



Department of Planning,  
Lands and Heritage



Western  
Australian  
Planning  
Commission

# FUTURE DIRECTIONS for the **Shark Bay** Regional Strategy



PAPER FOR PUBLIC COMMENT

JANUARY 2019

FUTURE DIRECTIONS for the  
**Shark Bay**  
Regional Strategy

JANUARY 2019



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## 1 Introduction

The *Shark Bay Regional Strategy* (SBRs) was released by the Western Australian Planning Commission (WAPC) in 1997. The study area of the SBRs encompasses the area within the boundary of the Shark Bay World Heritage property, and extends over the shires of Shark Bay and Carnarvon in the Gascoyne region (**Figure 1**).

The SBRs provides guidance for land, water and resource use and management in the World Heritage property, and continued planning and management to protect and enhance World Heritage values.

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 the planning action in the *Gascoyne Coast Sub-regional Strategy* (WAPC, 2018) that proposes to consider the future direction of the SBRs. As part of this overall objective, this paper examines the current effective status of the applicable components of the SBRs 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](http://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 *Shark Bay Regional Strategy* as a policy position of the Commission.

## 2 Background

The *Shark Bay Regional Strategy* (SBRs) was prepared to provide a link between State and local planning for land use and development. More specifically, the Strategy provides guidance for land, water and resource use and management in the Shark Bay World Heritage property, and continued planning and management to protect and enhance World Heritage values; with this being based on a balance of economic, social and environmental considerations. It was prepared as a part of a review of the 1988 Shark Bay Region Plan.

The SBRs was released by the WAPC in 1997. 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 the actions contained in the SBRs 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 and other relevant processes. For example:

- 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 Shark Bay and Carnarvon;
- management planning, including processes undertaken by the Department of Biodiversity, Conservation and Attractions for current reserves of the State conservation estate and proposed additions; and
- native title processes.

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

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



# FUTURE DIRECTIONS for the Shark Bay Regional Strategy

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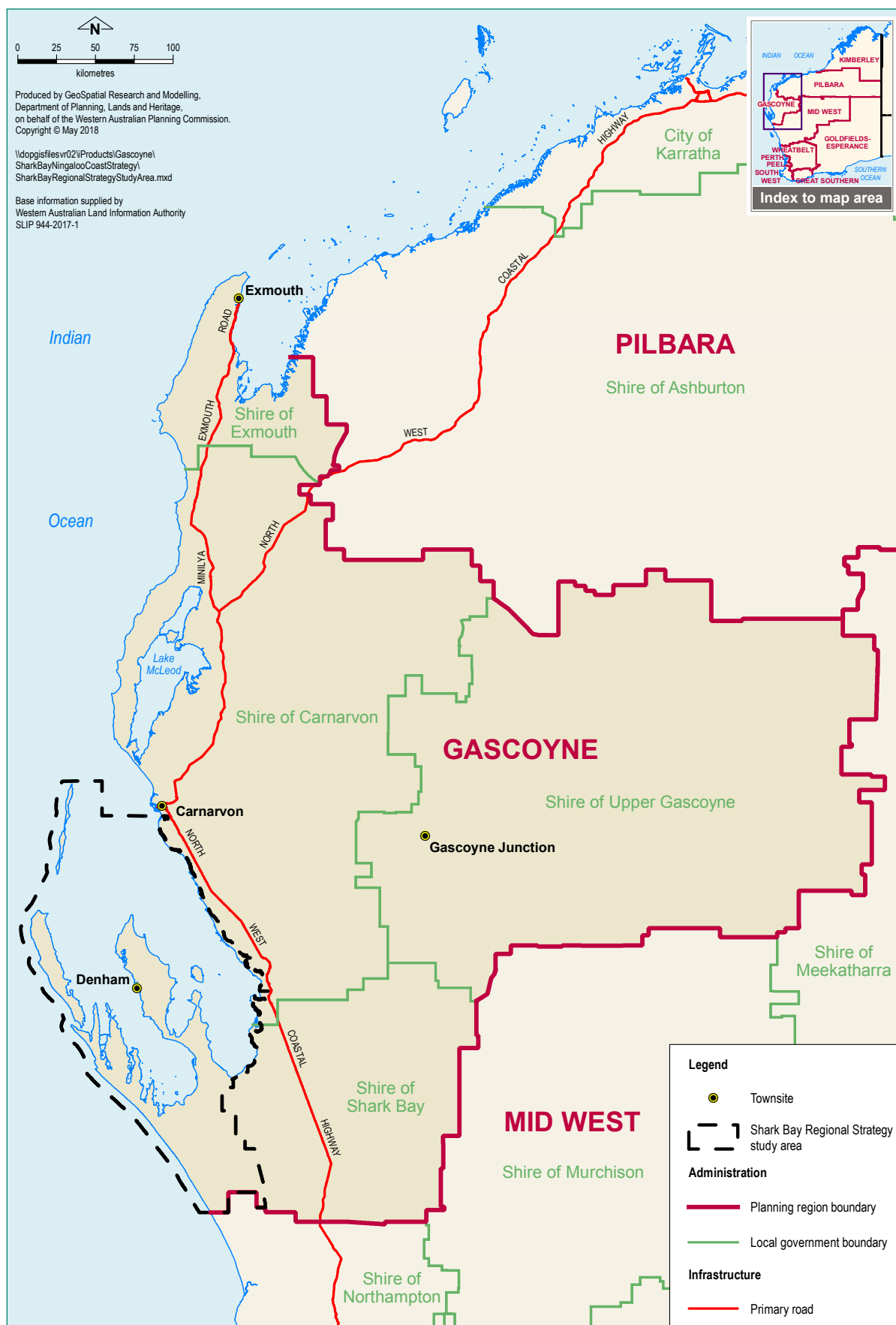


Figure 1: Shark Bay Regional Strategy study area



### 3 Planning context

In the context of the State Planning Framework (State Planning Policy No. 1), the *Shark Bay Regional Strategy* (SBRS) 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.

Notwithstanding this, many of the implementation actions of the SBRS primarily concern local level planning issues; and are similar to what one would expect to find in a local planning strategy in that they would be (and invariably have been) predominantly implemented through local government processes. Various other SBRS actions relate to relevant processes of other State agencies, for example management planning for terrestrial and marine parks and reserves.

These matters may have warranted inclusion at the time the SBRS was prepared considering the limited local government strategic planning in effect within the study area, and that comprehensive management planning for the Shark Bay World Heritage property and the State conservation estate was still at an early stage of development.

Since the release of the SBRS there has been significant advancement in the regional and local planning frameworks in the Gascoyne. Relevant processes occurring since 1997 are summarised in **Table 1**. Given that outside Denham, the SBRS study area is nearly entirely comprised of Crown land, other processes applicable under legislation outside the *Planning and Development Act 2005* – including management planning and tenure instruments provided under the *Conservation and Land Management Act 1984* (CALM Act), *Land Administration Act 1997* (LA Act), and the Australian Government's *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) – are also important to consider.

**Table 1: applicable planning processes occurring since the release of the SBRS**

			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 Shark Bay	Local Planning Strategy	2013	final
			Local Planning Scheme No. 4	2018	final
		Shire of Carnarvon	Local Planning Strategy	2017	final
			Local Planning Scheme No. 13 <sup>1</sup>	in preparation	
Other legislation	Other processes	Prepared under the CALM Act <sup>2</sup>	Shark Bay Terrestrial Reserves and Proposed Reserve Additions Management Plan	2012	final
		Prepared under the EPBC Act <sup>3</sup>	Shark Bay World Heritage Property Strategic Plan 2008-2020	2008	final
		Prepared under the LA Act	Various <sup>4</sup>		

**Notes:**

- <sup>1</sup> 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.
- <sup>2</sup> The *Shark Bay Marine Reserves Management Plan* (1996) is another management plan prepared under the CALM Act that is applicable to the SBRS study area.
- <sup>3</sup> The Australian Government's *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides for management planning of World Heritage properties.
- <sup>4</sup> 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-regional level land-use planning instruments that take effect over the SBRS 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 SBRS to ensure that continuity is maintained where appropriate. Relevant aspects of the SBRS 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 SBRS, 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 SBRS 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 SBRS 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 SBRS are focused on local level planning issues in order to provide effective detailed guidance to inform local government planning processes.

For instance, many of the actions from the SBRS are considered to primarily concern local level planning matters and predominantly rely on implementation at a local level, with the type of guidance provided akin to what would typically exist in local government planning documents, such as local planning strategies.

Since the release of the SBRS, the shires of Shark Bay and Carnarvon 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, with Shark Bay's being finalised in 2013 and Carnarvon's in 2017.

Subsequent to the strategic processes, both local governments are also in the process of updating their local planning schemes. The Shire of Shark Bay's new local planning scheme has recently been finalised, and the Shire of Carnarvon's new local planning scheme is currently in preparation..

Local planning processes including all relevant local planning strategies and schemes 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 SBRS; and in this regard, have been considered to reflect the strategic intent of the SBRS as it relates to local planning.

In considering the above, strategic local level land-use planning within the SBRS 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 SBRS (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 SBRS has been effectively superseded by the local government planning frameworks of the shires of Shark Bay and Carnarvon.

### 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 SBRS study area outside the settlement of Denham. The administration of such areas is largely





subject to legislative processes that are beyond planning legislation, including those stipulated in the *Conservation and Land Management Act 1984* (CALM Act) and the *Land Administration Act 1997* (LA Act).

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.

By virtue of the study area being overwhelmingly comprised of Crown land, the SBRS does consider planning for the land use and management of Crown land at a broad level. Where other processes are in place, such as management planning and tenure instruments, these effectively take precedence over the SBRS where it relates to Crown land. Accordingly, the high-level outcomes of current, relevant other processes are reflected in relevant WAPC regional and sub-regional planning, effectively updating the equivalent information in the SBRS from a WAPC regional land-use planning perspective.

Section 4 of this paper considers more specifically where the SBRS 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 Shark Bay Regional Strategy

It is contended that the *Shark Bay Regional Strategy* (SBRS) 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 has effectively been superseded by these other, more up-to-date processes. It should be noted that the SBRS 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 SBRS.

The structure of the SBRS is listed below:

### Introduction

1. The region
2. The 1988 plan – Background
3. The review process
4. Major new issues

### The strategy

5. Principles guiding the strategy
6. Policy framework
7. Land use and tenure plans

### Implementation

8. Other government initiatives
9. Land use planning system
10. Decision-making framework
11. Funding
12. Private enterprise and public involvement
13. Monitoring and review

Each section of the SBRS is considered under its associated sub-heading below. Consideration is specifically given in relation to specific WAPC strategic planning processes, local government planning







processes and other processes (including management planning and tenure instruments) where applicable.

In particular, it is noted that the scope of sections 5, 6 and 7 – that form ‘The strategy’ component of the SBRS – are of most relevance in the context of the current land-use planning framework.

### Consideration of strategic planning processes that effectively update SBRS Section 1 The region

<b>WAPC strategic planning processes</b>	The background information contained in this section of the SBRS is generally considered to be superseded by equivalent information contained in the WAPC <i>Gascoyne Regional Planning and Infrastructure Framework</i> , particularly Section 2 Key drivers. Similarly, it is effectively superseded by Part B of the <i>Gascoyne Coast Sub-regional Strategy</i> .
<b>Local planning processes</b>	Part 2 of local planning strategies contain relevant background information on the relevant local government. In this regard, the local planning strategies for the shires of Shark Bay (2013) and Carnarvon (2017) are generally considered to supersede equivalent information in the SBRS.
<b>Other processes</b>	Management planning generally includes relevant background information and an overview of its study area. In this regard, the <i>Shark Bay Terrestrial Reserves and Proposed Reserve Additions Management Plan No. 75</i> (2012) is generally considered to supersede equivalent information in the SBRS.

### Consideration of SBRS Section 2 The 1988 plan – Background

Section 2 summarises part of the process involved in developing the *Shark Bay Regional Strategy*.

Within the document, this section essentially serves as an ‘evidence base’ to help justify the contents of the SBRS, rather than being an effective part of the Strategy itself.

It is not considered relevant to land-use planning outside this particular context.

### Consideration of SBRS Section 3 The review process

Section 3 summarises part of the process involved in developing the *Shark Bay Regional Strategy*.

Within the document, this section essentially serves as an ‘evidence base’ to help justify the contents of the SBRS, rather than being an effective part of the Strategy itself.

It is not considered relevant to land-use planning outside this particular context.

### Consideration of SBRS Section 4 Major new issues

Section 4 summarises part of the process involved in developing the *Shark Bay Regional Strategy*.

Within the document, this section essentially serves as an ‘evidence base’ to help justify the contents of the SBRS, rather than being an effective part of the Strategy itself.

It is not considered relevant to land-use planning outside this particular context.





### Consideration of strategic planning processes that effectively update SBRS Section 5 Principles guiding the strategy

<b>WAPC strategic planning processes</b>	The general intent of the principles of the SBRS is 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> .
<b>Local planning processes</b>	Where appropriate, the principles and strategic goals of the SPS 2050, which the general intent of the SBRS principles are considered to align with, should be reflected in relevant local planning processes, such as local planning strategies.
<b>Other processes</b>	Not considered applicable.

### Consideration of strategic planning processes that effectively update SBRS Section 6 Policy framework

<b>WAPC strategic planning processes</b>	An audit of the <i>Shark Bay Regional Strategy</i> in 2011, which was reported to the WAPC Gascoyne Regional Planning Committee (GRPC), examined the status of each action within this section of the SBRS. This audit involved a consultation process with relevant State and local agencies to gauge the implementation of each action and to determine their ongoing relevance. Based on advice received through this process, the GRPC considered that all actions of the SBRS were either complete or had been superseded by other processes including through the <i>Gascoyne Regional Planning and Infrastructure Framework</i> , local planning strategies and management plans where relevant. They are therefore no longer considered relevant in the form that they are presented in the SBRS.
<b>Local planning processes</b>	The relevant actions in this section of the SBRS have been implemented through or superseded by local planning processes, along with other local government processes, as considered by the WAPC Gascoyne Regional Planning Committee.
<b>Other processes</b>	The relevant actions in this section of the SBRS have been implemented through or superseded by management planning processes, as considered by the WAPC Gascoyne Regional Planning Committee.





## Consideration of strategic planning processes that effectively update SBRS Section 7 Land use and tenure plans

<b>WAPC strategic planning processes</b>	<p>The SBRS land and water 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 SBRS land and water use plan to reflect:</p> <ul style="list-style-type: none"> <li>• extensions to State-managed conservation and marine reserves;</li> <li>• contemporary management planning processes;</li> <li>• the updated regional settlement hierarchy from the <i>Gascoyne Regional Planning and Infrastructure Framework</i>; and</li> <li>• the 2015 pastoral lease renewals process.</li> </ul> <p>Figure 2: Sub-regional context map in Part B of the <i>Gascoyne Coast Sub-regional Strategy</i> includes current land tenure information, effectively superseding the SBRS land tenure plan.</p>
<b>Local planning processes</b>	<p>Where it relates to local level land-use planning, these SBRS plans have been effectively superseded by local planning strategy processes undertaken by the shires of Shark Bay (2013) and Carnarvon (2017).</p>
<b>Other processes</b>	<p>The Gascoyne Coast sub-regional land-use plan that forms section 4.1 of the <i>Gascoyne Coast Sub-regional Strategy</i> has been prepared to align with relevant management planning, such as the <i>Shark Bay Terrestrial Reserves and Proposed Reserve Additions Management Plan No. 75</i> (2012).</p>

## Consideration of strategic planning processes that effectively update SBRS Section 8 Other Government Initiatives

<b>WAPC strategic planning processes</b>	<p>This section of the SBRS has been effectively superseded by the relevant sections of the <i>Gascoyne Regional Planning and Infrastructure Framework</i>, including:</p> <ul style="list-style-type: none"> <li>• 2.3.1 World Heritage areas</li> <li>• 3.1 Governance</li> <li>• Table 8: Implementation actions.</li> </ul>
<b>Local planning processes</b>	<p>Not considered applicable.</p>
<b>Other processes</b>	<p>In relation to 8.2 Conservation reserves, this section of the SBRS has effectively superseded by the <i>Shark Bay Terrestrial Reserves and Proposed Reserve Additions Management Plan No. 75</i> and <i>Shark Bay Marine Reserves Management Plan No. 34</i>, which are both acknowledged accordingly in the WAPC's <i>Gascoyne Regional Planning and Infrastructure Framework</i> and <i>Gascoyne Coast Sub-regional Strategy</i>.</p>





## Consideration of strategic planning processes that effectively update SBRS Section 9 Land use planning system

<b>WAPC strategic planning processes</b>	This section of the SBRS has been effectively superseded by the Gascoyne regional planning approach outlined in section 1.4 of the <i>Gascoyne Regional Planning and Infrastructure Framework</i> . This approach is also outlined in section 1.4 of the <i>Gascoyne Coast Sub-regional Strategy</i> .
<b>Local planning processes</b>	At a local government level, the land use planning system is implemented through the local planning strategies and schemes of the shires of Shark Bay and Carnarvon. This is acknowledged accordingly in the WAPC's <i>Gascoyne Regional Planning and Infrastructure Framework</i> and <i>Gascoyne Coast Sub-regional Strategy</i> .
<b>Other processes</b>	Not considered applicable.

## Consideration of SBRS Section 10 Decision-making framework

Section 10 is considered to be no longer relevant, as the implementation of the strategy is largely complete or has been superseded by other processes as outlined in this paper.

From a WAPC perspective, this approach was effectively superseded by the WAPC Gascoyne Regional Planning Committee, which has been disbanded. The Gascoyne Development Commission is still in operation.

## Consideration of SBRS Section 11 Funding

Section 11 is considered to be no longer relevant, as the implementation of the strategy is largely complete or has been superseded by other processes as outlined in this paper.

## Consideration of SBRS Section 12 Private enterprise and public involvement

Section 12 is considered to be no longer relevant, as the implementation of the strategy is largely complete or has been superseded by other processes as outlined in this paper.

## Consideration of SBRS Section 13 Monitoring and review

Section 13 is considered to be no longer relevant, as the implementation of the Strategy is largely complete or has been superseded by other processes as outlined in this paper.







## 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 *Shark Bay Regional Strategy* as a policy position.





## Public submission form

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

All comments received will be considered by the WAPC to help determine an appropriate course for reviewing the status of the *Shark Bay Regional Strategy* 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 Shark Bay Regional Strategy  
Department of Planning, Lands and Heritage  
Telephone: (08) 6551 9000

[regionalnorthplanning@dplh.wa.gov.au](mailto:regionalnorthplanning@dplh.wa.gov.au)

**Please send your submission by email to:**

[regionalnorthplanning@dplh.wa.gov.au](mailto:regionalnorthplanning@dplh.wa.gov.au)

**or by post to:**

Project Manager  
Future directions for the Shark Bay 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 Shark Bay Regional Strategy* paper and would like them to be considered by the WAPC.

Comments:

