



**BYRON
SHIRE
COUNCIL**

Draft Policy

Motor Vehicles on Beaches

2024

Information about this document

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Further Document Information and Relationships

Related Legislation	NSW Fisheries Management Act, 1994 Coastal Management Act 2016 Recreation Vehicles Act 1983 Marine Estate Management Act 2014
Related Policies	
Related Standards, Procedures, Statements, documents	

Note: Any reference to Legislation will be updated in the Policy as required. See website <http://www.legislation.nsw.gov.au/> for current Acts, Regulations and Environmental Planning Instruments.

CONTENTS

1. Objectives	1
2. Definitions.....	1
3. Application.....	1
4. Special occasional use	2
5. Protection of sand dunes – prohibited beach and frontal dune areas.....	2
6. Beach closure.....	2
7. People with disability	3
8. Licensed professional fishermen/commercial fishers	3
9. Bundjalung of Byron Shire (Arakwal).....	5
10. Beach driving permits.....	5
11. Enforcement	6
12. Signs and structures.....	6
13. Beach access points.....	6
14. Publicity	6
Attachment 1: Vehicle beach access for persons with a disability permit	8
Attachment 2:	9
Map 1 – Beach access for commercial fishers - Seven Mile Beach.....	9
Map 2 – Beach access for commercial fishers (hand gathering only) - Tyagarah Beach.....	10
Map 3 – Closed area for commercial fishers – South Golden Beach	11
Map 4 – Closed area for commercial fishers – 1000m from mouth Brunswick River	12
Attachment 3:	13
Map 1 - Beach access for Bundjalung People of Byron Bay - Tyagarah Beach	13
Map 2 – Beach access for Bundjalung People of Byron Bay – Tallow Beach	14
Map 3 – Beach access for Bundjalung People of Byron Bay – Broken Head Beach .	15
Attachment 4: Ballina Shire Council Guidelines for 4WD Vehicles on Seven Mile Beach.....	16

1. Objectives

- 1.1 To regulate the use of motor vehicles on beaches in the Byron Shire Council area so as to protect:
- a) the environment; and
 - b) beach users (who are part of the environment).

2. Definitions

2.1 **Motor vehicle** means:

- a) a motor vehicle within the meaning of the Road Transport Act 2013 (whether or not the vehicle contains the motor intended to form part of it) that is capable of being registered, or
- b) a motor intended to form part of, or capable of forming part of, any such motor vehicle

2.2 **Trailer** means a vehicle that is built to be towed, or is towed, by a motor vehicle and which is not capable of being propelled in the course of normal use without being towed by a motor vehicle, whether or not its movement is aided by some other power source.

2.3 **Licensed professional fishermen or commercial fishers** means licensed beach hauling fishermen and licensed hand gatherers (Region 1 Endorsed) under the NSW Fisheries Management Act, 1994. Names of eligible fishermen to be provided to Council by Fisheries NSW of the Department of Primary Industries).

2.4 **Beach** has the same meaning as it does in the Coastal Management Act 2016 Section 4.

2.5 **Council** means Byron Shire Council.

2.6 **Beach Vehicle Permit** means a permit issued by Byron Shire Council on payment of the appropriate fee, the issuing of the permit on a per vehicle basis for a financial year - 1 July to 30 June.

3. Application

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

- a) Emergency services and other persons during bona fide rescue operations.
- b) Authorised officers of Local, State and Commonwealth governments in performance of their duties.

~~c) People launching or retrieving vessels adjacent to designated boat ramps at The Pass and Broken Head..~~

- 3.2 Council will regulate the use of motor vehicles on the foreshores of all public reserves and will participate in the policing of the provisions of the Recreation Vehicles Act 1983, in those areas declared to be "Restricted Land" within the meaning of that Act.
- 3.3 Council shall, in implementing this policy, liaise with the NSW Police Force, , the Cape Byron Headland Reserve Trust, the Park Services Division of the Office of Environment & Heritage and the New South Wales Department of Primary Industries, or any one or more of such bodies in any manner considered necessary by Council to achieve the policy objectives.

4. Special occasional use

- 4.1 Council may give approval to the organisers of sporting, bona fide research personnel or bodies or other special events to take nominated vehicles on to restricted areas.
- 4.2 Some areas will be off limits to all vehicles, including those with permits.

5. Protection of sand dunes – prohibited beach and frontal dune areas

- 5.1 The permit system has been instigated to promote responsible off-road vehicle use and encourage environmental awareness from permit applicants. A large proportion of the beaches in Byron Shire are within Cape Byron Marine Park, an area of high conservation significance established in 2002 for the conservation of marine biodiversity and the maintenance of ecological processes. The sand dunes in particular are an important part of the beach ecosystem. The dunes and the vegetation they support are subject to natural cycles of wave and wind and are easily damaged by human activity.
- 5.2 The beach access ways may be protected by board and chain or an equivalent surface to prevent dune lowering, development of blowouts and damage to adjoining vegetation. The Policy is designed to protect flora, fauna and other beach users.
- 5.3 Under this policy, motor vehicles are prohibited from all beaches and frontal dunes within the Byron Shire Local Government Area except for those persons holding a current Beach Vehicle Permit and who are;
- a) using the vehicle in respect to the Permit issued; and
 - b) at all relevant times, in compliance with the provisions of the Beach Vehicle Permit and this Policy.
- 5.4 Except when entering or leaving the beach on officially constructed access tracks, vehicles must be driven below the high tide mark and must be at least 10m from any part of the vegetated dune.

6. Beach closure

- 6.1 In the event of any beach being unsuitable for motor vehicles following short term damage owing to storm conditions then the Council, and where necessary, the

appropriate government agencies shall, providing all agree, have the authority to temporarily close the beach to allow the return of sand and dune building vegetation.

- 6.2 It is not open to any person denied access to any beach due to its temporary closure to dispute the merits of the decision to temporarily close the beach.
- 6.3 When any beach within the Byron Shire is closed during storm events, due to beach damage or when the access track is damaged or not accessible, Council will not provide a refund or compensation for the time that the beach cannot be used.

