5.6. ELECTRIC QUAD BIKE - FOUR MILE BEACH, PORT DOUGLAS

REPORT AUTHOR Sara Roberts, Team Leader Local Laws

MANAGER Paul Hoye, Manager Environment and Planning

DEPARTMENT Environment and Planning

RECOMMENDATION

That Council invite the enquirer to make a formal application to Council, including the payment of applicable fees as set out in the adopted fees and charges, and conditionally approve the restricted use of an electric quad bike on Four Mile Beach, Port Douglas.

EXECUTIVE SUMMARY

Council has received an enquiry from a pensioner who resides in the Four Mile Beach area, who has been a resident of the shire for approximately 33 years. The applicant has requested to use an electric quad bike to traverse Four Mile Beach for recreational purposes due to their restricted mobility.

BACKGROUND

Historically, Council has permitted the use of quad bikes on Four Mile Beach for Commercial Recreation Activity purposes, including the sale of food and drink. Recreational use has never been considered and generally, would be opposed.

The enquirer has advised Council that they have limited mobility and relies on a wheelchair, the holder of a disability parking permit and relies on the assistance of carers. The enquirer is the owner of a property adjacent to the beach and has advised Council staff that the two tracks closest to their home are not able to be used for access via a wheelchair. Subsequently the enquirer has purchased an electric quad bike that does not emit pollution or exhaust smells and minimal noise which they wish to use to access the beach foreshore area.

COMMENT

The bringing or driving of motor vehicles on local government-controlled areas is a prescribed activity, requiring an approval, under Local Law No. 1 (Administration) 2020. The use of motor vehicles on Four Mile Beach is inconsistent with the current use of the beach, particularly in the bathing reserve area.

However, Council can approve the use and impose reasonable conditions that limit the activity, but still accommodate the applicant. Council must be mindful of setting a precedent and expectations of other beach users.

A draft proposed Conditioned Approval is provided for Council's information as an attachment. The draft proposed Approval includes a limit to the area where the E-Quad can be used and a 20km/h speed limit.

PROPOSAL

That Council invite the enquirer to make a formal application to Council, including the payment of applicable fees as set out in the adopted fees and charges, and conditionally approve the restricted use of an electric quad bike on Four Mile Beach, Port Douglas.

FINANCIAL/RESOURCE IMPLICATIONS

NIL

RISK MANAGEMENT IMPLICATIONS

Council has an obligation to ensure that the amenity of public spaces is maintained to a standard that can be enjoyed by all residents. By conditioning any approval, a balance can be achieved.

SUSTAINABILITY IMPLICATIONS

Economic: Nil

Environmental: The impact to the environment will be minimal, as the electric quad bike does not emit pollution and is quiet in operation.

Social: Allowing a person with limited mobility to maintain a level of independence and access to outdoor spaces plays a vital role in good mental health and keeps them involved in the community.

CORPORATE/OPERATIONAL PLAN, POLICY REFERENCE

This report has been prepared in accordance with the following:

Corporate Plan 2019-2024 Initiatives:

Theme 1 - Celebrating Our Communities

Douglas Shire Council embraces the diversity of our communities and values the contribution that all people make to the Shire. We recognise that it is a core strength of the region. We acknowledge our past so that it may guide us in the future. We recognise the wrongs done to our Indigenous community and we actively seek to reconcile so that we may all benefit from and enjoy our Shire. We acknowledge early European settlers who forged an agricultural base for our economy and we welcome all new arrivals as part of our broader community.

Goal 1 - *We will celebrate the diversity of our community and ensure that all infrastructure, programs, and services are underpinned with inclusiveness and accessibility.*

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 Council has a number of statutory obligations detailed in numerous regulations and legislative Acts. Council also makes local laws to ensure that the Shire is well governed. In fulfilling its role as regulator, Council will utilise an outcomes based approach that balances the needs of the community with social and natural justice.

CONSULTATION

Internal: Council Workshop

External: Port Douglas Police

COMMUNITY ENGAGEMENT

Nil

ATTACHMENTS

1. Proposed Approval [**5.6.1** - 7 pages]

DOUGLAS SHIRE COUNCIL

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ENQUIRIES: Local Laws
YOUR REF: Enter if applicable
OUR REF: Enter InfoXpert Doc ID.

Click to enter date

Click to enter full name and address

Dear Click to enter full name

PRESCRIBED ACTIVITY APPROVAL

LOCAL LAW NO. 1 (ADMINISTRATION) 2020 AND SUBORDINATE LOCAL LAW NO. 1 (ADMINISTRATION) 2020

Schedule 26 Bringing or Driving Motor Vehicles onto Local Government Controlled Areas

BRING OR DRIVE QUAD BIKE/UTV ON WONGA BEACH

Following receipt of your application on Click to enter a date, Council advises that your application has been approved.

