

**SHIRE OF BROOME**

**AGENDA FOR A MEETING OF THE  
COASTAL PARK MANAGEMENT COMMITTEE  
TO BE HELD IN THE COMMITTEE ROOM  
ON THURSDAY 10TH JULY 2003  
COMMENCING AT 10:00AM**

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**1. ATTENDANCE AND APOLOGIES**

Attendance

Apologies

Officers

Public Gallery

**2. DECLARATIONS OF FINANCIAL INTEREST**

Member	Item No	Page	Item	Nature of Interest

**3. PUBLIC QUESTION TIME**

**4. CONFIRMATION OF MINUTES**

**Moved:** **Seconded:**

*That the Minutes of the Coastal Park Committee Meeting held on 10 April 2003 be confirmed as a true and accurate record of that meeting.*

<b>5. MATTERS SUBMITTED FOR CONSIDERATION</b>
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<b>5.1 OCCUPATION OF DWELLING RESERVE 33275</b>
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<b>LOCATION/ADDRESS:</b>	RESERVE 33275
<b>APPLICANT:</b>	N/A
<b>FILE:</b>	CTE28, RES33275
<b>RESPONSIBLE OFFICER:</b>	Manager Health Services
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	20 May 2003

**SUMMARY:** Item on current situation with Mr Kevin Clover, the 'radio man' with a recommendation that:

1. Council honour the gentleman's agreement that Mr Clover be permitted to continue to reside on the site until his death or voluntary relinquishing of the site.
2. Council not request the Department of Land Administration to remove Mr Clover.

## **BACKGROUND**

At the meeting held 29 April 2003 Council resolved:

- "1. That staff take immediate steps to implement any outstanding Council resolution in relation to Mr Kevin Collins "horse man" and Kevin Clover "radio man".
2. That Council staff report back to the Coastal Park Management Committee at the June 2003 meeting on progress to date in implementing the previous resolutions and in particular reason why any outstanding resolutions have not been implemented."

## **COUNCIL COMMENT**

At the September 2002 meeting it was resolved that:

- "1. Actively seek alternative accommodation for Mr Clover, if he so consents.
2. Requests authority from DOLA to allow Council to remove any buildings if Mr Clover vacates the premises and that Council/DOLA advise Mr Clover that the premises cannot be passed onto anyone else."

At the November 2002 meeting Council were advised as follows:

"Mr Clover has been contacted and has advised that at this stage he does not want to move from where he currently resides."

As a result the officer comment was that:

'In light of this response it is felt that the long-standing agreement with Council that Mr Clover could reside on the reserve should be honoured.

However, upon Mr Clover permanently vacating the premises no one else should be permitted to occupy it and it should be demolished."

The resolution at the November 2002 was as follows:

- “1. That Council act upon previous resolutions and correspond to DOLA requesting the incorporation of Reserve 33275 into Reserve 43080.
2. That Council receive an explanation of the verbal agreement referred to in the Council Officer Recommendation and the implications of Mr Clover's continued occupancy with the proposed change in the reserve's status.
3. That whilst Mr Clover continues to occupy this reserve, he co-operate with the ongoing management of Minyirr Park including the removal of all nearby rubbish on Reserve 43080.”

### Comment on Verbal Agreement

Staff have spoken with a former Councillor Kim Male who has confirmed that there was an unofficial agreement with Mr Clover that he could remain there until he died or moved away.

### General Comment

As stated in a previous item there is a perception that the illegal structures constitute “illegal camping” under the Caravan Parks and Camping Grounds Act. This is not correct; these are illegal structures that may contravene Planning and Building legislation.

Furthermore there is another perception that if persons are camped illegally they can be moved on. This also is incorrect; if the people are camped on land without the permission of the landowner then the Police can be asked to remove them by the landowner as they are trespassing. However, as the land is public land then they cannot be removed, the only solution is to infringe them.

During the preparation of this item it has been determined through Broome Aged and Disabled Services (BADS) that Mr Clover's health is declining rapidly and his life expectancy is not long.

The Senior Ranger and the Manager of Health and Ranger Services visited Mr Clover and during this conversation he confirmed the information from BADS on his state of health and reiterated his comments that were quoted earlier in this item i.e. he does not wish to move and wants to spend his remaining days where he is.

