

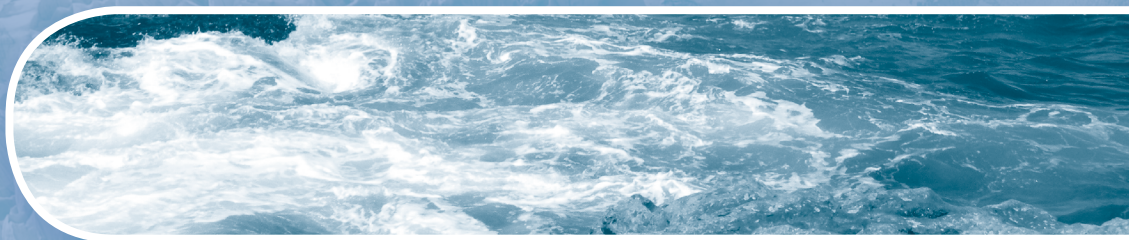


Department of Planning,
Lands and Heritage



Western
Australian
Planning
Commission

FUTURE DIRECTIONS for the
Ningaloo Coast
Regional Strategy
Carnarvon to Exmouth



PAPER FOR PUBLIC COMMENT

JANUARY 2019



Disclaimer

This document has been published by the Department of Planning, Lands and Heritage on behalf of the Western Australian Planning Commission. Any representation, statement, opinion or advice expressed or implied in this publication is made in good faith and on the basis that the government, its employees and agents are not liable for any damage or loss whatsoever which may occur as a result of action taken or not taken, as the case may be, in respect of any representation, statement, opinion or advice referred to herein. Professional advice should be obtained before applying the information contained in this document to particular circumstances.

© Western Australian Planning Commission

Published by the
Western Australian Planning Commission
Gordon Stephenson House
140 William Street
Perth WA 6000

Locked Bag 2506
Perth WA 6001

Published January 2019

website: www.dplh.wa.gov.au
email: corporate@dplh.wa.gov.au

tel: 08 655 19000
fax: 08 655 19001
National Relay Service: 13 36 77

The Department of Planning, Lands and Heritage owns all photography in this document unless otherwise stated.

This document is available in alternative formats on application to Communication Services.



Table of contents

1	Introduction	1
1.1	Consultation	3
2.	Background	3
3	Planning context	4
3.1	Regional and sub-regional land-use planning	5
3.2	Local level land-use planning	6
3.3	Other processes	6
4.	Effective status of the Ningaloo Coast Regional Strategy Carnarvon to Exmouth	8
4.1	Part one – Ningaloo Coast Regional Strategy	9
4.2	Part two – Ningaloo Coast Statement of Planning Policy 6.3	14
5.	Next steps	12
	Public submission form	13

Figures

Figure 1:	Ningaloo coast study area	3
-----------	---------------------------	---

Tables

Table 1:	Applicable planning processes occurring since the release of the SBRS	5
----------	---	---

1 Introduction

The *Ningaloo Coast Regional Strategy Carnarvon to Exmouth* (NCRS) was released by the Western Australian Planning Commission (WAPC) in 2004. The NCRS is a strategic land use plan that sets a planning framework for sustainable tourism and land use within the Ningaloo coast study area (**Figure 1**). Since its release, there has been significant advancement in the regional and local planning frameworks in the Gascoyne.

This paper has been prepared by the Department of Planning, Lands and Heritage in response to relevant actions from the *Gascoyne Regional Planning and Infrastructure Framework* (WAPC, 2015) and *Gascoyne Coast Sub-regional Strategy* (WAPC, 2018) that propose to consider the future direction of the NCRS. As part of this overall objective, this paper examines the current effective status of the applicable components of the NCRS in the context of the current planning framework applicable to the study area.

1.1 Consultation

This paper is now being advertised for public comment. The public comment period remains open until **29 March 2019**.

A public submission form is included at the end of this document or can be downloaded at www.dplh.wa.gov.au.

The WAPC will consider all feedback received through the public comment period. It is proposed the feedback received will assist the WAPC in determining an appropriate course for reviewing the status of the *Ningaloo Coast Regional Strategy Carnarvon to Exmouth* as a policy position of the Commission.

2 Background

The *Ningaloo Coast Regional Strategy Carnarvon to Exmouth* (NCRS) provides a strategic land use plan that sets a planning framework for sustainable tourism and land use. The NCRS provides for key outcomes including:

- the dispersal of tourism away from unmanaged, potentially environmentally harmful camping, into small scale, low impact, managed nodes along the coast;
- district-level structure planning for the settlements of Carnarvon and Exmouth;
- the provision of detailed planning and infrastructure delivery for Coral Bay, to ensure long-term environmental sustainability; and
- detailed planning and environmental guidelines to assess future development.

The NCRS was released by the WAPC in 2004. An audit of the Strategy's implementation was undertaken by the then-Department of Planning in 2011, with the findings considered by the WAPC Gascoyne Regional Planning Committee. This audit established that actions and guidelines contained in the NCRS had largely been completed, substantially progressed or superseded by other projects and initiatives. Since this time, there has been even further progression and completion of regional and local plans, infrastructure delivery and other relevant projects and processes.

