road Use Management) Act 1995*.



Department of Local Government,
Racing and Multicultural Affairs

Our ref: MC18/M401

31 JUL 2018

Ms Carol Fleming
carol@exclusivespas.com.au

Dear Ms Fleming

Thank you for your email of 3 July 2018 to the Honourable Stirling Hinchliffe MP, Minister for Local Government, Minister for Racing and Minister for Multicultural Affairs regarding your concerns around Douglas Shire Council's protection of the foreshore and reserves at Wonga Beach from damage by recreational vehicles. The Minister has asked that I respond on his behalf.

Under the *Local Government Act 2009*, it is the responsibility of each Local Government to make decisions appropriate to the local needs of its community. In this instance, the matters raised are operational and solely for the Council's consideration. Nevertheless, an officer of the Department of Local Government, Racing and Multicultural Affairs has contacted the Council to determine what assistance can be given.

Mr Paul Hoyer, Manager, Sustainability for Council subsequently advised that Council is in the process of reviewing its local laws and that Councillors recently workshopped draft local laws and a new policy dealing with the use of recreational vehicles on foreshores. He further advised that these draft documents are likely to be formally considered by Council in the near future before being put out for public consultation.

Mr Hoyer further advised that Council is aware that some community members have concerns about the use of recreational vehicles on Wonga Beach. However, the most recent public consultation on the matter (conducted in late 2015) showed strong community support for allowing access by recreational vehicles. He advised that Council has previously impounded motor bikes which have been used recklessly on Wonga Beach, although the remoteness of the beach and its extensive length limits the Council's ability to enforce local laws there.

In Queensland, there is a legislative requirement that all Local Governments implement a complaints management process to improve their accountability and resolve complaints, including those about the administrative actions of the Local Government.

You can find information about the Council's Complaints (Administrative Actions) Policy and Procedures on its website at douglas.qld.gov.au/council-information/complaints.

1 William Street Brisbane
PO Box 15009 City East
Queensland 4002 Australia
Telephone +617 3452 7009
ABN 251 66 523 889

Appendix 11 Page 2

If after having made a complaint, you are dissatisfied with Council's response, you have the option of referring the matter to the Queensland Ombudsman for review. Complaints can be made to the Ombudsman by writing to GPO Box 3314, Brisbane Qld 4001, in person or by using the online complaint form which can be found at www.ombudsman.qld.gov.au. The Ombudsman's office can also be contacted on 07 3005 7000 or toll-free (outside Brisbane) on 1800 068 908.

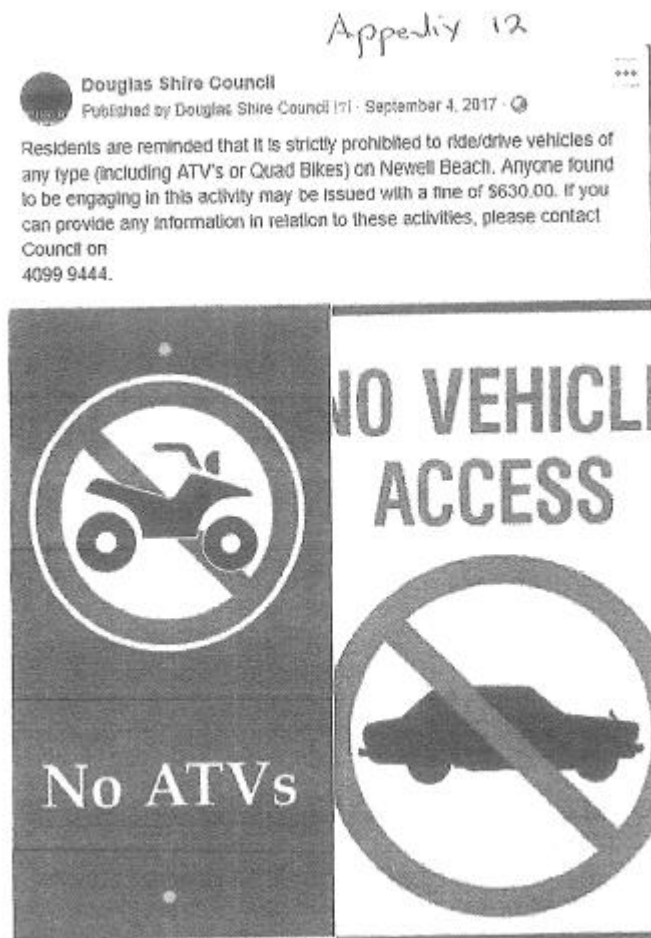
If you require further information, I encourage you to contact Mr Stephen Agius, Acting Regional Manager, Local Government and Regional Services (North) in the Department on 4037 3412 or by email at stephen.agius@dlgrma.qld.gov.au.

Yours sincerely



Paul Carlson
Acting Deputy Director-General
Local Government and Regional Services

Attachment 12





Cairns
Regional
COUNCIL

Appendix 13

IMPORTANT INFORMATION FOR THE RESIDENTS OF WONGA

COUNCIL'S LOCAL LAWS UNIT ARE INVESTIGATING THE RECENT INCREASE OF ILLEGAL AND IRRESPONSIBLE USE OF MOTOR VEHICLES ALONG WONGA BEACH AND NEARBY COUNCIL RESERVES. ALL RESIDENTS ARE ADVISED OF THE FOLLOWING:-

- IT IS AN OFFENCE TO OPERATE MOTOR VEHICLES ALONG THE BEACH OR COUNCIL RESERVES;
- ATVs, QUAD BIKES, MOTOR BIKES, TRIKES, ARGOS, TRACTORS, 4X4s, AND CARS ARE NOT TO BE DRIVEN OR RIDDEN ON THE BEACH OR COUNCIL RESERVES;

COUNCIL AND POLICE OFFICERS REGULARLY CONDUCT PATROLS OF BEACHES AND PUBLIC AREAS NON-COMPLIANCE MAY RESULT IN A PENALTY UP TO \$2000;

- VEHICLES USED IN THE DIRECT LAUNCH AND RETRIEVAL OF BOATS ARE PERMITTED TO TRAVEL ACROSS THE BEACH AT DESIGNATED POINTS. VEHICLES MUST TAKE THE SHORTEST AND MOST DIRECT ROUTE TO AND FROM THE WATER;

INFORMATION ABOUT ILLEGAL VEHICLE ACTIVITY ON THE BEACH OR COUNCIL RESERVES CAN BE SUPPLIED TO COUNCIL BY MEMBERS OF THE PUBLIC FOR INVESTIGATION AND POSSIBLE PROSECUTION;

