



Our Vision

Nambucca Valley ~ Living at its best

Our Mission Statement

'The Nambucca Valley will value and protect its natural environment, maintain its assets and infrastructure and develop opportunities for its people.'

1.0 Policy objective

This Beach Management Policy is a standalone document that provides residents, Councillors and staff with all the information relating to beach management matters under the auspice of one policy document.

To provide guidelines for the structured use, management and protection of the natural heritage of beaches and reserves within the Nambucca Local Government Area through the establishment of a system where beach usage can be managed and monitored through a range of actions including but not limited to Honorary and Council Rangers, signage, brochures, media and a 4WD vehicle permit system.

To ensure a balance between the protection of natural environs together with an appropriate level of safety, equity, harmony, enjoyment and satisfaction for all persons using the beaches.

To provide the appropriate delegated authority to volunteer and paid lifesaving services protecting the safety of beach users and maximising the enjoyment for all key stake holders via the functions of beach patrol, risk management, regulatory controls and signage within the Nambucca LGA.

The section on shark siting and management was formulated in consultation with SLSNSW following a significant number of shark sightings and attacks along the coastal areas of NSW. These guidelines are an aid in recognising and reducing the risks associated with sharks along the beaches within the Nambucca LGA. It also recognises the role of Council and lifesaving services in managing an environment that sharks inhabit and ensuring the general safety of beach goers.

As a land manager, Council, National Parks and Wildlife Service (a branch of OEH), Department of Industry – Crown Land or Department of Primary Industries – Fisheries are responsible for managing deceased whales or other carcasses that wash ashore.

2.0 Related legislation

- Local Government Act 1993 and regulations
- Section 377 of the Local Government Act 1993
- Section 379 of the Local Government Act 1993
- Section 633 of the Local Government Act 1993
- Section 681A of the Local Government Act 1993
- Local Government (General) Regulation 2005
- Marine Safety Act 1998
- Water Safety Practice Note No. 15 – September 2010

- Beach Safety for Visitors to Australian beaches – www.beachsafe.org.au
- 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)
- Fisheries Management Act 1994
- Fisheries Management Regulation
- Nambucca Valley Council Local Approvals Policy
- Nambucca Valley Council Companion Animal Act 1998
- Nambucca Valley Council Management Plan

3.0 Definitions

Definitions associated with this policy document are contained in ANNEXURE A

4.0 Policy statement

Nambucca Valley Council as a public authority is duty bound to maintain and protect its natural environment, maintain its assets and provide a balance between protecting the safety of beach users and managing the enjoyment for all key stakeholders

Bonfires - prohibit the lighting of bonfires on beaches as they represent a risk to public safety The Policy recognises the effects on the environment from the lighting of fires, particularly during high fire danger and peak tourist periods, and the potential consequence of an untended fire.

Commercial Activities – any activity for commercial purposes on any beach, community land, parks and reserves that come under the control of Council are regulated through Council’s Local Approvals Policy which outlines the criteria for those activities where approval is required. This includes activities such as, but not limited to, water based activities (surfboard hire, boat hire, kayak hire, standup paddle boards, surfing lessons, surfing competitions, etc), along with personal or group training, boot camps, and any other commercial activities which may wish to use beaches, parks and reserves within the Nambucca LGA.

Dog Control – to maintain harmony between the owners of companion animals, other beach users, Council, Council staff, the Regulatory / Impounding Officer and the RSPCA. A dog that is in a public place must be under the effective control of some competent person by means of an adequate chain, cord or leash when in an On-Leash Only area. These areas are defined in Council’s Policy - Companion Animals Control of Dogs and Cats.

Fireworks – to have a fireworks display on any beach, community land, parks and reserves that come under the control of Council, the Applicant will require approval under Council’s Local Approvals Policy. The Applicant or their nominated person(s) must obtain a pyrotechnicians licence or a fireworks (single use) licence. These are available from SafeWork NSW www.safework.nsw.gov.au

Horses – Horse-riding is a popular recreation and sporting activity, and appreciation and enjoyment of coastal areas on horseback is a quality experience for horse-riders. All recreational activities, including horse riding, can generate impacts on the environment and must therefore be managed in accordance with legislative requirements and the objectives for which certain lands are allocated.

Marine mammal carcasses - formulated to assist staff in managing the disposal of a carcass on the beach. Under current practices, whale carcasses may be left in-situ, buried, or transported to landfill or specified grave sites depending on the whale's size, state of decomposition and location.

Shark awareness - raise the awareness of a hazard and reduce the risk to the public using the beach facilities, and determine whether a patrolled or unpatrolled beach area is to be closed and swimmers asked to evacuate the water following the confirmation of sighting of a shark.

Delegated authority is provided to SLSNSW, DPI - Fisheries NSW and Council officers (hereafter called **joint working group**) to follow the guidelines in closing a beach(s) and the reopening of the beach(s) to ensure public safety in the event of a shark sighting or attack.

