

5.2. VEHICLES ON BEACHES GENERAL POLICY

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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 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.

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.

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.

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.

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. 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.

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.

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.

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 Gibley 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 applicants 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.

Manager Responsible for Review:

Manager Sustainable Communities

ADOPTED:

DUE FOR REVISION:

REVOKED/SUPERSEDED:

DRAFT