

POLICY NAME: (DRAFT REVIEW)
4WD BEACH ACCESS
SEVEN MILE BEACH LENNOX HEAD

POLICY REF: F06

MEETING ADOPTED: 26 August 2010
Resolution No. 260810/19

POLICY HISTORY: Review – December 2014



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1. OBJECTIVES

- a. To provide a framework for the management of 4WD vehicle access to Seven Mile Beach between the northern extent of the Lake Ainsworth Sport and Recreation Facility and the shire boundary.
- b. To facilitate the safe use of the beach by 4WD users and other beach users,
- c. To provide for special access to Seven Mile Beach in defined circumstances, including enabling access to the beach by persons with a disability, and
- d. To protect significant environmental attributes of the beach, the associated dune system and the broader surrounds.

2. BACKGROUND

Council enables 4WD vehicles to access Seven Mile Beach at Lennox Head between the northern extent of the Sport and Recreation Centre and the shire boundary with the Byron Shire local government area. This access is based on the provisions of the Ballina Coastal Reserve Plan of Management and the associated Precinct Plans.

Council's role in the management of 4WD access on Seven Mile Beach arises as part of its broader management responsibilities for beaches and the Ballina Coastal Reserve area in the shire. Whilst Seven Mile Beach is Crown Land, Council manages the land as Trust Manager on behalf of the State Government and ultimately, the people of NSW. This role includes management of beach amenity, access arrangements, coastal hazards and environmental attributes as well as regulatory responsibilities in relation to enforcement of policy and laws governing use of beaches.

There are competing interests and values associated with Seven Mile Beach, most notably involving recreational use (including that by 4WD users) and environmental attributes. There are also important considerations associated with the integrity of the dunal system where 4WD beach accesses penetrate the dune system. This policy seeks to establish a framework that applies to 4WD users to manage the permitted 4WD beach access in a way that facilitates safe beach access and use as well as minimises impacts on key environmental attributes of the beach, dunes and surrounding area.

3. DEFINITIONS

"4WD Beach Permit" means a permit issued by Ballina Shire Council on payment of the appropriate fee on a per vehicle basis for a set period of time.

"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.

"Authorised Officer of Council" has the same meaning as 'authorised person' under the *NSW Local Government Act*.

"Boat Trailer" means a vehicle that is built to be towed, or is towed, by a 4WD vehicle for the purpose of transporting a boat.

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"Council" means Ballina Shire Council.

"Seven Mile Beach" means the area shown in the map in Appendix 1 including the land from below the low tide mark to, and including, the vegetated dunes.

Note: Seven Mile Beach is a restricted area under the Recreation Vehicles Act 1983.

4. APPLICATION OF POLICY

- 4.1. This policy applies to Seven Mile Beach as shown in the map in Appendix 1.
- 4.2. This policy applies to all vehicles and trailers accessing Seven Mile Beach other than those used by:
 - Emergency Services and others during bona fide rescues, patrols or "exercises" authorised by Ballina Shire Council.
 - Authorised officers and contractors of Local, State and Commonwealth Governments in the performance of their duties.
- 4.3. This policy does not limit access to Seven Mile Beach via non-motorised vehicles that are used to enable access to the beach by persons with a disability. The permit system under this policy does not apply to such non-motorised vehicles.

5. RELATED DOCUMENTATION

Related documents, policies and legislation:

- Ballina Coastal Reserve Plan of Management 2003
- Crown Lands Act 1989
- Local Government Act 1993
- Marine Parks Act 1997
- 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
- Application for 4WD Beach Permit Seven Mile Beach Lennox Head
- Guidelines for 4WD Vehicles on Seven Mile Beach Lennox Head

6. POLICY

6.1. Vehicles Permitted to Access Seven Mile Beach

- 6.1.1. Access to Seven Mile Beach is permitted for 4WD vehicles in accordance with the permit system described in section 6.2.

- 6.1.2. Motorbikes, quad bikes, tourist buses or any other motorised recreational vehicles (other than a 4WD vehicle as defined in this policy) are not permitted on Seven Mile Beach nor will a permit be issued for such vehicles to access the beach except in accordance with sections 6.4 and 6.5 of this policy.