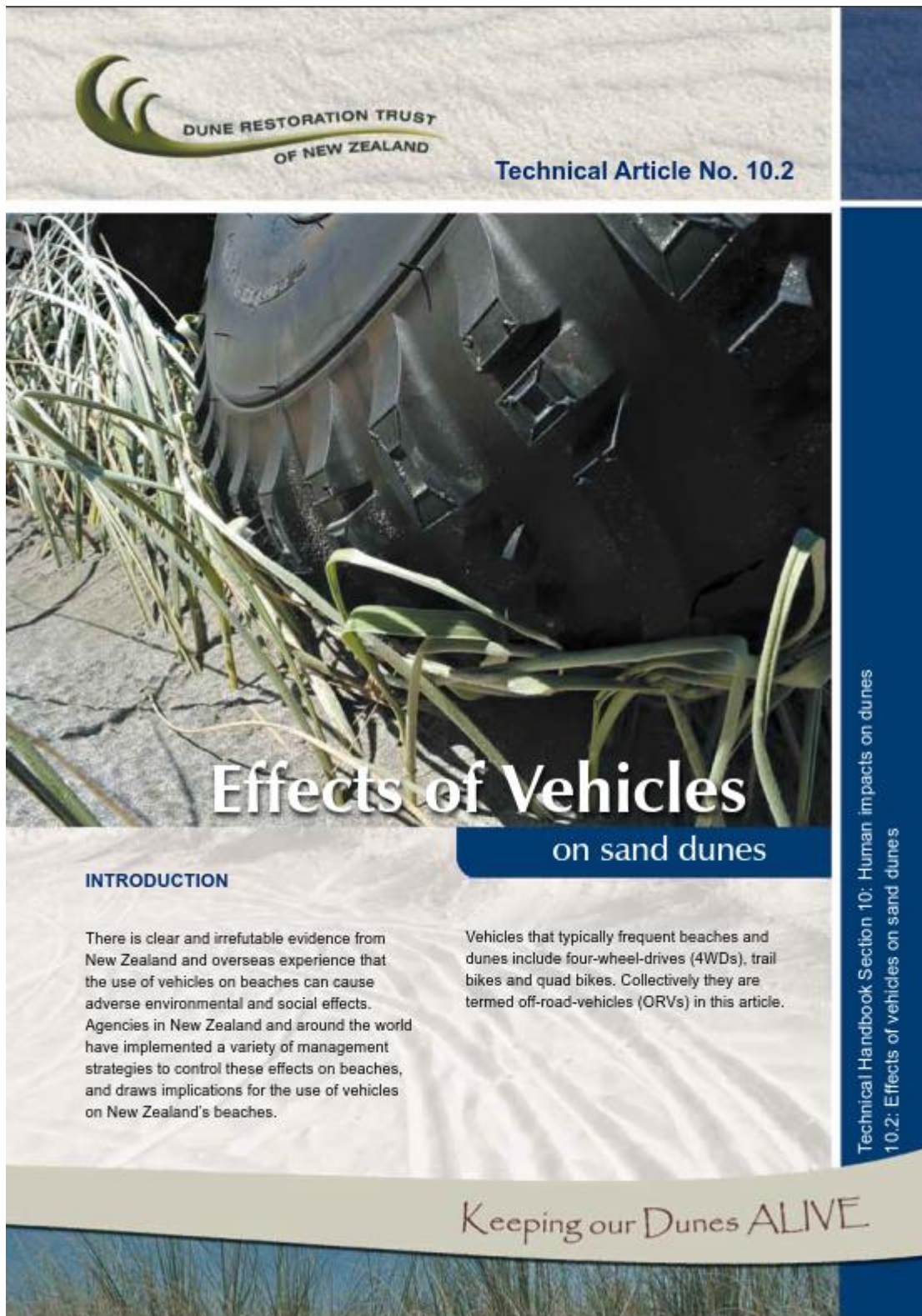
PLEASE RESPECT BEACH USERS AND OUR ENVIRONMENT BY RESTRICTING THE USE OF MOTOR VEHICLES ON THE BEACH AND COUNCIL RESERVES;

PHONE COUNCIL'S LOCAL LAWS UNIT ON (07) 4099 9444 IF YOU REQUIRE FURTHER INFORMATION.

Paul Hoyer
Environmental Assessment Coordinator

Environmental Assessment PO Box 459 Cairns Q 4870 www.cairnsregionalcouncil.qld.gov.au council@ Cairnsregionalcouncil.qld.gov.au	City of Cairns 119-145 Spence Street, Cairns Q 4870 T 07 4044 3044 F 07 4044 3022	Wonga Beach 64-66 Front Street, Mackay Q 4871 T 07 4899 9444 F 07 4898 0902
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Appendix Five – Effects of Vehicles on Sand Dunes





Article No. 10.2 - Effects of vehicles

POLICY GOALS

National and regional policy documents emphasise the importance of protecting the natural character of the New Zealand coast and avoiding or mitigating any adverse effects on the coastal environment. Public access to the coast is a matter of national importance that must be maintained. However, there are clear policy directives enabling access to be controlled if an activity's environmental effects are deemed to be adverse or if there are particular ecological, cultural, or health and safety reasons for doing so.

Often these policy goals form key components of council plans. Left unmanaged, the use of vehicles on beaches, frequently leads to community and council's aspirations for maintaining the beaches' natural character being unfulfilled.

Different types of vehicle use are likely to have different impacts on individual beaches. For example, the impacts from slow speed access along the foreshore for fishing purposes will differ from vehicles travelling at high speed in dune areas. In addition, different beaches will have different capacities to withstand the impacts of vehicles. Use that may be seen as acceptable at one place may not be appropriate at another.

VEHICLE USE

Vehicles are used on beaches for a wide variety of reasons. These include:

- boat launching;
- access for fishing and surfing areas;
- sightseeing;
- four wheel drive club activities;
- emergency services (including surf life saving);
- racing (formal and informal);
- events (e.g. thundercat racing, beach volley ball, etc);
- technical (e.g. beach profiling, bird monitoring, etc);
- management (e.g. beach nourishment); and
- commercial (e.g. filming advertisements or movies).



Many of these activities, although perhaps benign in isolation, contribute to a cumulative negative impact upon the coastal environment. These impacts can be directly on the beach systems (i.e. physical or biological) or between beach users (i.e. social conflict). An outline of the type of potential impacts of vehicles on beaches is provided.