Surf Life Saving Services, Training, Events, Crowd and Behavioural Management - provides the appropriate delegated authority to volunteer and paid lifesaving services protecting the safety of beach users and maximizing the enjoyment for all key stake holders via the functions of beach patrol, risk management, regulatory controls within the Nambucca LGA

Vehicular Access to Beaches: - Defines the locations and conditions where vehicles, professional fishermen, beach haulers and licensed bait gatherers can access and use the beaches.

Council will allow vehicles to be driven on local beaches at nominated locations, the vehicular access is restricted under the terms of the beach permit conditions outlined in a brochure entitled "Vehicles on Beaches" which prohibits vehicles in the location of habitat for migratory shore birds.

It also defines the role of Council's Honorary Ranger and the extent of their capacity to advise the public of requirements and restrictions applicable to activities on the beach areas within the Nambucca Valley Council Local Government Area.

5.0 Promotion of Policy

This policy will be freely available on Council's website. It will be provided to the Committee of Council responsible for managing beach access on Council's behalf. Reference to this policy will be made in any media release relating to beach access and on any board, screen or public notifications relating to beaches where appropriate.

6.0 History

Over the years Council has a number of policies related to beach matters. This has brought about various changes in the way Council manages the beach environs and infrastructure provided to the community and visitors to our Valley.

This Beach Management Policy is a standalone document that provides residents, Councilor's and staff with all the information relating to beach management matters under the auspice of one policy document and following its adoption by Council, will mean that the following specific policies will become redundant:

The new policy document will include reference to the following new categories:

- Commercial activities on beaches (surf schools, boot camps etc) refer to Local Approvals Policy
- Dog control (refer Council's Companion Animals
- Fireworks
- Marine mammal disposal
- Shark sighting/incident management and guidelines

and the following specific policies will become redundant as they have been combined into this one policy document:

- Beaches – General bonfires and damage (*Our Ref 3958/2006*)
- Beaches – General horses on beaches (*Our Ref: 3959/2006*)
- Beaches – Inspectors/lifesaving Authority to patrol beaches and to train (*Our Ref: 3961/2006*)
- Vehicular Access to Beaches (*Our Ref: 4331/2013*)

Bonfires on Beaches Policy was created in 1997 after an incident at Scotts Head. Sign posting was erected at the time and has been maintained since. Bonfires on beaches and reserves often occurs in association with vandalism relating to gaining firewood from trees and structures such as seats and tables.

Horses on Beaches Policy - For many years Council has permitted horse riding from Swimming Creek to the Valla Beach footbridge including race horses. A section of beach for Scotts Head and Valla Beach was allocated in 2001.

Marine Mammal Carcasses – In the past Council has buried the whale carcasses at the beach in an isolated area away from beach users with the assistance and direction of the National Parks and Wildlife Service (a branch of OEH), Department of Industry – Crown Land or Department of Primary Industries – Fisheries.

Surf Life Saving Services, Training, Events, Crowd and Behavioural Management - the previous Beaches – Inspectors/Lifesaving Authority to Patrol Beaches and To Train Policy did not make reference to the fact that the Surf Clubs also carry out various activities from locations other than ‘their’ beach, of which the Council is either the owner of the land or manager in trust. These areas are now included in this Policy. The Surf Clubs are required to provide these written permissions each year to the NSW Waterways Authority.

The written Deeds of Agreement referred to in this policy are to be updated each year prior to each summer patrol period. Section 379 of the LGA states:

“379 A regulatory function of a council under chapter 7 must not be delegated or sub-delegated to a person or body other than:

(a) a committee of the council of which all the members are councillors or of which all the members are either councillors or employees of the council; or

(b) an employee of the council; or

(c) a county council”

Section 379 does not allow council to delegate regulatory functions to Surf Life Saving Clubs, their members nor a company such as Valla Beach Resort. Therefore, the “*control public behaviour*” reference which appeared in the previous Beaches Policy No. 2 has been omitted from this policy.

In terms of regulatory functions, Council appoints SLSC members for the purpose of Section 681A of the Local Government Act 1993 as “authorised persons”. These appointments are reviewed annually.

Department:	Engineering Services	Last Reviewed	Resolution Number
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Endorsed By:	General Manager		
Approval Authority:	Nambucca Valley Council		
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PART A: PRELIMINARY INFORMATION

Purpose

Nambucca Valley Council's adopted mission is:

"The Nambucca Valley will value and protect its natural environment, maintain its assets and infrastructure and develop opportunities for its people"

Council has adopted various local policies, in accordance with the *Local Government Act 1993* that are relevant to the management of beaches within the LGA.

The purpose of this consolidated document is to bring together all Council policies relating to beaches into a single document and to allow Council's customers and ratepayers to be reasonably aware of the existence of relevant regulations and local policies.