7. People with disability

- 7.1 Beach Vehicle Permits may be issued to persons who can demonstrate that they have a disability that impedes their access to the beach.
- 7.2 Permits issued to people with a disability will be allowed use of a vehicle from the vehicle access track at the Brunswick Heads Surf Life Saving Club (SLSC) south to a point 2km south of the Brunswick River southern training wall, currently marked by a marine park zone boundary market sign.
- 7.3 This area is zoned habitat protection so is open to recreational fishing and provides sufficient space for people who have a disability that prevents them from entering onto a beach in any other capacity, the opportunity to appreciate and enjoy the marine environment.
- 7.4 The area is depicted in the map attachment 1.
- 7.5 It is not possible to maintain complete separation in this area between the dog exercise area and the area that can be accessed by vehicle, by people with a disability.
- 7.6 Access for holders of this permit will be limited to Brunswick Beach only, noting that;
 - a) accessible parking spaces are available at Main Beach Car Park (5 spaces), Clarkes Beach Car Park (3 spaces), Wategos (1 space), The Pass (2 spaces), Captain Cook Car Park (1 space), Brunswick Heads near Surf Life Saving Club (1 space), Brunswick Heads at Torakina Car Park (2 spaces), Brunswick Heads at Banner Park across from hotel (2 spaces), Tallows (2 spaces) and Broken Head (1 space) and that
 - b) there are two 'Sandcruiser' beach wheelchairs are available. One is located at Brunswick Heads and can be accessed by calling the Brunswick Valley Community Centre in Brunswick Heads. The second is located at Clarkes Beach and can be accessed by contacting the Pacific Apartments at Clarkes Beach in Byron Bay.

8. Licensed professional fishermen/commercial fishers

Commercial Fishers south of the Brunswick River

- 8.1 The only beaches in Cape Byron Marine Park that are open for access to licensed commercial fishers with Region 1 endorsements are Seven Mile Beach (ocean

hauling and hand gathering) and the Grays Lane Habitat Protection Zone (HPZ) on Tyagarah Beach (hand gathering only).

8.2 These areas are depicted in the Maps at Attachment 2

8.3 Since there is no vehicular access at Grays Lane, commercial fishers (hand gathering) legally endorsed to fish the Grays Lane Habitat Protection Zone, can only access this area by foot through the Grays Lane car park.

Commercial Fishers north of the Brunswick River

8.4 In addition to the above restrictions imposed by marine park zonings, New South Wales Fisheries/DPI has advised that there are two other areas in the Shire which are closed areas for commercial fishers. These are:

- a) The whole of the waters adjacent to the beach from the intersection of the beach and an extension of Gloria Street, generally south along the beach for a distance of approximately 2.67km to part of the beach adjacent to the northern end of North Head Road; and
- b) The whole of the waters adjacent to the shoreline on both sides of the mouth of the Brunswick River for a distance of 1,000m, as indicated by the signposts on the breakwall. (Part of this closed area lies within the Cape Byron Marine Park)

8.5 Commercial fishers with current Region 1 endorsements can access beaches north of the Brunswick River by vehicle but are not allowed to access:

- a) that part of the New Brighton Beach from the northern training wall to a distance 1000 metres in a northerly direction along the beach (See Map 4 in Attachment 2). Note that an area commencing from the northern training wall and extending in a northerly direction for 500 metres was excised from the New Brighton dog exercise area several years ago because of conservation and environmental issues in this area; and
- b) that part of the beach which is included (to mean low water mark (MLWM)) in the Billinudgel Nature Reserve. Access by vehicle through this part of the beach will require prior approval of OEH/NPWS.

8.6 The general terms of this policy also shall apply to vehicles operated by licensed professional fishermen/commercial fishers and their employees under the direction of the licensed fishermen in their work.

8.7 The operators of the vehicle within prohibited areas must at all times be engaged in the work of spotting fish, netting fish or commercially gathering bait (ie bona fide fishing activities).

8.8 The vehicles accessing the beach must be registered in the name of the professional fisherman or his/her employee working in that area at that time.

8.9 Billinudgel Nature Reserve is gazetted to the mean low water mark and access is only permitted for authorised vehicles – including commercial fishers who are licensed by NPWS – this does not include recreational fishers with beach access permit from Tweed Shire Council. So generally it is only NPWS, NPWS contractors, emergency services and commercial fishers that have access through this area.

9. Bundjalung of Byron Shire (Arakwal)

- 9.1 The Bundjalung People of Byron Shire and members of the Arakwal Community have access by 4WD vehicle to Tyagarah, Tallow and Broken Head beaches at the following restricted locations:
- a) Tyagarah Beach from the vehicle access track at the Brunswick Heads SLSC south to a point 100m north of the Belongil spit
 - b) Tallow Beach from the vehicle access track at Cosy Corner south to the southern border of Arakwal National Park on the beach
 - c) Broken Head Beach from the vehicle access track at Broken Head north to the entrance of Ti Tree Lake to the ocean.
- 9.2 These Areas are depicted in the Maps at Attachment 3.
- 9.3 Beach access permits issued to Aboriginal people will not allow fires or camping on beaches.
- 9.4 Aboriginal persons applying for a beach access permit will need to provide a Certificate of Aboriginality that can be issued by a local land council or by the Arakwal Corporation. Application for permission for beach access is made to the Arakwal Board. An approval will be issued on Arakwal letterhead and must be displayed on the motor vehicle along with the Council approval.

10. Beach driving permits

- 10.1 The Beach Vehicle permit label is to be displayed on the bottom left hand side of the windscreen.
- 10.2 A replacement permit may be obtained on request for damaged permits or where the registration of the vehicle has changed for a fee. 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.
- 10.3 Permits are not transferable between vehicles – one permit per vehicle is issued. The registration details will be recorded on the permit.
- 10.4 Only the vehicle nominated on the permit is to be driven on the beach.
- 10.5 Applicants must complete an “Application for 4WD Beach Permit” form prior to issue of permit.
- 10.6 Permit applicants must provide a copy of the current certificate of registration of the motor vehicle or other permit as proof of Compulsory Third Party Insurance.
- 10.7 Beach Vehicle Permits

- a) All persons wishing to use vehicles on beaches managed by Byron Shire Council ~~(except when launching and retrieving craft at the approved launching sites at Byron Bay and Broken Head)~~ must make written application on the prescribed form to Council and pay the prescribed annual fee for a beach driving permit.
- b) Permits applied for at or after Easter each year shall be current until 30 June the following year.

