

5.1. INTERIM WONGA BEACH FORESHORE MANAGEMENT PLAN

REPORT AUTHOR Sara Roberts, Team Leader Local Laws

MANAGER Paul Hoyer, Manager Environment and Planning

DEPARTMENT Environment and Planning

RECOMMENDATION

That Council adopt the Interim Wonga Beach Foreshore Management Plan

EXECUTIVE SUMMARY

Wonga Beach is a vibrant coastal community that has seen steady growth in the last decade.

Through a community consultation process in August 2018, a majority of residents at Wonga Beach indicated they supported the use of ATVs on the beach for recreational purposes. The Interim Wonga Beach Foreshore Management Plan sets out the approval process for this activity and provides actions for maintaining the environment in a sustainable way for future generations.

The plan also identifies the new dog off-leash area and provides preliminary actions for dune protection and maintenance. The interim management plan is not intended to be exhaustive and it is envisaged that a more detailed and robust plan will be formulated from the recent successful grant application through the Queensland Government Reef Assist program.

BACKGROUND

The use of vehicles on Council controlled land, particularly beach areas, has become more popular and more challenging to manage in the last few years. Local Laws Officers, together with Open Spaces and Civil Works, have attempted to manage this issue across the Shire by way of enforcement actions and infrastructure, with mixed results depending on the location.

Wonga Beach is approximately 10.5kms long, with the area from the Wonga Community Park in the South to the end of the main residential area to the North being 3.5kms. This is a large stretch of coastline for Council officers to patrol and regulate.

A number of Wonga Beach residents have been using ATVs on the beach for many years and consider the activity to be a part of their way of life and what makes the area special.

Following a community meeting at Wonga Beach State School in late 2015, Council received several enquiries from residents wanting to gain a permit. In 2016, Council staff met onsite with a Senior Environmental Officer from the Department of Environment and Heritage Protection, who's feedback implied that he did not foresee any major environmental issues with ATVs using the hard sand to traverse Wonga Beach.

A draft policy was then sent to the Department of Environment and Science on two separate occasions requesting feedback or objection. No response was received and in 2018 Council proceeded with community consultation with Wonga Beach residents. The outcome of the consultation clearly showed that a majority of residents supported the recreational use of ATV's on the beach.

Council's Local Law No. 1 (Administration) provides an approval process for Prescribed Activities. Subordinate Local Law No. 1 (Administration), Schedule 26 – Bringing or driving motor vehicles onto local government-controlled areas provides the approval process.

The interim management plan will make clear all circumstances and requirements for approval.

COMMENT

The interim management plan is intended to be reviewed after 12 months. It is envisaged that the actions contained within the plan will have been achieved and Council can assess the ongoing actions required for the future. A Foreshore management Plan for Wonga Beach will be developed for future adoption over the next 12 months and include a community consultation component.

PROPOSAL

That Council adopt the Interim Wonga Beach Foreshore Management Plan and, in doing so, endorse the actions contained therein to balance recreation activity with environmental sustainability at Wonga Beach.

FINANCIAL/RESOURCE IMPLICATIONS

Most of the actions contained in the interim management plan will be funded by the Queensland Government Reef Assist grant. There may be some limited additional costs for smaller items that will be covered by the operational budget.

RISK MANAGEMENT IMPLICATIONS

Council is limiting it's liability by requiring approved ATV users to meet the conditions set out in the plan. The interim management plan also intends to reduce the risk of environmental degradation by providing specific maintenance and management actions.

SUSTAINABILITY IMPLICATIONS

Economic: Most of the actions contained in the interim management plan will be funded through the Queensland Government Reef Assist grant. There will be some need for local contractors to be engaged to complete actions.

Environmental: The interim management plan addresses a number of environmental concerns and promotes a balanced use of the foreshore space for both recreational ATV users and others. The plan also addresses other issues such as the illegal clearing of vegetation and foreshore degradation.