Please find enclosed your approval to keep Choose an item. at Click to enter address.

If non-standard conditions are included in the Approval, you may apply for a review of the decision within 14 days after the approval is given. Please refer to the Information Notice attached to this Approval

Should you wish to discuss this matter further please contact Select Officer on telephone (07) 4099 9444.

Yours faithfully

S Roberts
Team Leader Local Laws

Enc: Approval – Bring or Drive a Vehicle onto Local Government Controlled Areas

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PRESCRIBED ACTIVITY APPROVAL

LOCAL LAW NO. 1 (ADMINISTRATION) 2020
SUBORDINATE LOCAL LAW NO. 1 (ADMINISTRATION) 2020

(Schedule 26 - Bringing or Driving Motor Vehicles onto Local Government Controlled Areas

Douglas Shire Council approves the Approval Holder to undertake the following activities in accordance with this Approval.

Bring or Drive a Quad Bike/UTV onto Council Areas - Wonga Beach Only

APPROVAL	Issue Date:	Click here to enter date				
	Expiry Date:	Choose an item.				
APPROVAL HOLDER	Name:	Click here to enter address				
	DOB:					
	Postal Address:	Click here to enter address				
ACTIVITY APPROVED	Scope of Activity:	Bring or Drive a Quad Bike or UTV on the identified area of Four Mile Beach only				
	Entry and Exit Location:	Click here to enter address				
DESCRIPTION OF VEHICLE	**QUAD/UTV**	**Make**	**Model**	**Colour**	**No. of Seats**	**Features**
CONDITIONS	This approval is subject to the conditions attached to this approval.					

SIGNED	
NAME/POSITION	S Roberts - Team Leader Local Laws
DATE	

Attachment 1

(Schedule 26 – Bringing or Driving Motor Vehicles onto Local Government Controlled Areas)

Standard Conditions of Approval

(a) The approval holder must –

(i) the approval will be valid only for the dates specified in the approval;

(ii) the approval will be valid only for the specific vehicle or type of vehicle specified in the approval;

(iii) the approval is not transferable;

(iv) the approval holder will comply with any restrictions specified in the approval regarding of the parts of the local government controlled area that may be accessed by vehicle and notwithstanding any contrary restrictions in the area;

(v) the approval holder must ensure the safety of other users of the local government controlled area arising from the carrying out of the approved activity;

(vi) the approval holder will be liable to pay to the local government the cost of rectifying any significant damage caused by the use of the vehicle in the area to the satisfaction of an authorised person.

Non-Standard Conditions of Approval

(a) The approval holder must ensure–

(i) the vehicle is not to be driven above the high tide mark, except when travelling to and from the beach.

(ii) a disability parking permit is clearly displayed on the vehicle.

(iii) under no circumstances, including at high tide, is the vehicle to be driven on or over frontal dunes or foreshore areas not designated as access points.

(iv) vehicles will be restricted to travelling on the beach between the hours of 8am and 6:30pm.

(v) 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 person reasonably believes this is occurring.

(vi) vehicles are to be driven only in the area specified on the approval.

(vii) the maximum speed limit on the beach area will be 20kph. Hooning, fishtailing and racing of vehicles is not permitted.

(viii) only the vehicle nominated on the approval is to be driven on the beach.

(ix) vehicles must give way at all times to pedestrians and wildlife.

(x) vehicles must be kept in a good state of repair or an approval will be revoked.

(xi) approval holders will be issued an approval identification sticker, or similar, which must be visible on the vehicle at all times.

(xii) 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 pushed or transported by utility or trailer

to the designated access point. Approvals will be revoked and enforcement action taken by Council officers and QLD Police, if users are found in breach of this condition.

(xiii) as per QLD State law, the approval holer must wear an approved motorbike helmet and not carry a passenger unless on a seat designated for that purpose.

INFORMATION NOTICE

Section 9 (4) Local Law No.1 (Administration) 2020

The Decision

The decision of the local government is to grant Approval No. Enter Approval Number in accordance with the terms and conditions of the Approval which includes non-standard conditions for which this Information Notice relates.

Reasons for the Decision

To ensure the approval is consistent with the purpose of all relevant local law and the *Animal Management (Cats and Dogs) Act 2008*, the non-standard conditions were imposed on the Approval.

Review of Decision

You may apply for a review of the decision to include the non-standard conditions in the Approval within fourteen (14) days of this Notice being given.

Applications to review the decision must be made in writing and addressed to the Chief Executive Officer with representations to show why the decision should not have been made, or should have been varied.

APPROVED AREA

From Bruno Riedweg Park (access point), north to the point adjacent to the southern most Mirage Villas.