11. Enforcement

11.1 Authorised Personnel

The following persons shall be authorised to police this policy:

- a) Officers of the New South Wales Police Force.
- b) Persons appointed as "Authorised Officers" under the Recreation Vehicles Act 1983.
- c) Council officers with regulatory and enforcement authority.
- d) Such Council officers as may be determined from time to time.
- e) Marine Park Rangers authorised under the Marine Estate Management Act 2014.

11.2 Legal Action

All breaches of statute, regulation or of this policy will be referred to Byron Shire Council and will be investigated and dealt with in accordance with Council's adopted 'Enforcement Policy'.

- 11.3 Council reserves the right to withdraw the 4WD Beach Access Permit where it is determined by Authorised Officers that there has been a breach of the Policy.

12. Signs and structures

Signs are to be erected so as to clearly indicate Council's policy in relation to the use of vehicles on beaches. The location of such signs is to be determined from time to time.

13. Beach access points

- 13.1 Access to beaches shall be in accordance with this Policy and the Beach Vehicle Permit. If access points are not stated in those documents access to beaches is restricted to properly constructed motor vehicle access points, protected where necessary by board and chain structures, sited and constructed according to relevant standards, guidelines and best practices.
- 13.2 Ballina Shire Council has responsibility for much of Seven Mile Beach, with Byron Shire Council only being responsible for a small northern portion. Ballina Shire Council permits 4WD vehicle access to part of Seven Mile Beach by a beach driving permit system. A copy of Ballina Shire Council's documents 'Guidelines for 4WD vehicles on Seven Mile Beach, Lennox' is Attachment 4.

14. Publicity

- 14.1 A suitable brochure outlining this policy and incorporating detailed maps and the objectives of this policy shall be prepared in conjunction with other appropriate Authorities for general distribution.
- 14.2 Greater publicity should be given within the Shire (eg by including information about the permits system with rates notices) to encourage local residents with a disability to avail themselves of the beach permits.

Attachment 1: Vehicle beach access for persons with a disability permit

Vehicle Beach Access for Persons with a Disability Permit

Legend



Disclaimer: While all reasonable care has been taken to ensure the information contained on this map is up to date and accurate, no warranty is given that the information contained on this map is free from error or omission. Any reliance placed on such information shall be at the sole risk of the user. Please verify the accuracy of the information prior to using it.
Note: The information shown on this map is a copyright of the Byron Shire Council and the NSW Department of Lands.