## **CONSULTATION**

Kim Male former Shire President and Councillor

## **STATUTORY ENVIRONMENT**

Local Government Act, 1995

Land Administration Act, 1997

Aboriginal Heritage Act, 1972

Caravan Parks and Camping Ground Act, 1995

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL RECOMMENDATION**

**Council resolve that:**

1. ***In the light of Mr Clover's state of health that Council honour the gentleman's agreement allowing him to reside on Reserve 33275 until he dies or he relinquishes the site.***
2. ***Council not request the Department of Land Administration to take any action to remove Mr Clover.***

**Moved:**

**Seconded:**

**FOR:  
AGAINST:**

**5.2 OCCUPATION OF STABLE COMPLEX RESERVE 43080**

<b>LOCATION/ADDRESS:</b>	RESERVE 43080
<b>APPLICANT:</b>	N/A
<b>FILE:</b>	CTE28, RES43080
<b>RESPONSIBLE OFFICER:</b>	Manager Planning Services
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	20 May 2003

**SUMMARY:**

**BACKGROUND**

At the meeting held 29 April 2003 Council resolved:

- “1. That staff take immediate steps to implement any outstanding Council resolutions in relation to Mr Kevin Collins “horse man” and Mr Kevin Kloster “radio man”.
2. That Council staff report back to the Coastal Park Management Committee at the June 2003 meeting on progress to date in implementing the previous resolutions and in particular reason why any outstanding resolutions have not been implemented.”

## **COUNCIL COMMENT**

Research on this item indicates that the matter was put to Council in September 2002 and November 2002.

At the September 2002 meeting item three of the resolution provide that:

“Request the Broome Turf Club to confirm its intention to construct additional stables within its leased area and advise the Broome Turf Club that stabling of horses will not be permitted in Reserve 43080.”

The letter requested was sent and is attached. However, no written response has been received but the Broome Turf Club have advised verbally that the construction of stables is still only under discussion and that the horses stabled in Reserve 43080 having nothing to do with the Club. It is not their position to approve or not approve these stables, as the land has nothing whatsoever to do with the Broome Turf Club.

Item four of the same resolution provided that:

“Council refer item 3 to the relevant staff members.”

## General Comment

As stated in a previous item there is a perception that the illegal structures constitute “illegal camping” under the Caravan Parks and Camping Grounds Act. This is not correct; these are illegal structures that may contravene Planning and Building legislation.

Furthermore, there is another perception that if persons are camped illegally they can be moved on. This also is incorrect; if the people are camped on land without the permission of the landowner then the Police can be asked to remove them by the landowner as they are trespassing. However, as the land is public land then they cannot be removed, the only solution is to infringe them.

During the preparation of this item the rangers visited the stables and advise that there is no one camped there, they are all squatters. However, it appeared that there had been an expansion of the site since the previous visit.

## **CONSULTATION**

Broome Turf Club

**STATUTORY ENVIRONMENT**

Local Government Act, 1995  
Land Administration Act, 1997  
Aboriginal Heritage Act, 1972  
Caravan Parks and Camping Ground Act, 1995

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**REPORT RECOMMENDATION**

*That action be initiated to remove the structures on Reserve 43080.*

**Moved:**

**Seconded:**

**FOR:**

**AGAINST:**

[Attachment: 1 Page](#)

**5.3 VEHICLE ACCESS TO CABLE BEACH AND GANTHEAUME POINT**

<b>LOCATION/ADDRESS:</b>	Cable Beach and Gantheaume Point
<b>APPLICANT:</b>	N/A
<b>FILE:</b>	CTE 28
<b>RESPONSIBLE OFFICER:</b>	Chief Executive Officer
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	27 May 2003

**SUMMARY:** The Issues Paper for Vehicle Management on Cable Beach was presented to the Coastal Park Management Committee at the 1 November 2002 meeting. As no response has been received, the report will be re-presented to new Councillors and again referred to the Coastal Park Management Committee to enable a Vehicle Management Plan for Cable Beach to be prepared by Council.

**BACKGROUND**

At the 1 November 2002 Coastal Park Committee Meeting, the Issues Paper for Vehicle Management on Cable Beach was tabled. The Issues Paper identifies the various issues available for consideration in the preparation of a Vehicle Management Plan for Cable Beach.

The Coastal Park Management Committee resolved that they would critique the Issues Paper in point form for inclusion on the December 2002 Coastal Park Management Committee Meeting Agenda for the purpose of developing a Vehicle Management Plan for Cable Beach. A critique of the paper has to date not been received.

At the same meeting, the Coastal Park Management Committee requested that Council formalise the closure of the carpark at the Gantheaume Point Beach Access.

**COUNCIL COMMENT**

Since the November CPMC meeting, Gantheaume Point Beach Access and Parking has been raised, at the 10<sup>th</sup> April CPMC Meeting.

