

MISSION AND VALUES OF COUNCIL

"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."

MINUTES

OF A

SPECIAL MEETING OF COUNCIL

HELD IN COUNCIL CHAMBERS ON

FRIDAY 9 DECEMBER 2005

COMMENCING 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 be 'Jason Lyon', with a long horizontal flourish extending to the right.

Jason Lyon
Acting Chief Executive Officer

2 December 2005

1. OFFICIAL OPENING

The Shire President welcomed members and the public and declared the meeting open at 3.00pm.

2. ATTENDANCE AND APOLOGIES

Attendance
 Cr G T Campbell
 Cr V L Wevers
 Cr C R Mitchell
 Cr C M Maher
 Cr A K Grosse
 Cr M L B Albert
 Cr P D Matsumoto
 Cr E R M Foy

Apologies
 Cr A C Griffiths

Leave of Absence:

Officers
 Mr Jason Lyon Acting CEO
 Mr Allan Ralph Director Engineering Services
 Mr Les Mainwaring Acting Director Corporate Services
 Mr Darryl Butcher Director Planning Services
 Ms Suzanne Lollback Director Community Services
 Ms Jo Durbridge Media & Promotions
 Ms Cally Hoskin CEO Secretary

3. DECLARATIONS OF FINANCIAL INTEREST

Councillor	Item No	Page	Item	Nature of Interest

4. PUBLIC QUESTION TIME

Andy White submitted the following question and the Shire President's response follows:
 "As the majority of the 223 pieces of correspondence received objected to the Cable Beach Vehicle Management Plan, for various reasons, should Council be implementing a policy and local law that is not supported by, and in the best interests of, the concerned members of the general public?"

Response: This recent process was not a survey of whether or not a policy should be implemented, rather a consultative process that was undertaken following a resolution of Council in 2004 to implement a permit system. Obviously should Council back track or rescind on its previous resolution then further public consultation will take place.

Sharon Griffiths submitted the following question and the Shire President's response follows:
 "If permits are introduced, does the Shire expect there will be a decrease in vehicles driving on Cable Beach? With future growth predictions in residents and visitors, with a consequence of an increase in people driving on the beach, what does this Council intend to do today to ensure this growth is not inflicted on any coastal areas?"

Response: Vehicle numbers are expected to decrease if a permit system is introduced however this could not be quantified. This is just the first step in reviewing the proposal, it is only the start of the process.

Syd Webley submitted the following question and the Shire President's response follows:

"In relation to the proposed permit system, \$50 per month means \$600 per year for access to Gantheaume Point and Cable Beach. This equates to (in my circumstances as I work a 2 week on 1 week off roster at a remote mine) a 50% increase in rates, is this fair?"

Response: The proposed permit system allows for an annual fee of \$100, which would work out to be a discount for locals.

John Geappen submitted the following question and the Shire President's response follows:

"Has the Shire made budget considerations for the establishment of a full day beach patrol officer to ensure that any policy implementation will actually be adhered to by all?"

Response: In terms of the item put forward, it is allowing 1.5 rangers in the budget for beach patrol, with the intention to increase the ranger services.

George Morris asked how the Council were going to regulate behaviour on the beach? The Shire President explained that with a permit system, the funds would allow for increased ranger services to patrol the beach.

Claire Morton asked if it would be an all year permit system or would it just be for the dry season? The Shire President advised that it would be all year round.

Ed McMahon asked whether the ranger services would operate 24 hours a day and if not what was the point of the fee? The Shire President advised that the ranger services was not available 24 hours a day however the Shire does have a smaller security service that does operate after hours.

Adrian Farmilo asked that instead of attacking tourists over this issue why not look for funding from local people? The Shire President advised that the consultation process indicated ratepayers already believed the rates in Broome were too high, many of whom commented why should they pay more for this.

Janet Geappon asked how the Council propose to acquire the funds for the permits? The Shire President pointed out the issue of the permits being sold and displayed was part of the model put forward for discussion today.

Richard Meister asked how the proposal would affect the protection of species on the beach and whether an environmental impact assessment has been done? The Shire President advised the local laws prohibited vehicles on sand dunes and that social and environmental impact studies would be considered.

