

Council Policy

BEACH DRIVING POLICY

1. INTRODUCTION

This Policy has been developed by Council to provide a framework for the management of recreational vehicles on beaches in the Port Macquarie-Hastings Local Government area, with the aims of:

- a) Establishing a consistent approach to regulating beach access by vehicles on beaches
- b) Protecting the coastal environment
- c) Ensuring the safety of all beach users
- d) Allowing for sustainable and equitable recreational use of the beaches

Beaches and dunal ecosystems are highly valued by the local community and the many visitors to the Port Macquarie-Hastings region.

Improper use can compromise this valuable resource. Projected population increase in the Port Macquarie-Hastings Local Government Area will place increased pressures on our beaches, with higher levels of competing use and the need for clear guidelines for all users.

2. POLICY STATEMENT AND SCOPE

The purpose of this policy is:

- To provide permits which allow the recreational use of motor vehicles on the beaches and adjacent reserves in the Port Macquarie Hastings Local Government Area.
- To enforce compliance with the Beach Driving Guidelines
- To utilise income generated through the sale of permits for maintenance of beach access points and associated infrastructure

This policy applies to all motor vehicles other than those used by:

- Emergency services, surf lifesaving clubs, lifeguards and other persons during bonafide rescue operations.
- Authorised servants of Local, State and Commonwealth Governments in performance of their duties.
- Commercial fishers with a valid fishing license.

3. BEACH DRIVING PERMITS

- 3.1 All 4WD users must hold, or obtain, a valid permit prior to accessing any designated beach within the Port Macquarie-Hastings Council, Kempsey Shire or Nambucca Valley Council areas.
- 3.2 Beach Driving Permits can be purchased online using the PayStay App, via Council Customer Service Offices, the Glasshouse Information Centre or nominated Outlets.
- 3.3 Beach Driving Permits are not transferrable between vehicles.
- 3.4 Council will maintain a register of valid permits issued via the PayStay App.
- 3.5 Permit fees are variable based on permit timeframes, currently 30-day permits, Yearly Permits, and Pensioner Yearly Permits. Permit fees are determined by Council each financial year.
- 3.6 Fees from Beach Driving Permits are allocated towards improved signposting, access tracks for vehicles and pedestrians, dunal fencing and revegetation works.

4. BEACH DRIVING GUIDELINES

The following guidelines provide further information on Council issued Beach Driving Permits and the associated requirements permit holders must abide by:

4.1 New South Wales road rules apply

Vehicles accessing beaches must be registered and their drivers must hold a valid drivers licence. Laws relating to drug and alcohol use on NSW roads are applicable to beaches. Disabled drivers may apply for a special licence under RTA unregistered vehicles provision.

4.2 Maximum Speed

A speed limited of 40 km/h applies and vehicles are required to slow to a speed of not more than 25 km/h when within 100 metres of people on beaches.

4.3 Defined Areas

Vehicles are prohibited on the vegetated dune area at all times.

Vehicles are to drive between the low and high tide marks (where the sand is firmer) except when entering or exiting the beach. Enter or exit via designated, signposted access points only. Access is prohibited outside these areas. Fines may apply.

Access may be reviewed/closed at any time due to a change in environmental conditions which may affect safety or circumstances ie. Severe weather events, shorebird breeding periods. If when driving a section is encountered that cannot be passed safely, drivers are to turn around and not proceed through the section.

4.4 Beach Users

Pedestrians and other beach users engaged in recreational activities have right of way all times, except at officially defined vehicle access points.

Motor vehicles shall keep a reasonable and safe distance from other beach users.

4.5 Parking on the beach

Vehicles must only park on the section of beach between the high water mark and the front of the dunal system (immediately above high tide mark) at least 25 metres from a beach access point, unless signage advises otherwise.

Vehicles must park responsibly away from dunes, vegetation or threatened species.

Vehicles and trailers are not to be left on the beach whilst actively engaged in ocean (deep sea) fishing.

4.6 Surf Patrol Areas

Vehicles are not permitted to drive through a surf patrol area, unless arrangements are made with the patrol captain on duty.

4.7 Share the Shore

Our 4WD accessible beaches are important nesting habitat for many threatened species, who nest from September to March on the beach above the high tide mark. Help save these species from extinction by acting responsibly, being alert to sign-posted nesting sites, staying away from the dunes and controlling your pets.

5. RECIPROCAL RIGHTS - KEMPSEY SHIRE AND NAMBUCCA VALLEY COUNCILS

Reciprocal beach permit rights have been established between Port Macquarie-Hastings, Kempsey Shire and Nambucca Valley Councils. Holders of current beach permits issued by any of these Councils are valid at the nominated beaches within the Port Macquarie-Hastings, Kempsey and Nambucca Council areas. (see Mid North Coast beach access Map as Attachment 1)

Residents in the Port Macquarie-Hastings area must obtain their permit from Port Macquarie-Hastings Council, or nominated outlets, and similarly, person residing in the Kempsey or Nambucca Valley Shires must apply for their permit in the Local Government area in which they live.