Managing human effects on the complex and dynamic geomorphological and ecological processes that combine within the beach system is a challenge world-wide. Human impacts on beaches are related to the ways in which we access beaches, as well as the types of activities we undertake, and the duration and frequency of those activities. Whilst all activities undertaken on beaches could potentially have an impact on the natural beach systems, vehicles have a greater potential impact on beaches when compared to pedestrians due to:

- the weight of the vehicle;
 - the engine power transferred to the wheels;
 - speed;
 - potential range of vehicles;
 - noise generated; and
 - potential safety impact on other beach users
- (Lindberg and Crook, 1979).



Article No. 10.2 - Effects of vehicles

Adverse effects of vehicles

NO DISPUTE!

A significant body of literature on the subject of vehicles on beaches has been generated from the United States over the last 30 years as well as impacts being recorded from many other places around the world. The literature consistently reveals negative effects of vehicles on the beach geomorphological and ecological systems (e.g. Sheridan, 1979).

The debate within the international literature focuses largely on how to manage vehicle use on beaches and/or the carrying capacity of particular sites. There appears to be no dissenting authors that suggest vehicles have no impact on natural beach systems. Popular literature and writings from vehicle use advocacy groups (e.g. four wheel drive clubs, tourism organisations, etc) also appear to discuss how to minimise the adverse effects rather than dispute that there are effects of vehicle use on beach systems (e.g. Queensland Parks and Wildlife Service, 2005).



IMPACTS OF VEHICLES ON BEACHES

There are three key impacts of vehicles on beaches:

- **Physical impacts** - direct effect of pressure from wheels driving on vegetation and dunes;
- **Impacts on biodiversity** - indirect effects related to loss of vegetation, changes in microclimate
- (localised atmospheric conditions such as wind speed and temperature) loss of and changes to biodiversity; and
- **Social and other impacts** - vehicle use that conflicts with non-motorised beach users.

1. Physical impacts

The direct impact of vehicles on beaches largely relates to compaction and displacement of sand and beach soils; localised stripping of vegetation; damage to fauna; and creation of access tracks over dunes, across the foreshore and through vegetation. This in turn can lead to 'blow-outs' or dune erosion.

Vegetation and soil

The stresses of turning wheels can crush plants, break underground rhizomes (roots), reduce root production and decrease the percentage cover of vegetation and its diversity (Stephenson, 1999).





Article No. 10.2 - Effects of vehicles



Wilshire et al. (1978) assessed the impacts of off-road vehicles on vegetation and soil at seven representative sites in the San Francisco Bay area. They recorded the complete stripping of plant cover by the activities of both two and four-wheel vehicles.

Direct impacts on soil structure include:

- increased soil densities;
- reduction of soil moisture;
- greatly reduced infiltration;
- extension of the diurnal temperature range by as much as 12°C; and
- reduction of organic carbon by an average 33% in exposed soils.

These types of changes are significant for beaches and dunes because they change the conditions that allow vegetation to grow and regenerate.

Griggs and Walsh (1981) attribute loss of vegetation, severe erosion and increased sediment discharge to off-road-vehicle (ORV) activity. They also highlight the "well-documented" physical environmental impacts of increased usage of ORVs on public lands throughout the USA. These physical and chemical impacts indirectly reduce the land's capability of restoring its vegetative cover. Both the loss of plant cover and the physical changes caused by vehicles promote erosion.

The physical impacts of vehicles on beaches are also recognised at the microclimate scale (localised atmospheric conditions). For example, McAtee and Drawe (1981) who investigated impacts along the Texas coast found that the microclimate was greatly modified by vehicular and pedestrian traffic. The primary effect of human activity on the microclimate was a reduction in vegetation cover and species diversity.



Article No. 10.2 - Effects of vehicles



Vehicle use on beaches can lead to significant damage to foredune vegetation including crushing and breakage of spinifex runners.

McAtee and Drawe (1981) also describe specific changes that occur as the intensity of human activity

- increases on dunes including:
- increased average wind velocities near the ground surface;
- increased evaporation rates;
- increased atmospheric salinity near the ground surface;
- increases in wind-carried sand particles near the ground surface;
- increased soil salinity;
- increased soil pH;
- increases in average soil temperature and range;
- increase in soil density;
- decreased beach elevation;
- reduced vegetation cover; and
- changes to the soil structure.

Many of these changes lead to increased vulnerability of sand dunes to wind erosion. Changes in microclimate are therefore important particularly on dunes because once the vegetation is disrupted, the associated increases in wind velocity then enable a greater volume of sand to be transported from the dune. This creates dune 'blow-outs'. Once mobilized, dune blow-outs

can potentially inundate any habitat, property or infrastructure behind the dune and these are difficult to repair (Gadgil, 2006).

Increased erosion

The effect of increased wind speed and corresponding dune erosion by vehicles was recorded by Brodhead and Godfrey (1977) in an investigation of the rates of vegetation breakdown and natural recovery at Cape Cod National Seashore, Massachusetts. In the study, the effects of controlled impacts of vehicles on a variety of coastal habitats were measured in terms of above and below ground biomass. Dune sites, ranging from unstabilised to moderately stabilised, were driven on at varying levels of intensity and along different exposures relative to slope and prevailing wind direction. They concluded that a single summer season of driving, comprising 300–700 passes of vehicles on a confined track through dense stands of dune vegetation, completely destroyed the above-ground portions but left enough underground roots for a small amount of vegetative re-growth after vehicle use was ceased. The removal of the vegetation resulted in increased wind speeds at ground level with a corresponding increase in dune deflation rates (the rate in which sand is transported away).



Article No. 10.2 - Effects of vehicles

Anders and Leatherman (1987a) examined the effects of ORVs on the dune system of Fire Island National Seashore, New York during a detailed, two year field study. Monitoring of foredune vegetation showed a significant loss of vegetation resulting from ORV impacts. Loss of vegetation resulted in an alteration of the natural foredune profile, which could increase dune erosion during storm wave attack. The same authors also suggested that ORV use could contribute to the overall erosion rate by delivering large quantities of sand to the swash zone where it can be reached by the sea (Anders and Leatherman, 1987b).

Creation of tracks

Vehicle tracks are evident on many dune systems throughout New Zealand. As erosion takes place creating open areas, studies show that vehicle users see these areas as legitimate tracks because they are largely un-vegetated and therefore utilise them, causing further damage. Lindberg and Crook (1979) report that once the initial damage to dune vegetation has been done. Other ORV users feel that a "legitimate trail" is available for use. In a review by Priskin (2004) of a 33-year study on the use and impacts of ORVs for recreation and commercial eco-tourism in the Central Coast Region of Western Australia, increased significantly. For example, the number of vehicle access points increased from 412 to 908 over a 271 km stretch of coastline as well as an increase in the total length of vehicle tracks. He concluded that vehicles caused extensive and significant impacts on the soil and vegetation of dunes and foreshores.