For example:

- declaration of the Ningaloo Coast World Heritage Area in 2011;
- development of regional and sub-regional land-use planning instruments by the WAPC, including the *Gascoyne Regional Planning and Infrastructure Framework* and the *Gascoyne Coast Sub-regional Strategy*;
- development of new local planning strategies and schemes for the shires of Carnarvon and Exmouth;
- progression of district and local-level structure planning by the shires of Carnarvon and Exmouth;
- finalisation of the Coral Bay Settlement Structure Plan;

- the renewal of pastoral leases in 2015, resulting in the excision of a coastal strip from leasehold properties in the study area, which is proposed to form a conservation and recreation reserve;
- management planning, including processes undertaken by the Department of Biodiversity, Conservation and Attractions for current reserves of the State conservation estate and proposed additions;
- investigation into and planning for a proposed expansion of the Carnarvon horticultural precinct; and
- native title processes.

The applicable planning processes outlined above are further detailed in section 3 of this paper.

In particular, since the release of the NCRS, there has been a significant reconfiguration of land tenure along the Ningaloo coast. This has predominantly occurred through the 2015 pastoral lease renewals process, which resulted in the excision of a coastal strip of land adjacent to the Ningaloo Marine Park from affected pastoral leases. Currently, the excised area is largely unallocated Crown land, however it is proposed to become a conservation and recreation reserve forming part of the State conservation estate. Notably, the subject area contains a number of current and proposed tourism and recreation sites that were identified in the NCRS.

In the context of the above, it is timely to consider the ongoing applicability of the NCRS, particularly in regard to contemporary regional and local planning currently in place within the study area.