Title

This consolidated document is the **Beach Management Policy**.

Outline

The Beach Management Policy generally covers those activities relating to the use of the beaches within the Nambucca LGA that can be done, those that cannot be done, and those that require Council approval.

Statutory Context

The Beach Management Policy is a local policy made under the *Local Government Act 1993 (Chapter 7, Part 3)*.

The Beach Management Policy will be a publicly available policy document under the *Freedom of Information Act 1989* and be available on Council website.

Consistency

All Council's policies are required to comply with the requirements of relevant Acts and Regulations and also to be consistent with the principles of ecologically sustainable development.

Where a local policy is inconsistent with the *Local Government Act 1993* or the Regulations, then to the extent to which it is inconsistent is noted and council shall determine whether it is appropriate to retain or remove the dialogue.

In addition, a local policy cannot to be more onerous than the *Local Government Act 1993* or the Regulations.

Review of this document

This policy document will be reviewed every four years as required as part of the Nambucca Valley Council Management Plan and within twelve months following the election of a new Council or as required with changes in legislation to ensure that it is up-to-date with current legislation and community expectations.

PART B: LEGISLATIVE FRAMEWORK

Council provides various services appropriate to the current and future needs of local communities in accordance with the relevant Acts, Regulations and standards. Some of the relevant Acts, Regulations and standards are outlined below.

Local Government Act 1993 and regulations

The *Local Government Act 1993* outlines Council's power to do a range of functions.

- *Section 377 of the Local Government Act 1993*
- *Section 379 of the Local Government Act 1993*
- *Section 633 of the Local Government Act 1993*
- *Section 681A of the Local Government Act 1993*

Local Government (General) Regulation 2005

The *Local Government (General) Regulation 2005*, made under the *Local Government Act 1993*, further outlines and defines Council's powers

Marine Safety Act 1998

Water Safety Practice Note No. 15 – September 2010

Beach Safety for Visitors to Australian beaches – www.beachsfe.otg.au

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)

Fisheries Management Act 1994

Fisheries Management Regulation

Nambucca Valley Council Plans and Policies:

☞ Management Plan

Every year, Council prepares a draft Management Plan outlining Council's activities for at least the next 3 years, and the revenue policy for the next year. This includes fees and charges for all of Council's activities. The draft Management Plan is exhibited and comments are invited from the public prior to it being adopted by Council.

☞ Companion Animals Control of Cats and Dogs Policy

☞ Local Approvals Policy

PART C: BEACH MANAGEMENT

BONFIRES ON BEACHES

To maintain the appreciation and enjoyment of coastal areas and limit the impacts on the environment and the associated issues of timber debris and broken glass, bonfires are prohibited on all beaches in accordance with legislative requirements.

COMMERCIAL ACTIVITIES ON BEACHES

Related Policy - Local Approvals

Applicants wishing to undertake a commercial activity on community land such as parks and reserves, beaches etc., are encouraged to familiarise themselves with the Local Approvals Policy which is available for viewing or download on the Nambucca Valley Council website. In particular, we refer you to Part 2 – Criteria – Local Approvals Policy – Section B Local Criteria.

Application Form

Commercial (recreation and tourism) uses are permitted only in locations considered acceptable to the type and scale of use and an Application Form ***Commercial Activities on Council Controlled Land***.

A non-refundable annual Licence application (plus inspection, lease and bond where applicable) is payable on lodgment of this application form (see Section 3 – Fees). These fees allow for assessment and monitoring of the commercial activity and maintenance of the public reserve related to the area used by the commercial activity.

Lodgement of an application

Most applications or bookings have a specific form and/or guide designed to assist in the lodgement of the application. Depending on the type of work or activity, fees may apply and where these are required they must be paid at the time of lodgement.

An application may be rejected within 7 days of receipt if it is not clear as to the approval sought or the application is not easily legible. Fees if applicable are refunded.

Assessment of an application

In assessing the more complex applications, additional information may be needed. Where this is the case, Council will contact the applicant within 21 days of receipt of an application.

Non-exclusive Licence

Any licence issued by Council merely approves the defined commercial activity at the stated locations. The application process, the licence and the applicable fee relate to a regulatory process not the sale of an exclusive right. The licence does not grant or imply exclusive use and the licence holder is always obliged to respect that these are shared public use areas and legitimated potential users include other commercial operators as well as members of the public.

Website Link: [Local Approvals Policy](#)

DOG AND ANIMAL CONTROL ON BEACHES

Dogs are prohibited in some public places and anyone wishing to take a dog onto community land such as parks and reserves, beaches etc., are encouraged to familiarise themselves with Council's Companion Animals Control of Dogs and Cats Policy which is available for viewing or download on the Nambucca Valley Council website.

