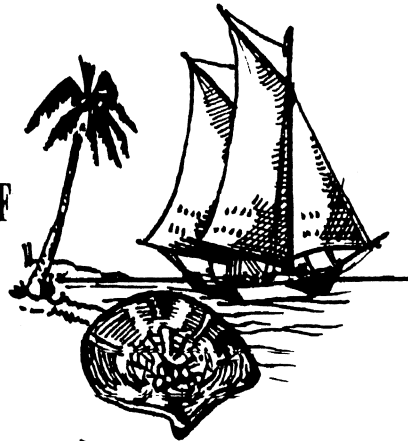


SHIRE OF



BROOME

THE PEARL COAST

*"A Sustainable Community that is inclusive, attractive, healthy and pleasant to live in, that uses our land so as to preserve our history and environment, respects the rights and equality of our citizens and manages our future growth wisely."*

# AGENDA

FOR THE

SPECIAL MEETING OF COUNCIL

HELD IN COUNCIL CHAMBERS AT 3.00PM

**9 DECEMBER 2005**

## **OUR MISSION**

***“To provide a quality range of affordable and sustainable services to our community with a strong commitment to customer focus so that our citizens and visitors enjoy a quality lifestyle”***

## **CORE VALUES OF THE SHIRE**

***The core values that underpin the achievement of the mission will be based on a strong customer service focus and a positive attitude:***

**Communication**

**Respect**

**Integrity**

**Transparency**

**Courtesy**

**SHIRE OF BROOME**  
**SPECIAL COUNCIL MEETING**  
**9 DECEMBER 2005**

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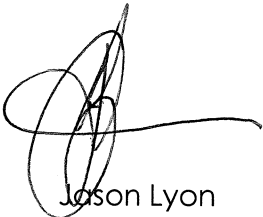
## NOTICE OF MEETING

Dear Council Member,

This Special Meeting of the Shire of Broome will be held on Friday 9 December 2005, in the Council Chambers, Corner Weld and Haas Streets, Broome, commencing at 3.00pm, for the purpose of discussing:

- Cable Beach Motor Vehicle Policy
- Horses on Cable Beach Policy
- Local Government Property & Public Places Amendment Local Law 2005 (No. 2)

Regards

A handwritten signature in black ink, appearing to read 'Jason Lyon', with a long horizontal stroke extending to the right.

Jason Lyon  
Acting Chief Executive Officer

2 December 2005

**1. OFFICIAL OPENING**

**2. ATTENDANCE AND APOLOGIES**

Attendance

Apologies

Leave of Absence:

Officers

**3. DECLARATIONS OF FINANCIAL INTEREST**

Councillor	Item No	Page	Item	Nature of Interest

**4. PUBLIC QUESTION TIME**

**5. CONFIRMATION OF MINUTES**

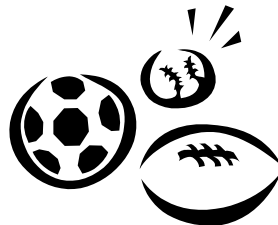
**6. ANNOUNCEMENTS BY PRESIDENT WITHOUT DISCUSSION**

**7. PETITIONS**

**8. MATTERS FOR WHICH MEETING MAY BE CLOSED**

## 9.2

### COMMUNITY DEVELOPMENT SERVICES



### OUTCOME

*To facilitate the social wellbeing and development  
of the community.*

**9.2.1 CABLE BEACH MOTOR VEHICLE POLICY**

<b>LOCATION/ADDRESS:</b>	N/A
<b>APPLICANT:</b>	N/A
<b>FILE:</b>	CDE36
<b>AUTHOR:</b>	Director Community Services
<b>CONTRIBUTOR/S:</b>	N/A
<b>RESPONSIBLE OFFICER:</b>	Director Community Services
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	27 November 2005

**SUMMARY:** Following advertising for public submissions, it is recommended that the Council implement the Cable Beach Motor Vehicle Policy.

**BACKGROUND**

Cable Beach Vehicle Management has been the subject of discussions and reports over many years. It is not the intention here to review all of the reports, but to provide the background that led to the development of the Draft Cable Beach Motor Vehicle Policy.

In August 2001, some 8,000 community questionnaires were distributed posing the following questions:

- Should vehicles be permitted free and uncontrolled access to Cable Beach?

385 responses were received.

48.83% said that access should not be free and uncontrolled

41.30% said yes access should be free and uncontrolled

9.87% said there should be free but controlled access.

- What are the positive and/or negative implications of introducing a Vehicle Management Strategy?

Positive implications identified included: safety concerns, responsible attitude towards environment, irresponsible behaviour on the beach, will reduce number of vehicles on beach, result in cleaner quieter beach, will be able to fund full-time beach ranger, will restrict speed on the beach, etc.

Negative implications identified included: will effect tourism, will effect quality of life for locals, costs involved, will upset members of the community, make family trips to the beach difficult, etc.

- Should a weekly/monthly/daily fee system be introduced?

276 responses were received.

55% said yes

45% said no

- How should the vehicle access on Cable Beach be managed?

The top responses included: employ specific beach rangers, leave it as it is, annual pass (locals free or reduced – visitors pay) boom gates or stickers, speed limit introduced and controlled by police, another vehicle access further north with first 2km for pedestrians and dogs, charge fee for access, more ranger patrols, more education for locals and visitors, no vehicles at all.

In short the outcomes support the following:

- Access should be controlled
- There is positive support for a management strategy
- There is support for the introduction of fees.

### **Resolution of Council May 2004**

In May/June 2004 Council resolved that a Cable Beach Vehicle Management Plan be developed so that formal management of vehicles could commence on 1 March 2006.