6.2. 4WD Beach Permits

- 6.2.1. 4WD Beach Permits are required for all users of 4WD vehicles on Seven Mile Beach, Lennox Head except those subject to exemptions under sections 4 and 6.4.
- 6.2.2. Applications for permits may be accepted in person or by mail (post and email).
- 6.2.3. Applicants must complete an "Application for 4WD Beach Permit Seven Mile Beach, Lennox Head" form prior to issue of a permit.
- 6.2.4. Permits may be issued on a monthly, six monthly or twelve monthly basis from specified outlets as determined by Council.
- 6.2.5. Permits are issued based on financial years.
- 6.2.6. Permit fees are to be set annually by Council each financial year.
- 6.2.7. Permits are to be colour coded by year (and may also be colour coded by length of permit issue from 2015/16 onwards).
- 6.2.8. Permits must be clearly displayed on the windscreen or rear window of the vehicle.
- 6.2.9. Only one permit per 4WD vehicle is to be issued. Vehicles must be registered. Registration details and permit expiry date are to be recorded on the permit.
- 6.2.10. Only the vehicle nominated by the permit is to be driven on the beach.
- 6.2.11. Permits are not transferable between vehicles.
- 6.2.12. A replacement permit may be obtained on request for damaged permits, where the registration of the vehicle has changed and the like. Replacement permits may only be issued if proof of the original permit to be replaced is presented to Council and the permit has not expired.
- 6.2.13. Council will maintain a register of valid permits issued.

6.3. Guidelines for 4WD Users on Seven Mile Beach

- 6.3.1. 4WD access to Seven Mile Beach is to be carried out in accordance with the applicable laws governing vehicle use of beaches and Council's 'Guidelines for 4WD Vehicles on Seven Mile Beach' (Appendix 2).

6.4. Special Occasional Beach Access

- 6.4.1. Council may grant approval to those associated with special events (e.g. community and sporting events and the like), formal research activities and other one-off undertakings approved by Council (such as filming) to access Seven Mile Beach without a 4WD Beach Permit.
- 6.4.2. Applications for special occasional beach usage must be made to Council in writing at least 21 days prior to the time of the requested beach access. Applications will be considered on merit having regard for the public interest.

6.5. Beach Access for Persons with a Disability

- 6.5.1. Council may grant approval for persons with a disability to access Seven Mile Beach using a motorised vehicle other than a 4WD vehicle.
- 6.5.2. Applications for access to Seven Mile Beach under section 6.5.1 must be made in writing at least 7 days prior to the time of the requested beach access.

6.6. Filming on Seven Mile Beach

- 6.6.1. Where approval is provided for filming activities on Seven Mile Beach, such an approval may include authorisation for vehicles to access the beach without a 4WD Beach Permit. In such instances, approval may be granted for vehicles other than 4WD vehicles to access the beach.
- 6.6.2. Vehicles used in association with approved filming must comply with the 'Guidelines for 4WD Vehicles on Seven Mile Beach' and the conditions of Council's approval for the filming activity. In the event of an inconsistency, the terms of the filming approval are to prevail.

6.7. Closure of 4WD Vehicle Access to Seven Mile Beach

- 6.7.1. Council and other government agencies may close 4WD vehicle access to Seven Mile Beach in carrying out functions with respect to beach management, emergency management, safety and general operations (and the like) as required.
- 6.7.2. When Seven Mile Beach is closed in accordance with section 6.7.1, Council will not provide a refund or compensation to 4WD Beach Permit holders for the time that the beach cannot be used.

6.8. Enforcement

- 6.8.1. Council may withdraw the 4WD Beach Permit from vehicles where it is determined by Council that there has been a breach of this policy and/or the associated guideline or another enforcement agency has recommended cancellation of a 4WD Beach Permit.