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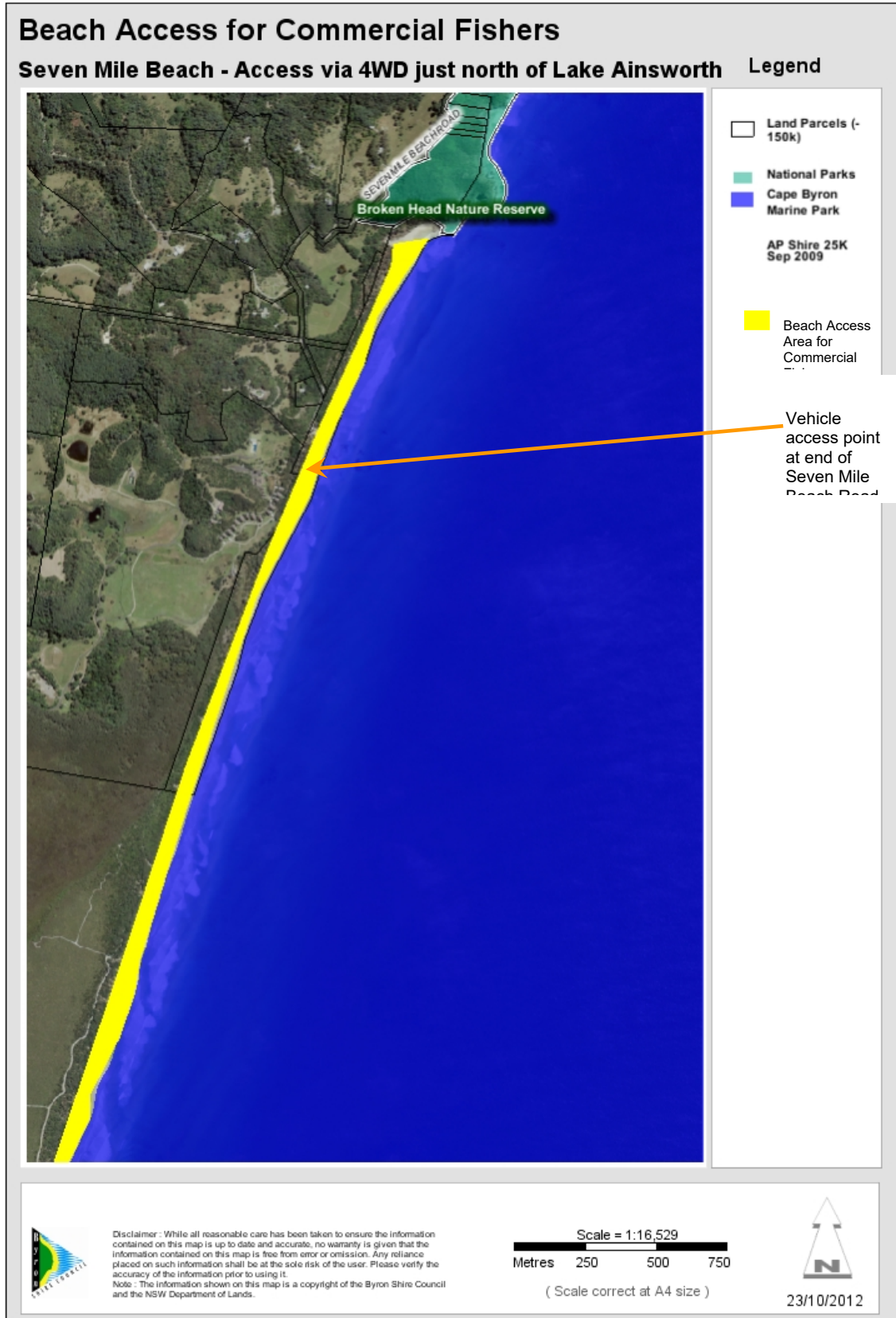
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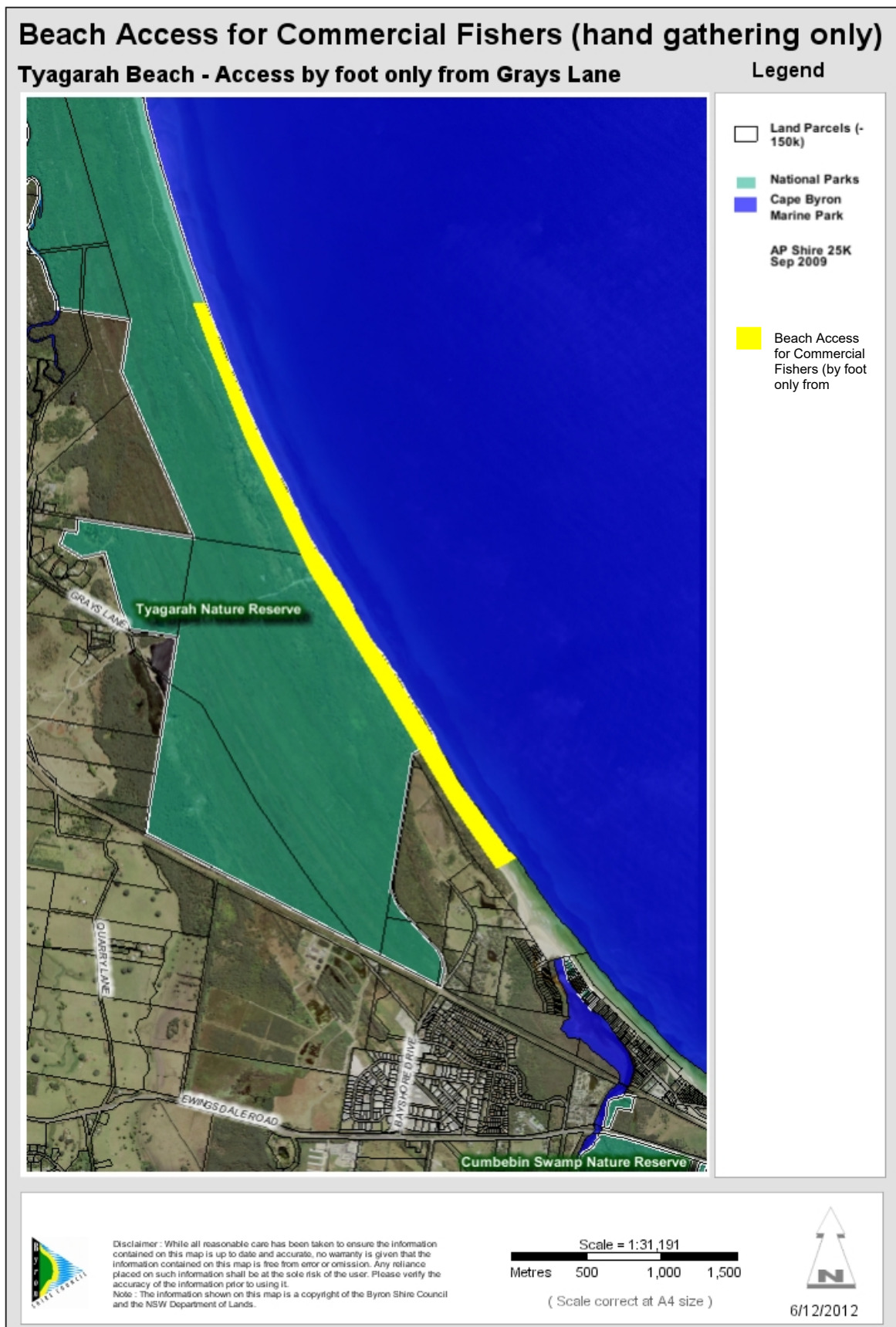
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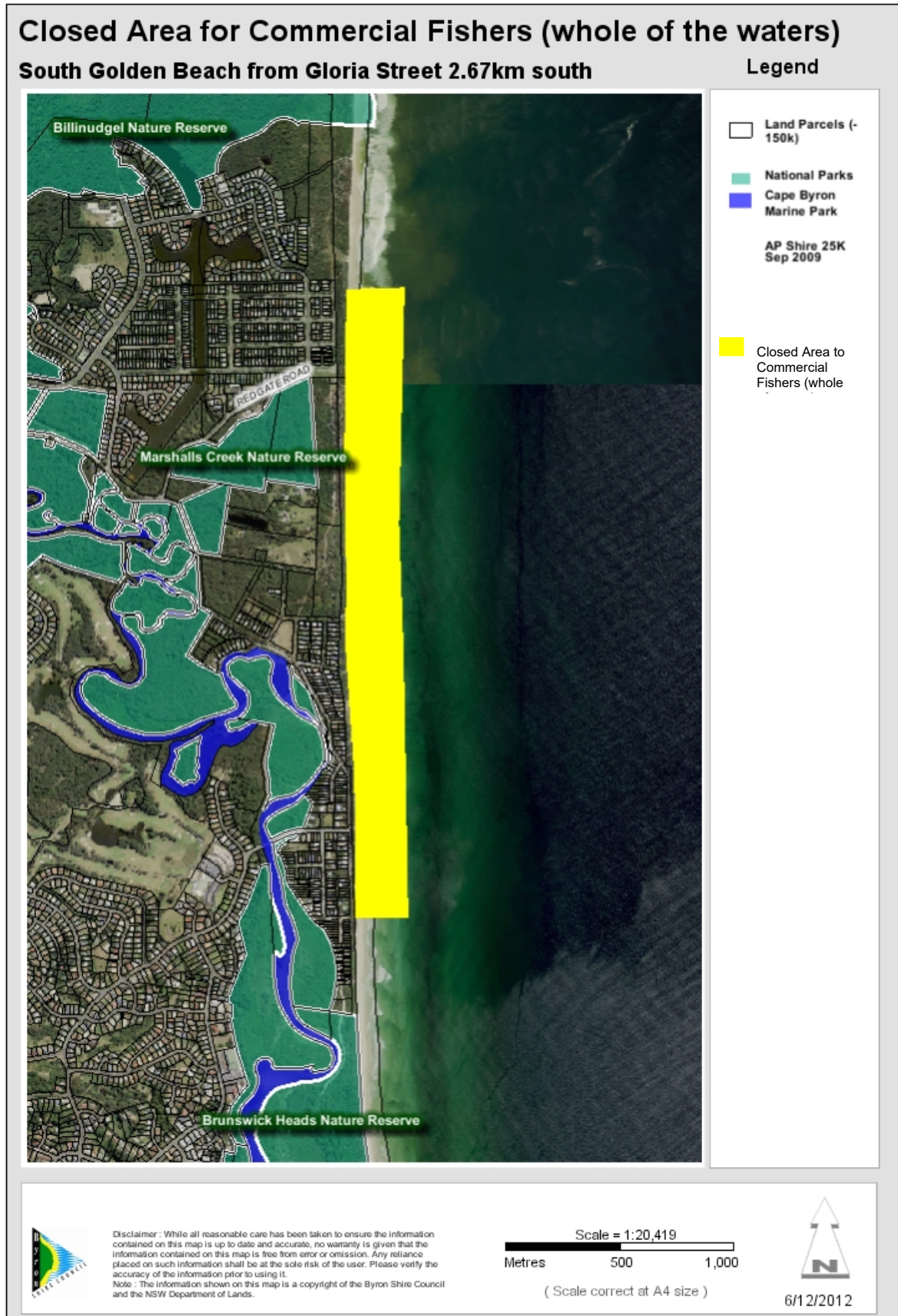
Map 1 – Beach access for commercial fishers - Seven Mile Beach