1. *The Shire, with immediate effect, and in partnership with Rubibi, fund and erect appropriate signage along the area in question with the following wording:*

*The Shire of Broome together with Rubibi of Broome, requests that driving on the beach between Gantheaume Point and Coconut Well be kept to a minimum so as to reduce all forms of impact.*

2. *The Shire, develops an education and notification package that will prepare the local community and tourists for the impending requirements to possess a permit to access the beach between Gantheaume Point and Coconut Well at the start of the 2005 tourist season and an amount of \$20,000 be included in the 2004/05 draft budget for the completion of the draft Vehicle Management Plan and that the Plan include the information sourced from the eastern states and the recommendations from the ensuing report.*
3. *The draft Plan be advertised for a 42 day public submission period, and the matter, including submissions, be referred to the Council for further consideration.*
4. *That the Vehicle Management Plan and all associated preparations be completed so that the formal management of vehicles on the beach commence on 1 March 2006.*
5. *The Shire's Local Laws be reviewed, and amended as necessary, as part of the preparation of the Vehicle Management Plan to ensure that appropriate legislative requirements are in place to enable the permitting of vehicles accessing the beach.*
6. *The Vehicle Management Plan includes a trial period of controlled vehicle access for a period of not more than two years and that a full review be undertaken after that time.*

7. *The Five Year Financial Plan and Strategic Action Plan be amended to reflect Council's intent to implement a Vehicle Management Plan on the beach and the associated ongoing revenue and cost implications.*

Following the restructure of the organisation to include Community Services, the new Director Community Services was directed to develop and implement the resolution, in particular the development of a Cable Beach Vehicle Management Plan that included the introduction of a permit (November 2004).

### **Workshop and Briefing**

On 3 February 2005 a workshop was held with Elected Members and Executive in order to gain direction in terms of the introduction of the plan and permit system. A workshop paper was distributed identifying the various components that would be required. This was then redistributed to Elected Members with the comments arising from the workshop.

Following the workshop, a Draft Cable Beach Motor Vehicle Policy was developed along with proposed changes to the Shire of Broome Local Government Property and Public Places Local Law.

The Draft Policy and proposed amendments to the Local Law were then discussed with Elected Members at a workshop on the 1 June 2005. At that time a draft budget estimate was tabled based upon proposed permit fees which included the provision of at least one and a half full time equivalent beach ranger positions and costs for implementation of the permit system.

### **Resolution of Council August 2005**

On 11 August 2005, Council resolved (excerpt only with the rest of the resolution consisting of the Draft Policy and proposed Amendments to the Local Law):

1. *That Council advertises and seeks comments for a period of six weeks the:*
  - *DRAFT Cable Beach Motor Vehicle Policy;*
  - *DRAFT Horses on Cable Beach Policy;*
  - *DRAFT Brochure for Cable Beach Driving, Activities, Environment.*
2. *That Council endorses the proposed amendments to the Shire of Broome Local Government Property and Public Places Local Law 2003 (as amended) and that these amendments be advertised for public comment for a period of six weeks.*

### **Promotion**

Media releases were prepared along with advertisements calling for public submissions as required under the Local Government Act 1995 when amending Local Laws.

### **Policy Development**

Most of the conditions in the Draft Cable Beach Motor Vehicle Policy are already in place under a number of Acts and Local Laws. The Draft Policy brings much of this information together in the one document which makes it accessible to the community. For example, the areas available for driving on Cable Beach are gazetted under the Control of Vehicles (Off-road Areas) Act 1978, driving on sand dunes is covered under the Property and Shire of Broome Local Government Property and Public Places Local Law, etc.

The exceptions relate to the introduction of a permit system and associated fees and the requirement for vehicles to be parked at least 1000m north of the rocks at Cable Beach Reserve.

Therefore the Draft Policy was developed with consideration of the following:

- Driving of motor vehicles on Cable Beach would continue.
- A permit system would be introduced.
- Conditions as already identified under relevant legislation and local laws would continue.
- An additional condition would be considered with the requirement for vehicles to park at least 1000m north of the rocks at Cable Beach Reserve.

## **COMMENT**

### **Public Submissions**

An overview of the responses received through public submissions are included in the report "Public Response Report". See Attachment A.

Responses were received by the Shire via email, letters and correspondence with multiple signatures. In addition, letters to the Editor of the Broome Advertiser are included as public submissions as most were also forwarded to the Shire.

The public submissions were not guided by any set format. Therefore the issues identified in the submissions should be read within the context that they were written. Whilst every effort has gone into accurately analysing the contents of the public submissions, there are many viewpoints expressed, some of which are qualitative and therefore cannot be quantified.

However, there were a number of issues raised that are common throughout the correspondence received. These have been quantified in the report as accurately as possible.

The opinions and viewpoints expressed in the submissions cannot be considered as a representative sample of the population of Broome (including visitors). This would have required a special survey to be undertaken.

In this report, no assumptions have been made about the opinions and viewpoints of those who did not make a public submission.

### **Overview of Correspondence**

Some 219 pieces of correspondence were received. 30 (14%) were identified as being from visitors/tourists and 185 (86%) from residents.

There were an estimated 1170 individual people named within the correspondence received. There were a further 2700 people identified as belonging to two particular interest groups. Other correspondence was received citing representation for an interest group but did not cite the number of people represented.

Cable Beach is seen as being one of the major attractions of Broome whether expressed by a visitor or a resident; or whether the correspondent wished to drive on the beach or believed that there should be no vehicles driven on the beach.

The proposed introduction of the permit system with fees has drawn the most comment from the public.

The following table identifies the primary areas of response from the public submissions. Some of the responses relate to subjects outside the scope of the Draft Cable Beach Motor Vehicle Policy. They are included here in recognition of the comments made along with officer comment on where they fit within the planning framework of the Shire.

**Items for Consideration within the Cable Beach Motor Vehicle Policy**

<b>Item</b>	<b>Officer Comment</b>	<b>Officer Recommendation</b>
<p><b>Management of use of motor vehicles on Cable Beach</b></p>	<p>A number of community comments identify that the policy does not clearly state Council's intent in terms of "managing the use of motor vehicles".</p> <p>To clarify the intent, the Council may need to consider both short and long-term objectives with consideration for:</p> <ul style="list-style-type: none"> <li>▪ Current level of vehicle usage and short-term management requirements.</li> <li>▪ Future predicted level of management aligned to residential population and tourism growth. (eg. A population of 30,000 and a corresponding 250% increase in visitor numbers.)</li> <li>▪ Identification of level of services required and level of user pays/ratepayer contributions required for "ranger and beach inspector services, public education, cultural and environmental programs and infrastructure improvements associated with motor vehicles driving on the beach foreshore of Cable Beach".</li> </ul>	<p>That Council reconsider the draft Policy Objectives and Policy Principles in terms of clarifying the intent for "managing the use of motor vehicles" on Cable Beach.</p> <p>That an additional Policy Objective be included in the Policy to read:</p> <p><i>To reduce the number of vehicles driving on Cable Beach both now and in the future.</i></p>

**Items relating to the Permit**

<b>Item</b>	<b>Officer Comment</b>	<b>Officer Recommendation</b>
<p><b>Introduction of Permit</b></p>	<p>Council's resolution of June 2004 states: <i>The Shire's Local Laws be reviewed, and amended as necessary, as part of the preparation of the Vehicle Management Plan to ensure that appropriate legislative requirements are in place to enable the permitting of vehicles accessing the beach.</i></p> <p>There was a wide range of public comments on whether a permit should be introduced or not including: some supported its introduction, some said that vehicles should not be driven on the beach, some said that a permit should not be introduced, ratepayers and residents should not have to pay, tourists should not have to pay as they contribute to rates through payment of accommodation fees.</p> <p>The identified intent as stated in the Draft Policy is that the aim will be for full cost recovery with projected budgets to include ranger and beach inspectors, equipment, promotions and associated costs for the implementation of the permit.</p> <p>Should the Shire not introduce a permit, it will need to consider how it will fund service provision on the beach and the level to which it will do so with both current and future vehicle usage levels.</p>	<p>That the Council implement the resolution of June 2004 with conditions being determined in the Cable Beach Motor Vehicle Policy and prescribed in the Shire of Broome Local Government Property and Public Places Local Law.</p>
<p><b>Conditions of Permit Residents/Ratepayers provided with free pass or discount</b></p>	<p>47 correspondence identified that ratepayers and/or residents should be provided with either a free permit or a discount.</p> <p>Should ratepayers and residents be provided with a free permit or a discount, the Council would need to consider the financial implications. To achieve full cost</p>	<p>That neither a free pass nor a discount be provided to ratepayers and residents.</p> <p>Should the Council decide to provide a discount or free pass to ratepayers/residents then the following to be a recommendation:</p>

<b>Item</b>	<b>Officer Comment</b>	<b>Officer Recommendation</b>
	<p>recovery, the permit prices for all other payers would need to be increased considerably.</p> <p>Should ratepayers be provided with a discount, it is recommended that this discount apply only to the annual and monthly permits as the margins on both the daily and weekly permits is small. The discount to be no more than 20%.</p> <p>Administering a discount would add to the cost of administering the permit system.</p> <p>There is no objective basis for providing a reduced fee for either residents or tourists.</p> <p>It could be argued that the monthly fee of \$50 and annual fee of \$100 is already a discount based upon the proposed daily and weekly fee.</p>	<p>That the Council seek legal advice on whether it can differentiate between tourists and local residents and ratepayers.</p>
<p><b>People with a disability or pensioners provided with discount</b></p>	<p>A small number of correspondence identified that people with disabilities and/or pensioners should be provided with a discount.</p> <p>Council could consider providing a discount for people with disabilities and pensioners.</p> <p>It is recommended that this only apply to either the monthly or annual permit as the margins on daily and weekly permits are small.</p>	<p>That should the Council consider a discount for motor vehicles being owned by a person with a disability or a pensioner than a discount of 20% be given on the monthly and annual permits only.</p> <p>To qualify for the discount, the person must show proof of carrying an ACROD card or of producing evidence that the vehicle is owned and driven by a pensioner.</p>

Item	Officer Comment	Officer Recommendation
<b>Transferable Permit</b>	<p>Approximately 8 correspondence indicated a desire to be able to transfer a permit from one vehicle to another.</p>	<p>That all vehicles being driven on Cable Beach be required to have a permit.</p> <p>This is covered under Condition 1: <i>All motor vehicles on Cable Beach must carry a current Cable Beach Motor Vehicle Permit.</i></p>
<b>Fees and Charges</b>	<p>Permit fees would be reviewed on an annual basis and determined as part of the Shire's Fees and Charges Schedule on an annual basis</p> <p>This is identified in the policy but the fees will need to be adopted by the Council prior to implementation of the policy.</p> <p>Should a discount be introduced for people with a disability or a pensioner, then the following to apply: Discount Monthly \$40 Discount Annual \$80</p>	<p>That the proposed fees and charges be as follows:</p> <p>Daily \$5 Weekly \$25 Monthly \$50 Annual \$100 Replacement \$5</p>
<b>Permit for vehicle</b>	<p>Should ratepayers/residents be provided with either a free or discounted permit, the Council will need to consider how it will identify a resident/ratepayer.</p> <p>A number of ways have been suggested including: be on the electoral roll, be a ratepayer, vehicle registered in the Shire.</p> <p>The Shire has many ratepayers who don't live in the Shire.</p> <p>As the permit is for vehicles, the Shire could consider proof that the vehicle is registered at an address within the Shire. This may preclude some ratepayers who do not live in the Shire.</p>	<p>That should residents be given a free or discounted permit, proof of being a resident be that vehicles must be registered with an address in the Shire.</p>
<b>Commercial operators</b>	<p>6 correspondence commented on whether commercial operators should be required to have a permit. (Half said they should, half questioned whether they should).</p>	<p>That vehicles being used for commercial purposes be required to have a permit.</p> <p>This is covered under Condition 1: <i>All motor vehicles on Cable Beach must carry a current Cable Beach Motor</i></p>

Item	Officer Comment	Officer Recommendation
<b>Boat launching</b>	A small number of correspondence questioned the need for vehicles used to launch boats requiring a permit.	<p><i>Vehicle Permit.</i></p> <p>That vehicles being used to launch boats be required to have a permit.</p> <p>This is covered under Condition 1: <i>All motor vehicles on Cable Beach must carry a current Cable Beach Motor Vehicle Permit.</i></p>