2. Impacts on biodiversity

National and international examples

Luckenbach and Bury (1983) studied vehicle impacts in the Algodones Dunes, the largest dune complex in California and also the area that received the greatest use by ORVs. Studies of paired plots where ORVs were used or not, clearly demonstrated that ORV activities in the dunes significantly reduced the biota, both plant and animal. There were marked declines in herbaceous and perennial plants, arthropods, lizards and mammals in ORV-used areas compared with nearby controls. All sand-adapted species, including several plants considered rare or threatened species, were greatly reduced in habitats where ORVs operated. Importantly they described the biota as negatively affected even by relatively low levels of ORV activities with areas heavily used by ORVs having virtually no native plants or wildlife remaining.

Stephenson (1999) provides a comprehensive review of vehicle impacts on New Zealand beaches. He concluded that:

"Vehicle impacts on the biota of backshore sandy beaches and on the biota of coastal dunes have been demonstrated to be severe and these areas are considered to have a nil 'carrying capacity' with respect to vehicle use".

Adverse effects recorded within this review include loss and change of composition of vegetation, disturbance to wildlife, introduction of exotic animal and plant species, erosion, litter and increased exploitation of marine animals.





Article No. 10.2 - Effects of vehicles

Invertebrates

There is a lack of research available into some classes of New Zealand invertebrates to make an informed assessment of the impact vehicles have on these organisms. These include worms species (ribbon worms/nemertean, round worms nematodes, polychaete) and some crustaceans (copepods, cumaceans, amphipods and isopods).

International research results show that the use of vehicles on beaches can reduce the abundance and number of species on and below the soil/sand surface. The impacts noted are:

- crushing of organisms (often many at once);
- destroying leaf litter and drift wood where organisms feed and live;
- changes to the soil properties and microclimate such as compaction; and
- the related reduction of plant cover.

Stephenson (1999) extrapolates that many crustaceans, insect and spider species (such as the katipo) would be crushed if run over by a vehicle. Insect species are also vulnerable if their food and shelter (for example drift wood, seaweed in the tide line) is pulverised or moved. However, research indicates that there are some species which may be more resilient to vehicle damage, depending upon their position in the beach system and their habits.



Gastropods (molluscs)

A study of vehicles on beaches in South Africa show that some species of Gastropod living on the foreshore were able to survive being driven on by vehicles if they are buried (the normal situation when the tide is out) and the sand is relatively compacted (Stephenson, 1999). One study shows that individual *Bullia rhodostoma* were robust enough to withstand being run over by vehicles even when placed on the surface. However individuals of the other three species being studied (*Donax serra*, *D. sordidus* and *Gastrosaccus psammodytes*) were easily crushed in this situation. Little research has been undertaken in New Zealand with regard to the impact vehicles have on Gastropod species. However, Stephenson (1999) suggests that species of similar size and robustness to *Bullia*, living in similar locations and that are buried when the tide is out, may not be at risk from vehicle use in areas of the beach they inhabit (for example *Amalda australis*, *Cominella adspersa* and *C. glandiformis*).

Bivalves

Important New Zealand bivalves are tuatua (*Paphies subtriangulata* and *P. donacina*), toheroa (*P. ventricosa*) and pipi (*P. australis*). These species are important for biodiversity and because they are mahinga kai (local food) species. Tuatua and toheroa are found on exposed beaches and pipi in more sheltered sites. There is some evidence based on studies of *Donax* sp. in South Africa, (Stephenson 1999) that suggest larger tuatua and toheroa buried in compacted sands can withstand vehicle impact. However, juveniles, that are smaller with softer shells and are distributed across the beach in high densities where vehicles are most likely to drive, may be vulnerable. In conditions where the surface of the beach is semi liquefied after vehicle use, toheroa float to the surface. This can potentially make them vulnerable to predators, such as gulls (Stephenson, 1999).



Article No. 10.2 - Effects of vehicles

Birds

Bird families feeding on sandy beaches include gulls and terns (*Laridae* species), godwits and sandpipers (*Scolopacidae* species), oystercatchers (*Haematopodidae* species) and dotterels, and plovers (*Charadriidae* species). These birds are susceptible to damage from vehicles driving in feeding areas on the foreshore and in nesting areas. Vehicle use has been linked with decreases in bird productivity related to crushing of nests and eggs, collision and disturbance.

Jeffery (1987 in Stephenson, 1999) directly correlated a sudden decrease in fledged oystercatchers with increasingly frequent vehicle traffic. The number of nests also decreased. Western (2003) describes two main impacts of vehicles on the Australian Hooded Plover a rare ground-nesting shorebird that has a similar habitat to the New Zealand dotterel. Nests and young birds were crushed and vehicles collided with flying birds. Buick and Paton (1989) estimated 81% of Hooded Plover nests were crushed by vehicles within the normal incubation period.

In New Zealand, birds which feed and nest in the backshore or dunes include the variable oystercatcher (*Haematopus unicolor*), New Zealand dotterel (*Charadrius obscurus*), banded dotterel (*Charadrius bicinctus*) and the Caspian tern (*Sterna caspia*). These species all have inconspicuous nests and highly camouflaged eggs, making them vulnerable to being run over by vehicles. Predation of eggs (for example by mustelids - stoats, weasels and ferrets) is a major factor in nesting failure in some areas. However, the impact of vehicles running over nests and eggs, and disturbing birds during breeding season is likely to contribute to the overall nest failure rate.

Anecdotal evidence suggests that high levels of mortality may occur for species such as dotterel and fairy tern without direct management controls. However, if controls are implemented these biodiversity losses can begin to be addressed. For example, in South Africa, Cherry (2005) identified a clear correlation between an increase in local oystercatcher populations as a consequence of a ban imposed several years earlier on four-wheeldrive vehicles on beaches.



New Zealand Dotterel eggs are around 3 cm long and look like small rocks. They are difficult to see and avoid.
(Photo: Coastline Consultants)

New Zealand Dotterels especially vulnerable to vehicles. They lay their eggs directly on the sand.
(Photo: Coastline Consultants)



Endangered fairy terns on Pakiri Beach need protection.

Photo courtesy A. Hogan



Article No. 10.2 - Effects of vehicles

Fragmentation and weed spread

Jalava (2004) describes two other types of potential impact on biodiversity. Firstly, habitat fragmentation from vehicle-induced dune breaches and blow-outs resulting in disruption of vegetation and accelerated sea or wind erosion. Previously contiguous areas of beach/dune habitat can be converted into isolated patches of vegetation. This in turn can lead to an increased ecological vulnerability – particularly for regionally indigenous species. One example of this is the concern for the *Pimela* and *Sebaea ovata* in the dunes of the Manawatu area (Ogle, 2002). Secondly, Jalava (2004) highlights the potential for vehicles to act as vectors that spread alien or invasive pest plant species. This can occur by the physical transportation of seeds or plant material into new areas or by disrupting the existing indigenous vegetation cover to such an extent that new or invasive species can become established where they previously may not have survived.

