

SHIRE OF BROOME

**MINUTES FOR A MEETING OF THE
COASTAL PARK MANAGEMENT COMMITTEE
HELD IN THE COMMITTEE ROOM
ON THURSDAY 13 MAY 2004
COMMENCING AT 10:13AM**

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1. ATTENDANCE AND APOLOGIES

Attendance	Cr P J Mitchell Cr M R McKenzie Cr G T Campbell Garry Waldron Frank Sebastian Ben Wurm Damian Parriman Cecelia Djiagween Michael Corpus Richard Hunter	Acting Chairperson
Apologies	Cr T W Vinnicombe Cr A K Grosse	
Officers	Ian Bodill Corrine Palmer Cally Hoskin	Chief Executive Officer Executive Assistant Council Secretary
Public Gallery	Sharon Griffiths Franz Hoogland Ken Nielson	

2. DECLARATIONS OF FINANCIAL INTEREST
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Nil

3. PUBLIC QUESTION TIME

Sharon Griffiths informed the Committee that she had submitted an application for a Community Grant of \$25,000 to source a water supply for the base camp.

4. CONFIRMATION OF MINUTES

Moved: Frank Sebastian

Seconded: Ben Wurm

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.

CARRIED UNANIMOUSLY

5. MATTERS SUBMITTED FOR CONSIDERATION**5.1 OPERATING FRAMEWORK - COASTAL PARK MANAGEMENT COMMITTEE**

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

COMMITTEE RECOMMENDATION

Moved: Garry Waldron

Seconded: Ben Wurm

That Council note the attached document summarising the existing operating framework of the Coastal Park Management Committee and consider the issues raised in a workshop to be held at the next Coastal Park Management Committee Meeting scheduled for the 10 June 2004. The meeting to start at 9.00am at base camp and then to follow on at 10.00am in the Shire Administration Centre.

CARRIED UNANIMOUSLY

[Attachment: 6 pages](#)

Frank Sebastian departed the meeting at 11.06am and returned at 11.08am

5.2 REPORT ON REMOVAL ILLEGAL OCCUPATION (HORSE STABLES), FORMER RESERVE #33275, 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 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.

COMMITTEE RECOMMENDATION

Moved: Cr G T Campbell

Seconded: Michael Corpus

That Council will follow up the removal of the rubbish from the former Reserve #33275 and to contact Mr Collins to inform him that the time he was given to clear this site has lapsed and therefore any rubbish found on that site will now be cleared at a cost to him.

CARRIED UNANIMOUSLY

Ian Bodill departed the meeting at 11.30am and returned at 11.35am.

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.

COMMITTEE RECOMMENDATION

Moved: Cr G T Campbell

Seconded: Frank Sebastian

That the Rubibi Recommendation be adopted.

CARRIED UNANIMOUSLY

Garry Waldron departed the meeting at 11.50am and did not return.

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.

COMMITTEE RECOMMENDATION

Moved: Frank Sebastian

Seconded: Richard Hunter

That the Rubibi Recommendation be adopted.

AMENDMENT TO MOTION

Moved: Ben Wurm

Seconded: Richard Hunter

That condition 2 be changed to:

- (2) That the Shire and Rubibi jointly implement immediate measures to enforce compliance with any legal obligations under the Aboriginal Heritage Act in relation to access to the registered site north of the rocks on Cable Beach.***

FOR: 7

AGAINST: 1

CARRIED

6. MEETING CLOSURE

There being no further business, the Chairperson declared the meeting closed at 12.28pm.