

SHIRE OF BROOME

**MINUTES OF A MEETING FOR THE
COASTAL PARK MANAGEMENT COMMITTEE
HELD IN THE COMMITTEE ROOM
ON THURSDAY 13 MARCH 2003
COMMENCING AT 10:15AM**

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1. ATTENDANCE AND APOLOGIES

| | | |
|----------------|---|----------|
| Attendance | Cr Nik Wevers Cr Tom Vinnicombe Mr Ben Wurm Mr Michael Corpus Mr Franz Hoogland Mr Richard Hunter Mr Frank Sebastian Ms Cecilia Djagween | Chairman |
| Apologies | Ms Lorna Kelly Ms Kristy Guest Mr Garry Waldron | |
| Officers | Ms Kim Walton | |
| Public Gallery | Mrs Sharon Griffiths | |

2. DECLARATIONS OF FINANCIAL INTEREST

Nil

3. PUBLIC QUESTION TIME

Nil

4. CONFIRMATION OF MINUTES**Moved: Cr T W Vinnicombe****Seconded: Mr Frank Sebastian*****That the Minutes of the Coastal Park Committee Meeting held on 10th October 2002 be confirmed as a true and accurate record of that meeting.*****CARRIED UNANIMOUSLY**

5. MATTERS SUBMITTED FOR CONSIDERATION**5.1 RUBIBI – SHIRE COMMUNICATION**

LOCATION/ADDRESS: Broome
APPLICANT: Rubibi
FILE: CTE-28
RESPONSIBLE OFFICER: Ben Wurm
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 28 February 2003

SUMMARY: Rubibi seeks to improve communication and consultation processes with the Shire to ensure that planning and development in Broome proceeds smoothly for the benefit of all and with full recognition of native title and Aboriginal heritage.

BACKGROUND

Rubibi is concerned that it is not being afforded an opportunity to effectively engage in key planning processes in Broome.

For example, Rubibi was not advised by the Shire of the revised *Chinatown Development Strategy* or the *Shire Environmental Policies*. Further, Shire staff submitted a revision of Council Policy in regard to "Functions on Cable Beach" to the last Council meeting (26 November, Item 9.1.5) without consulting Rubibi. The proposed revision concerned presence of nails from firewood on the Beach. The matter of public safety on Cable Beach was raised by Rubibi at the Coastal Park Management Committee meeting on 10 October.

In the absence of any other mechanism, the Coastal Park Management Committee, with membership drawn from the Shire, Rubibi and community interests, is the only appropriate forum for consideration of such policy matters.

RUBIBI COMMENT

Rubibi is keen to ensure that planning and policy matters are considered in an open and thorough manner. In the past, the Shire and Rubibi have effectively engaged in numerous collaborative planning exercises, eg the *Local Government Development Program (1997)*, the *Coastal Park Management Plan (1999)* and the *Waterbank Structure Plan (2000)*.

It is noted that the *Local Government Development Program* considered land throughout Broome, not just the reserves in which *Coastal Park Management Plan* is currently being implemented.

Rubibi advocates a collaborative approach to such matters because it ensures that all issues are aired and considered and that any outcomes are more likely to have the support of the general community and to have properly addressed native title and Aboriginal heritage.

This very approach is consistent with the current development of a framework for an Indigenous Land Use Agreement (ILUA) for Broome, by the Shire, Rubibi and State government, during the mediation of the Rubibi claim.

STAFF COMMENT

This item was submitted for inclusion in an agenda in late October 2002. As such, matters have progressed in relation to the proposed ILUA to the point where it unlikely further progress will be made prior to the Federal Court case. There are a number of proposals currently under consideration by both the KLC and the State Government. To formalise any procedures at this point in time would be premature.

STATUTORY ENVIRONMENT

Local Government Act 1995
Aboriginal Heritage Act 1972
Native Title Act 1993
Land Administration Act

POLICY IMPLICATIONS

Consistent with previous and existing Shire policy including the *Coastal Park Management Plan* (1999), the findings of the *Local Government Development Program* (1997) and the *Shire's Strategic Plan* (2001)

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

As above. Consistent with the Shire's consideration of an Indigenous Land Use Agreement in current mediation of the Rubibi claim

VOTING REQUIREMENTS

Simple Majority

RUBIBI RECOMMENDATION

That Council reaffirm its commitment to improving its administrative processes to ensure that Rubibi is effectively engaged in land-use policy and planning matters in Broome.

COUNCIL OFFICER RECOMMENDATION

That further consideration of this matter be deferred pending further mediation and/or outcome from the Federal Court and decision from the State Government on strategic planning processes for Broome.