Social: Several long-term residents of Wonga Beach have long maintained that the freedom to use ATV's for recreational purposes such as accessing remote fishing spots, is part of the fabric of being a Wonga Beach resident. While the issue of allowing ATV's on the beach has been somewhat divisive, the interim management plan aims to address some of the concerns outlined in the community engagement process and seeks to provide a balanced approach to the issue.

CORPORATE/OPERATIONAL PLAN, POLICY REFERENCE

This report has been prepared in accordance with the following:

Corporate Plan 2019-2024 Initiatives:

Theme 4 - Inclusive Engagement, Planning and Partnerships

In delivering for our communities, economy and environment, Douglas Shire will ensure open and transparent engagement and communication. We will develop robust strategic plans and we will partner with our community and key stakeholders.

Goal 2 - *We will develop forward looking strategies for the future of our communities, and we will ensure balanced and appropriate planning decisions.*

COUNCIL'S ROLE

Council can play a number of different roles in certain circumstances and it is important to be clear about which role is appropriate for a specific purpose or circumstance. The implementation of actions will be a collective effort and Council's involvement will vary from information only through to full responsibility for delivery.

The following areas outline where Council has a clear responsibility to act:

Custodian	Council owns and manages infrastructure, facilities, reserves, resources and natural areas. In fulfilling its role as custodian, Council will be mindful of the community, the economy, the environment, and good governance.
Regulator	Council has a number of statutory obligations detailed in numerous regulations and legislative Acts. Council also makes local laws to ensure that the Shire is well governed. In fulfilling its role as regulator, Council will utilise an outcomes-based approach that balances the needs of the community with social and natural justice.

CONSULTATION

Internal: Open Spaces, Civil Works, Sustainability

External: Department of Environment and Science, Wonga Beach residents

COMMUNITY ENGAGEMENT

Council conducted community engagement with the Wonga Beach community in August 2018.

ATTACHMENTS

1. Interim Wonga Beach Foreshore Management Plan Final Copy [UIUN] [5.1.1 - 18 pages]



Interim Wonga Beach Foreshore Management Plan

October 2020

Background

Wonga Beach is a beachside suburb located approximately 17kms north of the town of Mossman. In the 2016 census Wonga Beach had a population of 975 people. Following the relocation of the old Rocky Point State School to the new Wonga Beach State School in 1999, the area has become popular with families.

A number of residents at Wonga Beach have long been using various modes of transport to access the beach, for both recreational and commercial purposes. Wonga Beach is in close proximity to the Daintree River and Bells Reef just offshore. This makes it a popular area for recreational fishing, and as vehicles such as ATV's have become more popular and there has been an increase to the pre-owned market of low cost ATV's, Council has recognised that the use of such vehicles has become a popular recreational past time.

The use of vehicles on Wonga Beach, has become more popular in the last few years. Local Laws Officers, together with Open Spaces and Civil Works, have attempted to manage this issue across the Shire by way of enforcement actions and infrastructure, with mixed results depending on the location. Wonga Beach is approx. 10.5kms long, with the area from the Wonga Community Park in the South to the end of the main residential area to the North being approx. 3.5kms. This is a large stretch of coastline for Council officers to patrol and regulate.

Recreational ATV use has historically not been approved. However, a number of Wonga Beach residents have been using ATV's on the beach for many years and consider the activity to be a part of their way of life and what makes the area special. Following a community meeting at Wonga Beach State School in late 2015, Council received several enquiries from residents wanting to obtain a permit. In 2016, Council staff met onsite with a Senior Environmental Officer from the Department of Environment and Heritage Protection, with the feedback being that he did not foresee any major environmental issues with ATV's using the hard sand to traverse Wonga Beach. Recent discussion with the Marine Park Authority also implied that this was a matter for Council to manage. The draft Vehicles on Beaches policy was sent to the Department of Environment and Science on two separate occasions requesting feedback or objection, without response. In 2018, Council conducted community consultation, aimed at Wonga Beach residents, of which the final report has been provided to Councillors. A decision was made to put this issue on hold until the new local laws could be adopted, which has now occurred.