Weed species in dune areas are having a negative effect throughout New Zealand. Once established, many weed species can be costly to control and difficult to eradicate.

3. Social and other impacts

Conflicts with other users

The New Zealand public has a long history of access to and use of the beaches and foreshore. This access has been multi-purpose, e.g. collection of kai moana; travel along the coast; boat launching; fishing and other recreational pursuits. New Zealanders highly value and believe they have a right to visit the foreshore (Booth and Doody 2004). Quite simply, everyone goes to the beach!

Conflicts between vehicle users on beaches and pedestrians are major issues for managing beach access. These include:

- vehicles driving between pedestrians;
- vehicles crossing over dunes into pedestrian areas;
- dangerous driving;
- noise even in relatively remote coastal areas; and
- loss of overall beach experience.

The use of vehicles often conflicts with non-motorised activities on beaches (Oregon Parks and Recreation Department, 2004). For example, the noise of an ORVs engine expands the real and perceived impact beyond the range of its physical presence (Lindberg and Crook, 1979). This has occurred at Karioitahi beach west of Auckland where increased vehicle use has significantly compromised the experience of other beach users and at times raised serious safety concerns (Greg Lowe, formerly Franklin District Council, pers. comm).

Changes in vehicle availability and recreational patterns

Motorised vehicle use on beaches has occurred since the 1920s. Historically, vehicle use on beaches was largely functional often providing access to farms and fishing spots. On some beaches there is a history of motor racing such as Muriwai beach on the west coast near Auckland. However, there were very few incidents of widespread concern associated with vehicle use until the popularity of four-wheel drives escalated and vehicle numbers increased to a level where they began to impact on the beach environment and other beach users.

Modern vehicles are much faster, more capable of off-road travel, and more accessible to a wider group of society than in the past. The New Zealand Four Wheel Drive Association carried out a user survey in 2008 of their members. The results showed that 96% of respondents go to and/or drive on beaches.



In addition, there are now a wider range of recreation pursuits undertaken on beaches that conflict with motor vehicle use such as kite surfing and paragliding and beach volleyball.



Article No. 10.2 - Effects of vehicles

Increased population pressure

The effect of changes in technology and population increases results in more people visiting and using beaches. The number of reported conflicts as a result of these changes has increased accordingly. For example, over the past five years, the use of vehicles on beaches has received national media attention with particular regard to motor accidents, safety issues and user conflicts.

From 2000-2008, the New Zealand Herald published around 40 individual articles related to the issue of vehicles on beaches. In 2008, a New Zealand Herald poll found that of over 3600 people who responded to a survey, 49% wanted a total ban of vehicles on beaches and 42% sought restrictions.

We can assume that the country's population will continue to increase. This has the potential to increase both the recreational pressure and user conflicts on our beaches.



Legitimate vehicle access

It is important to acknowledge that on many New Zealand beaches it remains vital that vehicles can use the beach. Surf lifesaving, boat launching and the use of emergency vehicles will need to be accounted for in future management strategies.

Increased fire risk

The presence of vehicles on beaches and dunes during dry periods increases the risk of fire (Ternyik, 1979). This problem is also difficult to manage along the beaches of Waiuku west of Auckland (Greg Lowe, pers. comm.) and in the Manawatu region (Dave Harrison, Horizons Regional Council, pers.

Infrastructure

The impacts associated with the construction of infrastructure to support vehicle use on beaches can impact on the environment with potential loss of natural character. Removal or modification of back dune areas for the construction of car parking or access points can be substantial. The capital costs of such infrastructure on dunes can be costly and will inevitably require ongoing maintenance.





Article No. 10.2 - Effects of vehicles

Climate Change

Predicted effects of climate change including sea level rise and increased frequency and severity of storms will result in greater coastal erosion and flooding (Dahm et al. 2005). Managing the pressures of increasing human use including the use of vehicles on beaches will be a priority in protecting communities from coastal hazards, including climate change.

Involving coastal communities and vehicle users in the management and restoration of natural dunes has the potential to assist in the development of more resilient coastal communities better able to understand and to live sustainably with natural coastal processes, and to adapt to future change (Dahm et al., 2005).

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Appendix Six – Local Marine Advisory Committee



Chief Executive Officer
Douglas Shire Council
PO Box 723
64-66 Front St
Mossman 4873

27 September 2018

RE: Local Law Review and Vehicles on Beach General Policy Submission

Dear Sir/Madam

The Douglas Local Marine Advisory Committee (LMAC) welcomes the opportunity to provide comment on this important draft Local Law and policy.

Established by the Great Barrier Reef Marine Park Authority, the LMAC is a forum for local communities to discuss issues related to the management of the Great Barrier Reef, including its catchment, and to foster stewardship actions to reduce threats and build Reef resilience.

The LMAC's area of operation covers Daintree, Mossman and Port Douglas communities from the Bloomfield River to Buchan Point. Its membership reflects a diverse range of interests including agriculture, tourism, natural resource management, research, education and conservation.

Ensuring appropriate use of vehicles on beaches in the Douglas Shire has been a longstanding issue which has been championed by the LMAC. This submission reflects the views of the committee's community members, not including government members or management partners.

If you have questions regarding the submission, please do not hesitate to contact me at douglas.lmac@gmail.com.

Yours sincerely,

Josh Gibson
Chair, Douglas Local Marine Advisory Committee

Encl: Douglas Local Marine Advisory Committee Submission on Local Law Review and Vehicles on Beaches General Policy

- Loss of quiet enjoyment of the beach for both residents and tourists.
- That the activity exacerbates the problem of illegal netting in the area.
- That the activity has been inconsistent with State Government legislation and created numerous offences within that jurisdiction.

DISCUSSION AND ANALYSIS

Local Law and context for general policy

The draft Local Laws relating to the use of vehicles in a Local Government controlled area are essentially the same in outcome as the current Law, the use being a prescribed activity requiring an approval.

Part 2 of Local Law No. 1 (Administration) 2018 provides the procedural framework for the Approvals process and offences. Schedule 26 of Subordinate Local Law No. 1 (Administration) 2018 provides that bringing a motor vehicle on to or driving a motor vehicle within a local government controlled area is prescribed activity and defines criteria and conditions for approvals. Clause 5 of the schedule provides for conditions that must be imposed on approvals.