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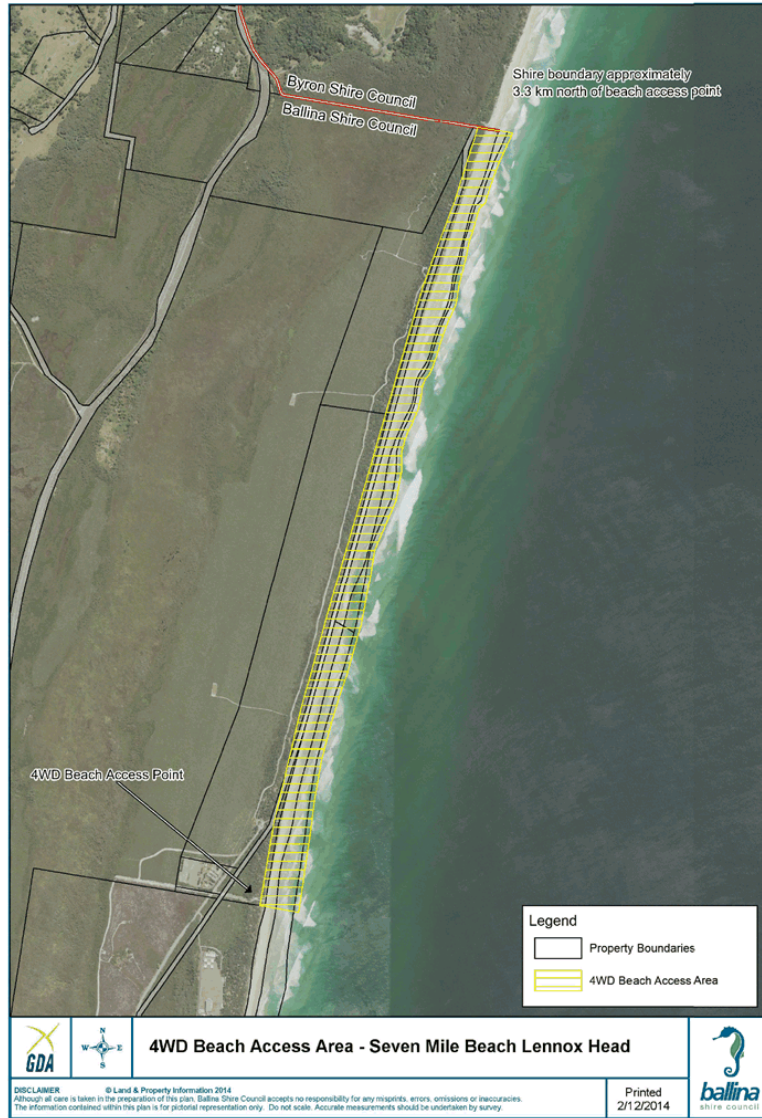
- 6.8.2. Once a 4WD Beach Permit is withdrawn, Council may maintain a restriction on the issue of a new permit in association with the vehicle or individual from which the permit was withdrawn. Such action shall be at the discretion of Council's General Manager or his/her nominee.
- 6.8.3. Council may issue a penalty infringement notice for non-compliance due to not displaying a valid 4WD Beach Permit as per the notice erected by Council at the entrance to Seven Mile Beach.
- 6.8.4. The following are authorised to enforce this Policy:
- Officers of the NSW Police Force
 - Council Rangers
 - Authorised Officers of Council.
 - Authorised Officers of the Cape Byron Marine Park Authority.
 - Persons appointed as Authorised Officers under the Recreational Vehicles Act 1983.

7. REVIEW

This Policy is to be reviewed four yearly.

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Appendix 1 – Land to Which this Policy Applies



Appendix 2 - Guidelines for 4WD Vehicles on Seven Mile Beach, Lennox Head

Seven Mile Beach and surrounds is a natural and recreational feature of Ballina Shire. The beach offers opportunity for a variety of activities including swimming, fishing, exercise and general enjoyment. The area, including the coastal heathland to the west, is home to a number of plant and animal species, many of which are significant to the local ecosystem and the region.