At the 10<sup>th</sup> April meeting, the following resolution was adopted:

- 1. That the Shire enforce the vehicle access area at Gantheaume Point.*
- 2. That as a priority and before the tourist season commences (May 2003), the Shire improve the warning information to drivers and make a visible (night and day) indication of the northern extremity of the area where vehicles are currently allowed.*
- 3. That the Shire cost out a mast and flag and its implications for management on the beach and report to Rubibi as soon as possible.*
- 4. That the Shire encourage the use of parking areas off the beach by developing with Rubibi positive and effective signage designating parking adjacent to the racecourse.*
- 5. That with Rubibi, the Shire include an article and map in the Shire Newsletter, showing the extent of northern access and the parking area available near the*

*Turf Club and seek community cooperation in reducing the vehicle pressure on the beach at Gantheaume Point.*

6. *That Council staff investigate traffic control measures between the Turf Club Car Park and the access to Gantheaume Point Beach including pedestrian access.*
7. *That the Shire report to Council through the CPMC on initiatives taken to address the vehicle pressures."*

Since the April CPMC Meeting, Council has been working to enforce the restricted vehicle access area at Gantheaume Point through ongoing Ranger patrols of the area. In addition an article will be included in the June Newsletter showing the extent of vehicle access, encouraging use of the car parking areas and showing a map of the area.

Investigations are currently underway into the installation of an additional 500 metre marker post and signage has been erected advising of the parking areas adjacent to the racecourse. The carpark on the beach side at Gantheaume has been closed and additional signs erected.

Staff have advised that the introduction of traffic control measures and pedestrian access between the Turf Club Car Park and the access point to Gantheaume Point Beach is being reviewed, with a standard stairway design currently being drawn up for use at all beach access points. This item will be included in the draft Coastal Park 2003/04 budget for consideration.

With regard to vehicle management on Cable Beach, the issues contained within the Issues Paper will need to be addressed. Some of these issues include:

- Boomgate Access
- Access onto the Beach
- Alternative Access
- On Beach Vehicle Management
- Carparking

The Issues Paper is attached for Councillors reference. It is envisaged that once the Issues Paper has been critiqued by the CPMC and any amendments incorporated, the Paper is advertised for public comment. A draft questionnaire based on the information contained within the Issues Paper is attached.

## **CONSULTATION**

Nil

## **STATUTORY ENVIRONMENT**

Local Government Act, 1995  
Native Title Act, 1993  
Aboriginal Heritage Act, 1972  
Land Administration Act  
Environmental Protection Act  
Off-Road Vehicles Act

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL RECOMMENDATION**

1. *That Council continue to monitor traffic count at the access ways to Gantheaume Point and Cable Beach north to compile vehicle usage statistics for both areas.*
2. *That the Issues Paper – Vehicle Management on Cable Beach be referred back to the Coastal Park Management Committee for comment and referred back to the Council for inclusion in the 1 August Council Meeting Agenda.*
3. *That Council advertise the Issues Paper – Vehicle Management on Cable Beach for public comment in August, following comments from CPMC.*

**Moved:**

**Seconded:**

**FOR:**

**AGAINST:**

[Attachment: 10 pages](#)

**5.4 NORTH CABLE BEACH ACCESS**

<b>LOCATION/ADDRESS:</b>	North Cable Beach
<b>APPLICANT:</b>	N/A
<b>FILE:</b>	CTE28
<b>AUTHOR:</b>	Rubibi
<b>DISCLOSURE OF ANY INTEREST:</b>	N/A
<b>DATE OF REPORT:</b>	23 June 2003

**SUMMARY:**

**BACKGROUND**

Rubibi has repeatedly stated their position to the Shire on vehicle access to North Cable Beach. The position is again reported here by Rubibi's CPMC members for Council:

- Emergency and Service vehicles only and special consideration for people with disabilities to use North Cable Beach.
- No vehicles north of rocks and certainly none north of Billingur (Hidden Valley).
- Use of Cable Beach north of rocks as an overflow carpark for special events (with permission).

The CEO, Greg Powell wrote to Rubibi a few months ago seeking comment on proposal to put a new vehicle access through the dunes at Billinguru (previously rejected by Rubibi). We reiterate through the Council, that this proposal is not acceptable to Rubibi and that a more sustainable approach to the management of vehicles on the beach is needed.

Rubibi suggests that a new northern pedestrian access point to the beach if needed, be established from the southern edge of proposed botanical garden at Coconut Wells, where there is an area for carparking behind dunes. (See the Waterbank Structure Plan)

Further, the Shire agreed at a CPMC meeting in late 2002, to erect signs that recommend to motorists "*Rubibi and the Shire prefer that people do not drive their cars onto the beach*". We seek an update from Shire about the installation of that signage.