As the population of Wonga Beach has steadily grown, Council has also seen an increase in the illegal clearing of foreshore vegetation, camping on the beach and other activities that have an impact on the amenity and environment.

Purpose of the plan

The purpose of the Management Plan for Wonga beach is to develop clear management actions that are to be led by Council and inform future decisions regarding the protection and management of foreshore.

These plans provide Council and the community with clear, workable processes and actions for ongoing use, maintenance, improvement and regulation of the Wonga Beach Foreshore.

The plans consider community needs and expectations whilst also providing for a sustainable, usable and enjoyable foreshore environment.

The foreshore area is public land for the benefit of the community as a whole, and as such, actions have been determined with that intention in mind. No person has any greater right to use this land, or have a say in its management, than any other person.



WONGA BEACH

Landscape

To the south of the Daintree River mouth, a broad sandy embayment extends along the coastline for approximately 10.5km. The sandy embayment is a beach ridge system, formed in front of the low-lying coastal area of the Daintree River floodplain and associated mangroves, wetlands and Melaleuca forest.

The most southern 3.5km of the sandy embayment has residential development and a Council controlled caravan park. A private caravan park is located 700 metres north of the settled coastal extent with a rural subdivision located in this area approximately 800 metres west of the foreshore Reserve

Communities

Wonga Beach is one of the region's main settlements, with over 500 dwellings and a number of tourist facilities. The closest road running parallel to the beach is the Old Wonga Esplanade. The densely vegetated area in between includes a caravan/camping ground.

Wonga Beach can be divided into Old and New Wonga (southern part) with the two separated by a large formerly developed (hotel and commercial) parcel of land. The site is currently vacant. There is no road between the two settlement areas, except via the Mossman - Daintree Road to the West. A bicycle/pedestrian path links the two settlements.

A well vegetated dune system currently provides some protection from coastal hazards to the residential zones.

Key environmental values include:

Coastal landforms – including sandy embayment's, estuary, dune systems and near shore reefs.

Vegetation communities and ecosystems – including the rainforest, mangroves and native dune vegetation

Significant and endangered species – including both land and marine environments (e.g. turtles, birds and fish).



Figure 12. Locality map – Wonga Beach.¹⁸

Precincts

For the purposes of this plan, Wonga Beach has been divided into 4 precincts:-

1. New Wonga
2. Old Wonga
3. Giblin Street north to Pinnacle Village
4. Pinnacle Village to Daintree River





Management Strategies

Management strategies are grouped in themes, these being:

1. Ensuring planning and local laws controls are in place. This will include the insertion of new conditions to the local laws prescribed activity schedule 26 – Bringing or driving motor vehicles onto local government controlled areas.
2. Issuing an Information Notice for prescribed activity approvals to ensure reasonable conditions are applied until such time as the conditions can be reflected in the local law.
3. Facilitate the creation of a community group to highlight and solve issues associated with the use.
4. Actively monitoring and enforcing planning and local laws controls. This may include the use of surveillance cameras in strategically placed locations.
5. Installing new signage to reflect permitted uses.
6. Protecting coastal biodiversity and ensuring healthy coastal ecosystems
7. Providing safe designated community access to foreshore areas
8. Restricting access using physical barriers
9. Education
10. Conduct maintenance in and around the foreshore area.

Updates to this plan shall be undertaken annually.

Community Survey Feedback – Recreational ATV Use

In 2018, Council conducted community consultation with Wonga Beach residents to determine support for the use of ATV's on the beach.

On the basis of the submissions received, looking at the individuals represented, 69% supported the use of ATV's on the beach for recreational purposes, 28% were against it and 3% were neutral.