Council's role in the management of Seven Mile Beach arises as part of its broader management responsibilities for beaches and the Ballina Coastal Reserve area in the shire. Whilst the beach is Crown Land, Council manages the land as Trust Manager on behalf of the State Government and ultimately, the people of NSW. This role includes management of beach amenity, access arrangements, coastal hazards and environmental attributes as well as regulatory responsibilities in relation to policy and laws governing use of beaches.

As manager of the beach, Council provides for 4WD access from the beach access point north of Lake Ainsworth Sport and recreation facility up to Council's boundary with Byron Shire Council (see map) through a permit system.

This brochure contains information to guide safe and responsible use of the beach by authorised 4WD users.

If you have any questions or feedback about the management of the beach, the permit system or things that you see during your visit, please contact Ballina Shire Council on telephone 6686 4444.

If you would like to report unsafe or dangerous behaviour by others, please contact the Ballina Police on telephone 6681 8699.

4WD Beach Access Permits

To access Seven Mile Beach in a 4WD you will need a current 4WD Beach Permit from Ballina Shire Council and your vehicle must be registered. All vehicles accessing Seven Mile Beach must display a current Beach Access Permit and abide by the guidelines of the 4WD Permit System Policy contained in this brochure.

Monthly, six monthly or twelve monthly permits are available on completion of an "Application for 4WD Beach Permit Seven Mile Beach, Lennox Head" form. Application forms can be obtained and lodged with payment of the applicable application fee at any of the following locations:

- Ballina Shire Council, 40 Cherry Street, Ballina.
- Ballina Visitor Information Centre, 6 River Street, Ballina.
- Lennox Head Shell Service Station, Byron Street, Lennox Head.
- East Ballina Caltex Service Station, Links Avenue, East Ballina.

Information about fees is available from each of the permit outlets or by telephoning Ballina Shire Council.

Things to know about the beach permits:

- Permits must be clearly displayed on the bottom left hand side or rear window of your 4WD vehicle.
- Only one permit per 4WD will be issued and permits are not transferable between vehicles. Vehicle registration details will be recorded on the permit at the time the permit is issued.
- A replacement for a valid permit can be provided on request for lost or damaged permits or where the registration of the vehicle has changed.

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- Permits are colour coded by year of issue.

Boat Trailers

4WD beach permit holders are entitled to tow a boat trailer on the beach for the purpose of launching boats or other water craft within the designated 4WD area on Seven Mile Beach.

Beach Closure

From time to time, Council and other government agencies may need to close Seven Mile Beach to 4WD access as part of requirements with respect to beach management, emergency management, safety and general operations. If you have any enquiries or concerns about beach closure, please contact Ballina Shire Council.

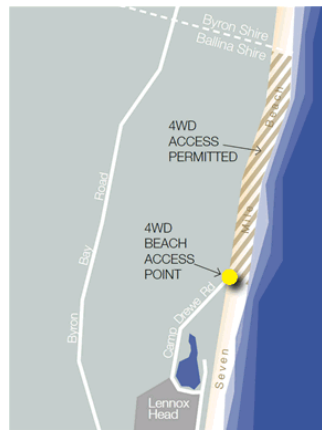
Guidelines for 4WD Users on Seven Mile Beach

4WD access to Seven Mile Beach is to be carried out in accordance with the applicable laws governing vehicle use of beaches and the guidelines contained in this brochure.

These guidelines are in place to provide a clear indication of expectations for the use of the beach by 4WDs, support safe and responsible use of the beach by 4WD users and protect the special environment of the beach and surrounds. There is a particular focus in the guidelines on safety in relation to pedestrian beach users and taking care of the sensitive dune system.

Area of Beach Access

4WD access to Seven Mile Beach is available in the area shown on the map below. The 4WD beach permit issued by Ballina Shire Council does not permit access to the beach north of the shire boundary (about 3.3km north of the Ballina Shire Council beach access point).



4WD Beach Access Area – Seven Mile Beach

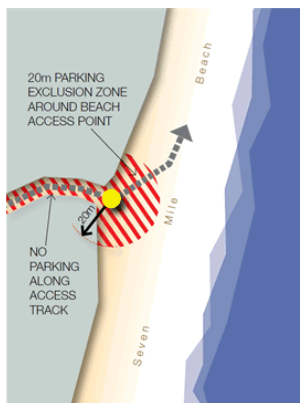
Where to Drive onto the Beach

4WD access to Seven Mile Beach is provided to the north of Lake Ainsworth via Camp Drewe Road. Camp Drewe Road is accessible near Lake Ainsworth at the northern end of Pacific Parade at Lennox Head.

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4WD vehicles must only be driven on and off the beach at the designated public access point.

Vehicles must not be parked on the beach within 20 metres of the access point or along the vehicle access track.

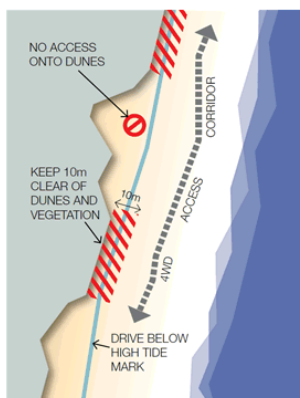


Car Parking Restrictions – Seven Mile Beach 4WD Access

Where to Drive When on the Beach

To provide for a defined access corridor and minimise impacts on the environment, 4WDs must be driven within the area shown on the below illustration. In summary 4WDs must not:

- Be driven above the high tide mark except when moving onto and off the beach at the designated beach access point.
- Be driven within 10 metres of any part of the vegetated dunes except when moving onto and off the beach at the designated beach access point.
- Cross or park on the dunes or other foreshore areas except when moving onto and off the beach at the designated beach access point.



4WD Beach Access Corridor (Dune and High Tide Limitations) – Seven Mile Beach

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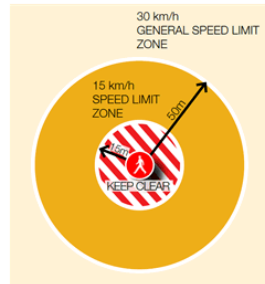
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Speed Limits and Safety

The maximum speed limit for all motor vehicles on the beach, including 4WDs is 30km/hour (except as outlined below).

Where vehicles come within 50m of pedestrians and other beach users, the maximum speed limit is 15km/hour. Vehicles must be at least 15m away from other beach users at all times.



Speed Limits – Seven Mile Beach 4WD Access Area

The permit holder and driver of the 4WD must hold either a provisional or full driver licence, issued by the relevant State Authority.

Vehicles must not be driven by persons under the influence of intoxicating liquor or drugs.

Drivers and passengers must wear seat belts. Riding in the rear of utilities or in a similar unrestrained manner is not permitted.

The towing of tyres or other recreational implements for recreational purposes by vehicles is not permitted.

Other Important Things to Know

Pedestrian beach users have right of way over motor vehicles at all times.

No rubbish is to be left on the beach at any time.

4WD vehicle users must observe other regulations applying to beaches such as those relating to dogs, horses and water use activities.

During and after heavy seas, travel on the beach at high tide may not be possible due to changes in the sand profile of the beach. The beach may be closed to 4WD access in such instances.

During and after heavy seas, access to the beach may be severely eroded and dangerous (particularly at high tide). The beach access may be closed in such instances.

During and after flood and storm events, flood debris may restrict vehicle access and make driving unsafe. The beach may be closed in such instances.

Occasionally, 4WD beach access track maintenance will be undertaken for the benefit of all beach users. Such maintenance may result in beach access being closed or restricted for a period of time without notice.

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Any vehicle and/or trailer left on the beach unattended must be left in a manner so as not to compromise access of other beach users.

When Seven Mile Beach is closed to 4WD users, Council will not provide a refund or compensation to 4WD beach permit holders for the time that the beach cannot be used.

Council may withdraw a 4WD beach permit from vehicles where it is determined by Council that there has been a breach of these guidelines or another enforcement agency has recommended cancellation of a 4WD beach permit.

You must follow the directions of NSW Police Officers, officers of Ballina Shire Council and State and Federal Government agencies when on Seven Mile Beach.

Council may issue a penalty infringement notice for not displaying a valid 4WD Beach Permit in accordance with the notice erected by Council at the entrance to Seven Mile Beach.