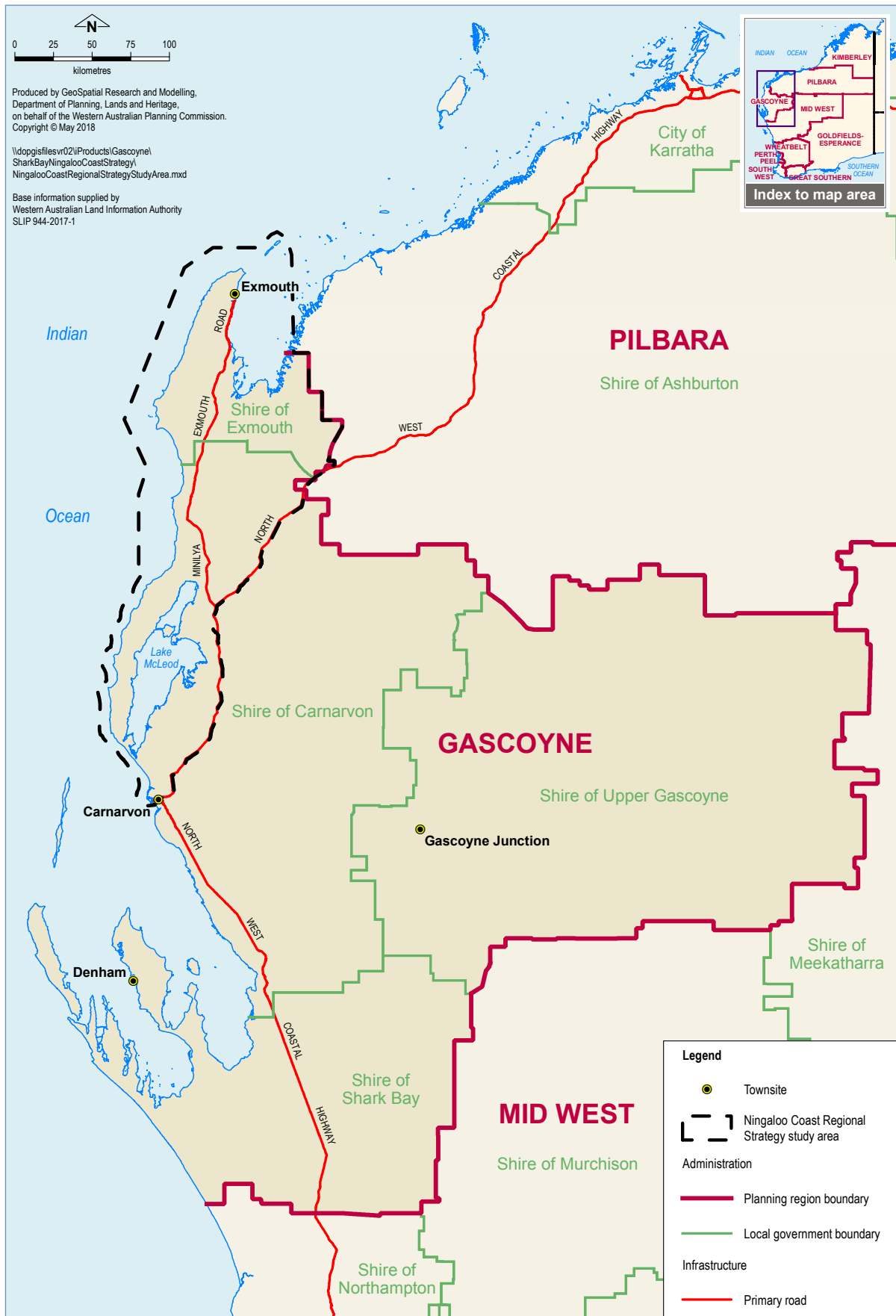


Figure 1: Ningaloo coast study area



3 Planning context

In the context of the State Planning Framework (State Planning Policy No. 1), the *Ningaloo Coast Regional Strategy Carnarvon to Exmouth* (NCRS) is identified as a WAPC-adopted regional strategy. Regional strategies are typically comprised of high-level land-use planning guidance to provide a regional-level perspective of relevant planning issues and considerations. This primarily serves to inform sub-regional and, in turn, local planning processes, including the preparation and review of local planning strategies and schemes.

It should be noted that as a regional planning document the NCRS is unusual in that certain elements of its scope are more typically the domain of other processes including local-level planning (such as structure plans and local planning strategies), management planning, tenure instruments and site masterplanning. Indeed, other legislation beyond planning legislation, such as the *Conservation and Land Management Act 1984* (CALM Act) and the *Land Administration Act 1997* (LA Act), guide administration of certain — and quite significant — components of the NCRS. This situation is indicative of the absence of

comprehensive strategic local planning frameworks and the perceived development pressures that existed at the time of the preparation of the NCRS; and the fact that outside the settlements of Carnarvon and Exmouth, virtually all of the study area is comprised of Crown land.

Since the release of the NCRS there has been significant advancement in the regional and local planning frameworks in the Gascoyne. Relevant processes occurring since 2004 are summarised in **Table 1**.



Table 1: applicable planning processes occurring since the release of the NCRS

			Plan		
Planning and Development Act 2005	WAPC strategic planning processes		Gascoyne Regional Planning and Infrastructure Framework	2015	final
			Gascoyne Coast Sub-regional Strategy	2018	final
	Local planning processes	Shire of Carnarvon	Babbage and Whitlock Islands Structure Plan	2014	final
			Carnarvon Airport Precinct Structure Plan	2014	final
			Coral Bay Settlement Structure Plan	2014	final
			East Carnarvon and Kingsford District Structure Plan	2015	final
			Gascoyne Food Bowl District Structure Plan	2017	final
			Local Planning Strategy	2017	final
			Local Planning Scheme No. 13 ¹	in preparation	
		Shire of Exmouth	Exmouth Townsite Structure Plan	2011	final
			Exmouth South Structure Plan	2013	final
			Local Planning Strategy	2016	draft
			Local Planning Scheme No. 4 ²	2016	draft
Other legislation	Other processes	Prepared under the CALM Act ³	Management Plan for the Ningaloo Marine Park and Muiron Islands Marine Management Plan	2005	final
			Cape Range National Park Management Plan	2010	final
			Coral Bay Foreshore Management Plan	2010	final
			Management planning for the proposed Ningaloo Coast reserve	in preparation	
			Management planning for the Pilbara inshore islands nature reserve	in preparation	
		Prepared under the EPBC Act ⁴	Ningaloo Coast Strategic Management Framework		
		Prepared under the LA Act	Various ⁵		
		Node masterplans	Blowholes Masterplan	2008	
			Red Bluff Node Masterplan	2008	
			Vlamingh Head Masterplan	2009	
			Blowholes Reserves Management Plan 2014–2036	2014	

Notes:

¹ Until a new local planning scheme is finalised and gazetted, the existing Shire of Carnarvon Town Planning Scheme No. 10 and Town Planning Scheme No. 11 will remain effective.

² Until a new local planning scheme is finalised and gazetted, the existing Shire of Exmouth Town Planning Scheme No. 3 will remain effective.

³ The *Jurabi, Bundegi Coastal Parks, and Muiron Islands Management Plan* (1999) is another management plan prepared under the CALM Act that is applicable to the NCRS study area.

⁴ The Australian Government's *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides for management planning of World Heritage properties.

⁵ Individual processes applicable to the study area are not individually identified in this table. Under the LA Act, management plans can be approved under s.49 for Crown reserves. Crown leases, such as pastoral leases and general leases, are subject to land-use controls stipulated in lease documentation, which are often reflected in local planning processes.



3.1 Regional and sub-regional land-use planning

The WAPC has recently finalised new regional and sub-level land-use planning instruments that take effect over the NCRS study area; the *Gascoyne Regional Planning and Infrastructure Framework* was finalised in 2015, and the *Gascoyne Coast Sub-regional Strategy* in 2018. The development of both of these instruments has involved public consultation processes, which attracted input from a breadth of stakeholders; including public, private and community stakeholder groups.

Importantly, the preparation of these planning instruments has involved close consideration of the NCRS to ensure that continuity is maintained where appropriate. Relevant aspects of the NCRS have been integrated, and updated where applicable, in the *Gascoyne Regional Planning and Infrastructure Framework* where it relates to regional level land-use planning, and the *Gascoyne Coast Sub-regional Strategy* where it relates to sub-regional level land-use planning. This is outlined in more specific detail in section 4 of this paper.