Of those respondents that objected, the four most common reasons identified were:

1. ATV's will have a detrimental impact on the natural environment, including degradation of sand dunes, sea grasses and interference with native and migrating birds;
2. Policing a permit system will be difficult (if not impossible) and expensive, opening the door for unauthorized vehicles on the beach;
3. Ratepayers could be liable for damage or injuries occurring from vehicles;
4. ATV's are noisy and intrusive and will affect the quiet enjoyment of the beach by residents and visitors.

The management plan is intended to address these issues.



Precinct Management



Pinnacle Village to Daintree River

This is a dog on-leash area

Actions

- No access points via Council controlled land.
- ATV use is permitted by approval only. ATV use is strictly prohibited on or near the riparian zones, vegetated areas and dune areas.
- ATV use is permitted only on hard packed sand within the tidal zone.
- Audit to identify any existing access points.
- Audit undertaken during nesting season for any turtle nests.



North of Giblin Street to Pinnacle Village

This is a dog off-leash area. In this precinct, the responsible person for a dog must ensure that:-

- Dogs are under effective control at all times (voice command);
- Dog faeces is immediately cleaned up and disposed of properly.

Actions

- No access points via Council controlled land excepting access for guests of Pinnacle Village Caravan Park.
- 4WD access only for guests of Pinnacle Village for launching and retrieving a boat.
- ATV use is permitted by approval only. ATV use is strictly prohibited on or near the riparian zones, vegetated and dune areas.
- ATV use is permitted only on hard packed sand within the tidal zone.
- Audit undertaken to determine any existing access points to the beach.
- Audit undertaken during nesting season for any turtle nests.



Old Wonga (Giblin Street south to northern end Marlin Drive)

This is a dog on-leash area

Actions

- Audit all existing access points to foreshore.
- ATV use is permitted by approval only. ATV use is permitted only on hard packed sand within the tidal zone.
- Formalise all vehicle/pedestrian and ATV access points and sign post entrance conditions for ATV use.
- Limit ATV use in this area to residents of New Wonga, for the purpose of accessing the main ATV recreation area north of the Giblin Street access point.
- ATV use to be speed limited to 20km per hour.
- Close and revegetate all illegal/not formalised access points.
- ATV use is strictly prohibited on or near the riparian zones, vegetated and dune areas.
- Actively monitor and enforce no creation of new access points to foreshore.
- Audit undertaken during nesting season for any turtle nests
- Giblin Street access closed to 4WDs. ATV access via Giblin Street permitted. This is to minimise the impact on the frontal dune and disturbance to residents.
- Install a key controlled barrier at the southern end of the Council Caravan Park (Wonga Beach Road) to allow vehicle access for boat launching.



New Wonga (northern End of Marlin Drive south to Wonga Community Park - Includes Lot 65 CP903509)

This is a dog on-leash area

Actions

- Audit all existing access points to foreshore
- Formalise all vehicle/pedestrian and ATV access points and sign post entrance conditions for ATV use.
- Close and revegetate all illegal/not formalised access points
- No 4WD use permitted. ATV use is permitted by approval only. ATV use is strictly prohibited on or near the riparian zones, vegetated and dune areas.
- Strictly no ATV use on the area south of the Janbal Street access point.
- Limit ATV use in this area to residents of New Wonga, for the purpose of accessing the main ATV recreation area north of the Giblin Street access point.
- ATV use to be speed limited to 20km per hour.
- ATV use is permitted only on hard packed sand within the tidal zone.
- Actively monitor and enforce no creation of new access points to foreshore.
- Audit undertaken during nesting season to identify the number and location of turtle nests.
- ATV access via one (1) designated shared zone in Janbal Street.
- Install a key controlled barrier to restrict access to Lot 65. This includes access to the rear of properties on Marlin Drive. This is to minimise the impact on the frontal dune, vegetation and disturbance to residents.
- Close and revegetate all illegal/not formalised access points



Recreational ATV Approval Process and Conditions



Obtaining an Approval

Application for an approval consistent with the provisions of this management plan and under *Subordinate Local Law 1, Schedule 26 – Bringing or driving motor vehicles onto local government controlled areas* must be made on the approved form, and be accompanied by payment of the required fee. Application for an approval will only be accepted in person and each applicant may only apply for a permit for himself/herself, unless they are the parent/legal guardian of a minor child.