It is noted that many conditions contained in the draft *Vehicles on Beaches General Policy* relating to insurance, safety and environmental damage are not contained in the mandatory Clause 5 of schedule 26. It is suggested that consideration be given to including these conditions under the draft *General Vehicles on Beaches General Policy* within the Subordinate Local Law.

We also suggest it may assist the reader if the section titled 'Reference' in the draft policy provide greater context and outlines the relationship between the policy and the Local Laws.

Intent

We recommend that *protecting the natural and cultural values, wildlife and amenity of the region* be included as part of the policy's intent.

Scope

It is unclear what vehicles the draft policy applies to. We suggest it would be useful to state upfront the class of vehicles (for example quads, 4WD vehicles or all vehicles) to be covered by this policy to remove any confusion.

Reference

In addition to providing relevant context (see above) the draft policy refers to the current local law No.1 (2011) and the proposed new schedule 26 in Subordinate local law No.1 (2018).

This should be updated to reflect the title of the new local law and cross-referenced appropriately under the section below on 'Obtaining an Approval'.

Provisions

Consistent with the comments under intent, we suggest reference to DSC's obligations and commitments to protect the region's natural and cultural values be reflected in this section.

Under the 1st dot point of this section DSC recognises that driving of vehicles is a popular activity. Given that many of the concerns raised relate to persons wanting to drive vehicles at speed rather than for beach clean-ups and launching boats as stated, it is suggested that provisions (dot points 2

and 3) be strengthened to give greater emphasis to public safety and preventing environmental harm. The key point here is the manner in which the activity is conducted.

Definitions

We suggest consideration be given to amending the definition of vehicle to reflect the simpler definition of a 'motor vehicle' as prescribed in Schedule 4 *Transport Operations (Road Use Management) Act 1995*.

The draft policy's current definition of vehicle refers to that prescribed in the *Transport Operations (Road Use Management – Vehicle Standards and Safety) Regulation 2010* which is complex for the purposes of the policy. Given that the Local Law refers to bringing a 'motor vehicle' to Local Government controlled area the simpler definition of Motor Vehicle prescribed in the *Transport Operations (Road Use Management) Act 1995* may be more appropriate.

Obtaining an approval

The reference to Schedule 25 should read Schedule 26 of the new Subordinate Local Law No. 1 (Administration) 2018 and the title updated to reflect any changes.

In this section the draft policy refers to criteria which 'may be included'. We recommended that all criteria must be considered.

There are four categories under which criteria for assessing approvals will be given:

- Special approval
- Event or other approval
- Emergency services, Douglas Shire Council or contractors conducting works on behalf of Council
- Limited recreational use – Wonga Beach

It is unclear if the following section 'Conditions' are mandatory and apply to all categories or form part of the discretionary considerations and may be included.

It would be helpful if structuring the document could afford the reader with greater clarity in this regard. It is our assumption that these conditions would be mandatory and in fact should be considered for inclusion in the Clause 5 of Schedule 26 of the new Local Subordinate Local Law No. 1 (Administration) 2018.

Insurance requirements

There is no requirement for vehicles under the draft policy to be registered or insured with the exception of the criteria under the section for Limited Recreational Use – Wonga Beach criteria which includes reference to public liability insurance.

We highlight the need for consistency with S. 20 *Motor Accident Insurance Act 1994* that creates an offence for any uninsured vehicle to be driven in a public place and relates to vehicle registration and Compulsory Third-Party insurance and ensuring there are no conflicts with State legislation pursuant to S.27 *Local Government Act 2009*. We also note that this criterion is not required to be considered for the other three categories of vehicle use and suggest this may be oversight. It may be simpler for an overarching requirement to be included in the 'Condition' section of the policy making it clear that vehicle registration and insurance is a required for all vehicles.

Special Approval

We note these provisions and support providing disabled persons with access to the beach in a safe and environmentally responsible manner.

Event or Other Approval

We recognise use of the beach by vehicles to support managed community events, restoration and clean-up activities is a valid and beneficial use when conducted safely and in accord with protecting the natural and cultural values of the region. We suggest it may be more appropriate to refer to the types of activities rather than naming specific events (for example referring to marathons, beach-clean ups etc rather than the Great Barrier Reef Marathon and Tangaroa Blue).

Emergency services, Douglas Shire Council or contractors conducting works on behalf of Council

Similar to the above we recognise the need for special provisions to cater for these services.

Limited recreational use – Wonga Beach

Based on the current manner in which recreational use has occurred, the LMAC sees limited recreational as being incompatible with protecting the natural values and wildlife of the region and posing unacceptable risk to the environment and public safety. In addition, there are concerns regarding DSC's resources to effectively monitor and enforce conditions for recreational use.

Noting the above, should DSC proceed with Limited Recreational Use the LMAC recommends:

- (a) 4WD cars be included in types of vehicle not considered for approval unless being used to launch boats at designated locations.
- (b) Vehicles be required to display an identification number of similar in dimension to vehicle registration plates in a position visible to other beach users.
- (c) The number of approvals be limited to ensure vehicle volumes are compatible with the aims stated under the Provisions heading of the policy for sustainability, safety and peaceful enjoyment.
- (d) Signage be installed making restrictions and penalties clear to residents and visitors.
- (e) That sufficient resources are allocated to monitor and enforce compliance.

Also refer to comments regarding insurance above.

We also note that criteria under this category include reference to producing a drivers licence. As this is a general condition we assume this is for the purposes of demonstrating residency rather than a general requirement as it is not specified for other categories.

We note that the area of beach designated for recreational use north of Giblin St is the most pristine and has the greatest environmental values. As such any vehicle use in this area should take the upmost precautions to prevent disturbances to wildlife.

Other

The LMAC also notes that there is no reference to, or guidelines for, launching boats at designated areas in any category, yet this highlighted in the 'Provisions' section. It is suggested that Council consider its inclusion in this policy to ensure it comprehensively covers all vehicle use.

Conditions

It is suggested that the condition requiring Approval holders to only access the beach at designated access points be brought forward.

The statement 'The QLD Police Service will be notified where an authorised officer reasonably believes this is occurring' does not appear to be a condition for an approval holder as it refers to an action of a third party.

Conditions referring to registration requirements, insurance and safety (i.e. wearing an approved helmet) should be checked for consistency with State Government Laws.

Consideration be given to inclusion of conditions in Schedule 26 Subordinate Local Law No. 1 (Administration) 2018 and therefore mandatory for Approvals.