The purpose of a Companion Animals Control of Dogs and Cats Policy is to maintain harmony between the owners of companion animals, other residents, the Council, Council's staff, the Regulatory/Impounding Officer and the RSPCA.

Website Link: [Companion Animals Policy](#)

FIREWORKS

Fireworks – to have a fireworks display on any beach, community land, parks and reserves that come under the control of Council, the Applicant will require approval under Council's Local Approvals Policy. The Applicant or their nominated person(s) must obtain a pyrotechnicians licence or a fireworks (single use) licence. These are available from SafeWork NSW www.safework.nsw.gov.au .

HORSE RIDING ON BEACHES

Horses can be ridden on the following beaches:

- Swimming Creek north to the footbridge at Valla Beach Foot Bridge
 - Scotts Head north from the four wheel drive access
 - Valla Beach north from the four wheel drive access, with such activity being confined to non-vegetated areas excluding dunal areas
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MARINE MAMMAL CARCASS DISPOSAL

As a land manager- Council, National Parks and Wildlife Service (a branch of OEH), Department of Industry – Crown Land or Department of Primary Industries – Fisheries are responsible for managing deceased whales or other carcasses that wash ashore.

All cetaceans (whales, dolphins and porpoises) are protected under the Federal Environment Protection and Biodiversity Conservation Act, as well as by various pieces of state conservation legislation

NOTE - The Office of Environment and Heritage are reviewing how deceased whales are managed on New South Wales beaches. The review will investigate public concerns, explore the science and suggest potential changes that can give the community greater confidence, this new policy has been developed for the management of Beaches within the Nambucca LGA and will be amended accordingly

Council acknowledges that there is;

- no published best practice guideline or common resources that land managers can access to guide their decision making; and
 - that the Office of Environment and Heritage are reviewing how deceased whales are managed on New South Wales beaches
 - As whale numbers increase, it is likely that as a land manager council will need to potentially deal with whale carcasses more regularly.
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SHARK SIGHTING AND MANAGEMENT

For the purposes of this document the word shark is used in the broad sense to include all sharks. It is recognised that not all sharks are dangerous with nearly all shark bites in NSW coastal waters being attributed to just three shark types. These include whaler sharks (including bull sharks), tiger sharks and great white sharks (also called white pointer or white shark).

Council have erected regulatory and non-regulatory warning signs at each beach access point in accordance with the Australian Standards to warn patrons of the potential hazards.

Council encourages safe swimming to reduce the risk of incidents involving sharks and humans, and promote the following precautions:

- Always swim at a designated patrolled beach and between the red and yellow flags.(Council provide a patrolled beach service during the Christmas school holiday period only.
- Leave the water immediately if a shark is sighted.
- Leave the water if you hear a siren or a public address announcement. Do not enter the water if the beach is closed.
- Never swim or surf alone.
- Avoid swimming when it is dark or during the twilight hours (dusk or dawn) when sharks are most active and have a sensory advantage.
- Never swim or surf in dirty or murky waters.
- Do not swim or surf near schools of fish.
- Do not swim in canals, channels, near a river or creek mouth or drainage outlets or where fish are being cleaned.
- Steep drop offs are favored shark 'hangouts'.
- If you see a shark leave the water as quickly and calmly as possible

Procedure for staff and surf lifesaving personnel

Actions to be taken on a sighting:

In the event of a (lifesaving services, DPI - Fisheries or Council) confirmed shark sighting near the patrolled or unpatrolled area the following procedure shall occur:

Determine if patrolled area is to be closed and swimmers asked to evacuate the water (considering size of shark, proximity to swimmers, level of confirmation of sighting and conduct of shark).

Actions to be taken in the event of shark incident/bite:

In the event of an apparent shark incident/bite, the following procedure should be undertaken by lifesaving services or emergency services attending the incident:

- Recover and treat the patient as per normal procedures;
- Close the beach immediately – contact Council (02) 6568 2555 business hours or the on call Duty Officer after hours on 1800 26 27 28 so that the appropriate beach closed signage (stored at the Council Works depot Gumma Road can be erected;
- SurfCom to contact the Branch Duty Officer and State Duty Officer (SDO) on 13SURF who will advise appropriate authorities (i.e. Fisheries NSW and Council) to activate NSW Shark Attack Response Plan;
- Consider closing patrolled and unpatrolled areas at adjacent beaches;
- Record as much detail regarding the incident as possible;
- Implement critical incident debriefing / peer support process;

- Consider deploying marker buoys at attack site(s) and last seen (victim & shark) locations;
- Consider securing a body retrieval kit.

State Duty Officer (SDO):

- Contact DPI – NSW Fisheries to advise.
- Contact the SLSNSW Lifesaving Manager and ALS Manager (or Council Lifeguard Supervisor).
- Ensure that the Rescue Coordinator at the relevant VKG Radio Communication Centre has been advised.

