

Carnarvon-Ningaloo Coast: Governance Models Discussion Paper

**Prepared for the
Western Australian Planning Commission**

**by
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**as part of the public consultation process for the
Carnarvon-Ningaloo Coast Regional Strategy**

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Introduction

This discussion paper focuses on various governance models, which may be of interest in connection with the draft Carnarvon-Ningaloo Coast Regional Strategy.

This discussion paper considers in two aspects:

1. Management; and
2. Planning

Management

In October 2002, public attention was drawn to the subject of possible future management arrangements for this area when the Environmental Protection Authority released Bulletin 1073 on the proposed Coral Coast Resort development at Mauds Landing. In the Summary and Recommendations section of the report (at page xiii), the EPA stated:

"The EPA notes that in other areas of the State and Australia, management of areas of exceptional environmental and social value is overseen and/or undertaken by specific management entities, such as the Rottnest Island Authority and the Great Barrier Reef Marine Park Authority. Some consideration should be given to this approach to management of the Ningaloo Marine Park and adjacent coastal areas."

There are only five examples of *specific management entities*, which have been identified around Australia, which could have some relevance and be of interest in considering future management models for this area. These relate to the management of:

- the Great Barrier Reef
- Rottnest Island
- Phillip Island
- the Wet Tropics World Heritage Area
- the Shark Bay World Heritage Area

It is suggested that neither of the first two agencies cited by the EPA may be appropriate models. However, they are not supported within this paper for the following reasons:

1. The Great Barrier Reef Marine Park Authority is a Commonwealth agency established by Commonwealth legislation. It has 165 staff, a budget of \$32.5 million and is, fundamentally, a policy-making and planning body, as day-to-day management of the marine park is undertaken by the Queensland Parks and Wildlife Service.
2. The Rottnest Island Authority whilst a more appropriate management model than the Great Barrier Reef Marine Park Authority because it is very much involved in day-to-day management, it is none the less, focused mainly on providing accommodation and tourist services to visitors in a relatively small area. It employs approximately 100 staff and has a budget of \$24.5 million.

Table A provides an overview of the features of the five identified models, based on material collected from relevant internet websites and other sources which provide additional information about each of these bodies.

TABLE A - MANAGEMENT ORGANISATIONS OF INTEREST

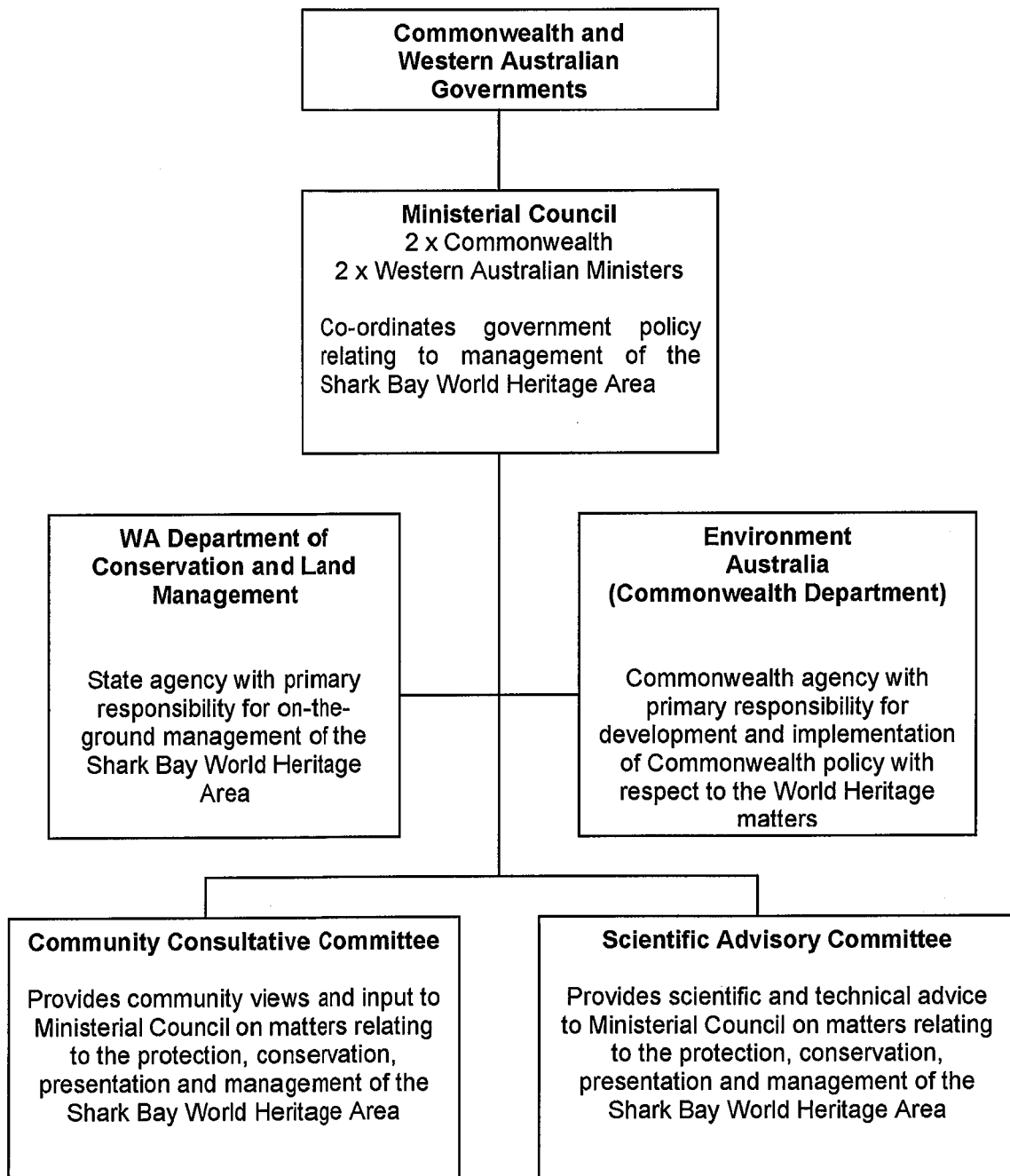
	Legislation	Staff	Funding	Role
Great Barrier Reef Marine Park Authority	<i>Great Barrier Reef Marine Park Act 1975</i> (Commonwealth)	105	\$32.5 million	Protects the natural qualities of the Great Barrier Reef. NOTE: Queensland Parks and Wildlife Service carry out day-to-day management.
Rottnest Island Authority	<i>Rottnest Island Authority Act 1987</i> (WA)	100	\$24.5 million	Provides and operate recreation facilities, while protecting the natural environment and flora and fauna.
Phillip Island Nature Park	<i>Crown Lands (Reserves) Act 1978</i> (Victoria)	102	\$11 million	Provides tourism experiences and protects the natural environment and flora and fauna.
Wet Tropics World Heritage Area	<i>Wet Tropics Protection and Management Act 1993</i> (Qld) <i>Wet Tropics of Queensland World Heritage Conservation Act 1994</i> (Commonwealth)	30	\$8.5million	Protects the natural qualities of the World Heritage Area. NOTE: the Queensland Parks and Wildlife Service carry out day-to-day management.
Shark Bay World Heritage Area	Commonwealth/State Agreement	(Conservation and Land Management District) 10.5	(CALM district) \$.67 million (recurrent 2002/03)	Commonwealth has overall obligations under the World Heritage Convention. The Department of Conservation and Land Management carry out day-to-day management.
Current Arrangements				
Conservation and Land Management Exmouth District	<i>Conservation and Land Management Act 1985</i>	16.5	\$.95 million (recurrent 2002/03)	Day-to-day management of Ningaloo Marine Park and Cape Range National Park.

Comments on the other three examples identified are:

3. Phillip Island Nature Park is managed by a not-for-profit self-funded management agency established under Victoria's *Crown Lands Act 1978*. It is an interesting example, but the area managed is not comparable – the island is a relatively short drive from Melbourne and the agency has a good income stream based largely on its penguin colony as well as its other tourist attractions.
4. The Wet Tropics World Heritage Management Authority is a Commonwealth/Queensland agency, which has a staff of 30 and a budget of \$8.5 million. It is fundamentally a policy-making and planning body, as day-to-day management of the World Heritage Area is undertaken by the Queensland Parks and Wildlife Service.

5. The Shark Bay World Heritage Area was mentioned in passing by the EPA in its report and is of interest, but it is not directly comparable as it is a World Heritage Area and therefore has Commonwealth involvement. CALM is the primary State Government agency responsible for day-to-day management of the Shark Bay World Heritage Area. The relationship between the Commonwealth and the State and the relevant World Heritage Committees is shown in Figure A. In the event that all or some of the Carnarvon-Ningaloo Coast becomes a World Heritage Area in the future, a management structure similar to Shark Bay could be expected to be established. (A Coral Coast Parks Advisory Committee, already in existence, provides community input in respect of the conservation reserves on the North West Cape and Ningaloo Marine Park.)

FIGURE A - RELATIONSHIP BETWEEN THE COMMONWEALTH AND THE STATE AND THE RELEVANT WORLD HERITAGE COMMITTEES



The most common model elsewhere in Australia is that national parks and significant natural areas are managed by the relevant parks agency of each State.

Unless there was a likelihood of a new *specific management entity* attracting substantial external funds for management, there is not a compelling case for a new management agency to be created for this stretch of coast. A new agency would result in duplication and would divert scarce resources into administrative overheads, which could be utilised better for on-the-ground management.

An option involving existing bodies would be joint management of the coastal strip by the two local governments – the Shire of Carnarvon and the Shire of Exmouth. Part 3 of the *Local Government Act 1995* provides for local governments to perform a function for each other, or to act jointly, or to establish a regional council for a particular purpose. However, there are substantial resource implications and given their limited resources base it is doubtful that on their own either of the local governments concerned of their capacity could take on the prime management role of this area and it would not be a favoured option.

Although there is no compelling case for a new "*specific management entity*" to be created, if it were to be supported, the findings and recommendations of the Machinery of Government Taskforce, which was set up by the State Government in 2001, would have to be taken into account. The Taskforce commenced a review of the departments, statutory authorities, boards and committees in the Western Australian public sector.

In its report of June 2001, the taskforce recommended a package of proposals designed to enhance the operation of the machinery of government in this State. The taskforce stated in the executive summary of its report that it had "*found that the number of statutory authorities in Western Australia is excessive. Statutory authorities are inflexible, cumbersome and unresponsive to changing administrative needs. The greater independence of statutory authorities from governments can also compromise appropriate accountability.*" Consequently, the report made the following recommendation on statutory authorities:

"RECOMMENDATION 8: A statutory authority should be established only if its proposed functions cannot be performed by a department or it would be inappropriate for them to be performed by a department."

The recommendations of the taskforce were endorsed by the Government on 18 June 2001 thus providing a Government stance that the number of statutory authorities should be reduced, rather than increased.

A further consideration is that the Western Australian Planning Commission's Statement of Planning Policy No.2.6 State Coastal Planning Policy in Section 5.1 states:

"Local and regional planning strategies, structure plans as well as other planning decisions and instruments relating to the coast should:

- (vii) *support vesting of the coastal foreshore reserve in the relevant local government for the purposes of foreshore management and recreation. Where the land has significant conservation value, vesting should generally be with the State body responsible for the conservation estate."*

All the foregoing points to the existing State Government department, Department of Conservation and Land Management being given the prime management responsibility for the coastal strip. It is the Government department set up to manage the State's national parks, marine parks, conservation parks, regional parks, State forests, timber reserves, nature reserves and marine nature reserves. It already manages Cape Range National Park and Ningaloo Marine Park, which represent a significant proportion of the area under review.

On 28 November 2002, the Minister for Planning and Infrastructure announced that a two-kilometre wide strip of land would be excised from the pastoral stations abutting the Carnarvon-Ningaloo Coast. As the prime purpose of the future use of the strip is to be conservation/recreation, it

seems logical that the section which abuts the existing Ningaloo Marine Park be added to the park. Furthermore, in the event that the proposed southern extension of the park proceeds, that section of the strip between Amherst Point and Red Bluff also should be added to the enlarged park. As a terrestrial component of the marine park, all that portion of the strip north of Red Bluff automatically would become vested in the Marine Parks and Reserves Authority and be managed by CALM. It would seem appropriate that the remaining portion of the strip south of Red Bluff be reserved as a Conservation Park – which would adequately provide for conservation/recreation/coastal protection. It would thereby be automatically vested in the Conservation Commission of WA and be managed by the Department of Conservation and Land Management.

The Department of Conservation and Land Management becoming the prime management authority would not exclude the active involvement of the lessees of the adjacent pastoral stations or local indigenous interests. There are more than adequate powers in the *Conservation and Land Management Act 1985* for co-operative arrangements to be entered into. In the case of pastoralists who have responded to past community demands and have provided access and basic facilities to visitors, there is no reason why this could not continue if mutually satisfactory working arrangements could be agreed upon between them and Department of Conservation and Land Management, with approvals provided by the relevant government agencies and local government.

To ensure that there is integrated and consistent management of the coast, it is recommended that the whole coastal strip (including the Blowholes area) be managed by the Department of Conservation and Land Management. However, it is understood that the Shire of Carnarvon has strong views about retaining management responsibility for the Blowholes area and wishes to retain control of the *Land Administration Act 1997* reserves for which it holds the vesting. Provided CALM and the shire can come to an understanding about consistent management strategies, the current management arrangements for the Blowholes may continue.

The other significant exception to integrated management of the coastal strip is the Commonwealth's bombing range – Lyndon Location 97 – which will become sandwiched between the proposed northernmost excision from Ningaloo Station and Cape Range National Park. In 1974, the Environmental Protection Authority's Conservation Through Reserves Committee recommended that this area be added to the park. At that time, the area was vacant Crown land, having previously been part of the former Yardie Creek Station. However, prior to that occurring, the Commonwealth acquired the area for use as a bombing range in 1975. Changes have occurred over the past 28 years, with the various initiatives under way for the future of the Carnarvon-Ningaloo Coast. It is therefore considered appropriate to return Lyndon Location 97 to the State, by adding a coastal strip to Ningaloo Marine Park and the balance to Cape Range National Park.

Planning

The core planning reports/documents which relate to the area are located in the References and Appendix 2 - Previous Studies of the Future Directions Paper.

A decision to move towards the Department of Conservation and Land Management becoming the prime management agency for the coastal strip will simplify overall planning requirements, as it would result in almost all of the conservation/recreation aspects of the coastal strip being covered by – at the most – three management plans prepared under the *Conservation and Land Management Act 1985*. The management planning process under the Act requires a comprehensive public consultation process, adoption by the vested body (Conservation Commission or Marine Parks and Reserves Authority) and final approval by the Minister for the Environment. The process would be co-ordinated by CALM. This should only leave the Blowholes area and Coral Bay settlement to be treated as separate units. Both of these units are located within the Shire of Carnarvon and both are subject to provisions of the *Shire of Carnarvon District Zoning Scheme No. 11*.

The Blowholes area comes within Part II of the scheme – "Reserves". The scheme text is too general when considering the planning and future development of the Blowholes area. However,

the situation was dealt with in some detail in the draft Carnarvon Coastal Strategy (July 2001). Three options were discussed and "Low-Key Development" was the preferred option. Each option required the removal of the existing squatter shacks, in accordance with the State Squatter Policy. Since then, the shire has prepared a concept plan for the area, which is currently under consideration. The future of this area will be dealt with in the draft Carnarvon-Ningaloo Coast Strategy and any development should then proceed in accordance with the strategy. The shire's commitment to the proposed strategy will be an important element in its implementation.

A need has been identified for appropriate servicing and planning at Coral Bay for many years and the existing uncertainty needs to be addressed. The Coral Bay Taskforce Report on Infrastructure Requirements for Coral Bay was released in December 1996 and clearly set out a plan for the future of Coral Bay. It worked from the basic premise that Coral Bay should not become a conventional townsite but should remain as a "settlement" – a tourism node – catering for up to 3,000 overnight and day-use visitors. A Settlement Plan commissioned by the shire was prepared to support an amendment to District Planning Scheme No. 11. Amendment 2 was published in the *Government Gazette* on 12 May 1998 and introduced a "Coral Bay Settlement Zone" into the scheme. It included development provisions to provide guidance in dealing with development applications and clearly indicated that any development required connection to public water supply and effluent disposal. The only exceptions could be where the shire considered that a development was a minor extension to an existing activity.

Although these specific provisions in the Scheme should have meant that development decisions would be reasonably clear-cut, but for a number of reasons the decisions have been complex. Essential services such as sewerage, water and power are still to be resolved. It is perceived that certainty will come with the release of the draft Carnarvon-Ningaloo Coast Strategy and announcements by the Premier of what package of initiatives the Government will provide for the whole coast.

In relation to the appropriate governance of Coral Bay, this logically should be the responsibility of local government. Coral Bay is currently located within the Shire of Carnarvon. It is however closer to Exmouth and relates to both Exmouth and Carnarvon. Shire boundaries are unlikely to change, without a coordinated approach by all three communities.

The 1998 Coral Bay Settlement Plan (commissioned by the Shire of Carnarvon) raised the possibility of creating a Coral Bay Management Authority consisting of State Government, local government and private stakeholders to manage worker accommodation (and other critical areas). Rather than set up a redevelopment or management authority, the State should be prepared to provide the Shire short-term technical support to cope with any planning or development problems.

As a further back up or safeguard, it might be prudent to emphasise in the District Zoning Scheme that any proposed development at Coral Bay be in accordance with an updated Settlement Plan which will form a part of the draft Carnarvon-Ningaloo Coast Strategy and maybe even require that applications also require the approval of the Western Australian Planning Commission. This sensitive issue would need careful management. In its favour, it would use existing planning mechanisms and structures, instead of setting up a new development authority, issuing an interim development order or developing a Statement of Planning Policy specifically for Coral Bay.

Further Issues

Although the following matters may not come directly within the terms of this discussion paper, they have arisen through investigation and so included as matters of interest, which may assist those further involved in the development of the draft Carnarvon-Ningaloo Coast Strategy.

- At present, there is a proposal under consideration, which will make changes to the *Shire of Carnarvon District Zoning Scheme No 11*. The proposal includes changes to the Special Use zone – particularly relating to what developments may occur on the coastal pastoral stations; the Resort Development zone – which relates to possible developments at Mauds Landing and Coral Bay; and the Coral Bay Settlement zone. The proposed changes will provide useful guidance and improved

planning controls pending the completion of the Strategy. The Western Australian Planning Commission will consider this amendment.

- World Heritage listing of the Carnarvon-Ningaloo Coast was in the Government's election policy. However, listing is a lengthy process and it would not be appropriate to see listing as a remedy and source of significant Commonwealth funding. There is a need to progress planning for this area without reliance on listing. Further planning will improve the likelihood of listing being achieved.
- A key initiative in the overall plan for the coast is the proposed excisions from the adjacent pastoral stations. Although the parties have until December 2004 to negotiate exact boundaries and come to arrangements for management, this process should be given a high priority and the excisions actioned as soon as possible.
- It would seem prudent that the draft Carnarvon-Ningaloo Coast Regional Strategy recommend that a Carnarvon-Ningaloo Coast Co-ordinating Committee be established to co-ordinate and oversee the implementation of recommendations, which flow from the Strategy. The committee should comprise State Government, local government and community interests. The committee should have a limited life of three years.