In the context of land-use planning decision making, where there is an overlap in the scope of the new instruments and the NCRS, the new instruments will generally take precedence as they are more up-to-date. Consequently, it is considered that where it relates to regional and sub-regional land-use planning, the NCRS has been effectively superseded by the *Gascoyne Regional Planning and Infrastructure Framework* and *Gascoyne Coast Sub-regional Strategy*.

3.2 Local level land-use planning

The NCRS was developed at a time when limited local level strategic land-use planning existed in the study area. In the absence of this, certain components of the NCRS are focused on local level planning issues in order to provide effective detailed guidance to inform local government planning processes, such as amendments to local planning schemes.

For instance, many of the actions and guidelines from the NCRS are considered to primarily concern local level planning matters and predominantly rely on implementation at a local level. Similarly, the type of the strategic land-use planning guidance provided by

the Carnarvon and Exmouth structure plans and the Coral Bay settlement plan in the NCRS is akin to what would typically exist in local government planning documents, such as local planning strategies and structure plans.

Since the release of the NCRS, the shires of Carnarvon and Exmouth have undertaken numerous processes to improve and update their local planning frameworks.

The local governments now have a reasonably comprehensive suite of up-to-date strategic local planning instruments that can effectively guide future settlement growth and associated local planning processes. In particular, both local governments have developed local planning strategies (Carnarvon finalised in 2017 and Exmouth advertised as a draft in 2016); and progressed several structure plans, including district level townsites structure plans for Exmouth and the Coral Bay Settlement Structure Plan.

Subsequent to the strategic processes, both local governments are also in the process of updating their local planning schemes.

Local planning processes including all relevant local planning strategies, schemes and structure plans are subject to some level of endorsement from the WAPC, in accordance with the *Planning and Development Act 2005*. In particular, plans are assessed in relation to their alignment with relevant Commission policy, which includes the NCRS; and in this regard, have been considered to reflect the strategic intent of the NCRS as it relates to local planning.

In considering the above, strategic local level land-use planning within the NCRS study area is generally considered to be most effectively facilitated through applicable local planning strategies and structure plans as these instruments are generally more up-to-date than the equivalent sections of NCRS (refer to section 4 of this paper for more detail). In this regard, where it relates to local planning processes, it is considered that where the NCRS has been effectively superseded by the local government planning frameworks of the shires of Carnarvon and Exmouth.





3.3 Other processes

For the purpose of this document, 'other processes' refers to applicable processes administered through legislation other than the *Planning and Development Act 2005*.

For example, the State conservation estate and other Crown land, including pastoral leases and unallocated Crown land, comprise virtually all of the land in the Ningaloo coast study area outside the settlements of Carnarvon and Exmouth. The administration of such areas is subject to legislative processes beyond planning legislation, including those stipulated in the *Conservation and Land Management Act 1984* (CALM Act) and the *Land Administration Act 1997* (LA Act).

Certain sections of the NCRS are predominantly focused on the planning and management of Crown land. Despite being outside the usual domain of regional land-use planning, these sections constitute significant components of the Strategy; and by virtue of being Crown land, their implementation relies on applicable administrative processes under other legislation as outlined above.

The CALM Act and LA Act both provide instruments that allow for the planning and management of Crown land that falls under their jurisdiction.

For instance, as per the CALM Act, the Department of Biodiversity, Conservation and Attractions (DBCA) prepare management plans for reserves comprising the State conservation system reserves on behalf of the Conservation and Parks Commission.

In accordance with the LA Act, the Minister for Lands approves management plans where applicable for Crown reserves. Crown leases, such as pastoral leases and other general leases, are subject to land-use controls stipulated in lease documentation. Such processes are essentially a form of land-use planning, and are often reflected in local planning processes.

The NCRS provides that the development of masterplans containing more detailed, site level planning for the nodes in its coastal tourism framework (virtually all of which occur on Crown land). This is essentially a form of management planning.

The renewal of pastoral leases in 2015 resulted in a coastal strip between along the Ningaloo Coast being excised from affected pastoral leases. This strip, which runs between Cape Range National Park and Red Bluff, is proposed to become a conservation and

recreation reserve that will form part of the State conservation estate. Notably, this process has resulted in an outcome that is consistent with the intent of the regional land-use plan in the NCRS. The extent of the proposed reserve also contains many of the nodes of the NCRS coastal tourism framework. Accordingly, the DBCA is currently preparing a management plan for the proposed reserve that will address the planning and management for the area. This will effectively supersede the NCRS as it relates to this area.

Section 4 of this paper considers more specifically where the NCRS is considered to have been effectively superseded by other processes, including those that are subject to processes outside the jurisdiction of the WAPC and local government.





4 Effective status of the Ningaloo Coast Regional Strategy Carnarvon to Exmouth

The *Ningaloo Coast Regional Strategy Carnarvon to Exmouth* (NCRS) planning instrument is comprised of two parts; part one is the Ningaloo Coast Regional Strategy, and part two is an associated Statement of Planning Policy (SPP).