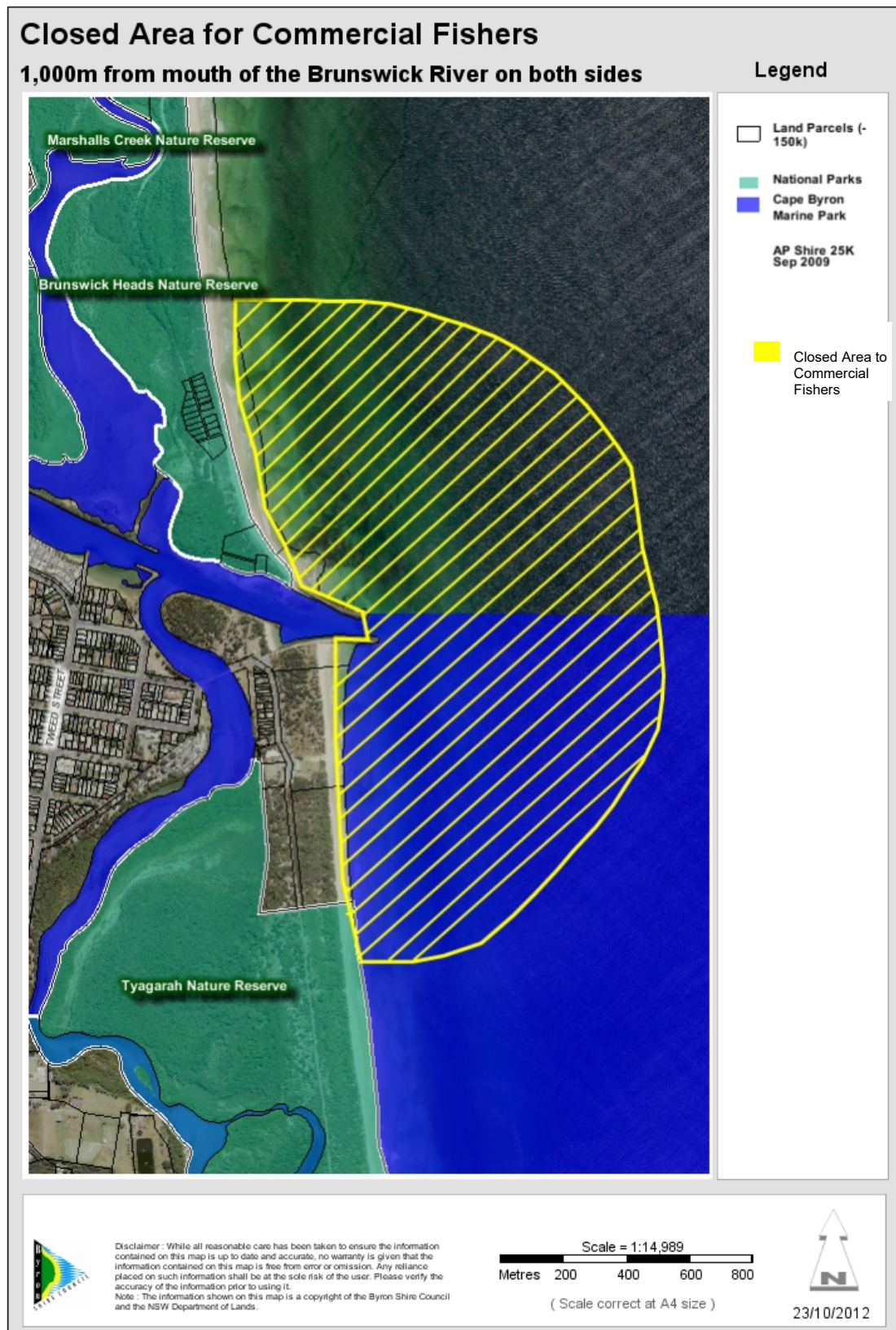
Map 2 – Beach access for commercial fishers (hand gathering only) - Tyagarah Beach



Map 3 – Closed area for commercial fishers – South Golden Beach



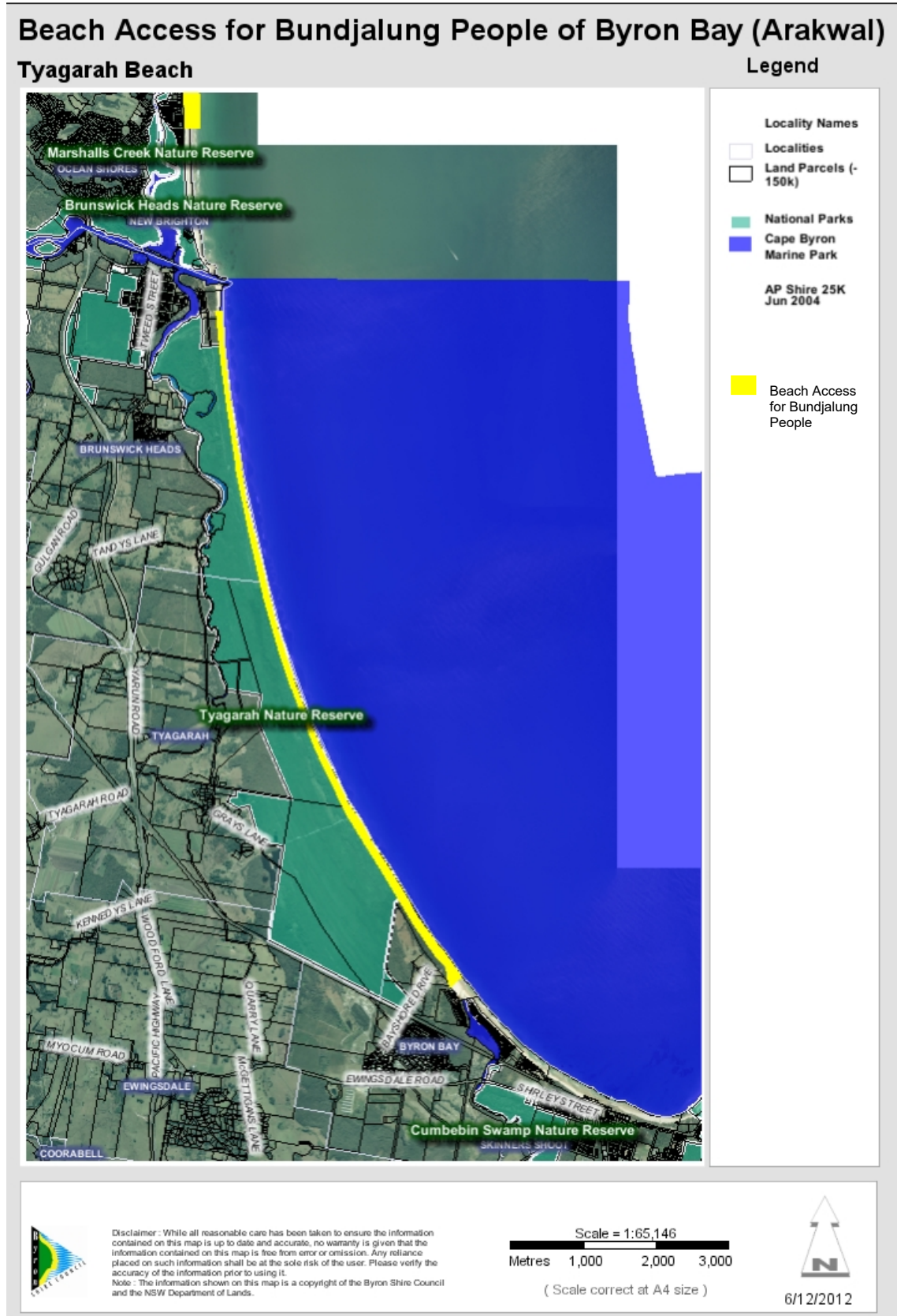
Map 4 – Closed area for commercial fishers – 1000m from mouth Brunswick River



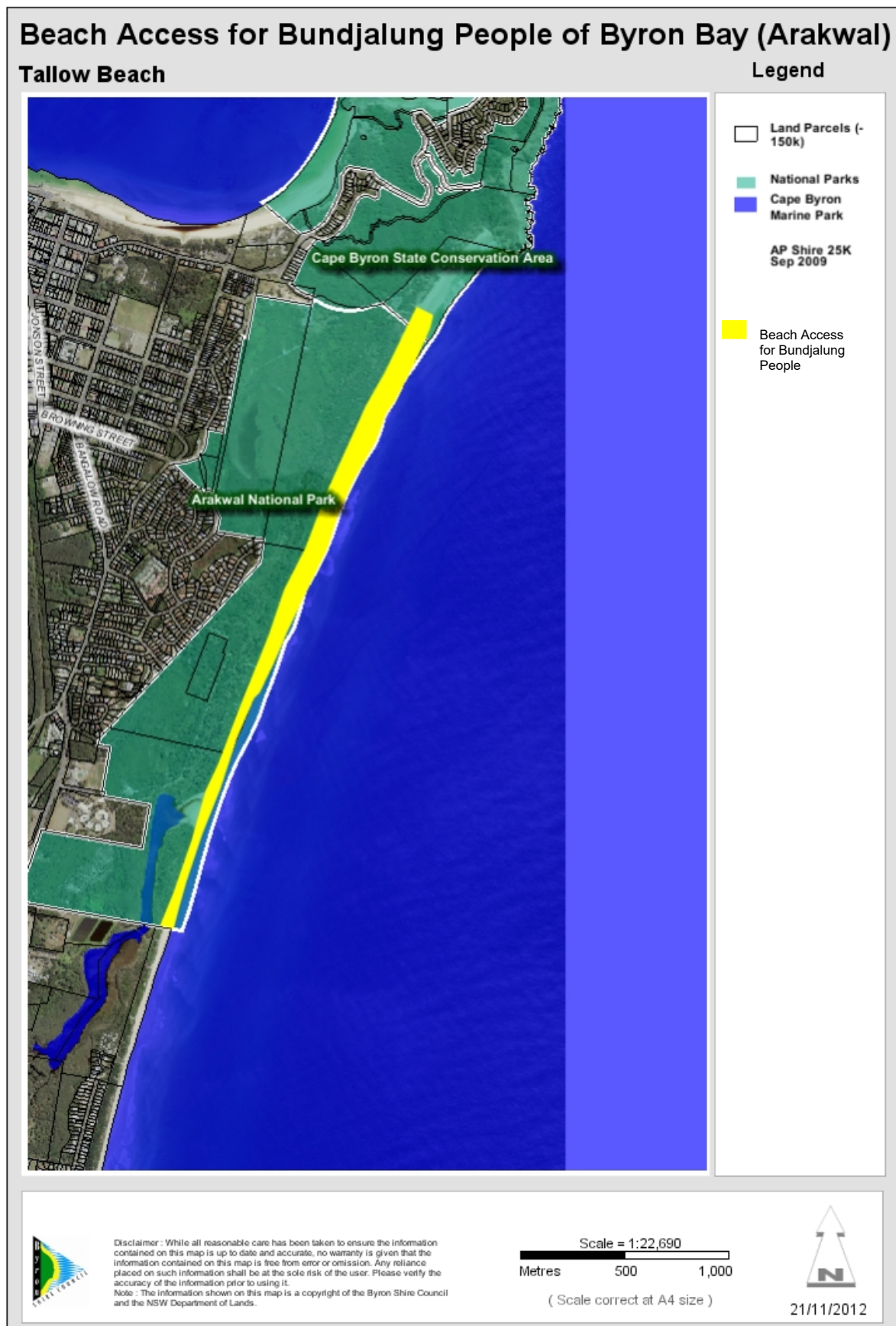
Note: The closure area depicted in this map is indicative only. The closure out to sea is the length of the net.