Other issues related to recreational use:

1. Vehicle volume: DSC has not provided information on the number of vehicles estimated to be given approval or what volume of vehicles can satisfy and sustain the provisions stated in the policy in terms of environmental damage, public safety and peaceful enjoyment. The policy places no limit on the number of vehicles that may be granted recreational use approvals if application criteria are met.
2. Enforcement and Resources: While it is recognised that exclusions and conditions for recreational use in the policy are designed to mitigate public safety risk and environmental damage, without a process or the capacity to monitor and enforce the Local Law and conditions the policy may be meaningless. Council officers have previously stated to residents that resources are insufficient to enforce Local Laws. The LMAC advocates for resources to be committed to public education and regular monitoring and enforcement of conditions should limited recreational use provisions proceed.
3. Potential Proliferation: It is recommended that should DSC approve limited recreational use of vehicles at Wonga Beach that it is made clear to the wider community that this is an exception based on historical use. This should minimise potential for communities on other beaches to lobby DSC for such use.

SUMMARY OF SUBMISSION RECOMMENDATIONS

Vehicles on Beaches General Policy

1. *That the Intent, Scope, Reference and Provisions sections of the draft policy be strengthened as discussed.*
2. *That the definition of vehicle be amended to the definition of a 'motor vehicle' as prescribed in Schedule 4 Transport Operations (Road Use Management) Act 1995.*
3. *That wording on page one be amended to read (Criteria for assessing an application must include, but not be limited to.)*
4. *That approvals be limited to Special Approval and Event or Other Approval and Emergency Services categories. Limited recreational use is seen as being incompatible with protecting the natural values and wildlife of the region and posing unacceptable risk to the environment and public safety.*
5. *That to remove any inconsistency with State Government Law, potential challenge to the Local Law and the risk of approval holders breaching State Law; all vehicles have full or conditional registration and therefore Compulsory Third-Party insurance.*

-
6. *That the policy specifies conditions for the launching of boats at designated locations.*
 7. *That should DSC proceed with Limited Recreational Use;*
 - a) *4WD cars are included in types of vehicle not considered for approval unless being used to launch boats at designated locations.*
 - b) *Vehicles must display an identification number of similar in dimension to vehicle registration plates in a position visible to other beach users.*
 - c) *The number of approvals be limited to ensure vehicle volumes are compatible with the aims stated under the Provisions heading of the policy for sustainability, safety and peaceful enjoyment.*
 - d) *Signage be installed making restrictions and penalties clear to residents and visitors.*
 - e) *That sufficient resources are allocated to monitor and enforce compliance.*

Local law

1. *That conditions in the Vehicles on Beaches General Policy that relate to safety and environmental protection, and a condition requiring all vehicles to be registered and have CTP insurance be included in Clause 5 of Schedule 26 of Subordinate Local Law (Administration) 2018 and therefore be mandatory on approvals.*

The LMAC would welcome the opportunity to meet with DSC to discuss any of the above comments and may be contacted at douglas.lmac@gmail.com.

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Appendix Seven – Wildlife Preservation Society of Queensland



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30/9/2018

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Vehicles on Wonga Beach: a submission on the proposals included in the draft Vehicles on Beaches general policy.

Dear Councillors,

Even though our organisation is based outside of the Douglas Shire we hope you will accept this submission on proposals to allow motor vehicle access to a section of Wonga Beach and will give kindly consideration to our views. Wildlife Queensland has been advocating for better wildlife conservation and management for nearly 60 years and has a broad concern for the protection of significant and vulnerable wildlife habitat that can be damaged and destroyed by inappropriate use. We hope you will understand that our submission arises out of this concern.

In our own region our local authorities are on record as recognising that beaches are under "increasing pressure from vehicle use" even when that use is lawful and compliant. And we do not have to look far to find evidence of the abuse and disregard of attempts at regulation, including:

- failure to use designated access points or stay below high water mark
- damage, caused either thoughtlessly or deliberately, to dunes, foreshore vegetation and beaches
- wildlife disturbance, including nesting and breeding sites
- littering and pollution
- 'hooning' around salt-pans

Wonga Beach is a particularly beautiful, long, 'wild' beach (though for this writer it is many years since I was last there). We believe the beach is widely valued for the opportunity it provides for long, quiet walks in which to appreciate the beauty and tranquillity of the scenery and natural surroundings of rainforest backdrop, dunes, beach, sand flats at low tide and the ocean. While the presence of crocodiles makes it unsuitable for swimming, it seems clear that these natural qualities form the strongest attraction for visitors to the area and indeed for many residents. See recent comments from locals and visitors appended to this submission.

Of course, we have no problem in relation to occasional vehicle access for specific purposes of beach clean-ups and essential maintenance, attending to emergencies and accidents, enabling disabled access, and special events.

However we have serious concerns about allowing vehicle access to yet another stretch of almost pristine beach along our coast. Such access has the potential to cause negative impacts on the contours, vegetation and stability of both beach and dunes; on the experience of other users seeking quiet or nature-based recreation and/or a safe place for children to play in a natural setting; and on wildlife and wildlife habitat.

The impacts on wildlife arise from the noise, lights, pollution and disturbance generated by vehicles entering the fragile habitat of dunes, foreshore and sand-flats where shorebirds, sand goannas, marine turtles and other creatures live and breed. (Please note: We don't have confirmation of turtles nesting on this beach, although they may do so in small numbers, but they do occur in these waters and could be harmed by any increase in human litter (especially plastics) entering the ocean.

We understand that the beach stone-curlew, a threatened species, is recorded for this area and would expect orange-footed scrub fowl to occur in the dune vegetation. Other migratory waders are likely to be present through the summer months and many of these are suffering global declines in their populations, with loss and degradation of habitat a major cause. Any reduction in healthy, undisturbed habitat for these birds, even a relatively small area, is a worry. We would like to ask what surveys have been done of birds (migratory and resident) of this area? And what assessment has been done of the likely impacts?

Further, we should point out that the intertidal zone of sandy beaches harbours a great diversity of animal life that live at least part of their lives below the surface and it is an illusion to think that they are undamaged or undisturbed by vehicle activity. Sand-dwelling crabs may be especially vulnerable. A 2007 study, which looked specifically at the impact of off-road vehicles on ghost crabs, commented:

The recreational activity that causes most environmental harm is driving of off-road vehicles (ORVs) on sandy beaches ... Environmental impacts caused by ORVs are numerous. ORVs change the physical properties and stability of dunes and beaches ... and they disturb, injure, or kill the vegetation and fauna.

This study found that there was significant mortality of ghost crabs as a result of crushing by vehicles both on the surface and within their burrows¹. A 2009 study pointed to the likelihood that increased mortality of intertidal invertebrates as a result of vehicle activity would have impacts higher up the food chain as fish and wading birds find their food source diminished².