**Items relating to Policy Conditions**

Item	Officer Comment	Officer Recommendation
<b>Parking 1000m north of Cable Beach Reserve</b>	<p>5 correspondence opposed moving the parking of vehicles to 1000m north of the rocks at Cable Beach Reserve.</p> <p>Moving vehicles up the beach will assist in decongesting the beach between the rocks and 1000m limit. It will also put it in line with the dog exercise area which commences 1000m up the beach.</p>	<p>That the Council adopt the draft policy condition <i>"Motor vehicles are not permitted to stand or be parked within 1000m of the bottom of the motor vehicle access/egress point at Cable Beach Reserve and all motor vehicles are to proceed north of the rocks"</i>.</p>
<b>Speed limit</b>	<p>The current speed limit on the beach is 15km per hour.</p> <p>8 correspondence commented on this with the majority recommending that the speed limit be lifted to a higher speed after a certain distance (500m, 1000m, 4000m).</p> <p>There is no evidence that the speed limit needs to be increased on any part of the beach.</p>	<p>That the existing speed limit of 15km per hour be maintained. This is already in the Local Law.</p> <p>No recommendation to Council required.</p>
<b>Enforcement</b>	<p>Additional beach ranger services have been identified as a priority once the permit system is introduced.</p>	<p>No recommendation required.</p>

**Items relating to the implementation of the Policy**

Item	Officer Comment	Officer Recommendation
<b>Speeding</b>	<p>17 correspondence expressed concerns about speeding on the beach in terms of safety for all beach users.</p> <p>Shire Rangers regularly inform drivers of the speed limit and work in partnership with Police to monitor speeding on the beach and infringe those who exceed the speed limit. This happens as often as the Police are available.</p>	No recommendation required.
<b>Implementation methods</b>	<p>A number of methods for implementing the ticketing system for the permit have been suggested. These include: ticket machines, boom gates, traffic lights, etc.</p> <p>Further investigation of the implementation system be carried out by officers to determine the most efficient and effective system.</p>	<p>That further investigation of systems for the issuing of permits and access to the beach be investigated including boom gates, ticketing machines, sale of tickets through retail outlets etc.</p> <p>That a recommendation be put back to the Council on the options prior to implementation with consideration given to the implementation time frame.</p>
<b>Impact Statements</b>	Public comment included a range of comments to do with social, environmental and economic impacts should a permit be introduced and should vehicles continue to drive on the beach. These have been identified in the Public Response Report.	That Council consider the allocation of funds in next year's budget for undertaking social, economic and environmental impact studies on the impacts of vehicles driving on the beach.
<b>Promotion and Information</b>	<p>Information and promotion of the policy will be required upon resolution by Council of the policy.</p> <p>Shire officers will develop and implement a promotional strategy as part of the implementation process. Finances have been allocated in this year's budget.</p>	No recommendation required.
<b>Signage</b>	Public submissions identified the need for improved signage should the policy be implemented. Finances have been allocated in this year's budget.	No recommendation required.

<b>Item</b>	<b>Officer Comment</b>	<b>Officer Recommendation</b>
<b>Boat Launching</b>	<p>A number of comments were made regarding the need for safe boat launching areas, moorings and safe boat harbour.</p> <p>These are being considered in a number of forums including with the Broome Port Authority, Department of Planning and Infrastructure and the Broome Planning Steering Committee.</p>	No recommendation to Council required.
<b>Car Parking</b>	<p>The provision of car parks off the beach is the subject of the Shire's 5 Year Strategic Plan and 5 Year Financial Plan.</p> <p>A number of car parks on road reserves along Cable Beach Road and Gantheaume Point Road have been identified and are waiting approval and funding. Further land in road reserves can be identified for future car parking.</p>	That additional car parking be considered for funding and implementation under the Shire's Four Year Car Park Plan.
<b>Facilities and amenities and access infrastructure</b>	The development of community facilities and access infrastructure should be reviewed in line with projected beach usage and funding available.	That additional facilities and amenities be considered as part of the Shire's Strategic Planning processes.
<b>Additional Beach Access Points</b>	<p>A number of correspondence suggested that additional vehicle access points be considered north of the rocks from Cable Beach Reserve.</p> <p>Much of the land in question is Crown Land and subject to Native Title determination.</p>	No recommendation required.

Item	Officer Comment	Officer Recommendation
<b>Camels</b>	<p>The licensing of camels to use the beach is covered under the Shire's Local Law, Commercial Activities on Cable Beach.</p> <p>The new licenses will include the collection of camel faeces.</p>	No recommendation required.

**Amendments to Draft Cable Beach Motor Vehicle Policy**

It is recommended that some amendments be made to the Draft Cable Beach Motor Vehicle Policy. The original Draft Policy is at Attachment B and shows tracked changes. These changes include the following.

That an additional Policy Objective be included to better describe the Council's intent with regard the "management" of vehicles on the beach. The new Objective to be:

*To reduce the number of motor vehicles driving on Cable Beach both now and in the future.*

The next objective to be reworded as reference is made to manage/management twice.

*To manage the use of motor vehicles on Cable Beach to ensure an integrated and coordinated approach ~~to the management~~ of all public, commercial and tourist activities on Cable Beach.*

The first Policy Principle be amended to read:

The Shire of Broome and the Traditional Owners request that the driving of motor vehicles on Cable Beach be kept to a minimum. ~~in order to minimise and manage all forms of adverse impact.~~

Add under Legislative Framework the following:

*Shire of Broome Trading in Public Places Local Law*

Following the Legislative Framework section the word Policy be replaced with the word Conditions.

As further investigation is required with regard to the implementation options for the permit that the policy be amended to allow some flexibility in implementation. The following tracked changes are the recommended changes.

*A Cable Beach Motor Vehicle Permit is for a motor vehicle (not for passengers) and is to be displayed in the manner prescribed by the Council in ~~adhered to the~~ motor vehicle for which it is purchased and it is not transferable from one motor vehicle to another.*

~~Cable Beach Motor Vehicle Permits must be adhered to the top passenger side corner of the front windscreen on those motor vehicles with windscreens, and must~~

~~be adhered in a prominent, visible place on the outer body of those motor vehicles without windscreens.~~

## **CONSULTATION**

Community of Broome. See Cable Beach Vehicle Management Plan Public Response Audit.

## **STATUTORY ENVIRONMENT**

Local Government Act 1995

Road and Traffic Act 1974

Shire of Broome Local Government Property and Public Places Local Law 2003

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

Aboriginal Heritage Act 1975

Dog Act 1976

Municipality of the Shire of Broome local Laws Relating to the Control of Dogs

Control of Vehicles (Off Road Areas) Act 1978

Litter Act 1979

## **POLICY IMPLICATIONS**

This report recommends the adoption of the Cable Beach Motor Vehicle Policy and amendments to the Shire of Broome Local Government Property and Public Places Local Law 2003.

## **FINANCIAL IMPLICATIONS**

Preliminary estimates have been developed which suggests that a deficit in the vicinity of \$40,000 will be incurred in the first four months of implementation. This figure has been included in the 2005/2006 budget estimates.

It is anticipated that full cost recovery will be achieved in the 2006/2007 financial year. Preliminary estimates identify the potential for the Shire to achieve a credit in the vicinity of \$90,000 after costs (including the introduction of a permit system and beach ranger service).

This credit will contribute to additional beach services, infrastructure provision and community programs.

These preliminary estimates are based upon the introduction of the following proposed permit fees which will be prescribed under the Shire's Fees and Charges:

Daily	\$ 5
Weekly	\$10
Monthly	\$25
Yearly	\$50
Replacement Sticker	\$ 5

## **STRATEGIC IMPLICATIONS**

### **1. Social**

The Shire's Strategic Action Plan identifies the following Action:

*Complete Vehicle Management Plan*

The Draft Cable Beach Motor Vehicle Policy aims to achieve a balance between community and tourism requirements, and the protection of the natural and cultural environments.

### **2. Environmental**

The Draft Cable Beach Motor Vehicle Policy aims to achieve a balance between community and tourism requirements, and the protection of the natural and cultural environments.

### **3. Economic**

It is anticipated that revenue raised from the introduction of a Cable Beach Motor Vehicle Permit System will contribute to social, and environmental programs.

## **VOTING REQUIREMENTS**

Simple Majority

**REPORT RECOMMENDATION**

- (a) *That the Council implement the resolution of June 2004 to introduce a permit for driving on the Cable Beach with conditions being determined in the Cable Beach Motor Vehicle Policy and prescribed in the Shire of Broome Local Government Property and Public Places Local Law.*
- (b) *That an additional Policy Objective be included in the Policy to read: To reduce the number of vehicles driving on Cable Beach both now and in the future.*
- (c) *That changes to the wording of the Draft Cable Beach Motor Vehicle Policy be made in accordance with the tracked changes as indicated in Attachment B.*
- (d) *That the permit fees be:*
- |                     |  |
|---------------------|--|
| Daily               | \$ 5                                       |
| Weekly              | \$ 15                                      |
| Monthly             | \$ 50 (Disability/Pensioner Discount \$40) |
| Yearly              | \$100 (Disability/Pensioner Discount \$80) |
| Replacement Sticker | \$ 5                                       |
- (e) *That a discount not be provided to ratepayers and residents.*
- (f) *That a discount of 20% for motor vehicles owned by a person with a disability or a pensioner be given on the monthly and annual permits only. To qualify for the discount, the person must show proof of carrying an ACROD card or of producing evidence that the vehicle is owned and driven by a pensioner.*
- (g) *That further investigation of systems for the issuing of permits and access to the beach be investigated including boom gates, ticketing machines, etc. and that a recommendation be put back to Council on the options prior to implementation with consideration given to the implementation time frame.*
- (h) *That Council consider the allocation of funds in next year's budget for undertaking social, economic and environmental impact studies on the impacts of vehicles driving on the beach.*
- (i) *That the Council consider the funding and implementation of the Shire's Four Year Car Park Plan as part of the financial planning process.*
- (j) *That additional beach related facilities and amenities be considered as required as part of the Shire's Strategic Planning processes.*
- (k) *That amendments to the Shire of Broome Local Government Property and Public Places Local Law 2003 be made in line with the adopted Cable Beach Motor Vehicle Policy.*

**(I) That Council adopts the Cable Beach Motor Vehicle Policy as follows:**

**Subject**

**CABLE BEACH MOTOR VEHICLE POLICY**

**Objective**

**The Cable Beach Motor Vehicle Policy will provide guidelines for the driving of motor vehicles on Cable Beach.**

**Policy Area**

**Gantheaume Point to Coconut Well**

**Definition**

**For the purposes of the Cable Beach Motor Vehicle Policy, the following definitions shall apply:**

**“Cable Beach” means that area of beach between the motor vehicle access/egress point at Gantheaume Point and the estuary at Coconut Well;**

**“Beach Foreshore” means the land in the Shire of Broome which lies between the high water mark and the low water mark of the Indian Ocean.**

**“Motor vehicle” means any motor vehicle propelled by gas, oil, electricity or any other motive power, not being animal power required to be licensed, and complying with the requirements necessary for licensing under the Road Traffic Act 1974.**

**Policy Objectives**

**To reduce the number of vehicles driving on Cable Beach both now and in the future.**

**To manage the use of motor vehicles on Cable Beach to ensure an integrated and coordinated approach to the management of all public, commercial and tourist activities on Cable Beach.**

**To ensure that any persons driving or travelling in a motor vehicle on Cable Beach do so safely and the rights of other users and the cultural and natural environments are respected.**

**To achieve a high level of community, commercial operator and visitor awareness and support of and compliance with the Cable Beach Motor Vehicle Policy.**

**Policy Principles**

**The Shire of Broome and the Traditional Owners request that the driving of motor vehicles on Cable Beach be kept to a minimum.**

**The Cable Beach Motor Vehicle Policy will aim to achieve a balance between community and tourism usage, and the protection of the natural and cultural environments.**

**The Cable Beach Motor Vehicle Policy will aim for full cost recovery with all funds directed to programs and infrastructure improvements associated with motor vehicles driving on the beach foreshore of Cable Beach including ranger and beach inspector services, public education, cultural and environmental initiatives.**

#### **Legislative Framework**

**This Policy should be considered in conjunction with the following Acts and Regulations:**

**WA Local Government Act 1995**

**Road and Traffic Act 1974**

**Shire of Broome Local Government Property and Public Places Local Law 2003.**

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

**Shire of Broome Trading in Public Places Local Law**

**Aboriginal Heritage Act 1975**

#### **Conditions**

**A person shall be permitted to take a motor vehicle onto the beach foreshore of Cable Beach within prescribed areas at Gantheaume Point and between the Cable Beach Reserve and the estuary at Coconut Well by obtaining an approval for a Cable Beach Motor Vehicle Permit and to which the following conditions shall apply:**

- 1. The prescribed area at Gantheaume Point shall be within the first 500 metres north of the rocks adjacent to the bottom of the motor vehicle access/egress point.**
- 2. The prescribed area north of Cable Beach Reserve shall be north from the bottom of the motor vehicle access/egress point at Cable Beach Reserve to the estuary at Coconut Well.**
- 3. All motor vehicles on Cable Beach must carry a current Cable Beach Motor Vehicle Permit.**
- 4. All persons driving motor vehicles on Cable Beach do so at their own risk.**
- 5. The Shire of Broome shall not be liable for any damage to any persons or any motor vehicle driving on Cable Beach.**
- 6. A Cable Beach Motor Vehicle Permit is for a motor vehicle (not for passengers) and is to be displayed in a manner to be prescribed by the Council on or in the motor vehicle for which it is purchased and is not transferable from one motor vehicle to another.**
- 7. All motor vehicles must be registered on-road motor vehicles.**
- 8. A motorised wheelchair used for the conveyance of a person with a disability shall be exempt from the conditions of this policy.**
- 9. All drivers of motor vehicles must hold a current drivers license.**
- 10. All other beach users have the right of way over motor vehicles at all times.**
- 11. Motor vehicles must only use the designated access/egress points at Gantheaume Point and Cable Beach Reserve.**
- 12. The Shire of Broome has the right to close Cable Beach to motor vehicles at any time.**

13. **The Shire of Broome has the right to request at any time that motor vehicles leave Cable Beach.**
14. **No driving of motor vehicles above the high water mark or on sand dunes.**
15. **No driving of motor vehicles on the beach foreshore during the peak of high spring tides.**
16. **No driving of motor vehicles in or on vegetated areas.**
17. **Cable Beach Motor Vehicle Permit holders will obey the instructions of Shire of Broome Rangers and Beach Inspectors, Police, Emergency personnel and any other authorised person.**
18. **A speed limit of 15km per hour shall apply from the top of the designated motor vehicle access/egress point at Gantheaume Point and Cable Beach Reserve and in the prescribed motor vehicle areas.**
19. **Motor vehicles are not permitted to stand or be parked within 50m of the bottom of the motor vehicle access/egress point at Gantheaume Point.**
20. **Motor vehicles are not permitted to stand or be parked within 1000m of the bottom of the motor vehicle access/egress point at Cable Beach Reserve and all motor vehicles are to proceed north of the rocks.**
21. **The following motor vehicles will be exempt from this policy:**
  - **A motor vehicle being driven by an on-duty authorised person employed by the Shire of Broome.**
  - **A motor vehicle being driven by an authorised person being used in the event of an emergency.**
  - **A motor vehicle being driven by an on-duty authorised person undertaking State or Commonwealth Government business.**
23. **The following Cable Beach Motor Vehicle Permits will be issued.**

<b>Daily</b>	<b>Shall apply for a period of 24 hours or part thereof from 6am until 6am the following day.</b>
<b>Weekly Passes</b>	<b>Shall apply for a period of 7 days or part thereof from 6am until 6am the following week.</b>
<b>Monthly</b>	<b>Shall apply for one calendar month or part thereof from 6am until 6am the following calendar month.</b>
<b>Yearly</b>	<b>Shall apply for one year commencing at 6am on day of issue until 6am the corresponding day one year hence.</b>
<b>Replacement Sticker, eg broken windscreen</b>	<b>A replacement sticker may be provided upon proof that the original permit was destroyed or damaged. (eg photograph of damaged permit)</b>

24. **Cable Beach Motor Vehicle Permit fees are not refundable.**
25. **Fees relating to the Cable Beach Motor Vehicle Permit will form part of the Shire of Broome's Fees and Charges Schedule adopted as part of the Annual Budget each Year.**
26. **Cable Beach Motor Vehicle Permits will be available from Shire of Broome Administration Centre and selected outlets.**
27. **Cable Beach Motor Vehicle Permit records will be held on a centralised database at the Shire of Broome Administration Centre and will remain confidential.**

- 28. The Shire of Broome may cancel the approval for the permit should the permit holder be in breach of any of these conditions.**
- 29. All offences and modified penalties as described in the Shire of Broome Local Government Property and Public Places Local Law 2003 (as amended) shall apply.**

**Moved:**

**Seconded:**

**FOR:**

**AGAINST:**

[Attachment: 47 pages](#)

**9.2.2 HORSES ON CABLE BEACH POLICY**

<b>LOCATION/ADDRESS:</b>	N/A
<b>APPLICANT:</b>	N/A
<b>FILE:</b>	CDE36
<b>AUTHOR:</b>	Director Community Services
<b>CONTRIBUTOR/S:</b>	N/A
<b>RESPONSIBLE OFFICER:</b>	Director Community Services
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	24 November 2005

**SUMMARY:** Following advertising for public submissions, it is recommended that the Council implement the Horses on Cable Beach Policy.

**BACKGROUND**

Horses have been ridden and exercised on Cable Beach for many years. Gantheaume Point is used by the public as well as by race horse owners during the racing season from May until August.

**Resolution of Council August 2005**

On 11 August 2005 the Council resolved (excerpt only with the rest of the resolution consisting of the Draft Policy and proposed Amendments to the Local Law):

1. *That Council advertises and seeks comments for a period of six weeks the:*
  - *DRAFT Cable Beach Motor Vehicle Policy;*
  - *DRAFT Horses on Cable Beach Policy;*
  - *DRAFT Brochure for Cable Beach Driving, Activities, Environment.*
3. *That Council endorses the proposed amendments to the Shire of Broome Local Government Property and Public Places Local Law 2003 (as amended) and that these amendments be advertised for public comment for a period of six weeks.*

**Promotion**

Media releases were prepared along with advertisements calling for public submissions as required under the Local Government Act 1995 when amending Local Laws.

**Policy Development**

The Horses on Cable Beach is a new policy. The existing Shire of Broome Local Government Property and Public Places Local Law contains the clause:

*A person shall not on any local government property or public place within the Broome townsite area, without first having obtained an approval from the local government to do so walk, lead, ride, herd or drive any large animal.*

There are no conditions set out under this Clause. It is proposed that the Horses on Cable Beach Policy define the areas and conditions for exercising and riding of horses on Cable Beach. This will allow promotion to the public that horses are allowed to be ridden on the

beach and just where this can be done. By defining the areas, horse owners and riders will also have conditions to which they must abide.

The areas defined allow for some horse free areas and will assist in decongesting other areas.

In the case of racehorses associated with the Turf Club, the area set aside at Gantheaume Point has traditionally been used from May to August.

**COMMENT**

**Public Submissions**

An overview of the responses received through public submissions are included in the report "Public Response Report". ee Attachment A.

Responses were received by the Shire via email and letters.

The public submissions were not guided by any set format. Therefore the issues identified in the submissions should be read within the context that they were written. Whilst every effort has gone into accurately analysing the contents of the public submissions, there are a variety of viewpoints expressed, some of which are qualitative and therefore cannot be quantified.

In this report, no assumptions have been made about the opinions and viewpoints of those who did not make a public submission.

**Overview of Correspondence**

Some 7 pieces of correspondence were received that had a comment about horses. Some of these comments were contained in letters that also responded to the Draft Cable Beach Motor Vehicle Policy or other issues.

**Items for Consideration within the Horses on Cable Beach Policy**

Item	Officer Comment	Officer Recommendation
<b>Approvals from stabling to beach.</b>	Approvals need to cover the track from the stabling to the beach as well as the beach. This should be covered on the approval as different horse owners may have different requirements in terms of getting horses on and off the beach.  Eg, Some nearby stablers may walk horses, others may take horses to the beach via a float.	No recommendation required.
<b>Length of time for approval</b>	A time line for approval is recommended for one year.	That an additional condition be included that <i>An approval shall be granted for one year.</i>

**Amendments to Draft Horses on Cable Beach Policy**

It is recommended that some amendments be made to the Horses on Cable Beach Policy. The original Draft Policy is at Attachment B and shows tracked changes. These changes include an additional Policy Condition:

*An approval shall be granted for one year.*

## **CONSULTATION**

Community of Broome. See Attachment A  
Broome Turf Club

## **STATUTORY ENVIRONMENT**

WA Local Government Act 1995  
Shire of Broome Local Government Property and Public Places Local Law 2003

## **POLICY IMPLICATIONS**

This report recommends the adoption of the Horses on Cable Beach Policy and amendments to the Shire of Broome Local Government Property and Public Places Local Law 2003.

## **FINANCIAL IMPLICATIONS**

There is no proposal to charge a fee for approval under the Horses on Cable Beach Policy. There are no direct financial implications. Some officer time will be involved.

## **STRATEGIC IMPLICATIONS**

### **1. Social**

The Shire's Strategic Action Plan identifies the following objective under Functional Area 4 Social Wellbeing and Development: *Maximise the social, recreational and cultural opportunities for our community.*

### **2. Environment**

The Draft Cable Beach Motor Vehicle Policy aims to achieve a balance between community and tourism requirements, and the protection of the natural and cultural environments.

### **3. Economic**

Horse racing provides a significant contribution to Broome's economy.

## **VOTING REQUIREMENTS**

Simple Majority

**REPORT RECOMMENDATION**

1. ***That Council adopts the Horses on Cable Beach Policy as follows:***

**Subject****HORSES ON CABLE BEACH POLICY****Objective**

***The Horses on Cable Beach Policy will provide guidelines for the riding and exercising of horses on Cable Beach.***

**Policy Area**

***Gantheaume Point to Coconut Well***

**Definition**

***For the purposes of the Horses on Cable Beach Policy, the following definitions shall apply:***

***“Cable Beach” means that area of beach between the motor vehicle access/egress point at Gantheaume Point and the estuary at Coconut Well;***

***“Beach Foreshore” means the land in the Shire of Broome which lies between the high water mark and the low water mark of the Indian Ocean.***

***“Horse” means the horse and its rider and/or handler collectively.***

**Policy Objectives**

***To identify the conditions and areas permitting the riding and exercising of horses on Cable Beach to ensure an integrated and coordinated approach to the management of all public, commercial and tourist activities on Cable Beach.***

**Policy Principles**

***The Horses on Cable Beach Policy will aim to achieve a balance between community and tourism requirements, and the protection of the natural and cultural environments.***

**Legislative Framework**

***This Policy should be considered in conjunction with the following Acts and Regulations:***

**WA Local Government Act 1995**  
**Road and Traffic Act 1974**  
**Shire of Broome Local Government Property and Public Places Local Law 2003.**  
**Shire of Broome Trading, Outdoor Dining & Street Entertainment Local Law 2003**  
**Health Act 1911**  
**Aboriginal Heritage Act 1975**

**Conditions**

**Gantheaume Point**

**The following conditions will apply to horses on Cable Beach foreshore north of the rocks at Gantheaume Point:**

- (a) All horses on Cable Beach must have an approval from the Shire of Broome;**
- (b) The approval shall be held by the horse owner, specified trainer or the Broome Turf Club;**
- (c) An approval shall be granted for one year;**
- (d) Horses can only be exercised within the beach foreshore area defined as that land which lies between the high water mark and the low water mark of the Indian Ocean or in the sea adjacent to the low water mark;**
- (e) Horses must be lead or walked on the first 500m of the beach foreshore north of the rocks as close as possible to the high water mark;**
- (f) Horses are permitted on Cable Beach foreshore in the area extending from the rocks at Gantheaume Point for 2km north;**
- (g) Horses are permitted to walk, trot, canter, gallop or swim on Cable Beach with the exception that horses can only be galloped on the beach foreshore between 5am and 10am;**
- (h) Horses must give right of way to pedestrians;**
- (i) Horses must use the "horses only" access/egress point to and from the beach foreshore;**
- (j) Horses must cross Gantheaume Point Road at the signed horses crossing**
- (k) Race horses are permitted on Cable Beach from 1 May until 31 August only;**
- (l) Any person liable for the control of a horse shall ensure that all excreta is removed from the beach foreshore area and from any public land traversed.**

**Cable Beach Reserve to Coconut Well**

**The following conditions will apply to horses on Cable Beach foreshore north of the rocks from Cable Beach Reserve to Coconut Well:**

- (a) All horses on Cable Beach must have an approval from the Shire of Broome;**
- (b) The approval shall be held by the horse owner, trainer or handler;**
- (c) An approval shall be granted for one year;**
- (d) Horses can only be exercised within the beach foreshore area defined as that land which lies between the high water mark and the low water mark of the Indian Ocean or in the sea adjacent to the low water mark;**
- (e) Horses can only access Cable Beach north of the rocks via the access/egress point at Cable Beach Reserve or from the access/egress point at Coconut Well;**
- (f) Horses must be lead or walked on the first 3km of the beach foreshore north of the rocks as close as possible to the high water mark;**
- (g) Horses are permitted to walk, trot, canter, gallop or swim on Cable Beach with the exception that horses can only be galloped on the beach foreshore between 5am and 10am;**
- (h) Horses must give right of way to any person on the beach;**

- (i) Race horses are not permitted on Cable Beach between 3km north of the rocks at Gantheaume Point to Coconut Well;**
- (j) Any person liable for the control of a horse shall ensure that all excreta is removed from the beach foreshore area and from any public land traversed.**

**Delegation**

**Director Community Services  
Shire of Broome Rangers  
Shire of Broome Beach Inspectors  
Manager Health Services  
Others as authorised by the Shire of Broome**

- 2. That amendments to the Shire of Broome Local Government Property and Public Places Local Law 2003 be made in line with the adopted Horses on Cable Beach Policy.**

**Moved:**

**Seconded:**

**FOR:**

**AGAINST:**

[Attachment: 7 pages](#)

## 9.4

### CORPORATE

### SERVICES



### OUTCOME

***To provide a range of customer focused corporate services incorporating financial and human resource management, administrative support and IT solutions, which meets the needs of both internal and external customers and of Council and to ensure statutory compliance within the directorate as part of the Shire's good governance obligation.***

**9.4.1 LOCAL GOVERNMENT PROPERTY AND PUBLIC PLACES AMENDMENT LOCAL LAW 2005 (No 2)**

<b>LOCATION/ADDRESS:</b>	N/A
<b>APPLICANT:</b>	N/A
<b>FILE:</b>	BLY.06
<b>AUTHOR:</b>	Manager Administration Services
<b>CONTRIBUTOR/S:</b>	N/A
<b>RESPONSIBLE OFFICER:</b>	Acting Director Corporate Services
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	28 November 2005

**SUMMARY:** To advise Council of the outcome of the submission period for the proposed amendment to the Local Government Property and Public Places Local Law 2003 (as amended) and to finalise this process.

**BACKGROUND**

At the Ordinary Meeting of Council held 11 August 2005, Council considered an item associated with the Cable Beach Vehicle Management Plan and the relevant amendments required to the Shire of Broome Local Government Property and Public Places Local Law 2003 (as amended), which resulted in the following resolution:

1. *That Council advertises and seeks comments for a period of six weeks on the:*
  - *DRAFT Cable Beach Motor Vehicle Policy;*
  - *DRAFT Horses on Cable Beach Policy;*
  - *DRAFT Brochure for Cable Beach Driving, Activities, Environment.*
2. *That Council endorses the proposed amendments to the Shire of Broome Local Government Property and Public Places Local Law 2003 (as amended) and that these amendments be advertised for public comment for a period of six weeks.*

A draft amendment local law was presented to this meeting and formed part of the package on the Cable Beach Vehicle Management Plan that was made available to the public for consideration and comment.

The proposed amendments to the Local Law were advertised and called for public submission, with submissions originally closing on the 7 October 2005. Due to the amount of public interest, the submission period was extended until 17 October 2005.

**COMMENT**

A submission was received from the Department of Local Government and Regional Development with comments on the proposed amendment local law. Comments were generally in relation to the drafting and layout of the local law rather than the content.

In addition to this, a significant number of responses from public submissions were received with relation to the proposed policies for vehicles and horses on Cable Beach and other items contained in this agenda deal specifically with these matters.

As a result of the public submissions with regard to vehicles and horses on Cable Beach, some minor changes have been made to the proposed amendment local law, however these are not considered to be significant in any way and do not require the consultation process to be undertaken again.

## **CONSULTATION**

As required by the Local Government Act 1995, the community was given the opportunity to comment on the proposed amendment local law.

## **STATUTORY ENVIRONMENT**

Local Government Act 1995 (as amended)  
Local Government (Functions & General) Regulations 1996

## **POLICY IMPLICATIONS**

The creation of this amendment local law will result in the creation of new supporting policies as detailed elsewhere in this agenda.

## **FINANCIAL IMPLICATIONS**

Nil

## **STRATEGIC IMPLICATIONS**

### **1. Social**

Provide open, transparent and good governance to the community.

### **2. Environmental**

The creation of this amendment local law will provide the ability to prevent or restrict access to local government property, specifically Cable Beach between Gantheaume Point and Coconut Well.

### **3. Economic**

Nil

## **VOTING REQUIREMENTS**

Absolute Majority

**REPORT RECOMMENDATION**

***That Council endorses the amendments to the Shire of Broome Local Government Property and Public Places Local Law 2003 (as amended) and proceeds to create the Shire of Broome Local Government Property and Public Places Amendment Local Law 2005 (No 2), as attached.***

**Moved:**

**Seconded:**

**FOR:**

**AGAINST:**

[Attachment: 7 pages](#)

**10. REPORTS OF COMMITTEES**

**11. NOTICES OF MOTION**

**12. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

**13. MATTERS BEHIND CLOSED DOORS**

**14. MEETING CLOSURE**