6. SPECIAL OCCASIONAL USE

Council will give consideration to the organisers of sporting, cultural or other special events to take nominated vehicles onto restricted areas with Council's prior written approval.

Applications for special occasional beach usage must be made to Council in writing at least 21 days prior to the requested beach access. Applications will be considered on merit having regard for the public interest.

Vehicles must access via designated access points and abide by the Beach Driving Guidelines.

7. COMMERCIAL FISHERS

Commercial Fishers, who hold a valid fishing licence, are permitted to drive on all permissible areas listed below without obtaining a beach driving permit, whilst working in the Port Macquarie-Hastings local government area. In addition, they are permitted to drive on North Beach from the North Shore Drive beach access point south to the breakwall.

8. TEMPORARY PROHIBITION

In the event of any beach being unsuitable for motor vehicle use following short-term damage due to storm conditions, then the Council, the Department of Land & Water Conservation and where necessary, the appropriate land management authority, shall have authority to temporarily close the beach to permit the return of sand and dunal vegetation.

9. OFFENCES

It is an offence to operate a vehicle on the vegetated dune of any beach.

It is an offence to drive or park on any beach (except at boat launching sites) without a current beach driving permit. Any person contravening the Policy will be considered to be in breach of the *Local Government Act 1993*, which provides for penalties of up to \$1,100. On-the-spot fines of \$110 may also be issued for failing to comply with a notice.

The permit holder must be able to provide evidence of a valid beach driving permit, either by displaying a valid permit sticker or showing details in the PayStay App. Breach of this policy carries a \$110 on-the-spot fine.

Any person driving in restricted or prohibited areas will be considered to be in breach of the *Recreation Vehicles Act 1983*, which provides for penalties of up to \$500, or a breach of the *Local Government Act 1993*, which provides for penalties of up to \$550. Driving in restricted or prohibited areas resulting in injury to a person or animal, or disturbing or removing plants in a public place carries a maximum penalty of \$2200.

Port Macquarie-Hastings Council reserves the right to withdraw the beach driving permit from vehicles found contravening this policy.

10. ENFORCEMENT

The following persons are authorised to enforce this policy:

- Council Rangers
- Officers of the NSW Police Force

NPWS Officers are authorised to enforce the National Parks and Wildlife Regulation 2019 on NPWS estate. This includes all of North Shore Beach within Limeburners Creek National Park and Dunbogan Beach within Crowdy Bay National Park above the high water mark.

10.1 Legal Action

Port Macquarie-Hastings Council will determine all breaches of this policy and the course of action to be taken except in the situation where an on-the spot fine is issued.

In the event of non-payment of on-the-spot fines as set out in the Infringement Notice issued for breach of this policy, legal proceedings will be instigated automatically without further advice from Council.

11. SIGNS AND STRUCTURES

Signs are erected at the designated beach access locations to indicate Council's requirements in relation to the use of vehicles on beaches.

Acting contrary to signs erected by Council is a breach of the Local Government Act 1993 and will be subject to action indicated in Section 632 (1) and (2) of the Act.

12. RESPONSIBILITIES AND AUTHORITIES

12.1 Roles and Responsibilities

The following Council officers are responsible for the implementation of this Policy:

- Administration Officer, Recreation, Property & Buildings (Asset owner)
- Customer Service Officers (selling of Beach Permits)
- Regulatory Services Staff (Enforcement)
- Community Engagement team (Education)
- Communications team (Social media, promotion of policies)

The following Council officers are responsible for the adherence to this Policy:

- Group Manager Recreation, Property & Buildings
- Group Manager Environment and Regulatory Services

In implementing this Policy, Council will liaise with the following stakeholders, if required, in any manner considered necessary by Council to achieve the Policy objectives:

- NSW Police
- The Land and Property Management Agency
- NSW National Parks & Wildlife Services (Office of Environment & Heritage)
- Climate Change and Water
- The Department of Primary Industries/Fisheries
- Crown Lands
- Aboriginal Land Council
- Or any one or more of such bodies

12.2 Support and Advice

The following Council officers may provide support and advice on this Policy:

- Parks Management Officer
- Administration staff (Recreation, Property & Buildings, Regulatory Services)
- Customer Service Officers

12.3 Communication

The Policy will be communicated utilising the Port Macquarie-Hastings Council website, social media, various education plans, the 'Vehicles on Beaches' brochure and signage.

13. REFERENCES

Local Government Act 1993 and Regulations
Roads Act 1993
Recreational Vehicles Act 1983
Road Transport (Vehicle Registration) Act 1997
Road Transport (Vehicle Registration Regulation) 2007
Road Transport (Driver Licensing) Act 1998
Road Transport (Driver Licensing Regulation) 1999
Port Macquarie-Hastings Council 'Vehicles on Beaches' brochure

14. DEFINITIONS

For the purpose of this policy:

4WD Vehicle: means a road registered four wheel drive or all wheel drive car including SUVs, Landrovers, utilities and the like. For the purposes of this definition a 4WD vehicle may include a boat trailer.