It is contended that the NCRS has largely been incorporated, updated and/or overtaken by numerous planning and other processes, to an extent where the Strategy's core content and implementation have effectively been superseded by these other, more up-to-date processes. It should be noted that the NCRS has informed the development of and is reflected, albeit in an updated form, in the applicable land-use planning instruments that collectively now effectively supersede it.

In light of the contemporary planning that currently exists, this section of this paper considers the effective status of the NCRS.

4.1 Part one – Ningaloo Coast Regional Strategy

Part one of the NCRS comprises the primary strategy document itself. Its structure is listed below:

- 1 Regional strategy
 - 1.1 Background
 - 1.2 Regional land use plan
 - 1.3 Coastal tourism framework
 - 1.4 Planning and environmental guidelines for sustainable tourism on the Ningaloo coast

2 Structure plans

- 2.1 Carnarvon structure plan
- 2.2 Exmouth structure plan
- 2.3 Coral Bay settlement plan

3 Governance and implementation

Sections 4.1.1 to 4.1.4 and sections 4.1.5 to 4.1.7 of this paper respectively consider the regional strategy and structure plan components of part one of the NCRS in relation to specific WAPC strategic planning processes, local government planning processes and other processes (including management planning and tenure instruments) where applicable.

Section 4.1.8 of this paper presents consideration in regard to the current and ongoing relevance of the Governance and implementation chapter of the NCRS.



4.1.1 Consideration of strategic planning processes that effectively update NCRS Section 1.1 Background

WAPC strategic planning processes	<p>The information contained in the NCRS background section is generally considered to have been superseded by equivalent information contained in the WAPC <i>Gascoyne Regional Planning and Infrastructure Framework</i>, including sections 1. Introduction and 2. Key drivers in particular. Similarly, it is effectively superseded by Part A Section 1 and Part B of the <i>Gascoyne Coast Sub-regional Strategy</i>.</p> <p>It is also noted that this section of the NCRS largely consists of a profile that describes aspirations for the study area, and its characteristics and features. It essentially comprises an 'evidence base' that supports the strategic parts of the NCRS, rather than being an effective part of the Strategy itself.</p> <p>The section also contains guiding principles for the future of the Ningaloo Coast. The general intent of the principles are considered to align with the principles and strategic goals of the <i>State Planning Strategy 2050</i> (SPS 2050) and in this regard are effectively superseded by the latter. The principles and strategic goals of the SPS 2050 are also included in sections 1.2 and 1.3 of the <i>Gascoyne Regional Planning and Infrastructure Framework</i>.</p>
Local planning processes	Part 2 of local planning strategies contain relevant background information on the relevant local government. In this regard, this is generally considered to supersede equivalent information in the NCRS for Carnarvon (2017) and Exmouth (draft 2016, subject to finalisation).
Other processes	Management planning generally includes an overview of its study area and relevant background information. In this regard, relevant management plans, including the <i>Cape Range National Park Management Plan</i> (2010), are generally considered to supersede equivalent information in the NCRS for applicable areas.

4.1.2 Consideration of strategic planning processes that effectively update NCRS Section 1.2 Regional land use plan

WAPC strategic planning processes	<p>The NCRS regional land use plan has been effectively superseded by the Gascoyne Coast sub-regional land-use plan that forms section 4.1 of the <i>Gascoyne Coast Sub-regional Strategy</i>. Importantly, this plan updates the NCRS regional land use plan to reflect:</p> <ul style="list-style-type: none"> • extensions to State-managed conservation and marine reserves; • contemporary management planning processes; • the proclamation of the Ningaloo Coast World Heritage Area in 2011; • the updated regional settlement hierarchy from the Gascoyne Regional Planning and Infrastructure Framework; and • other changes to land tenure, including the refinement of the coastal exclusion area resulting from the 2015 pastoral lease renewals process.
Local planning processes	Where it relates to local level land-use planning, the NCRS regional land use plan has been effectively superseded by local planning strategy processes undertaken by the shires of Carnarvon (2017) and Exmouth (draft 2016, subject to finalisation).
Other processes	<p>Not considered applicable.</p> <p>The Gascoyne Coast sub-regional land-use plan that forms section 4.1 of the WAPC's Gascoyne Coast Sub-regional Strategy has been prepared to align with relevant management planning, such as the <i>Cape Range National Park Management Plan</i> (2010).</p>

4.1.3 Consideration of strategic planning processes that effectively update NCRS Section 1.3 Coastal tourism framework

WAPC strategic planning processes	<p>Where it relates to the identification of a hierarchy of individual nodes, the NCRS coastal tourism framework has effectively been superseded by section 3.2 of the <i>Gascoyne Regional Planning and Infrastructure Framework</i>, which contains an Activity Centres Framework and Settlement Hierarchy. This component is also reflected and further refined in section 2 of the <i>Gascoyne Coast Sub-regional Strategy</i>.</p> <p>The NCRS Coastal tourism framework includes some elements – such as tourism investigation envelopes, assessment and recommendations of coastal nodes and the identification of day-use sites – that are considered to be beyond the scope of typical WAPC regional and sub-regional planning processes.</p>
Local planning processes	<p>Local planning strategy processes should reflect the Activity Centres Framework and Settlement Hierarchy contained in section 3.2 of the <i>Gascoyne Regional Planning and Infrastructure Framework</i>, which has effectively superseded relevant parts of the NCRS coastal tourism framework as outlined above.</p>
Other processes	<p>Where applicable, planning for day-use sites and other coastal nodes is typically considered through relevant management planning processes and tenure instruments. This is pertinent as virtually all of the coastal nodes identified in the NCRS coastal tourism framework are located on Crown land (e.g. Crown lease hold and Crown reserves).</p> <p>Node masterplans have been prepared by various parties for some coastal nodes, including Blowholes, Red Bluff and Vlamingh Head.</p> <p>A management plan is also under preparation for the coastal reserve proposed to extend over land excised from pastoral leases as part of the 2015 lease renewals (the proposed Ningaloo Coast Reserve); an area that encompasses several nodes and day-use sites identified in the NCRS. This will likely effectively supersede this element of the NCRS with regard to this area once completed.</p>

4.1.4 Consideration of strategic planning processes that effectively update NCRS Section 1.4 Planning and environmental guidelines for sustainable tourism on the Ningaloo Coast

WAPC strategic planning processes	<p>The NCRS planning and environmental guidelines for sustainable development on the Ningaloo coast essentially comprise development guidelines, which are generally implemented through local level processes.</p>
Local planning processes	<p>As they effectively comprise development guidelines, the planning and environmental guidelines for sustainable tourism on the Ningaloo Coast should be reflected in local planning processes where appropriate. In particular, relevant processes may include local planning strategies, local planning schemes, structure plans and local development plans.</p>
Other processes	<p>All of the coastal nodes identified in the NCRS, except for Vlamingh Head, occur on Crown land. This means that planning and development processes for these nodes are also subject to other legislation outside the <i>Planning and Development Act 2005</i>. These processes, which may include management planning and/or tenure instruments, reside with the relevant decision-making authority/ies and ultimately with their Minister/s, and predominantly occur outside local government and WAPC processes.</p> <p>As the relevant decision-making authority/ies would generally operate according to legislation outside the <i>Planning and Development Act 2005</i>, they only need to give the NCRS 'due regard' (according to clause (2) of SPP 6.3 section 6).</p>

4.1.5 Consideration of strategic planning processes that effectively update NCRS Section 2.1 Carnarvon structure plan

WAPC strategic planning processes	From a sub-regional planning perspective, the NCRS Carnarvon structure plan has effectively been superseded by section 4.2.3 of the <i>Gascoyne Coast Sub-regional Strategy</i> , which includes a strategic settlement land-use plan for Carnarvon. This plan has been prepared to update the NCRS Carnarvon Structure Plan, and consolidates relevant information from all strategic local planning processes outlined below, and the Shire of Carnarvon TPS 10 and TPS 11.
Local planning processes	From a local planning perspective, the NCRS Carnarvon structure plan has effectively been superseded by the Shire of Carnarvon Local Planning Strategy 2017; and various other local planning processes including local structure plans such as Babbage and Whitlock Islands Structure Plan 2014, Carnarvon Airports Structure Plan 2014, East Carnarvon and Kingsford Structure Plan 2015 and Gascoyne Food Bowl District Structure Plan 2017.
Other processes	Not considered applicable.

4.1.6 Consideration of strategic planning processes that effectively update NCRS Section 2.2 Exmouth structure plan

WAPC strategic planning processes	From a sub-regional perspective, the NCRS Exmouth structure plan has effectively been superseded by section 4.2.4 of the <i>Gascoyne Coast Sub-regional Strategy</i> , which includes a strategic settlement land-use plan for Exmouth. This plan has been prepared to update the NCRS Exmouth Structure Plan, and consolidates relevant information from all strategic local planning processes outlined below, the Shire of Exmouth TPS No. 3, and the soon to be finalised Shire of Exmouth LPS No. 4.
Local planning processes	From a local planning perspective, the NCRS Exmouth structure plan has effectively been superseded by the Exmouth Townsite Structure Plan 2011 and the Exmouth South Structure Plan 2013, both of which were prepared by the Shire of Exmouth. The Shire is also preparing a new local planning strategy This was advertised in 2016 and when finalised it will also effectively supersede the NCRS Exmouth Structure Plan.
Other processes	Not considered applicable.

4.1.7 Consideration of strategic planning processes that effectively update NCRS Section 2.3 Coral Bay settlement plan

WAPC strategic planning processes	The Coral Bay Settlement Structure Plan 2014 (mentioned below) is acknowledged in relevant WAPC strategic planning documents, including the <i>Gascoyne Regional Planning and Infrastructure Framework</i> and the <i>Gascoyne Coast Sub-regional Strategy</i> .
Local planning processes	As per the relevant Cabinet decision, the NCRS Coral Bay settlement plan is superseded by the Coral Bay Settlement Structure Plan 2014 (CBSSP). The CBSSP was prepared by the Shire of Carnarvon.
Other processes	Not considered applicable.