Media Liaison:

The SLSNSW Lifesaving Manager or Australian Lifeguard Service (NSW) Manager will notify the SLSNSW Media Manager. All media queries, releases and statements relating to shark attacks must be referred to:

- Media Manager or the delegated spokesperson (i.e Lifesaving Manager).
- Mayor, General Manager or Assistant General Managers for Council

Reopening patrolled areas after a shark attack:

The decision to reopen patrolled areas after a shark attack should be decision made by the joint working group. This group comprises DPI - Fisheries NSW, SLSNSW, and Council.

The beach where the attack occurred shall remain closed for a minimum period of 24 hours following an attack.

When deciding to reopen patrolled areas, a risk management approach needs to be undertaken and all risk factors need to be reviewed. If risk factors remain high, beaches should not be reopened.

Lifesaving services should be aware of the following risk factors so as to ensure a heightened sense of alertness and an appropriate level of response when these factors are present.

While sharks may be present at any time the following risk factors may increase the risk of an encounter with a shark. These risk factors are:

- Twilight hours (dusk or dawn) and night. These are considered as times when sharks are typically more active;
- Salt water meets fresh water. Often this water is dirty, silt-laden or has debris in it (including rivers);
- Deeply overcast conditions;
- Large amounts of fish schooling in the vicinity (seabirds diving is a good indicator of baitfish);
- The occurrence of a shark attack in the area in the recent past; and
- Swimming near steep drop offs and between sandbars.

Prior to reopening patrolled areas it is strongly recommended that a thorough search of the beach is made through the use of power craft and or aircraft (if available) to confirm that there are no further sightings of sharks in the area.

REFERENCE:

Fisheries NSW Shark Smart public education program website
[DPI - Sharksmart](#)

SURF LIFE SAVING SERVICES, TRAINING, EVENTS, CROWD AND BEHAVIOURAL MANAGEMENT:

Surf Life Saving Services:

Council shall engage the paid service of lifesaving during for the Christmas School holiday period only at the following designated areas;

Beach	Number of Lifeguards	Service Times	Period
<i>South Valla Beach at Valla Beach</i>	2	<i>7 Days 9.30 am to 3.30 pm</i>	<i>Third week December to 26 January inclusive of Australia Day</i>
<i>Main Beach at Nambucca Heads</i>	2	<i>5 Days 9.30 am to 3.30 pm</i>	<i>Third week December to 26 January inclusive of Australia Day</i>
<i>Forster Beach at Scotts Head</i>	2	<i>5 Days 9.30 am to 3.30 pm</i>	<i>Third week December to 26 January inclusive of Australia Day</i>

Council recognises that volunteer surf lifesaving club patrols are of a service and rescue nature.

That as a matter of policy, Council grant delegated authority, under the provisions of Section 377 of the Local Government Act 1993, to the Nambucca Heads Surf Life Saving Club Inc. to establish patrols in accordance with the current written Deed of Agreement between the Council, the Surf Life Saving Club and the Surf Life Saving North Coast Branch Incorporated.

That as a matter of policy, Council grant delegated authority, under the provisions of Section 377 of the Local Government Act 1993, to the Macksville-Scotts Head Surf Life Saving Club Inc. to establish patrols in accordance with the current written Deed of Agreement between the Council, the Surf Life Saving Club and the Surf Life Saving North Coast Branch Incorporated.

Training

That as a matter of policy, Council grant delegated authority, under the provisions of Section 377 of the Local Government Act 1993, to the Nambucca Heads Surf Life Saving Club Inc. to carry out training activities and other events at and from the Stuart Island boat shed and Bellwood reserve, Nambucca Heads.

That as a matter of policy, Council grant delegated authority, under the provisions of Section 377 of the Local Government Act 1993, to the Macksville-Scotts Head Surf Life Saving Club Inc. to carry out training activities and other events at and from the McKay Street boat shed, Macksville.

Events

That as a matter of policy, Council grant delegated authority, under the provisions of Section 377 of the Local Government Act 1993, to the Nambucca Heads Surf Life Saving Club Inc. to conduct SLSA approved carnivals and similar events (such as radio station promotion days) at the Nambucca Heads Main Beach. Such authority is issued subject to the appropriate application forms being submitted two (2) months prior to the event with the certificate of currency indemnifying Council for Public Liability

That as a matter of policy, Council grant delegated authority, under the provisions of Section 377 of the Local Government Act 1993, to the Macksville-Scotts Head Surf Life Saving Club Inc. to conduct SLSA approved carnivals and similar events (such as radio station promotion days) at the Scotts Heads Beach. Such authority is issued subject to the appropriate application forms being submitted two (2) months prior to the event with the certificate of currency indemnifying Council for Public Liability

Crowd and Behavioural Management

Lifeguards, Council Rangers, and the Police have the authority to address issues of inappropriate behaviour such as noncompliance with water safety regulations to ensure public safety. Persons ignoring the direction of a lifeguard will be dealt with under the relevant clauses of the Local Government Act 1993 and Police enforcement.