Sharon Griffiths asked if Council were aware of the previous impact studies that had been generated for vehicles on the beach? The Shire President said that personally he was aware of them however he couldn't speak for his fellow Councillors.

Bernie Fahrent inquired as to why Council need to keep details of the Cable Beach Vehicle Management Plan confidential? The Shire President explained that only the names, addresses and licences of drivers would be kept confidential. Council has an obligation to report the income and expenditure figures back to the community.

Emily Burke asked how Council was going to educate the public on this issue? The Shire President explained there would be brochures outlining the rules and regulations made available and educating the public will be part of the process.

Claire Beauseine asked whether the public would be educated on the environmental impact if the plan were to be adopted? The Shire President advised there would be a provision to look at environmental impact studies which will form part of the process.

5. CONFIRMATION OF MINUTES

6. ANNOUNCEMENTS BY PRESIDENT WITHOUT DISCUSSION

The Shire President thanked Staff, Councillors and the Public who have been involved in this item as it is the second most important issue the public has been involved in.

7. PETITIONS

A petition received: 654 signatures

We the undersigned object to the proposed vehicle levy for rate paying Broome residents to drive onto Cable Beach as outlined in the Shire of Broome's Cable Beach Motor Vehicle Policy currently under review.

We do not object to non-rate paying vehicles being charged an access fee to implement and maintain a management plan for the future sustainability of the Cable Beach. Access to Cable Beach for the vehicles of rate paying Broome residents is a tradition of the Broome lifestyle and needs to remain as such.

Allowances for people who are residents but do not pay rates (long term renters etc) who can prove residency for a specified period of time should also be given free access.

A petition received: 312 signatures

To the Chief Executive Officer of the Broome Shire:

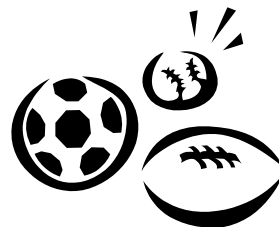
We the undersigned as residents and ratepayers of Broome, object in the strongest possible terms to the introduction of a fee system to access Cable Beach.

Residents and ratepayers of Broome are already contributing more than enough to the Shire coffers with the latest hike in rates and the high cost of living in the Kimberley. We suggest that if you are a ratepayer, hold a PO box or can prove that you are residing in town for more than 6 months, that you are granted exemption from this system

8. MATTERS FOR WHICH MEETING MAY BE CLOSED

9.2

COMMUNITY DEVELOPMENT SERVICES



OUTCOME

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

The Shire President made an announcement that he will apply standing order 10.5 and break down the complex question being put to Council.

9.2.1 CABLE BEACH MOTOR VEHICLE POLICY

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

Item	Officer Comment	Officer Recommendation
<p>Management of use of motor vehicles on Cable Beach</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"> ▪ Current level of vehicle usage and short-term management requirements. ▪ 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.) ▪ 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". 	<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

Item	Officer Comment	Officer Recommendation
Introduction of Permit	<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>
Conditions of Permit Residents/Ratepayers provided with free pass or discount	<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>

Item	Officer Comment	Officer Recommendation
	<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>People with a disability or pensioners provided with discount</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
Transferable Permit	Approximately 8 correspondence indicated a desire to be able to transfer a permit from one vehicle to another.	That all vehicles being driven on Cable Beach be required to have a permit. This is covered under Condition 1: <i>All motor vehicles on Cable Beach must carry a current Cable Beach Motor Vehicle Permit.</i>
Fees and Charges	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 This is identified in the policy but the fees will need to be adopted by the Council prior to implementation of the policy. Should a discount be introduced for people with a disability or a pensioner, then the following to apply: Discount Monthly \$40 Discount Annual \$80	That the proposed fees and charges be as follows: Daily \$5 Weekly \$25 Monthly \$50 Annual \$100 Replacement \$5
Permit for vehicle	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. A number of ways have been suggested including: be on the electoral roll, be a ratepayer, vehicle registered in the Shire. The Shire has many ratepayers who don't live in the Shire. 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.	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.
Commercial operators	6 correspondence commented on whether commercial operators should be required to have a permit. (Half said they should, half questioned whether they should).	That vehicles being used for commercial purposes be required to have a permit. This is covered under Condition 1: <i>All motor vehicles on Cable Beach must carry a current Cable Beach Motor</i>

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

Items relating to Policy Conditions

Item	Officer Comment	Officer Recommendation
Parking 1000m north of Cable Beach Reserve	5 correspondence opposed moving the parking of vehicles to 1000m north of the rocks at Cable Beach Reserve. 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.	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> .
Speed limit	The current speed limit on the beach is 15km per hour. 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). There is no evidence that the speed limit needs to be increased on any part of the beach.	That the existing speed limit of 15km per hour be maintained. This is already in the Local Law. No recommendation to Council required.
Enforcement	Additional beach ranger services have been identified as a priority once the permit system is introduced.	No recommendation required.

Items relating to the implementation of the Policy

Item	Officer Comment	Officer Recommendation
Speeding	<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.
Implementation methods	<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>
Impact Statements	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.
Promotion and Information	<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.
Signage	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.

Item	Officer Comment	Officer Recommendation
Boat Launching	<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.
Car Parking	<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.
Facilities and amenities and access infrastructure	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.
Additional Beach Access Points	<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
Camels	<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.
- (l) 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.

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

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.

COUNCIL RESOLUTION

Moved: Cr A K Grosse

Seconded: Cr C R Mitchell

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.

FOR: 0

AGAINST: 8

MOTION LOST

Councillors Cr V L Wevers, Cr A K Grosse and Cr E R M Foy support a motion to rescind a previous decision of Council.

Moved: Cr V L Wevers

Seconded: Cr C M Maher

That Council revoke the decision of its 15 June 2004 Ordinary Council Meeting item number 9.2.9 points 5, 6, 7 for the following reason:

Council needs to have an informed debate on the single issue, of whether it will allow vehicles on the beach or not, before it considers any management plan or amendment of local laws and policies.

FOR: 8

AGAINST: 0

CARRIED

Moved: Cr V L Wevers

Seconded:

That Council:

- 1. Does not support vehicles on Cable Beach with the exception of:***
 - (a) The area at Gantheaume Point to the 500m mark***
 - (b) Access by emergency and service vehicles***
 - (c) Vehicles carrying people with disabilities to have access at the Cable Beach Amphitheatre up to the rocks for the purposes of set down and pick up only (vehicles not to be parked here unless there are exceptional circumstances).***
- 2. Develops and implements a plan to phase out vehicle use on Cable Beach over the next***

two years

3. *Does not support the imposition of a fee system for use of the beach (excluding valid Trading on Cable Beach licence operators).*
4. *Undertakes to install extensive and explanatory signage to advise the general public on the environmental, social, cultural and heritage values of Cable Beach.*
5. *Prohibits the parking of vehicles with boat trailers attached or trailers only, on the beach at Gantheaume Point.*
6. *Negotiates a sub lease with the Turf Club for an area to be designated for exclusive parking of vehicles and boat trailers.*
7. *Develops an infrastructure plan to build carparking areas, access points and walkways to the beach between Gantheaume Point and Coconut Wells.*
8. *Develops an infrastructure plan to support use of Cable Beach including at least:*
 - (a) *Safe pedestrian access*
 - (b) *Shelter*
 - (c) *Water*
 - (d) *Toilets*
 - (e) *Rubbish collection*
 - (f) *Signage*
9. *Sources Commonwealth and State Governments' funding to support investment in infrastructure covered in parts G and H above on the basis of preserving Cable Beach as one of Australia's best natural assets.*
10. *In conjunction with Australia's North West Tourism Association undertakes an extensive marketing campaign to promote and preserve the environment, social, cultural and heritage values of Cable Beach.*
11. *Proposes to the Broome Port Authority, that the Broome Port Authority develops a policy of vehicle management on beaches which are under the control of the Broome Port Authority that is consistent with the Shire's objective of prohibiting vehicles on beaches.*

MOTION LAPSED

Moved: Cr C M Maher

Seconded: Cr C R Mitchell

That Council:

1. *Adopts the officer report recommendation with deletion of items D, E, F, G and amending items A and C so that the requirement for, and references to, a permit for driving on the beach are removed.*
2. *Introduce the Cable Beach Motor Vehicle Policy without the permit system for a 12 month period.*
3. *Requests the CEO to advise staff and the public that control of driver behavior on the beach will continue within existing resources.*
4. *Establish and resource a committee of council with representation from all groups that participated in the Community Consultation process especially the significant stake holders such as the Traditional Owners, Australia's North West Tourism, Environs Kimberley and the Police Dept to effectively engage the community to develop a Cable Beach Motor Vehicle Management Policy.*
5. *Establish a Terms of Reference for the committee that includes researching relevant environmental and social information and implements broad based community engagement.*
6. *Request that the CBMVP be amended to reflect the foregoing and brought back to council for adoption.*

AMENDMENT TO MOTION

Moved: Cr A K Grosse

Seconded: Cr M L B Albert

That the word "interim" be inserted in point 2 after the word "the" and before the word "Cable".

AMENDMENT MOTION WITHDRAWN

MOTION WITHDRAWN

Moved: Cr C M Maher

Seconded:

That Council:

- 1. Adopts the officer report recommendation with deletion of items D, E, F, G and amending items A and C so that the requirement for, and references to, a permit for driving on the beach are removed.**
- 2. Requests the CEO to advise staff and the public that control of driver behavior on the beach will continue within existing resources.**
- 3. Establish and resource a committee of council with representation from all groups that participated in the Community Consultation process especially the significant stake holders such as the Traditional Owners, Australia's North West Tourism, Environs Kimberley and the Police Dept to effectively engage the community to develop a Cable Beach Motor Vehicle Management Policy.**
- 4. Establish a Terms of Reference for the committee that includes researching relevant environmental and social information and implements broad based community engagement.**

MOTION WITHDRAWN

Moved: Cr C M Maher

Seconded: Cr C R Mitchell

That Council:

- 1. Requests the CEO to advise staff and the public that control of driver behavior on the beach will continue within existing resources**
- 2. Establish and resource a committee of council with representation from all groups that participated in the Community Consultation process especially the significant stake holders such as the Traditional Owners, Australia's North West Tourism, Environs Kimberley and the Police Dept to effectively engage the community to develop a Cable Beach Motor Vehicle Management Policy.**
- 3. Establish a Terms of Reference for the committee that includes researching relevant environmental and social information and implements broad based community engagement.**

FOR: 5
AGAINST: 3

CARRIED

The CEO advised that Part B to F of the Report Recommendation is not required to be put on the table in light of the rescinding motion.

[Attachment: 47 pages](#)

9.2.2 HORSES ON CABLE BEACH POLICY

LOCATION/ADDRESS:	N/A
APPLICANT:	N/A
FILE:	CDE36
AUTHOR:	Director Community Services
CONTRIBUTOR/S:	N/A
RESPONSIBLE OFFICER:	Director Community Services
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	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
Approvals from stabling to beach.	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.
Length of time for approval	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.

COUNCIL RESOLUTION

Moved: Cr C R Mitchell

Seconded: Cr C M Maher

That the Report Recommendation be adopted.

AMENDMENT TO MOTION

Moved: Cr G T Campbell

Seconded: Cr A K Grosse

That "1 May" be replaced with "17 April" at (k) under the conditions.

FOR: 7

AGAINST: 1

AMENDMENT MOTION CARRIED

MOTION CARRIED UNANIMOUSLY

[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.

Item 9.4.1 was withdrawn.

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

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

COUNCIL RESOLUTION

Moved:

Seconded:

FOR:

AGAINST:

[Attachment: 7 pages](#)

Moved: Cr V L Wevers

Seconded: Cr C M Maher

That Council issue a vote of thanks to the community members who responded to the Vehicle on the Beach Management Policy.

CARRIED UNANIMOUSLY

11. NOTICES OF MOTION

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

13. MATTERS BEHIND CLOSED DOORS

14. MEETING CLOSURE

There being no further business, the Shire President declared the meeting closed at 4.24pm.