4.1.8 Consideration of effective status of NCRS Section 3 Governance and implementation

3.1.1 Immediate planning and development actions	<p>The Ningaloo Sustainable Development Committee (NSDC), the Ningaloo Coast Advisory Committee (NCAC) and the Ningaloo Sustainable Development Office (NSDO) have all been disbanded.</p> <p>The regional interim development order expired in 2010 and a statutory region scheme is neither being pursued nor considered necessary, particularly given the development of the <i>Gascoyne Coast Sub-regional Strategy</i>, new local planning strategies and schemes for the shires of Carnarvon and Exmouth, and the limited development pressures in the region.</p> <p>SPP 6.3 is currently a State Planning Policy, but as it is largely reliant on the NCRS in its implementation – which has largely been effectively superseded by various WAPC, local government and other planning processes as outlined in this paper. In this regard, SPP 6.3 in its current form is arguably of limited value going forward.</p>
3.1.2 Management	<p>The creation of a coastal reserve along the Ningaloo Coast has been superseded by relevant processes pursuant to the <i>Land Administration Act 1997</i>, and partially implemented through the 2015 pastoral lease renewals process.</p> <p>The management of camping on Crown land is an ongoing matter that is implemented by the relevant authority/ies through other relevant processes including management planning and tenure instruments.</p>
3.1.3 Key implementation actions	Each of these actions has effectively been superseded by various WAPC, local government and other processes as outlined in this paper.

4.2 Part two – Ningaloo Coast Statement of Planning Policy 6.3

Part two of the NCRS comprises the Ningaloo Coast Statement of Planning Policy 6.3 (SPP 6.3). SPP 6.3 is a current policy position of the WAPC.

It is noted that the implementation of SPP 6.3 in its current form is dependent on the *Ningaloo Coast Regional Strategy Carnarvon to Exmouth*. Each part of SPP 6.3's implementation (section 6) has been examined in relation to the current and ongoing relevance of SPP 6.3, particularly given the effective status of the NCRS; with consideration for each presented below.

SPP 6.3 Implementation (section 6)	Consideration
<p>(1) <i>Implementation of will occur through the Commission and local governments applying the objectives, principles, terms, actions and guidelines of this policy and the following components of the Ningaloo Coast Regional Strategy Carnarvon to Exmouth:</i></p> <ul style="list-style-type: none"> • Regional land use plan • Coastal tourism framework • Planning and environmental guidelines for sustainable tourism on the Ningaloo Coast • Carnarvon structure plan • Exmouth structure plan • Coral Bay settlement plan 	<p>It is considered that the relevant components of the NCRS are now largely superseded by other WAPC and local government planning processes and/or, primarily due to the configuration of land tenure, are subject to other processes that reside outside the jurisdiction of the WAPC or local government.</p> <p>With regard to its specific components, refer to the consideration of the effective status of Part one – Ningaloo Coast Regional Strategy in section 4.1 of this paper.</p>
<p>(2) <i>Implementation also will be supported by other decision-making authorities having due regard to the objectives of this policy and using the associated strategies, guidelines and plans identified in 6(1) of this policy in a consistent way in their own jurisdictions as applicable. In particular:</i></p> <ul style="list-style-type: none"> • the Land Administration Act 1997 • the Conservation and Land Management Act 1984 • the Department of Defence is encouraged to also have regard for this policy in the management of its land holdings within the policy area 	<p>As outlined above, much of the NCRS is considered to have effectively been superseded by other processes.</p> <p>With regard to other decision-makers giving due regard to the applicable components of the NCRS and SPP as part of their planning and approvals processes, this is the responsibility of that decision-maker and ultimately at the discretion of the relevant Minister. This consideration is largely beyond the scope of the <i>Planning and Development Act 2005</i> and the influence of the WAPC. This is particularly pertinent given that within the policy area the tenure of land outside of townsites is virtually all Crown land (including unallocated, national park, reserve, lease and Defence), whereby other (i.e. non-LG or WAPC) planning and approval processes are also applicable. In these situations, the implementation of the NCRS and SPP is considered to have been superseded by other relevant processes, including management planning.</p>



