

SHIRE OF BROOME

**AGENDA FOR A MEETING OF THE
COASTAL PARK MANAGEMENT COMMITTEE
HELD IN THE COMMITTEE ROOM
ON THURSDAY 14 OCTOBER 2004
COMMENCING AT 10:00AM**

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1. ATTENDANCE AND APOLOGIES

Attendance

Apologies

2. DECLARATIONS OF FINANCIAL INTEREST

3. PUBLIC QUESTION TIME

4. CONFIRMATION OF MINUTES

Moved:

Seconded:

That the Minutes of the Coastal Park Committee Meeting held on 13 May 2004 be confirmed as a true and accurate record of that meeting.

5. MATTERS SUBMITTED FOR CONSIDERATION

5.1 DINGHY HIRE LICENCE TO TRADE IN PUBLIC ON GANTHEAUME POINT

LOCATION/ADDRESS:	Gantheaume Point
APPLICANT:	Mr Kurt Haunold
FILE:	ENH22
AUTHOR:	Terry Meek – Acting Manager Health Services
CONTRIBUTOR/S:	Ben Wurm
RESPONSIBLE OFFICER:	Manager Health Services
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	27 July 2004

SUMMARY: Application to Trade in Public - Dinghy Hire Business on Gantheaume Point with a recommendation to approve, as a trial, until December 2004.

BACKGROUND

This is a new application. The applicant, Mr Kurt Haunold, wishes to operate a dinghy hire business, from 8am to 5pm during the tourist season, from Gantheaume Point. He proposes to hire out three 3.7m dinghies, which can carry four people each, to people who either pre-book, or approach him directly on Gantheaume Point. Mr Haunold will operate below the high water mark at all times, and will secure a market umbrella to the rear of his vehicle, flagged with the business name, to advertise the hire service. The proposed area of operation would be between the driveway access and the 'No cars past this point' signage. Mr Haunold has indicated that he would be prepared to operate just from one point, if preferred, such as near the rocks at the entrance point.

Council has previously granted approval for similar activities, including launching of boats at Gantheaume Point (Broome Sportfishing Charters August 01, transferred August 02), and hire of Jet Skis at Cable Beach (transfer approved 23 Sept 03).

At Council's meeting on 15 June 2004, Council reviewed Policy 6.1.11 'Commercial and Tourism Activities on Cable Beach', with part of that review altering the length of approval of current Trading in Public Places licences. New licences will now cover the calendar year instead of the financial year. Therefore, if approved now, Mr Haunold's licence would only be valid until December 2004. Once expired, the application for renewal will need to be re-considered by Council, for licensing in the 2005 calendar year.

COMMENT

Any approval needs to be in accordance with Council's 'Trading, Outdoor Dining & Street Entertainment Local Law 2003' and Council's Policy 6.1.11 on 'Commercial and Tourism Activities on Cable Beach'. Policy 6.1.11 applies even though the proposed trading is from Gantheaume Point, because the policy applies to "all that portion of Cable Beach from Gantheaume Point to the northern boundary of the townsite".

The area at Gantheaume Point is a designated boat launching area and there is good road access to the beach. The boats will be moored at Gantheaume Point overnight (Mr

Haunold has spoken to the Port of Broome), and wash-down of boats will occur with seawater and a small amount of freshwater, on the mooring. Mr Haunold has indicated that he will be responsible for litter disposal and removal on a daily basis.

An approval for dinghy hire would probably not be considered to be any more detrimental to the environment than jet ski hire. The Navigable Waters Regulations stipulate how and where hirers may take dinghies, and safety equipment required, and are regulated by the Department of Planning and Infrastructure (DPI), Marine and Harbours Division. Mr Haunold would probably require a 'hire and drive licence' from the DPI. Council would have little control over the use of the dinghies, except perhaps to report dangerous activities to the DPI via Shire Rangers who are honorary inspectors.

In regards to safety, the dinghy hire would need to be undertaken responsibly, because Gantheaume Point does get quite busy, with many people congregating there, including children. In his favour, Mr Haunold has indicated that hirers will go through a pre-hire induction with a qualified skipper. Fuel and oil will be stored safely on Mr Haunold's 4-wheel drive at all times.

ENGINEERING COMMENT

- The applicant will need Port approval for the moorings, at Gantheaume Point also.
- Town Beach and Riddell Beach are mentioned, and definitely should not be approved there. A better location would be from Entrance Point, off our leased area near the boat ramps.
- The proposal may be in conflict with the Assessment Criteria of Policy 6.1.11, which states that "no application will be approved for a licence for more than one enterprise of the same or similar type at or on Cable Beach with the exception of the existing three Camel Tours which have been approved."

PLANNING

- Provided the business is restricted to below the high water mark, no planning approval is required. If Mr Haunold goes above the high water mark, then he would be within the 'Coastal Park' and would require planning approval.
- Gantheaume Point is extremely busy given its restricted vehicle access area, and this proposal would set a precedent.

CONSULTATION

RUBIBI COMMENT

Rubibi is concerned about both the impacts on Minyirr Park arising from this application for a commercial operation at *Minyirr* (Gantheaume Point) and the policy implications of promoting further intensification of beach usage in this environmentally and culturally sensitive area.

At present, there is no effective management of vehicles on this southern section of Cable Beach. Rubibi is also concerned about the environmental impacts of watercraft moored offshore and launched from southern Cable Beach. Human impacts on this segment of the Beach, particularly from vehicles, are already considerable and unregulated.

Until effective strategies are in place to manage human impacts on southern Cable Beach (including vehicle impacts), Rubibi believes it is premature to consider applications for new commercial operations in this heavily used area.

STATUTORY ENVIRONMENT

Local Government Act 1995

Shire of Broome Trading, Outdoor Dining & Street Entertainment Local Law 2003

Native Title Act 1993

Aboriginal Heritage Act 1972

Navigable Waters Regulations

POLICY IMPLICATIONS

Council's Policy 6.1.11 on 'Commercial and Tourism Activities on Cable Beach'.

FINANCIAL IMPLICATIONS

Council's Trading, Outdoor Dining & Street Entertainment Local Law 2003 provides for an application fee of \$50 plus an annual licence fee of \$500.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council resolve:

- 1. To grant permission to Mr Kurt Haunold to conduct a dinghy hire business as per his application, limited to three dinghies from Gantheaume Point, until December 2004, after which renewals will be reviewed by Council.***
- 2. That Mr Haunold complies with Council's 'Trading, Outdoor Dining & Street Entertainment Local Law 2003'.***
- 3. That Mr Haunold complies with Council's Policy 6.1.11 on 'Commercial and Tourism Activities on Cable Beach'.***
- 4. That a 'Trading in Public Places' licence is not issued until Shire staff receives a copy of Mr Haunold's approval from the Department of Planning and Infrastructure (eg Navigable Waters Regulations), in regard to the hire of dinghies.***

Moved:

Seconded:

FOR:

AGAINST:

6. MEETING CLOSURE