Beach Access: the designated access provided to the beach by way of public road or land under the control of Council, or another public land management authority.

Commercial Fishers hold a commercial fishing licence under the Fisheries Management Act 1994 authorised to operate in the Ocean Hauling or Estuary General hand gathering share managed fisheries.

High water mark: A point that represents the maximum rise of a body of water over land. A mark left on a beach by wave wash at the preceding high water/high tide.

Dunal Area: the vegetated area comprising the fore and hind dunes. Dunal areas are critical for the protection of beaches. They are natural 'buffer zones' that reduce the impact of fluctuations of the shoreline and erosion by the sea.

Council Rangers: Officers employed by Local Government Areas to enforce the by-laws of those local governments and a limited range of state laws. Rangers are responsible for enforcing off-road vehicles laws by patrolling bush lands, beaches and reserves to protect sensitive areas from unauthorised off-road vehicle use.

Emergency Services: refers to any recognised government or community group providing rescue operations or disaster relief, including, but not limited to Surf Life Saving Service, Marine Rescue, State Emergency Service (SES), Police, Ambulance, National Parks and Wildlife Services (NPWS), Rural Fire Services (RFS), and the like.

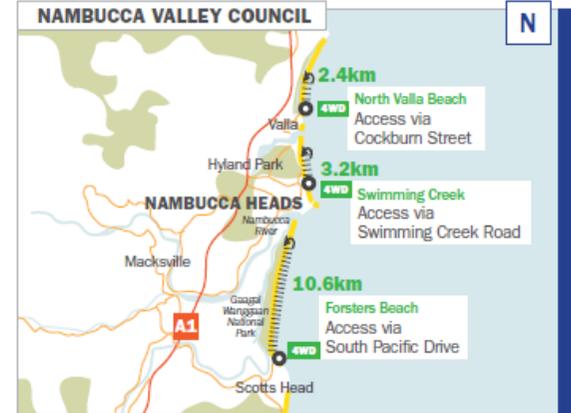
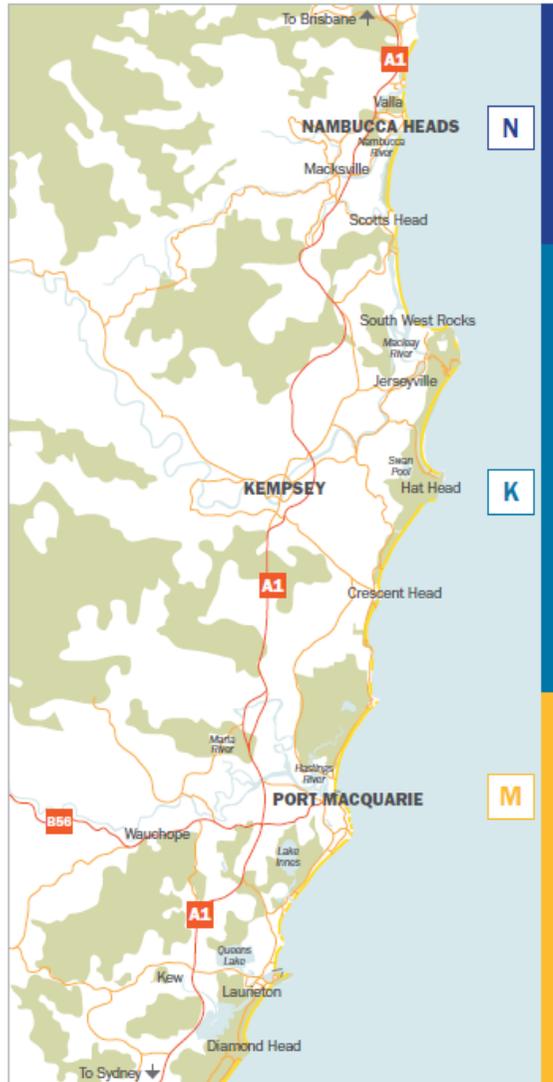
NPWS: National Parks and Wildlife Services (NSW Office of Environment & Heritage)

15. PROCESS OWNER

The Group Manager Recreation, Property & Buildings is responsible for reviewing this Policy three (3) years after the commencement date of the Policy, in conjunction with other key stakeholders.

Mid North Coast beach access

Beaches are changing environments. Access may be restricted at times due to safety, conservation, severe weather or environmental changes. Beach access permit holders must comply with the beach driving rules at all times.



Reciprocal permits Your beach access permit is valid at nominated 4WD beaches within the Port Macquarie-Hastings, Kempsey and Nambucca Council areas.