COMMITTEE RECOMMENDATION

Moved: Cr T W Vinnicombe

Seconded: Mr Frank Sebastian

That the Rubibi Recommendation be adopted.

CARRIED UNANIMOUSLY

5.2 SILTATION OF DAMPIER CREEK

| | |
|------------------------------------|------------------|
| LOCATION/ADDRESS: | Broome |
| APPLICANT: | Rubibi |
| FILE: | |
| RESPONSIBLE OFFICER: | Ben Wurm |
| DISCLOSURE OF ANY INTEREST: | Nil |
| DATE OF REPORT: | 28 February 2003 |

SUMMARY: Rubibi is concerned that recent earthworks at the Broome International Airport and Roebuck Estate have caused excessive Wet Season siltation of Dampier Creek.

BACKGROUND

Rubibi notes that there has been excessive siltation of Dampier Creek, during this Wet Season, following the recent up-grade of Broome Airport and extension to the Roebuck Estate real estate subdivision.

RUBIBI COMMENT

Rubibi is keen to ensure that measures are taken by the Shire and approaches made to Broome International Airport Pty Ltd and the developers of Roebuck Estate to ensure that run-off from their recent earthworks is minimised.

Dampier Creek is of major cultural significance to Rubibi and an important fish-breeding habitat. Rubibi is concerned that run-off from recent earthworks in the catchment area of the Creek might have a detrimental effect on the ecosystem.

Rubibi is also keen to explore options for the development of a sustainable plan of management for the Dampier Creek catchment area. Rubibi is not aware of any environmental impact assessment given to these major earthworks before they were undertaken.

STAFF COMMENT

Staff had already been in contact with the Airport Owners Engineers in respect of concerns previously expressed by Council and Rubibi members about this matter. There has also been a problem with drainage run-off along the front of the One Mile Reserve due to a main outlet drain not being finished prior to this wet season. It is understood that the owners are currently working on the design with the intention to carry out remedial works prior to the next dry season and that most issues are in hand.

STATUTORY ENVIRONMENT

Local Government Act 1995
Aboriginal Heritage Act 1972
Native Title Act 1993
Land Administration Act

POLICY IMPLICATIONS

Consistent with Shire policies

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Consistent with Shire policies

VOTING REQUIREMENTS

Simple Majority

RUBIBI RECOMMENDATION

Rubibi seeks remedial action by the Shire to ensure that further siltation of Dampier Creek from significant earthworks in the catchment area is halted.

COUNCIL OFFICER RECOMMENDATION

- (i) That Council request BIA (Airport/Roebuck Estate owners) to obtain all necessary clearances and approvals for the Airport Extensions and Roebuck Estate subdivision works in respect of the drainage regime and run off into Dampier Creek.
- (ii) That copies of all approvals be forwarded to Council and Rubibi for their information and records.
- (iii) That Rubibi be advised that the final design for the sedimentation/compensating basin between the Airport and Broome Highways is still to be finalised by the owners however, that all required works will be implemented to reduce any localised flooding, transportation of sediment or other off site effects.
- (iv) That Council advise Western Australian Planning Commission of the impact of the siltation or Dampier Creek on future responses.
- (v) That Council seek comment from the Environmental Protection Authority/Department of Environmental Protection.

COMMITTEE RECOMMENDATION

Moved: Mr Michael Corpus

Seconded: Mr Richard Hunter

That Rubibi seeks remedial action by the Shire to ensure that further siltation of Dampier Creek from significant earthworks in the catchment area is halted, including the following:

- (i) **That Council request BIA (Airport/Roebuck Estate owners) immediately obtain all necessary clearances and approvals for the Airport Extensions and Roebuck Estate subdivision works in respect of the drainage regime and run off into Dampier Creek.**
- (ii) **That copies of all approvals be forwarded to Council and Rubibi for their information and records.**
- (iii) **That Rubibi be advised that the final design for the sedimentation/compensating basin between the Airport and Broome Highways is still to be finalised by the owners however, that all required works will be implemented to reduce any localised flooding, transportation of sediment or other off site effects.**
- (iv) **That Council advise Western Australian Planning Commission of the impact of the siltation or Dampier Creek on future responses.**
- (v) **That Council seek comment from the Environmental Protection Authority/Department of Environmental Protection.**
- (vi) **That Council report back to CPMC on 10 April 2003 on the outcome of its inquiries on these matters.**
- (vii) **That CPC be provided with a drainage plan at the meeting on 10 April 2003.**

CARRIED UNANIMOUSLY

5.3 MINYIRR PARK: ILLEGAL VEHICLE ACCESS

LOCATION/ADDRESS: Broome
APPLICANT: Rubibi
FILE:
RESPONSIBLE OFFICER: Ben Wurm
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 28 February 2003

SUMMARY: Rubibi seeks the enforcement by the Shire of prohibitions on unauthorized vehicle access within Minyirr Park in order to protect the cultural and environmental integrity of the Park.

BACKGROUND

Rubibi has noted a recent increase in illegal private vehicle access to Minyirr Park and is concerned at the impact of this access on the environmental and cultural values of the Park.

RUBIBI COMMENT

Rubibi is keen to maintain the cultural and environmental integrity of Minyirr Park and seeks the support of the Shire in the enforcement of a ban on unauthorized vehicle access within Minyirr Park.

STAFF COMMENT

Minyirr Park is no different from other coastal areas in the townsite and indeed the Shire as far as this problem is concerned. Although it was noted that a number of closed accesses were used during the recent gubinge picking season and this may have exacerbated the problem

Regardless of the statutory framework it comes down to availability of resources and staffing. It should also be noted that to be totally effective, the area would need to be patrolled on a 24 hour basis. Clearly, it is beyond Council's resources to deal with this problem on this basis. Motor bikes also continue to be an unresolved problem.

An alternative may be to determine the feasibility of fencing the area to preclude both pedestrians and vehicle access.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Consistent with the *Coastal Park Management Plan (1999)*

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Consistent with the *Coastal Park Management Plan (1999)*.

VOTING REQUIREMENTS

Simple Majority

RUBIBI RECOMMENDATION

Rubibi seeks the support of the Shire in enforcing a prohibition on unauthorized vehicle access in Minyirr Park and seeks the implementation of measures to this effect by the Shire administration.

COUNCIL OFFICER RECOMMENDATION

That Council staff continue to patrol the area as and when time and resources permit and the CPMC give consideration to the proposal of fencing in the area.

COMMITTEE RECOMMENDATION

Moved: Cr V L Wevers

Seconded: Cr T W Vinnicombe

That Council request:

1. **Rubibi to provide advice as to:**
 - (i) **Types of vehicles – cars or bikes.**
 - (ii) **Locations of vehicle access and numbers of vehicles.**
 - (iii) **Recommendations to where vehicle access devices should be located.**
 - (iv) **Provide budget costing for purchase and installation of signage as recommended.**

2. **Council staff to:**
 - (i) **Advise locations of current signage and wording.**
 - (ii) **Assist Rubibi in costing of Rubibi's recommended signage.**
 - (iii) **Research avenues of grant funding to cover signage costs.**

CARRIED UNANIMOUSLY

5.4 MINYIRR PARK: ILLEGAL OCCUPATION

LOCATION/ADDRESS: Broome
APPLICANT: Rubibi
FILE: CTE-28
RESPONSIBLE OFFICER: Ben Wurm
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 28 February 2003

SUMMARY: Rubibi seeks a progress report from the Shire about action taken to address the illegal occupation of Minyirr Park by the “Radio Man”.

BACKGROUND

The continuing illegal occupation of Minyirr Park, by the “Radio Man”, was last considered at a meeting of the Committee in August 2002.

RUBIBI COMMENT

Rubibi seeks a report from the Shire about action taken to address the problems raised by this continuing, illegal occupation of the Park.

STATUTORY ENVIRONMENT

Local Government Act 1995
Aboriginal Heritage Act 1972
Native Title Act 1993
Land Administration Act

POLICY IMPLICATIONS

The occupation is inconsistent with the *Coastal Park Management Plan (1999)*

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

The occupation is inconsistent with the *Coastal Park Management Plan (1999)* and sets an undesirable precedent

VOTING REQUIREMENTS

Simple Majority

RUBIBI RECOMMENDATION

That the Shire provide a progress report on action taken to address the problems raised by the illegal occupation in Minyirr Park.

COMMITTEE RECOMMENDATION

Moved: Mr Frank Sebastian

Seconded: Mr Ben Wurm

1. ***That staff take immediate steps to implement any outstanding Council resolution in relation to Mr Kevin Collins “horse man” and Mr Kevin Closter “radio man”.***
2. ***That Council staff report back to the Coastal Park Management Committee at their 10 April 2003 meeting on progress to date in implementing the previous resolutions and in particular reason why any outstanding resolutions have not been implemented.***

CARRIED UNANIMOUSLY

5.5 AGENDA ITEM AUTHOR CLARIFICATION

Moved: Mr Frank Sebastian

Seconded: Mr T W Vinnicombe

That Council be requested to ensure that authors of all background reports, comments and recommendations be identified in Coastal Park Management Committee agenda items.

CARRIED UNANIMOUSLY

6. MEETING CLOSURE

There being no further business, the Chairman declared the meeting closed at 11.50 am.