

## DETERMINATION

1. The Shire makes the following determination to be read in conjunction with the determinations found in clause 2.2 of Schedule 2 of the Shire's *Local Government Property Local Law 2013*.

**Cave** includes any hollow in any cliff face, any cavern or overhang.

- (1) No person is to-
  - a) Enter any cave on local government property including but not limited to Reserve 41545 without prior written authorisation of the local government;
  - b) Deface, destroy, damage or alter any cave on local government property.
- (2) A person, who an authorised officer suspects of entering or defacing any cave, must leave the area where the cave is located if an authorised person makes such a request.
- (3) No person is to traverse any local government land located on Reserve 41545 east of the Cape to Cape track and north east of Wallcliffe road as shown in the schedule 1 to this determination.

Nothing in this determination should be construed to restrict any right of access and 'traditional use' under the *Aboriginal Heritage Act 1972*.

2. The determination found at clause 2.5 of Schedule 2 of the Shire's *Local Government Property Local Law 2013* is revoked and replaced with the following determination.

### **2.5 Launching and retrieval of boats**

- (1) Subject to sub clause 4, no person must launch, beach or leave a boat from any local government property that adjoins the Margaret River west of Caves Road other than in designated areas set aside for the purpose of launching, beaching or leaving of boats by this determination.
- (2) The following areas are designated areas set aside for the purpose of launching beaching or leaving of boats by this determination:
  - i. Anywhere along the existing sand track on the water side of the fence line but not more than 300m north of the River Mouth carpark on Reserve 41545; and
  - ii. 20m east and 50m west of the Margaret River Rowing Club building located on Reserve 43268; and
  - iii. On the foreshore at the clearing to the west of the Cliffs/Cave on Reserve 41545
- (3) Subject to sub clause 4, a person may not launch beach or leave any motorised boat from any local government property.
- (4) A Person in control of a boat does not breach this determination where -
  - (a) the person has a permit issued under the Local Law or written authorisation from the local government permitting the launching beaching or leaving of boats;
  - (b) the person is a local government employee or contractor acting in the course of their duties;
  - (c) the person is engaged in rescue service or dealing with an emergency;
  - (d) the local government property is a boat ramp delineated as such site by a sign to that effect.
- (5) A person in control of the boat shall remove it from any area upon immediate direction to do so by an authorised person.

**Schedule 1 – Portion of Reserve 41545 east of the Cape to Cape track and north east of Wallcliffe Road where traversing is prohibited**

