

**SHIRE OF BROOME**

**AGENDA FOR A MEETING OF THE  
COASTAL PARK MANAGEMENT COMMITTEE  
TO BE HELD IN THE COMMITTEE ROOM  
ON THURSDAY 13 MAY 2004  
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 11 March 2004 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 OPERATING FRAMEWORK - COASTAL PARK MANAGEMENT COMMITTEE</b>
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<b>LOCATION/ADDRESS:</b>	Broome
<b>APPLICANT:</b>	Rubibi
<b>FILE:</b>	N/A
<b>RESPONSIBLE OFFICER:</b>	Ben Wurm
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	30 April 2004

**SUMMARY:** Existing terms of reference for the operation of the Coastal Park Management Committee are tabled by Rubibi for discussion and review by Committee Members.

## BACKGROUND

At its last meeting on 11 March 2004, the Committee resolved unanimously to review at this meeting the existing operating framework for the Committee. Rubibi undertook to table the attached summary of Committee responsibilities in relation to Minyirr Park – Stage 1, prepared by Coastal Landcare Project Officer', Sharon Griffiths. Ms Griffiths is also the author of the 1999 *Coastal Park Management Plan*, commissioned by the Shire of Broome.

## RUBIBI COMMENT

Pending the establishment of a more appropriate joint management structure, Rubibi feels that it is important to maximize the effectiveness of the existing Coastal Park Management Committee. The Committee operates as an incipient, joint Rubibi-Shire management structure for Stage 1 of 'Minyirr Park' on the west coast of the Broome Peninsula.

Stage 1 of Minyirr Park comprises Reserves # 43080, 19289 and 36477, former Reserve # 33275 and unallocated Crown land adjacent to southern Reserve #43080 and between Reserves #43080 and 36477. The *Coastal Park Management Plan* details the other stages in the implementation of the management plan for Broome's fragile coastal areas, including Riddell Beach.

The annual uncertainty about the level of the Council's budgetary commitment to Coastal Park Minyirr Park works is a major impediment to the orderly implementation of the *Management Plan*. A long-term commitment from Council, as a matter of policy, to the implementation of Minyirr Park would advance the public benefits of this unique partnership between Rubibi and the Shire.

Rubibi notes that Council decided at its meeting on 13 April 2004 to defer any review of the Committee "...pending a workshop between Rubibi and the Councillors to discuss management of the coastal strip between Willie Creek and Crab Creek" (page 127). No timetable or resources for such a workshop have been identified by Council.

The Rubibi Recommendation is consistent with the Shire's *Interim Agreement* with Rubibi (signed in May 1996), the findings of the *Local Government Development Program* (1997), the implementation of the Shire's *Coastal Park Management Plan* (April 1999) and the Shire's *Strategic Plan* (2001).

### **ACTING CHIEF EXECUTIVE OFFICER COMMENT**

The attached document is not an operational framework, rather a report on operational issues. It also raises a number of requests/suggestions that would be more effectively dealt with at a workshop. Such a forum may well provide the mechanism for the development of a more *effective* operational framework for the Coastal Park Management Committee.

### **CONSULTATION**

Nil

### **STATUTORY ENVIRONMENT**

Native Title Act, 1993-1998  
Local Government Act, 1995  
Land Administration Act, 1997  
Aboriginal Heritage Act, 1972

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

Following a recommendation from the Committee on 11 March 2004, Council decided on 13 April 2004 (page 127) to list for budget consideration the funding of further works in Stage 1 of Minyirr Park to \$55,000, subject to provision by Rubibi of a detailed work program and budget (as Rubibi has done each year).

### **STRATEGIC IMPLICATIONS**

To promote the importance of Broome's unique built and natural heritage, and culture

### **VOTING REQUIREMENTS**

Simple Majority

**RUBIBI RECOMMENDATION**

***That Council note the attached document summarizing the existing operating framework of the Coastal Park Management Committee.***

**OFFICER RECOMMENDATION**

***That Council note the attached document and consider the issues raised in a workshop to be held at a future date to be determined.***

**Moved:**

**Seconded:**

**FOR:**

**AGAINST:**

[Attachment: 6 pages](#)

**5.2 REPORT ON REMOVAL ILLEGAL OCCUPATION (HORSE STABLES), FORMER RESERVE #33275, MINYIRR PARK**

<b>LOCATION/ADDRESS:</b>	Broome
<b>APPLICANT:</b>	Rubibi
<b>FILE:</b>	N/A
<b>RESPONSIBLE OFFICER:</b>	Ben Wurm
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	30 April 2004

**SUMMARY:** Rubibi seeks a report from the Shire about action taken to implement a Council decision in 2003 to remove illegal occupants (including horse stables) from Unallocated Crown Land, on the former Reserve #33275, part of Stage 1 of Minyirr Park.

**BACKGROUND**

Council resolved in early 2003 to take action to remove continued illegal occupation of former Reserve #33275 for horse stabling and associated activity. Rubibi seeks a report from the Shire on action taken to implement this decision.

**RUBIBI COMMENT**

Continued illegal occupation of former Reserve #33275 for horse stabling and associated activity is totally inconsistent with the objectives of the Shire's Coastal Park Management Plan and the implementation of Stage 1 of Minyirr Park. The detrimental impacts of this illegal occupation of Minyirr Park are particularly severe during the Dry Season horseracing season.

The Rubibi Recommendation is consistent with the Shire's *Interim Agreement* with Rubibi (signed in May 1996), the findings of the *Local Government Development Program* (1997), the implementation of the Shire's *Coastal Park Management Plan* (April 1999) and the Shire's *Strategic Plan* (2001).

**ACTING CHIEF EXECUTIVE OFFICER COMMENT**

At the time of writing these comments these stables were in the process of being removed in accordance with DOLI and Shire directives. The Shire's rangers have been directed to monitor the cleaning up of the site and take photographs as necessary.

**CONSULTATION**

Nil

**STATUTORY ENVIRONMENT**

Native Title Act, 1993-1998  
Local Government Act, 1995  
Land Administration Act, 1997  
Aboriginal Heritage Act, 1972

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

To promote the importance of Broome's unique built and natural heritage, and culture

**VOTING REQUIREMENTS**

Simple Majority

**RUBIBI RECOMMENDATION**

*That a report be submitted to Rubibi and the Council on action taken to remove the illegal occupants and activities of former Reserve #33275, Minyirr Park.*

**OFFICER RECOMMENDATION**

*That the comments provided by the Acting Chief Executive Officer be noted.*

**Moved:**

**Seconded:**

**FOR:**

**AGAINST:**

**5.3 REPORT ON ILLEGAL OCCUPATION ('RADIO MAN') OF RESERVE #43080, MINYIRR PARK**

**LOCATION/ADDRESS:** Broome  
**APPLICANT:** Rubibi  
**FILE:** N/A  
**RESPONSIBLE OFFICER:** Ben Wurm  
**DISCLOSURE OF ANY INTEREST:** Nil  
**DATE OF REPORT:** 30 April 2004

**SUMMARY:** Rubibi seeks a report from the Shire on action taken to implement a decision of Council in 2003 to minimize the detrimental impacts of the continued illegal occupation of the 'radio man' in Reserve #43080 of Minyirr Park.

**BACKGROUND**

In 2003, the Committee recommended that Council take action to minimize the on-going detrimental impacts of the illegal occupation of southern Reserve #43080 by the 'radio man', Kevin Kloster. These recommendations, endorsed by Council, included the removal of any structures not necessary for the personal subsistence of Mr Kloster on the Reserve, including fencing, piles of rubbish and exotic trees and plants.

**RUBIBI COMMENT**

Rubibi seeks a report from the Shire on action taken to implement the Council's decision on this matter. Rubibi notes, for example, that a fence erected by Mr Kloster still obstructs public access and the implementation of Minyirr Park works in this area. Rubbish is still left uncollected in the vicinity and further illegal occupation (by caravans and a bus) has been observed in this area.

The Rubibi Recommendation is consistent with the Shire's *Interim Agreement* with Rubibi (signed in May 1996), the findings of the *Local Government Development Program* (1997), the implementation of the Shire's *Coastal Park Management Plan* (April 1999) and the Shire's *Strategic Plan* (2001).

**ACTING CHIEF EXECUTIVE OFFICER COMMENT**

Shire staff have assessed all structures in relation to the land occupied by Mr Kloster and deemed the structures necessary for the personal subsistence of the occupant. As such no further action by Shire staff is intended.

**CONSULTATION**

Nil

**STATUTORY ENVIRONMENT**

Local Government Act, 1995  
Land Administration Act, 1997

Aboriginal Heritage Act, 1972  
 Native Title Act, 1993-1998

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Consistent with the Shire's *Interim Agreement* with Rubibi (signed in May 1996), the findings of the *Local Government Development Program* (1997), the implementation of the Shire's *Coastal Park Management Plan* (April 1999) and the Shire's *Strategic Plan* (2001).

**VOTING REQUIREMENTS**

Simple Majority

**RUBIBI RECOMMENDATION**

***That Council take action to implement its 2003 decision on this matter.***

**OFFICER RECOMMENDATION**

***That the comments provided by the Acting Chief Executive Officer be noted.***

**Moved:**

**Seconded:**

**FOR:**

**AGAINST:**

**5.4 VEHICLE MANAGEMENT STRATEGY FOR CABLE BEACH**

**LOCATION/ADDRESS:** Broome  
**APPLICANT:** Rubibi  
**FILE:** N/A  
**RESPONSIBLE OFFICER:** Ben Wurm  
**DISCLOSURE OF ANY INTEREST:** Nil  
**DATE OF REPORT:** 30 April 2004

**SUMMARY:** Rubibi seeks Council commitment to implementation of a comprehensive vehicle management strategy for Cable Beach.

## BACKGROUND

At the last Committee meeting on 11 March, the Shire sought endorsement for four new car parks in Minyirr Park ("Minyirr Park Carparks": Agenda item 5.2). The Committee resolved to defer consideration of these new car parks until Rubibi and Shire have had the opportunity to consider the wider implications.

Council did not adopt this recommendation at its meeting on 14 April (page 130).

## RUBIBI COMMENT

While Rubibi acknowledges that the provision of more car parking facilities is necessary for the effective management of Minyirr Park, this will not, by itself, reduce the impacts of the currently unregulated vehicle access to Cable Beach. Potential locations for car parks were identified and nominated by Rubibi, in consultation with the Shire, traditional owners and planners as part of a comprehensive strategy for reducing detrimental vehicle impacts on Cable Beach.

Unfortunately, the Shire has still taken no effective action to address the fundamental management issue of unregulated vehicles on Cable Beach. The urgency to do this is self-evident – a vastly increasing number of vehicles increase on Cable Beach. Rubibi has recorded vehicle usage on Cable Beach and the numbers tabled at the CPMC last year.

The construction of any new car parks in Minyirr Park (particularly on the eastern perimeter of Reserve # 43080) needs to be accompanied by adequate dune crossings to facilitate pedestrian access to Cable Beach.

In the absence of any management strategy for vehicle impacts on Cable Beach, the construction of new car parks alone, is likely to simply increase overall human impacts in Minyirr Park. Funds for the management of existing human impacts in Minyirr Park are already insufficient.

This matter has been raised many times by Rubibi since the inception of this Committee in 1999, yet unfortunately, the Shire still has no management strategy to reduce vehicles on Cable Beach, protect heritage sites and reduce safety hazards for beach users.. A public education programme would obviously be a part of such a strategy. In 2003, this Committee recommended that the Shire erect simple signage at the de facto vehicle entry points to southern and northern Cable Beach, to read, "Rubibi and the Shire request that drivers refrain from driving vehicles on the beach". The point of such signage was to appeal to public good will. However, no such signage has been erected by the Shire. Several years ago (1999?), the Council agreed to erect signage informing the public that green turtles (*gurlibil*) nest on Cable Beach, yet this decision has never been implemented.

Council and the State have long been aware of the registered Aboriginal site, *Bilingurru*, which includes an area of north Cable Beach where 4WD vehicle access remains unregulated. Rubibi has repeatedly voiced its objection to vehicle access in this area. Vehicle access in this area is totally inconsistent with protection of this area under the *Aboriginal Heritage Act 1972*. Yet under the Shire's *Interim Agreement* (signed on 1 May 1996) with Rubibi, the Shire "...acknowledges and respects the rights of the Aboriginal people to speak for their country and the duties imposed on them to look after their traditional country, in accordance with their laws, customs and traditions." Continued inaction on this

matter is contrary to the spirit of that *Agreement* and the unique partnership between Rubibi and the Shire in the development of Minyirr Park.

The Rubibi Recommendation is consistent with the Shire's *Interim Agreement* with Rubibi (signed in May 1996), the findings of the *Local Government Development Program* (1997), the implementation of the Shire's *Coastal Park Management Plan* (April 1999) and the Shire's *Strategic Plan* (2001).

### **ACTING CHIEF EXECUTIVE OFFICER COMMENT**

Council's previous and most recent resolution regarding vehicle management on Cable Beach occurred at the 23 September 2003 Ordinary Meeting where it was resolved that:

- "1. That the motion adopted by Council under item 5.6 Vehicle Access to Cable Beach at the Ordinary Meeting held 29 May 2002, being the motion as follows:
  - a. That Council note the findings contained in the "Report on Outcomes of Vehicle Management Surveys – April 2002" as attached to this Agenda.
  - b. That Council undertake further consultation with a view to preparing Management Strategy with a further report being presented to Council.
  - c. That further investigations be made into the option of adopting a new local law to control access to Cable Beach and associated process and costings and the findings be presented to Council."

be reiterated.

2. That given the consultation previously undertaken, and that the matter of vehicles on the Beach needs to be treated as a matter of urgency, that the following actions be instigated:
  - a. An immediate budget review be undertaken to look at the following:
    - (i) Coastal Park Management Funding and the usage thereof.
    - (ii) Cost implications of the introduction of Vehicle Management Strategy as per the Issues Paper prepared by staff and considered by Council at its meeting of 3 September 2002."
  - b. That the next stage of the community consultation process be commenced immediately utilising the issues paper as the prime consultative document and that the issue of alternative access through Hidden Valley be specifically addressed given the registration of areas under the Aboriginal Heritage Act 1972."

Points 2 and 3 of the first part and points 2(a)(ii) and 2(b) are yet to be completed. The two main requirements of these points involve further consultation and the formation of the vehicle management strategy, the subject of this agenda item. To support the immediate measures of points 2 and 4 of the Report Recommendation would be premature to the completion of the consultation process. Rather, Council needs to ensure it allocates the resources required to implement the directives of the September Resolution. Points 1 and 3 of the report recommendation may be able to be implemented using existing resources (both human and financial) so long as the extent of the implementation is not too great to make it prohibitive. It is likely that signage and a public awareness campaign will be an outcome of the vehicle management strategy.

### **CONSULTATION**

Nil

**STATUTORY ENVIRONMENT**

Local Government Act, 1995  
Land Administration Act, 1997  
Aboriginal Heritage Act, 1972  
Native Title Act, 1993-1998  
Off-Road Vehicles Act

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Modest budgetary commitment will be required

**STRATEGIC IMPLICATIONS**

To promote the importance of Broome's unique built and natural heritage, and culture

**VOTING REQUIREMENTS**

Simple Majority

**RUBIBI RECOMMENDATION**

*That Council support immediate measures to reduce the detrimental impacts of vehicles on northern and southern Cable Beach (in consultation with Rubibi) including:*

- (1) Signage at various locations to facilitate public awareness of those impacts.*
- (2) Measures to immediately prohibit vehicle access to the registered site north of the rocks on Cable Beach.*
- (3) Media campaign to raise public awareness among Broome residents and tourists.*
- (4) Commitment to phase out all vehicle access to Cable Beach other than emergency and service vehicles, and those of the elderly, the disabled, licensed commercial operators and (in southern Cable Beach) those launching or retrieving watercraft.*

**OFFICER RECOMMENDATION**

*That Council allocate resources in the 2004/05 budget to carry out the consultation process and formulate a vehicle management strategy.*

Moved:

Seconded:

FOR:

AGAINST:

**6. MEETING CLOSURE**