Attachment 3:

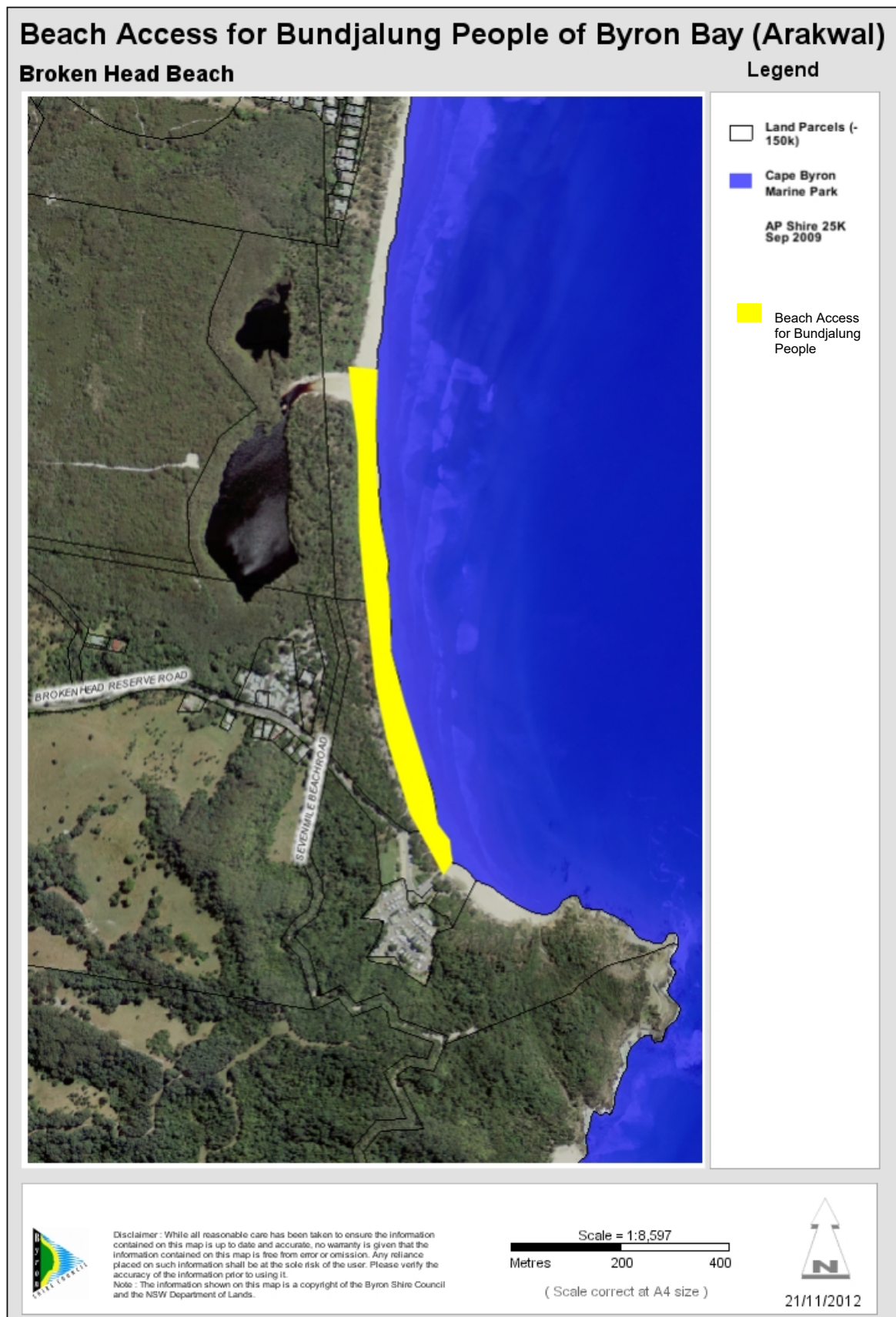
Map 1 - Beach access for Bundjalung People of Byron Bay - Tyagarah Beach