### **COUNCIL COMMENT**

Refer to Item 5.3.

### **STATUTORY ENVIRONMENT**

Native Title Act, 1993  
Aboriginal Heritage Act, 1972  
Environment Protection Act  
Off-Road Vehicles Act  
Land Administration Act

### **POLICY IMPLICATION**

Nil

### **FINANCIAL IMPLICATIONS**

Nil

### **STRATEGIC IMPLICATIONS**

Nil

### **RUBIBI RECOMMENDATION**

1. ***That Rubibi's stated position on vehicle access to North Cable Beach be noted.***
2. ***Shire provide July's CPMC with an update on the implementation of Cable Beach signage.***

**COUNCIL RECOMMENDATION****Refer Item 5.3.****Moved:****Seconded:****FOR:****AGAINST:**[Attachment: 10 pages](#)**5.5 PLANNING AND IMPLEMENTING MANAGEMENT STRATEGIES FOR MINYIRR IN AREA ADJACENT TO TURF CLUB**

<b>LOCATION/ADDRESS:</b>	Minyirr (Gantheaume Point)/Road Reserve and Turf Club area
<b>APPLICANT:</b>	N/A
<b>FILE:</b>	CTE28
<b>AUTHOR:</b>	Rubibi
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	24 June 2003

**BACKGROUND**

In order to improve safety and reduce vehicle traffic on Gantheaume Beach (Minyirr) more carparking was needed off the beach. Shire sought Rubibi's advice on identifying suitable parking areas outside the coastal reserves. In August 2001, Rubibi provided the Shire with this in the form of a sketch map incorporating an overall idea for sustainably managing the area.

Rubibi CPMC members in 2001, also proposed to plan for better utilisation of land adjacent to the race course in Broome to provide visitor facilities and parking at the Turf Club and to reduce the human and vehicle impacts on the beach, the dunes and the intertidal areas of the adjacent beach and Riddell. Improvements recommended included developing a one-way slow road, parking for cars and boat trailers, safe pedestrian crossover from parking to beach, close off inappropriate vehicle tracks and roads, provision of basic facilities for beach users e.g. water, ablutions, access for disabled from the old Japanese Hospital site to the beach, and improved signage etc.

Rubibi sought their own funds and appointed town planner Peter Driscoll from Landvision to advise and sketch up the recommendations. This was then presented to the CPMC meeting.

Rubibi wants to see the area planned effectively with the Shire and Turf Club and stakeholders involved and work commenced to implement management strategies.

**COUNCIL COMMENT**

The proposals are agreed with.

**STATUTORY ENVIRONMENT**

Native Title Act, 1993  
 Aboriginal Heritage Act, 1972  
 Environment Protection Act  
 Off-Road Vehicles Act  
 Land Administration Act

**POLICY IMPLICATION**

Nil

**FINANCIAL IMPLICATIONS**

To date Rubibi has paid for the town planning and sketches.

**STRATEGIC IMPLICATIONS**

Nil

**RUBIBI RECOMMENDATION**

1. *We seek Shire's commitment to actively work with Rubibi to implement agreed proposals for the provision of improved visitor facilities and parking in the Minyirr area adjacent to the Turf Club and Gantheaume Point.*
2. *That Shire identifies funds in 2003/2004 budget to commence further planning with Rubibi and the implementation of agreed works.*

**COUNCIL RECOMMENDATION**

*That an allocation be made in 2003/2004 budget to implement agreed works.*

**Moved:**

**Seconded:**

**FOR:**

**AGAINST:**

**5.6 DRAINAGE WORKS, DAMPIER CREEK CATCHMENT**

**LOCATION/ADDRESS:** Nil  
**APPLICANT:** Nil  
**FILE:** CTE28  
**AUTHOR:** Rubibi  
**DISCLOSURE OF ANY INTEREST:** Nil  
**DATE OF REPORT:** 24 June 2003

**SUMMARY:**

**BACKGROUND**

Rubibi has expressed concerns about the impacts of drainage on Dampier Creek catchment and people living at One-Mile community.

We have previously requested a progress report from the Shire about its approaches to the EPA and Broome International Airports Pty Ltd seeking an explanation for the clearing and a drainage layout plan and remedial measures to limit siltation of Dampier Creek and storm water pooling around One Mile Aboriginal Reserve.

**COUNCIL COMMENT**

The Manager for Engineering Services, Mr Allan Ralph and Mr Rob Menzies representing the Airport Owners and Developers will brief the Committee on this matter.