SPP 6.3 Implementation (section 6)	Consideration
<p>(3) <i>Coordination of relevant government activities to achieve the objectives and guiding principles of this policy will be undertaken by the Western Australian Planning Commission, supported by the Ningaloo Sustainable Development Office.</i></p>	<p>The 'relevant government activities to achieve the objectives and guiding principles of this policy' referred to are effectively considered to be the relevant components of the NCRS that directly relate to its implementation as outlined in part (1) of SPP 6.3 section 6. As outlined in the consideration of part (1) above, much of this has been completed or is considered to have been superseded by other planning processes, which indicates that this aspect of SPP 6.3's implementation is essentially complete.</p> <p>In addition, the Ningaloo Sustainable Development Office was disbanded in 2009</p>
<p>(4) <i>As part of the implementation of this policy and the Ningaloo Coast Regional Strategy Carnarvon to Exmouth, further consideration of the proposed staging of development along the Ningaloo coast is required. It is expected that a range of tourism opportunities will be provided at the nodes identified, ranging from camping to eco-lodge style accommodation. This may include staging within identified coastal tourism nodes, and staging of development opportunities along the Ningaloo coast.</i></p> <p>(a) <i>The basis for staging tourism development shall include:</i></p> <ul style="list-style-type: none"> • <i>protection of the fragile environment of the Ningaloo Reef and coastal landforms;</i> • <i>the need for proactive planning and provision of sustainable tourism development on the Ningaloo coast;</i> • <i>the guiding principles of the strategy;</i> • <i>objectives of the statement of planning policy;</i> • <i>development of environmental monitoring and audit systems to gauge environmental impacts (input to the cumulative impacts assessment framework);</i> • <i>consideration of all new proposals within a cumulative impact assessment framework containing identified levels of acceptable change thresholds;</i> • <i>water availability;</i> • <i>existing environmental pressure;</i> • <i>pressure on the environment by existing tourism use;</i> • <i>provision of a range of tourism accommodation to cater for a variety of visitor experience;</i> • <i>recognition of the lack of tourism accommodation on certain sections of the Ningaloo coast;</i> • <i>policies of the Planning and environmental guidelines for sustainable development</i> • <i>estimates of future tourism visitation;</i> • <i>recognition of established coastal tourism nodes;</i> • <i>where appropriate, commercial viability and opportunities for a diversity of sustainable tourism developments to be realised on the Ningaloo coast; and</i> • <i>opportunities for sustainable tourism development will be offered through a public competitive tendering process.</i> 	<p>Of the coastal nodes identified in the NCRS, all occur on Crown land (including unallocated, national park, reserve, lease and Defence), with the exception of Vlamingh Head, which occurs on freehold land and is one of the few established tourism nodes identified in the Strategy.</p> <p>Given this tenure configuration, further consideration of staging of development is a matter most appropriately addressed through other relevant processes. For example, relevant processes may include management planning (particularly for areas managed by the Department of Biodiversity, Conservation and Attractions), and/or other tenure instruments. These other processes are the responsibility of the relevant decision-making authority.</p> <p>In such instances, development staging is therefore largely beyond the scope of the <i>Planning and Development Act 2005</i>, and is effectively considered to be superseded by the applicable planning processes referred to above.</p> <p>In particular, as these processes would occur through other decision-making authorities (i.e. not local government or the WAPC), this relates to part (2) of SPP 6.3 section 6 in those applicable authorities giving 'due regard' to the content of this policy.</p> <p>Furthermore, the WAPC has since updated its position on the development of coastal tourism nodes along the Ningaloo Coast. In particular, this has resulted in the reconsideration of undeveloped locations, including those identified in the NCRS. The WAPC's current position with regard to this is presented in the Activity Centres Framework and Settlement Hierarchy of the <i>Gascoyne Regional Planning and Infrastructure Framework</i> and the <i>Gascoyne Coast Sub-regional Strategy</i>.</p>





5 Next steps

This paper is now being advertised for public comment.

At the conclusion of the public comment period, all submissions received will be collated and analysed before being reported to the WAPC for its consideration.

This process will assist the Commission in determining an appropriate course for reviewing the status of the *Ningaloo Coast Regional Strategy Carnarvon to Exmouth* as a policy position.





Public submission form

The Western Australian Planning Commission is seeking public comment on the *Future directions for the Ningaloo Coast Regional Strategy* paper.

All comments received will be considered by the WAPC to help determine an appropriate course for reviewing the status of the *Ningaloo Coast Regional Strategy Carnarvon to Exmouth* as a policy position.

When making a submission, it is very helpful to:

- clearly state your opinion and the reasons for your opinion;
- if possible, outline possible alternatives or solutions to your area of interest;
- if possible, outline the section or page number which relates to your area of interest; and
- provide any additional information to support your comments.

A public submission form is included overleaf for your convenience. If you prefer to make a comment in an alternative format, please remember to include relevant details as outlined on the submission form.

The closing date for submissions is 29 March 2019.

If you would like more information please contact:

Project Manager
Future directions for the Ningaloo Coast Regional Strategy
Department of Planning, Lands and Heritage
Telephone: (08) 6551 9000

regionalnorthplanning@dplh.wa.gov.au

Please send your submission by email to:

regionalnorthplanning@dplh.wa.gov.au

or by post to:

Project Manager
Future directions for the Ningaloo Coast Regional Strategy
Department of Planning, Lands and Heritage
Locked Bag 2506
Perth WA 6001

We look forward to receiving your submission.



Name:

Organisation (if relevant):

Address:

Interest (e.g. local resident, landowner, business operator, visitor to the area):

I/we would like to make the following comments on the *Future directions for the Ningaloo Coast Regional Strategy* paper and would like them to be considered by the WAPC.

Comments: