



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

**FOR MEETING OF THE
COASTAL PARK MANAGEMENT COMMITTEE**

02 JUNE 2005

SHIRE OF BROOME

**MINUTES FOR A MEETING OF THE
COASTAL PARK MANAGEMENT COMMITTEE**

2 JUNE 2005

INDEX

1. ATTENDANCE AND APOLOGIES	3
2. DECLARATIONS OF FINANCIAL INTEREST	3
3. PUBLIC QUESTION TIME	3
4. CONFIRMATION OF MINUTES	3
5. MATTERS SUBMITTED FOR CONSIDERATION	4
5.1 CAMEL OPERATORS: CABLE BEACH ACCESS ROUTE	4
5.2 MOORING OF BOATS & JET-SKIS, SOUTH CABLE BEACH	7
5.3 MICROLIGHT FLIGHTS LANDING ON CABLE BEACH	10
5.4 NOMINATIONS TO COASTAL PARK MANAGEMENT COMMITTEE	13
6. MEETING CLOSURE	14

1. ATTENDANCE AND APOLOGIES

The Chairperson declared the meeting open at 10.08am.

Attendance	Cr G T Campbell Cecelia Djiagween Richard Hunter Michael Corpus Gary Waldron	Chairperson Rubibi Rubibi Rubibi Community Representative
Apologies	Cr M L B Albert Cr V L Wevers Cr A K Grosse	Councillor Councillor Councillor
Officers	Ms Suzanne Lollback Ms Jillian McMahon	Director Community Services Council Secretary
Public Gallery	Frans Hoogland	

2. DECLARATIONS OF FINANCIAL INTEREST

Nil

3. PUBLIC QUESTION TIME

Nil

Note - Michael Corpus requested that Frans Hoogland be permitted to speak during the meeting. This was agreed to by consensus.

4. CONFIRMATION OF MINUTES

Moved: Michael Corpus

Seconded: Gary Waldron

That the Minutes of the Coastal Park Committee Meeting held on 7 April 2005 be confirmed as a true and accurate record of that meeting.

CARRIED UNANIMOUSLY

MATTERS ARISING

Moved: Gary Waldron

Seconded: Michael Corpus

- That Council write a letter on behalf of CPMC to Mr A Casley owner of Ships of The Desert, requesting that he no longer use the access route through Hidden Valley for his camels as requested by Rubibi.***
- That Council forward a copy of the letter to the Department of Planning and Infrastructure.***

CARRIED UNANIMOUSLY

5. MATTERS SUBMITTED FOR CONSIDERATION

5.1 CAMEL OPERATORS: CABLE BEACH ACCESS ROUTE

LOCATION/ADDRESS:	Minyirr Park, Stage 1 & Unallocated Crown Land
APPLICANT:	Rubibi
FILE:	
AUTHOR:	Ben Wurm & Damien Parriman
CONTRIBUTOR/S:	
RESPONSIBLE OFFICER:	
DISCLOSURE OF ANY INTEREST:	N/A
DATE OF REPORT:	20 May 2005

SUMMARY: Rubibi seeks a report on the implementation of the Committee recommendation on this matter, made on 7 April 2005.

BACKGROUND

The last meeting of the Coastal Park Management Committee on 7 April 2005 made a unanimous recommendation that Council:

- Ensures that the current licenced camel operators comply with the access route specified on the map.
- Supports the installation of appropriate signage, bollards & other measures in consultation with Rubibi on the Lullfitz Drive perimeter of Hidden Valley to address current illegal access by trail bikes.
- Installs camel traffic signs along the designated route.
- Reopens the public access route along the northern boundary of the Cable Beach Club.

On 12 April 2004, the Kimberley Land Council received a letter from the Shire Manager of Health Services advising that the Shire will not implement the recommendation until a review of all commercial & tourism activities on Cable Beach is completed by consultants. This review will apparently be completed in September 2005.

COMMENT

It is unclear whether or not the Committee's unanimous recommendation has ever been submitted to Council for resolution. It appears that it did not.

Rubibi is not aware of any impediment, either legal or policy, to the implementation of the recommendation.

In the meantime, important environmental and cultural heritage matters, including the responsibilities of the Shire and its licenced operators under of the *Aboriginal Heritage Act 1972* continue to be ignored. It should be noted that compliance with the *Aboriginal Heritage Act* is not a discretionary matter.

SHIRE OFFICER COMMENT

As the Coastal Park Management Committee has not met since the 7 April, the minutes are yet to be confirmed by the Committee. This is a requirement prior to the minutes being put to the Council for consideration.

The letter of 12 April 2005 was provided to KLC to inform them of the current position of the Council.

The review of all commercial and tourism activities on Cable Beach has commenced and Rubibi have been consulted.

In regards to the "*Reopens the public access route along the northern boundary of the Cable Beach Club*", the Committee should note that this is private land owned by the Cable Beach Club and beyond the control of Council. It is not a public route.

CONSULTATION

Shire consultation with licence camel operators to ensure compliance will be necessary.

STATUTORY ENVIRONMENT

Aboriginal Heritage Act 1972
Land Administration Act
Local Government Act
Native Title Act 1993-1998
Off-Road Vehicles Act

POLICY 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)

FINANCIAL IMPLICATIONS

Minor recurrent expenditure only (eg signage & bollards)
Breaches of the *Aboriginal Heritage Act* can incur fines

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

Consensus

RUBIBI RECOMMENDATION

That the Committee recommendation on 7 April 2005 be referred to Council for urgent action.

OFFICER RECOMMENDATION

That the minutes of the Coastal Park Management Committee of 7 April 2005 be referred to the Council once approved by the Committee.

COMMITTEE RECOMMENDATION

Moved: Gary Waldron

Seconded: Michael Corpus

That the minutes of the Coastal Park Management Committee of 7 April 2005 be referred to the Council once approved by the Committee.

CARRIED UNANIMOUSLY

[Attachment: 1 page](#)

5.2 MOORING OF BOATS & JET-SKIS, SOUTH CABLE BEACH

LOCATION/ADDRESS: Minyirr Park, Stage 1 & South Cable Beach
APPLICANT: Rubibi
FILE:
AUTHOR: Ben Wurm & Damien Parriman
CONTRIBUTOR/S:
RESPONSIBLE OFFICER:
DISCLOSURE OF ANY INTEREST: N/A
DATE OF REPORT: 20 May 2005

SUMMARY: Rubibi seeks Shire support for: (i) Relocation of all moorings off South Cable Beach and the Catalinas (Roebuck Bay) to the Port area; (ii) Access of vehicles to South Cable Beach for purpose of small recreational boat launching only. (iii) removal of jet-skis from south Cable Beach.

BACKGROUND

In the past, Rubibi has accepted that small, private, non-commercial, recreational dinghies may be launched from southern Cable Beach, in front of the Broome Turf Club. It is only for the purpose of launching these small dinghies that Rubibi has accepted that cars may access southern Cable Beach. Rubibi has never supported the establishment of any commercial boating activity in the Gantheaume Point (*Minyirr*) area.

COMMENT

Rubibi is concerned at the increased use of the waters off southern Cable Beach/Gantheaume Point and in the mangroves off the Catalinas townhouses (Roebuck Bay) as mooring areas for commercial charter boats, visiting yachts, cabin cruisers and other large watercraft.

Rubibi would like these moorings relocated to the designated Port Area at Entrance Point.

In addition, Rubibi is very concerned at incursion of jet-skis south into the waters off southern Cable Beach, with associated detriment to the environmental, heritage and tourism values of Cable Beach. While the existing jet-ski operator retains a licence, Rubibi seeks that they be limited to waters off central Cable Beach.

SHIRE OFFICER COMMENT

The issue of moorings is the responsibility of the Broome Port Authority and the Department of Planning and Infrastructure. It is therefore recommended that Rubibi refer their concerns with regards moorings to the Broome Port Authority and the Department of Planning and Infrastructure.

The issue of commercial activities on Cable Beach is the subject of a review currently being carried out of all commercial and tourism activities on Cable Beach. Rubibi has been consulted and it is recommended that the Council consider this subject as part of the review process.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Aboriginal Heritage Act 1972
Land Administration Act
Local Government Act
Native Title Act 1993-1998

POLICY 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)

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

Consensus

RUBIBI RECOMMENDATION

That Council ensure that

- (i) all mooring of boats is relocated to the Port area.*
- (ii) vehicle access to south Cable Beach be restricted to launching of small, private, recreational boats.*
- (iii) launching of boats for commercial activities on South Cable Beach is prohibited.*
- (iv) existing Jet-Ski use is limited to waters off central Cable Beach.*
- (v) large boats offshore from 'The Catalinas' be relocated to moorings at the Port area.*

OFFICER RECOMMENDATION

- 1. That Rubibi refer the matter of mooring of boats to the Broome Port Authority and the Department of Planning and Infrastructure.*
- 2. That the matters pertaining to commercial activities on Cable Beach be referred to the Shire's review process of all commercial and tourism activities on Cable Beach.*

COMMITTEE RECOMMENDATION

Moved: Richard Hunter

Seconded: Cecilia Djiagween

That:

- 1. A working group of the CPMC be formed to discuss marine planning issues.**
- 2. Michael Corpus, Cecelia Djiagween, Richard Hunter, Cr Graeme Campbell, Cr Nik Wevers and Cr Allan Grosse be members of the working group.**
- 3. The matters pertaining to commercial activities on Cable Beach be referred to the Shire's review process of all commercial and tourism activities on Cable Beach.**

CARRIED UNANIMOUSLY

5.3 MICROLIGHT FLIGHTS LANDING ON CABLE BEACH

LOCATION/ADDRESS: Minyirr Park, Stage 1
APPLICANT: Rubibi
FILE:
AUTHOR: Ben Wurm & Damien Parriman
CONTRIBUTOR/S:
RESPONSIBLE OFFICER:
DISCLOSURE OF ANY INTEREST: N/A
DATE OF REPORT: 20 May 2005

SUMMARY: Rubibi seeks shire support in regulating flight patterns of the Microlight flights during the Dry Season (May – November).

BACKGROUND

Rubibi is concerned about commercial Microlight flight during *Wirralburu* and *Barrgana* (the May – November 'Dry Season') are impacting on the seasonal migration of brolgas west to Willie Creek, Coconut Wells, Buckley Plain and Cable Beach to mate and feed on the in-season bush onion. In addition, the microlight flights land on the beach at Coconut Wells.

COMMENT

Modification of the existing flight path of the microlights would minimize disruption to the breeding pattern of brolgas.

Microlight landings on the beach at Coconut Wells are inconsistent with the environment and cultural heritage values of the area, as well as public amenity and safety.

Rubibi seeks Shire support for (i) a prohibition on landings by microlights on Cable Beach, north to Coconut Wells and (ii) modification of the existing flight path (s).

SHIRE OFFICER COMMENT

The issue of commercial activities on Cable Beach is the subject of a review currently being carried out of all commercial and tourism activities on Cable Beach. Rubibi has been consulted and it is recommended that the Council consider this subject as part of the review process.

It is recommended that Rubibi contact the Broome International Airport and Civil Aviation Safety Authority and raise their concerns regarding the flight paths of microlights as flightpaths are not under the jurisdiction of the Shire.

CONSULTATION

Shire communication with Transport Branch of the Department for Planning & Infrastructure and licenced microlight operator(s).

STATUTORY ENVIRONMENT

Aboriginal Heritage Act 1972
Land Administration Act
Local Government Act
Native Title Act 1993-1998

POLICY 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)

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

Consensus

RUBIBI RECOMMENDATION

That Council take action to ensure (i) a prohibition on landings by microlights on Cable Beach, north to Coconut Wells and (ii) modification of the existing flight path (s) of microlights to minimize disruptions to birdlife.

OFFICER RECOMMENDATION

That the matter pertaining to commercial activities on Cable Beach be referred to the Shire's review process of all commercial and tourism activities on Cable Beach.

That Rubibi contact the Broome International Airport and Civil Aviation Safety Authority and raise their concerns regarding the flight paths of microlights as flight paths are not under the jurisdiction of the Shire.

COMMITTEE RECOMMENDATION

Moved: Michael Corpus

Seconded: Richard Hunter

That:

- 1. The matter pertaining to commercial activities on Cable Beach be referred to the Shire's review process of all commercial and tourism activities on Cable Beach.**

2. *That the Shire contact relevant authorities regarding the flight paths and landing rights of microlights and report back to the next CPMC meeting.*

CARRIED UNANIMOUSLY

5.4 NOMINATIONS TO COASTAL PARK MANAGEMENT COMMITTEE

LOCATION/ADDRESS: Minyirr Park
APPLICANT: Rubibi
FILE:
AUTHOR: Damien Parriman
CONTRIBUTOR/S:
RESPONSIBLE OFFICER:
DISCLOSURE OF ANY INTEREST: N/A
DATE OF REPORT: 20 May 2005

SUMMARY: Rubibi nominates Ben Wurm and Rebecca Edwards to replace Ian Irving and Krysti Guest as Rubibi Members (and Deputies) on the Coastal Park Management Committee.

BACKGROUND

The Coastal Park Management Committee is comprised of 10 Members, five nominated by the Shire and five nominated by Rubibi.

COMMENT

Rubibi seeks to replace as a Rubibi Member on the Committee Ian Irving with Rebecca Edwards and as a Deputy Member, Krysti Guest with Ben Wurm.

OFFICER COMMENT

This agenda item could be submitted directly to the Council. This would expedite the adoption of the membership prior to the minutes of the Committee being adopted at the next Committee meeting.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Aboriginal Heritage Act 1972
 Land Administration Act
 Local Government Act
 Native Title Act 1993-1998
 Off-Road Vehicles Act

POLICY 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)

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

Consensus

RUBIBI RECOMMENDATION

That Council endorse the nomination of Ben Wurm and Rebecca Edwards to the Coastal Park Management Committee.

OFFICER RECOMMENDATION

1. *That the Agenda Item be put directly to the Ordinary Council Meeting scheduled for 14 June 2005.*
2. *That Council endorse the nomination of Ben Wurm and Rebecca Edwards to the Coastal Park Management Committee.*

COMMITTEE RECOMMENDATION

Moved: Gary Waldron

Seconded: Michael Corpus

This agenda item was directed to Council and thus there is no committee recommendation

CARRIED UNANIMOUSLY

OTHER BUSINESS

1. Graeme Campbell tabled the resolution by Council of 24 May 2005 concerning the continuation of the CPMC and the invitation to Rubibi to meet with Councillors and staff to provide a briefing on the history and status of the registered Rubibi claim.
2. Michael Corpus provided a brief overview with regard to Rubibi being the only registered native title claimants.

6. MEETING CLOSURE

There being no further business the meeting closed at 11.37am.