Criteria for assessing an application, may include, but not be limited to:

- Limited recreational ATV use will only be permitted at Wonga Beach.
- Access points will be at the Giblin Street and Janbal Street entrances to the beach.
- A committee of users will be formed to manage any issues with the use of ATV's on the beach, which may include membership from Douglas Shire Council, Mossman Police and any other parties deemed appropriate by the Council.
- Only residents of Wonga Beach will be eligible for an approval. Proof must be provided by producing a provisional or full driver's licence with the applicants' current residential address clearly visible.
- Only the ATV nominated on the approval is to be driven on the beach. A full description of the ATV, including a colour photograph, must be submitted for approval.
- Two (2) wheeled vehicles such as trail bikes and large four wheel drive passenger vehicles, will not be considered for approval.
- Applicants must have, and be able to prove, that they have undertaken some form of recognised ATV safety training.
- Parents or legal guardians of minor children, 11 years or older, may apply for a permit on behalf of the minor child. Conditions Apply. See below.
- Conditional registration may be sought by suitable applicants from the Department of Transport and Main Roads, with the support of Douglas Shire Council and Mossman Police, to enable the ATV to be driven on a road, to a designated access point.
- Only applicants with a current QLD drivers licence will be supported in their application for Conditional Registration.

Conditions Additional to Subordinate Local Law No. 1, Schedule 26

- ATV's are not to be driven above the high tide mark, except when travelling to and from the beach.
- Under no circumstances, including at high tide, are ATV's to be driven on or over frontal dunes or foreshore areas not designated as access points.
- ATV's will be restricted to travelling on the beach between the hours of 8am and 6:30pm.
- ATV's must not be driven by persons under the influence of intoxicating liquor or drugs. The QLD Police Service will be notified where an authorised officer reasonably believes this is occurring.
- ATV's are to be driven only in the area specified on the approval.
- The maximum speed limit on the beach area adjacent to Marlin Drive and the Esplanade will be 20kph. In all other areas north of the Giblin Street access point the maximum speed limit will be 40kph. Hooning, fishtailing and racing of ATV's is not permitted.
- Only the ATV nominated on the approval is to be driven on the beach.
- ATV's must give way at all times to pedestrians and wildlife.
- ATV's must be kept in a good state of repair or an approval will be revoked.
- Approval holders will be issued an approval identification sticker, or similar, which must be visible on the ATV at all times.
- Approval holders must only access the beach at the designated access points. ATV's that cannot be registered and legally driven on a road must be pushed or transported by utility or trailer to the designated access point. Approvals will be revoked and enforcement action taken by Council officers and QLD Police, if users are found in breach of this condition.
- As per QLD State law, approval holders operating ATV's must wear an approved motorbike helmet and not carry a passenger unless on a seat designated for that purpose.
- As per QLD State law, passengers on a vehicle approved for passengers, must be at least 8 years of age.
- Approval holders must at all times carry their drivers licence when conducting the activity and provide to an authorised officer, on request.

Approval for minor children 11 years or older

- Parents or legal guardians of minor children 11 years or older may apply for an approval on behalf of the minor child.
- Parents or legal guardians must supervise the minor child at all times when the ATV is being used on the beach, including any movement of the ATV between home and the beach.
- Parents or legal guardians will be responsible for the conduct and behaviour of the minor child at all times when the ATV is being used on the beach, including any movement of the ATV between home and the beach.
- When making application for an approval for a minor child, the parent or legal guardian will become legally liable and responsible for any enforcement action taken by Douglas Shire Council with respect to any breaches of the approval. Enforcement action may include the issue of a Penalty Infringement Notice (fine).
- ATV's must be the appropriate size for the user and must not be an ATV designed to be operated by an adult.
- No passengers will be permitted.