VEHICULAR ACCESS TO BEACHES

This policy recognises that:

- the community holds a number of differing views on whether vehicles should be permitted on Council's beaches and that there are a number of beaches where there has been a historical use by vehicles for fishing and recreation.
- the beaches are a sensitive environment that are habitat to a range of native flora and fauna, and are also prone to coastal erosion.
- the policy establishes a system where beach usage can be managed and monitored through a simple and consistent approach to the regulation of beach access by vehicles achieved through a range of actions including but not limited to Honorary and Council Rangers, signage, brochures, media and a vehicle permit system.
- the role of Honorary Ranger in assisting Council preserve a high standard of safety and enjoyment of persons using beaches within the Nambucca Local Government Area and sets out the guidelines of the extent of their authority
- Council will allow vehicles to be driven on local beaches at nominated locations providing they obtain a beach access permit and comply with the permit conditions. Details relating to the display of permits, offences, regulations, prohibited and permitted areas are outlined in a brochure entitled "Vehicles on Beaches".
- Vehicular access is restricted under the terms of the beach permit conditions outlined in a brochure which prohibits vehicles in the location of habitat for migratory shore birds. Council acknowledges the local habitat for migratory shore birds and how these co-exist with vehicle access and control of dogs on beaches to minimise human disturbance at the nesting sites of threatened species (Little Terns, and Beach Stone Curlews). These sites are outside of the boundaries where vehicles are able to access and are generally located in low lying sand pits and sand islands at or near the mouths of estuaries and lagoons.
- where feasible Council will maintain a cooperative arrangement with adjacent Council's. Currently Port Macquarie Hastings, Kempsey and Nambucca Valley Councils operate as a group whereby one permit applies to the three local government areas.
- Council will allow licensed professional fishermen, beach haulers and licensed bait gatherers to drive on the beaches. Access to beaches for these activities is allowed over a greater length of beach. These locations are determined by State Government regulations.

These Commercial Operators are required to obtain a beach access permit. In addition to the standard requirements, these operators must comply with the "NSW Ocean Hauling Fishery Commercial Fishers code of Practice for Hauling Activities" to retain their permit and be permitted to operate in this local government area.

These Commercial Operators shall operate under the Code of Conduct for Professional Fishers contained herein.

Where 4WD Beach Access Will Be Permitted

Signs are erected as close as possible to the location of the designated beach access entry points. Vehicles will only be permitted on the following Council controlled beaches:

- **Valla/Valla Beach:**
Valla Beach access point (off Cockburn Street, Valla Beach) traversing north for a length of 2.4 km to Oyster Creek Knoll
- **Nambucca Heads:**
Swimming Creek Road access point traversing north towards Hyland Park for a length of 3.2km.
- **Scotts Head – Forster Beach:**

Forster Beach access point (off South Pacific Drive, Scotts Head) traversing north for a length of 10.6km.

4WD Beach Permits

- Permits are required for all users of vehicles on beaches.
- Vehicles may only access the beach at approved and signposted access points.
- 12 month beach access permit and a 2 week temporary permit are available from Nambucca Valley Council's Administration Centre and selected locations. Permits apply for the financial year.
- Permit fees are to be set annually by Council each financial year.
- Permits must be clearly displayed on the windscreen or rear window of the vehicle and at the rear number plate of a motorcycle.
- Permits are not transferable between vehicles – one permit per car/motorcycle is issued.
- A replacement/damaged permit may be obtained on request at full cost.
- The use of vehicles on the frontal dune is totally prohibited, this includes parking of vehicles.
- Vehicles are not to park on the beach within 100 metres of an access point or along vehicle access tracks. Vehicles can park within 20 metres of a 4WD track access point, land side only.
- Users are to ensure that all passengers are wearing seat belts – riding in the rear of utilities or in a similar unconstrained manner is not permitted.

Commercial Fisherman Permits

The conditions for the issue of Permits to drive vehicles on the beach for Professional Net Fishermen shall be:

- Permits will only be issued to Licensed Net Fishermen
- Vehicles may only access the beach at approved and signposted access points.
- The vehicle nominated on the Permit shall be distinctly marked with the name of the Licensed Fisherman and the words "Net Fisherman" displayed thereon.
- The compliance with items of conditions applicable to Amateur Fishermen.
- The Fishermen shall not operate through or drive upon pedestrian areas.
- Vehicles to be driven onto beaches at specified locations to be designated on the permit.
- The Permit fee for Professional Fishermen is set annually.

In addition to the standard requirements, these operators must comply with the "NSW Ocean Hauling Fishery Commercial Fishers code of Practice for Hauling Activities" to retain their permit and be permitted to operate in this local government area.

Code of Conduct for Professional Fishers

The Code of Conduct as detailed in the minutes of the Vehicles on Beaches Task Force of 15 December 1992 and detailed below is Council policy:

Code of Conduct for Commercial Fisherman

Beach Hauling and Bait Gathering Within the Nambucca and Kempsey Valleys and Hastings Municipality

- 1 I will observe all the conditions under which my Beach Driving Permit is issued.
- 2 I will observe all Council and other relevant authorities' regulations, paying particular attention to:
 - i Camping
 - ii Litter
 - iii Lighting of fires

- iv Toileting
- v Consumption of alcohol
- vi Speed limits
- vii Key regulations
- viii Protection of coastal vegetation

- 3 I will keep to the absolute minimum, the number of vehicles my crew have on the beach.
- 4 I will display on my vehicle in large letters my fisherman's file number and the number issued to my licensed fishing boat (if applicable).
- 5 I will co-operate with dune care groups and assist with their management plans.
- 6 I will obey reasonable instructions from Surf Life Saving Club duty patrol officers and Council Beach Inspectors.
- 7 I will only use my vehicle on areas specifically set aside for Professional Fishermen whilst actively engaged in bona fide fishing.
- 8 I will operate the hazard lights or revolving lights on my vehicle when driving on the beach, whenever common sense dictates.
- 9 On beaches within National Parks and Reserves
 - i particular care will be taken to drive below the mean high water mark and to never drive on dunal vegetation.
 - ii no dogs will be taken into National Parks.

The practice of "SPOTLIGHTING" is banned on all beaches within the Nambucca Valley and Hastings Municipality and all beaches except Trial Bay within Kempsey Valley. The permission of the Arakoon State Recreation Trust will be necessary to "spot light" on Trial Bay.

- 10 I understand that a breach of this Code of Conduct may result in either my permit being cancelled or a refusal to issue a permit for next season.

Exemptions from Permits

- Persons launching and retrieving boats at specifically designated areas. These areas being the boat ramps at Shelly Beach, Nambucca Heads and Forster Beach, Scotts Head (near the Surf Club).
- Volunteer and professional life saving services during patrols, carnivals and training.
- Emergency services during an operation relating to rescues, environmental emergency (e.g. oil spill) illegal landings (e.g. boat people).
- Authorised Council staff and contractors relating to beach maintenance (raking and litter collections) re-leveling of boat ramp access, weed control, beach improvements (e.g. construction of erosion protection structures), restoration of dunes, re-vegetation, cleanups (e.g. litter from storms, collection and disposal of dead animals, large quantities of seaweed), opening or closing estuary entrances in accordance with Plans of Management and/or government approvals.
- Authorised staff, agents and contractors of State and Federal Government agencies in the performance of their duties.

Council will maintain a register of permit holders. Access to the register will be provided to Council's Ranger.

Speed Restrictions

Users shall at all times observe the need to drive vehicles in a safe and responsible manner that does not impose a threat to the safety of other beach users. This especially applies to areas around the access points to beaches where bathers are more likely to be encountered.

The following speed limits shall apply:

50 km/h maximum speed limit on all beaches:

25 km/h maximum speed shall apply when a vehicle is within 100 metres of people on the beach

Penalty infringement

Council staff will be responsible for implementing the policy with regular inspections during peak holiday periods.

Registration plates of vehicles observed without a permit will be recorded and forwarded to the NSW Police or issued a penalty infringement notice from Council's Ranger.

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. On-the-spot fines of \$110 may be also issued. Nambucca Valley Council reserves the right to withdraw the beach driving permit from vehicles found contravening this policy

The following persons are authorised to enforce this policy:

- Officers of the NSW Police Force
- Authorised Officers as defined under the *Recreational Vehicles Act 1983*
- Council Ranger
- Officers of the National Parks and Wildlife Service

Honorary Ranger Rules - Enforcing Beach Permit Conditions

Honorary Rangers are appointed under Section 377 of the *Local Government Act 1993* and have the role of advising the public of requirements and restrictions applicable to activities on beach areas within the Nambucca Valley Council Local Government Area, and of reporting details of breaches to Councils Ranger and/or the Police, for further action.

Council's Honorary Rangers may call for the removal of any person, who by disorderly or insulting conduct on the public beach areas within the Nambucca Valley Council Local Government Area causes annoyance or inconvenience to the persons then present or going to or coming from the same.

The Honorary Ranger's authority *does not*, extend to issuing fines or themselves undertaking forceful action, except in as much as their everyday rights of a citizen apply.

All Honorary Rangers will be supplied with an authorised Identification Badge to be carried and presented when acting in Honorary Ranger capacity.

Rules and Regulations Applying to Reserves

The role of an Honorary Ranger will largely be performed by "keeping an eye out" for anti-social behaviour and, if necessary, reporting the incident to Councils Ranger and or Police.