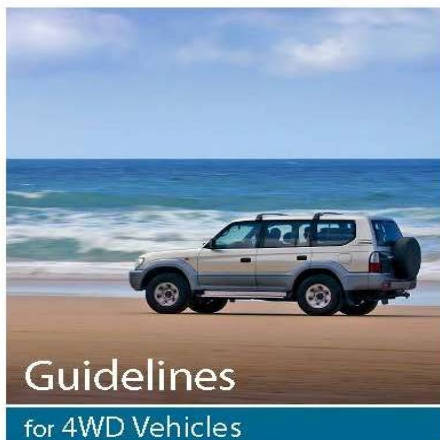
Map 2 – Beach access for Bundjalung People of Byron Bay – Tallow Beach



Map 3 – Beach access for Bundjalung People of Byron Bay – Broken Head Beach



Attachment 4: Ballina Shire Council Guidelines for 4WD Vehicles on Seven Mile Beach



on Seven Mile Beach,
Lennox Head



PROTECTION OF SAND DUNES

The permit system has been instigated to promote responsible off-road vehicle use and encourage environmental awareness from permit applicants. The sand dunes are an important part of the beach ecosystem. The dunes and the vegetation they support are subject to natural cycles of wave and wind and are easily damaged by human activity.

The beach accessways are protected by board and chain or an equivalent surface to prevent dune lowering, development of blowouts and damage to adjoining vegetation.

The Policy is designed to protect flora, fauna and other beach users.

BEACH DRIVING PERMITS

1. The Beach Vehicle permit label is to be displayed on the bottom left hand side of the windscreen or the rear window of the motor vehicle.
2. A replacement permit may be obtained on request for damaged permits or where the registration of the vehicle has changed for a fee. Replacement permits may only be issued if proof of the original permit is to be replaced is presented to Council and the permit has not expired.
3. Permits are not transferable between vehicles – one permit per car is issued. The registration details will be recorded on the permit.
4. Only the vehicle nominated on the permit is to be driven on the beach.
5. Applicants must complete an "Application for 4WD Beach Permit Seven Mile Beach, Lennox Head" form prior to issue of permit.

All vehicles accessing Seven Mile Beach must

- Display a current Beach Access Permit.
- Abide by the guidelines of the 4WD Permit System Policy outlined below.

On-the-spot fines of \$110 to a maximum of \$1,100 shall apply to breaches of this policy.

Monthly, six monthly or twelve monthly permits are available from:

- Ballina Shire Council cnr Tamar and Cherry Streets
- Ballina Information Centre, River Street
- Lennox Caltex Service Station.

Permits are issued on a financial year basis - 1 July to 30 June.

Permit applicants must provide a copy of the current certificate of registration of the motor vehicle or other permit as proof of Compulsory Third Party Insurance.

Permits will be colour coded each year.

It is an offence to drive on Seven Mile Beach, Lennox Head without a current beach driving permit.

It is an offence not to display the Vehicle Permit Label. On-the-spot fines will be issued for breaches.

BEACH CLOSURE

When Seven Mile Beach is closed during storm events, due to beach damage or when the access track is damaged or not accessible, Council will not provide a refund or compensation for the time that the beach cannot be used.

Policy Guidelines

SPEED LIMITS & SAFETY

1. The maximum speed limit of any motor vehicle being used on the beach shall not exceed 30km/h.
2. Vehicles are required to slow down to a speed of no more than 15km/h when within 50 metres of pedestrians and other beach users.
3. All vehicles must be registered with the relevant State Road Authority.
4. The permit holder must be a holder of either a provisional or full drivers licence, issued by the relevant State Authority.
5. Vehicles must not be driven by persons under the influence of intoxicating liquor or drugs.
6. Users are to ensure that all passengers are wearing seat belts - riding in the rear of utilities or in a similar unrestrained manner is not permitted.
7. Vehicles are to be driven only on the beach specified by the permit.
8. The towing of tyres or other recreational implements for recreational purpose by vehicles is not permitted. The towing of boat trailers for the purpose of launching boats within the designated 4WD area at Seven Mile Beach, Lennox Head is permitted.

OTHER RESPONSIBILITIES OF VEHICLE USERS

9. The vehicle is not to be driven above the high tide mark, except when travelling to and from the beach at the designated public 4WD access point only.
10. The vehicle is not to be driven within 10 metres of any part of the vegetated dune, except when travelling to and from the beach at the designated public 4WD access point only.
11. Vehicles are not permitted on frontal dunes or foreshore areas other than the designated beach access.

12. Vehicles must be driven on and off the beach at the designated public 4WD access point only.
13. Vehicles are not to park on the beach within 20 metres of the access point or along the vehicle access track.
14. Pedestrian beach users have right of way over motor vehicles at all times. Motor vehicles must be kept at least 15 metres from other beach users.
15. Vehicles are only to drive on Seven Mile Beach, north of the designated public 4WD access track and south of Byron Shire boundary (3.3km to the north).
16. No rubbish is to be left on the beach at any time.
17. Vehicle users must observe other regulations pertaining to beaches eg regulations pertaining to dogs, horses and water use activities.



ENVIRONMENTAL CONCERNS

18. During and after heavy seas, quantities of sand can make travel impossible at high tide. The beach may be closed until sand returns and an adequate beach width is restored.
19. During periods of heavy storms, access to beaches may be severely eroded. High tide leaves no room for error. Current tide charts should be in all vehicles.
20. During and after flood events, flood debris may restrict vehicle access and make driving unsafe. The beach may be closed until the debris is cleared and the beach safe for vehicles.
21. Occasionally 4WD beach access track maintenance will be required and the track may be closed for any length of time without notice.
22. When Seven Mile Beach is closed during storm events, due to beach damage or when the access track is damaged or not accessible Council will not provide a refund or compensation for the time that the beach cannot be used.

UNATTENDED VEHICLES

23. 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. No vehicle is to be driven or parked within 10 metres of the dunal area.

ENFORCEMENT

Council reserves the right to withdraw the 4WD Beach Permit from vehicles where it is determined by Authorised Officers that there has been a breach of the Policy.

The following are authorised to enforce this policy:

- a) Officers of the NSW Police Force
- b) Council Rangers
- c) Authorised Officers of Council.
- d) Marine Park Rangers authorised under the Marine Parks Act 1997.