Because so much of this inter-tidal life is unseen to the casual observer or walker it is too easy to ignore it or simply assume it will be unaffected. We urge you to investigate this particular issue, and possible ramifications, as thoroughly as possible. It is too late to "put things back the way they were" once the damage is done.

We have noted that, in an effort to reduce damage, the Council proposes to place restrictions on access points, speed limit, areas of use and types of vehicle. Unfortunately we cannot see anything in the draft to indicate how these are to be enforced to ensure compliance over such a long stretch of beach, north from the Giblin Street access point.

¹ Schlacher, Thompson and Price. Vehicles versus conservation of invertebrates on sandy beaches: mortalities inflicted by off-road vehicles on ghost crabs, *Marine Ecology*, 28 (2007)

² Defeo et al. Threats to sandy beach ecosystems. *Estuarine, Coastal and Shelf Science* 81 (2009)

Moreover, there appear to be no proposals either to limit the hours during which vehicles may access the beach or on the numbers of vehicles that may be there at any one time. Without wishing to think the worst of Wonga residents we feel this could be a recipe for serious damage.

I am sure we have all at some time witnessed the results when late night/all night parties or other gatherings have got out of control – even in protected areas. No community is immune from this sort of activity, even when there are restrictions in place, such as those in the draft proposal. It is made more likely where there are no restrictions on either night-time access or numbers of vehicles. In our own region we have witnessed severe damage to “remote” beaches and dunes as a result of 4WD access and, in many cases, an appalling amount of litter left behind. The stipulation to “give way to wildlife” is well-meaning but easily ignored in daytime, and almost certainly ignored after dark.

As acknowledged earlier, we are speaking from outside the Douglas Shire and outside your immediate region. Yet we hope you will not take it amiss if we urge your Council to proceed with extreme caution in developing your plans for Wonga Beach. Beaches such as this are an incredibly precious resources and are in increasingly short supply as our world becomes more populated and urbanised and as demands are placed for more and more motorised or high impact access. The wildlife that have their homes destroyed or made un-liveable cannot understand or recognise our political or administrative boundaries; they cannot simply “move elsewhere” and are left with no options.

In the long term we are all the poorer.

With kind regards,



Liz Downes
Vice-President
Wildlife Queensland - Townsville Branch Inc.

Visitor and resident comments: these were gleaned from a very quick TripAdvisor search. It was noticeable how the comments about "peace", "serenity", "wildness" and "beauty" predominated.

I live here and walk along this beach everyday and it's beautiful. It's the best to walk along when it's at low tide as the tide goes out so far. (Local resident)

Stayed in a beautiful house more or less on this beautiful beach. Such a shame not to be able to swim but we were well aware of the croc threat and is not worth the risk but great for a morning stroll peaceful and beautiful (Overseas visitor)

This is an excellent beach for long walks with the rainforest on one side and the ocean on the other - if you keep on walking in direction of Cape Tribulation you will come up with wild areas with rivers and little lagoons - it really starts feeling a bit like a Jurassic Park journey - not too far away from the truth when you know there are large salt water crocs looming around!! (Overseas visitor)

This is a beautiful part of FNQ. Walking along the beach is wonderful and it is a nice long beach so again great to walk or run along. Did go in for a swim but exited the water very quickly when I realised I was sharing the water with a baby crocodile. (Interstate visitor)

We have done several long walks over a 3 week stay in this hidden paradise. Barely see a soul as you stroll along the far stretching beach with rainforest on one side. Serenity at it best. (Visitor – location not known)

Wonga Beach is about 10km long and largely deserted. Wandering along the beach at low tide is amazing, with views toward Port Douglas, Snapper Island and toward the mouth of the Daintree River. Mangroves, coconuts and overhanging trees add to the spectacular views ... This is a beautiful unspoilt beach but given its location next to the Daintree River it is not surprising that the local wildlife is around. Wonderful quiet spot, fantastic for a romantic walk or fossicking for shells. (Interstate visitor)

We visited Wonga Beach several times whilst staying in FNQ. We would drive to the beach and walk for 40 minutes once stopped to have lunch under the shade (Overseas visitor)

After 27 years living in many countries & coming from Sydney. We chose Wonga Beach to retire. This is where the reef meets the rain forest. One of the most amazing places to live. Our beach is lovely & we walk most days on it. (Local resident)

It is a beautiful stretch of deserted coastline ... Look for shoals of fish feeding, small crabs, and generally potter about on the beach! (Overseas visitor)

Quiet and peaceful part of the world. Can often have the beach to yourself, not a good swimming beach but nice for a walk. (Queensland visitor)

During our travels we stopped at this beach and have just a peaceful time just watching the world go by. Great stop to relax (Interstate visitor)

Appendix Eight - Neutral Comments

1 **WONGA BEACH QUAD BIKE ISSUE.** I don't need to comment on this though I sympathise with the bike haters. Noisy things probably doing nothing positive but I don't know.

2 **A PUBLIC MEETING TO BE** held before finalising of decisions on this policy.

3 **WORDING OF POLICY**

1. The use of the terms “vehicle” and “motor vehicle” are interchanged throughout the document (and in the associated Schedule 26). Only the word “vehicle” is defined in the Policy and the definition includes non-motorised vehicles as per TRANSPORT OPERATIONS (ROAD USE MANAGEMENT) ACT 1995 (TORUM Act).

2. Is it the intent of the Policy to only apply to “motor vehicles”? If so:

- the definition should be clearer and consistent with other definitions of “vehicle” in the Local Law No. 1 dictionary and TORUM Act;
- the terminology should be more consistent throughout the Policy;
- do Segways and other personal mobility devices meet the definition of a “motorised vehicle”; and
- the impact of non-motorised vehicles such as wind powered vehicles (e.g. kite buggy) on the environment, amenity and particularly public safety needs to be considered.

3. If the Policy is to apply to all “vehicles” as defined in TORUM Act, then it is our understanding that this will include bicycles. If this is correct, should pedal powered bicycles be exempted from the Policy and Section 2 of Subordinate Local Law No.1 Schedule 26 (under Section 2? Any other excluded/exempted activities).

4. The Policy refers to Schedule 25 of Subordinate Local Law No. 1 in error.

5. Noted that a number of assessment criteria and proposed conditions don't match up with those listed in the associated Schedule 26.

6. Bathing reserves need to be mapped and need to ensure that Vehicles on Beaches Policy and associated Schedule 26 don't conflict with Subordinate Local Law No.6 which “prohibits” certain vehicles and exempts others in bathing reserves.