Regulation by Notice

Council beaches are sign posted to regulate their use and include but not limited to:

- (a) the lighting of fires on beaches;
- (b) the taking of animals onto beaches;
- (c) vehicular access on beaches

Enforcement

With respect to the enforcement of the provisions of the Local Government Act, you should not expose yourself to dangerous situations in the performance of your duties as an Honorary Ranger.

If you judge it would be unwise to directly involve yourself in any particular situation contact the Council's Ranger, or for serious matters, the Police. If you have any queries on your powers and responsibilities do

not hesitate to contact Council officers who will be pleased to give you guidance.

As an Honorary Ranger you have the role of advising the public of requirements and restrictions applicable to activities on the beach areas of the Nambucca Valley Local Government Area and reporting details of breaches to Council's Ranger and/or the Police, for further action.

- Only allowing vehicles with permits to be on the beach
- Permits are void if not current or fixed to the vehicle
- Recommend fines or for permits to be revoked
- Direct drivers to observe the safety of other beach users (swimmers, walkers, sunbathers)
- Direct drivers to leave beaches not authorised for 4WD use (as shown on permit brochure). Council is to be advised of vehicle and driver details for potential fines and loss of permit.
- Enforce 50km/h speed limit and 25km/h speed limit near people.
- Do not use vulgar language, swear or be aggressive during enforcement.
- Restrict vehicle use below the high water mark after accessing the beach.

Council's Ranger can be contacted on (02) 6568 2555 during business hours or 1800 26 27 28 After Hours.

General Information for Honorary Rangers

Insurance Coverage

As an Honorary Ranger you are covered under Council's Public Liability policy, against claims on you by the general public for personal injury and/or damage to property. This coverage however, applies only while performing your duties as an Honorary Ranger.

Request for repairs or improvements

Although Council undertakes its own inspections of reserves and beaches for routine maintenance and improvements as an Honorary Ranger if you feel maintenance is required to guarantee safety within a beach area or you have any ideas as to how a beach area might be embellished, please contact Council's Department of Engineering Services on (02) 6568 2555.

Hazards should always be reported as soon as possible to Council on:

(02) 6568 2555 during business hours, or 1800 26 27 28 After Hours

If in doubt, call Council or the Police. Avoid confrontation, you are valued asset - let the Council Ranger or Police take the action.

APPENDIX A – DEFINITIONS

For the purposes of this policy:

TERM	DEFINITION
Beach access	refers to use of the beach by a vehicle as defined in 3.3.
Council Ranger	<p>Council rangers are officers employed by Local Government Areas to enforce the by-laws of those local governments and a limited range of state laws relating to such matters as litter control, animal control, dog laws, fire control, off-road vehicles, emergency management, and parking.</p> <p>Rangers are responsible for enforcing off-road vehicle laws by patrolling bush lands, beaches and reserves to protect sensitive areas from unauthorised off road vehicles use.</p>
Driving Speed	refers to the legal driving speeds imposed on the beach.
Emergency services	refers to any recognised government or community group providing disaster relief, and includes the Rural Fire Service (RFS), State Emergency Service (SES), Police, ambulance, NPWS Marine Rescue Unit, Surf Life Saving and the like.
Honorary Ranger	<p>Honorary Rangers are appointed and provided with delegated authority under Section 377 of the <i>Local Government Act 1993</i> and have the role of advising the public of requirements and restrictions applicable to activities on the beach areas of the Nambucca Valley Local Government Area and reporting details of breaches to Councils Ranger and/or the Police, for further action.</p> <p>The Honorary Ranger's authority does not extend to issuing fines.</p>
Honorary Ranger Rules – Enforcing Beach Permit Conditions	A developed set of rules for the Honorary Ranger to perform their role in “keeping an eye out” for anti-social behaviour and, if necessary, reporting the incident is referred to in this Policy.
Public land and reserves	refers to road reserves, public parks, beaches and foreshores and all Crown land.
Right-Of Way	refers to beach users having the right-of-way over motor vehicles at all times and motor vehicles must be kept at a reasonable and safe distance from other beach users.
Unlicensed Drivers	refers to all persons driving or riding motor vehicles must be licensed in accordance with the <i>Road Transport (Driver Licensing) Act 1998</i> and <i>Road Transport (Driver Licensing Regulation 1999)</i> .
Vehicle	<p>is any motorised conveyance (4WD/AWD; motorcycle), with the exception of a motorised wheel chair or the like providing personal mobility for the disabled.</p> <p>3.3.1 Unregistered Vehicles</p> <ul style="list-style-type: none"> ▪ Motor vehicles not registered under the Road Transport (Vehicle Registration) Act 1997 and Road Transport (Vehicle Registration Regulation 2007 are prohibited from all beaches. ▪ Disabled drivers MAY apply for a special licence under RTA unregistered vehicles provision.