**STATUTORY ENVIRONMENT**

Native Title Act, 1993  
 Aboriginal Heritage Act, 1972  
 Environment Protection Act  
 Land Administration Act

**POLICY IMPLICATION**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**RUBIBI RECOMMENDATION**

1. ***That Rubibi requests an update on the drainage situation, the remedial actions taken and a copy of the drainage map from the Shire.***
2. ***That the Shire identifies, for the July 2002 CPMC meeting, whether the required clearances for drainage were given and adhered to in these areas.***

**COUNCIL RECOMMENDATION**

***That the Manager of Engineering Services and Rob Menzies brief the Coastal Park Management Committee at its meeting on 10 July 2003 on drainage issues in the vicinity.***

**Moved:**

**Seconded:**

**FOR:**

**AGAINST:**

**5.7 ILLEGAL ACTIVITIES IN MINYIRR PARK**

**LOCATION/ADDRESS:** Reserve 43080 - Minyirr Park  
**APPLICANT:** N/A  
**FILE:** CTE28  
**AUTHOR:** Rubibi  
**DISCLOSURE OF ANY INTEREST:** Nil  
**DATE OF REPORT:** 24 June 2003

**SUMMARY:****BACKGROUND**

See previous resolutions from Broome Shire Council.

**COMMENT**

Nil

**STATUTORY ENVIRONMENT**

Local Government Act  
Native Title Act, 1993  
Aboriginal Heritage Act, 1972  
Environment Protection Act  
Off-Road Vehicles Act  
Land Administration Act

**POLICY IMPLICATION**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**RUBIBI RECOMMENDATION**

1. *That the Shire report to the CPMC in July 2003, on the implementation of previous Council resolutions in relation to the illegal uses including camping, building of structures, drawing of underground water, commercial activities and rubbish dumping etc in Coastal Park reserve 43080.*

**COUNCIL RESOLUTION****See Item 5.2.****Moved:****Seconded:****FOR:****AGAINST:**Attachments: 10 pages**5.8 RESEARCH PARTNERSHIP MONTPELLIER UNIVERSITY FRANCE**

<b>LOCATION/ADDRESS:</b>	Minyirr Park Cable Beach
<b>APPLICANT:</b>	N/A
<b>FILE:</b>	CTE28
<b>AUTHOR:</b>	Rubibi
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	24 June 2003

**SUMMARY:****BACKGROUND**

Research was one of six management strategies recommended in the Shire of Broome's "Coastal Park Management Plan - Broome Western Australia - April 1999.

Rubibi understands the need to establish some baseline data on which to identify effective management strategies for the sustainable use of coastal areas in Broome. Montpellier (and Newcastle University in UK) has the interest and skills to assist.

In 2002, Rubibi established a research partnership with Montpellier University in France.

Two French students Nicolas Trillaud and Juliette Friedling spent 10 weeks in Broome, to study the human impacts on Cable Beach. They studied the activities and environmental factors, such as populations of sand crabs, in 5 zones from Gantheaume Point to Hidden Valley. The

study has resulted in a recently received report entitled "*The human activities along Cable Beach. Characterisation and assessment of their impacts.*"

This year Elodie Comte and Melise Wilmot will spend 10 weeks researching and surveying beach users and their level of understanding and awareness of the environment, the cultural heritage values and the impact of human activities on Cable Beach. Rubibi expects their research to help us more effectively target our visitor awareness, education and communication strategies.

Melise and Elodie have been organising meetings with the Shire of Broome, CALM, Environs Kimberley and other key stakeholders, and both will be present at the CPMC meeting.

**COUNCIL COMMENT**

Nil

**STATUTORY ENVIRONMENT**

Native Title Act, 1993  
Aboriginal Heritage Act, 1972  
Environment Protection Act  
Off-Road Vehicles Act  
Land Administration Act

**POLICY IMPLICATION**

Nil

**FINANCIAL IMPLICATIONS**

The office, equipment transport costs have been absorbed by Kimberley Land Council and Rubibi.

**STRATEGIC IMPLICATIONS**

*"Coastal Park Management Plan - Broome Western Australia - April 1999."*

**RUBIBI RECOMMENDATION**

***That the Coastal Park Management Committee invite Melise Wilmot and Elodie Comte to give a short overview of the research project for 2003.***

**COUNCIL RECOMMENDATION**

***That the Coastal Park Management Committee invite Melise Wilmot and Elodie Comte to give a short overview of the research project for 2003.***

**Moved:**

**Seconded:**

**FOR:**

**AGAINST:**

**6. MEETING CLOSURE**