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Natural Areas Local Laws

Prepared for
City of Greater Geraldton Western Australia

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- The report provides a conceptual framework for the Local Laws that we have to be interpreted and reframed for legal purposes;
- The report identifies various actions that could be taken to address the relationships between management of natural areas and the Local Laws. The details and implementation of these actions is beyond the scope of this report.



Contents

Executive Summary	1
<i>Based in Community Consultation</i>	<i>1</i>
<i>Problems with existing Local Laws</i>	<i>1</i>
<i>Land Tenure</i>	<i>1</i>
<i>Different Use Categories</i>	<i>2</i>
<i>Different Use Areas</i>	<i>2</i>
<i>Key Concepts to be addressed in the Local Laws</i>	<i>3</i>
1 Introduction – Background and Consultation	5
1.1 The Local Laws Project	5
1.2 Community Engagement	11
2 Frameworks and Legalities	15
2.1 Existing Local Laws	15
2.2 Issues to be addressed by the revised Local Laws	15
2.3 A New Framework for the Local Laws	16
2.3 Different Tenures	17
3 Implementation	18
3.1 Common Use Categories	18
3.2 Common Management Plan	18
3.3 Review the use and access map	20
3.4 Provide a place for everybody	20
3.6 Inform the community	22
3.6 Engage the community in local management	22
4 Conclusion	23

Executive Summary

The City of Greater Geraldton has recognised that its existing Local Laws need to be revised and updated to make it easier and more effective to manage natural areas. Consequently this project required that:

Recommendations [be prepared] for the structure and issues to be addressed in a revision of the City of Greater Geraldton's Local Laws as they apply to natural areas, specifically coastal and selected river areas in the City of Greater Geraldton; and to make recommendations on actions for the communication, enforcement, management or education relating to these laws. Of particular importance is the role of and access by vehicles to natural areas along the coast and on the Chapman River.

Based in Community Consultation

This project was based in an extensive community consultation that saw over 200 people attend workshops to discuss what should be addressed in the revised Local Laws. This was supported by a workshop with Government agencies associated with the management of natural areas, and a detailed planning workshop where members of the community prepared maps that designate uses of, and access to, natural areas.

Problems with existing Local Laws

The current Local Laws evolved at a time when Local Government management of natural areas was largely concerned with controlling access and avoiding nuisance. Over time, the number and complexity of issues associated with natural areas, such as use for recreation, population pressure, ecological management, community interest etc., have greatly increased. There have been a number of "tweaks" made to the laws over the years to try and accommodate this increasing number of issues however this "tweaking" process has meant that the Laws attempt to straddle many different issues

relating to tenure, management, land etc., and are now considered to be too complex to be effective. Many of the statements in the Laws are either highly prescriptive and exclude certain activities, or so general they are difficult to interpret.

RECOMMENDATION 1 – New Framework for revised Local Laws for Natural Areas

It is recommended that the revised Local Laws have the following components:

Headline Powers – a legal framework that provides the City with:

- **Opportunity to create By-Laws/Regulations that can be varied with the approval of a Council meeting and do not require review by the State,**
- **Links the use of natural areas back to an assessment of the land type, proposed use, and level of management within a risk management framework**
- **Formally recognises, and creates a decision making role, for community based Natural Area Advisory Group/s to oversee the planning and management of Natural areas. These Group/s should also have agency representation as per Recommendation #.**
- **Recognises the role of education and information in management of natural areas**
- **Broadens the range of agencies and positions that can have referred powers under the Local Laws**
- **Provides opportunity to set penalties by regulation**

By-Laws / Regulations - that enable the City to define by a majority vote in Council:

- **Specific geographic areas that may be defined by cadastral boundaries or landscape features**
- **The capacity to describe uses that can be linked to these geographic areas**
- **Set timeframes to define when the regulations should be reviewed**
- **Set penalties for non-compliance**

Land Tenure

The City's Local Laws apply to lands under the City's control. This includes reserves and freehold land owned by the City shown in pink on the maps in Figure 1.1 -1.5. The revised Local Laws will apply to these areas. Within the City of Greater Geraldton there

are significant areas of unallocated Crown land (UCL) covering natural areas shown as grey on the maps.

Administratively, the City is not technically responsible for management or use of UCL. There is the potential within the State Government's *Land Administration (Land Management) Regulations 2000* for the City to take on the management of UCL however there are a number of administrative issues that need to be resolved before this can occur.

The City will be proceeding with applying the revised Local Laws to lands under its control and will begin the process of working with Government agencies develop a strategy to ensure management of UCL in the long term.

RECOMMENDATION 2 – Research how to apply the revised Local Laws to UCL

It is recommended that the City obtain legal advice and enter into discussions with relevant Government agencies as to how to extend, and resource, its revised Local Laws to cover UCL over natural areas within the City.

Different Use Categories

The people of Geraldton consider it is a fundamental right to access natural areas, however demands from high risk / high impact users (cars/ORV/4WD/motor bikes/horses) for equity of access has to be balanced against their proportional impact and associated risk. It was very evident from the consultation that the community makes a clear distinction between different types of high risk/high impact users, and recognised that different land areas should have different uses. Consequently three basic use categories are recommended for the revised Local Laws .

RECOMMENDATION 3 - Recognise different categories of use

The revised Local Laws should recognise that different users have different impacts. Suggested classifications of uses for different areas should include:

***No Vehicles** – areas where the predominant focus is safe and quite pedestrian recreation, protection and enhancement of the landscape and biodiversity. There may be locations within these areas where specific tracks*

are identified for dog/small animals (on leads or free running), horse and/or unpowered bike use. There may also be tracks and roads identified through these areas for providing access by licensed 2&4 WD's to specific locations e.g. access through coastal reserves to boat launching points. NO - motorised vehicles of any kind (licensed or unlicensed). City and other authorised vehicles are permitted for the purpose of management or servicing the area.

***Vehicle Access** - areas that are identified allowing general access and free movement by licensed 4WD's to give low speed, safe access to recreation points e.g. fishing and surfing beaches etc. These areas are not design for vehicle recreation. Pedestrian, horse, unpowered bike use, dog/small animals on leads or free running may also be appropriate. NO - quads, motorised bikes, 2WD, unlicensed vehicles. City and other authorised vehicles are permitted for the purpose of management or servicing the area.*

***Vehicle Recreation Area** – powered, licensed vehicle based recreation. NO - horses, unpowered bike use, dog/small animals, unlicensed vehicles. City and other authorised vehicles are permitted for the purpose of management or servicing the area.*

Different Use Areas

The community consultation brought people from many different backgrounds together to work on a common problem of “what uses should occur where”. The combined information from this workshop is presented in Figures 1.1 – 1.5. **These maps are the community's input to the Council's decision making processes. They are not a Council endorsed land use or access strategy.**

Key Concepts to be addressed in the Local Laws

When revising the Local Laws there are a number of concepts that need to be recognised these include:

- Natural areas are covered by a different land tenures
- The landscape is highly variable and able to tolerate different levels of use
- Population growth increases pressure on all natural areas, but particularly on important recreational nodes
- The Local Laws only apply to areas under the City's control
- Unallocated Crown land (UCL) is administered under State different regulations to the City's Local Laws.
- Access to natural areas is integral to the Geraldton culture, however there is also a dark side to this where some people do not respect other users or the ecology of the landscape
- Different uses have different risks attached to them. Determining equity of access should recognise these different levels of risk
 - Managing unacceptable behaviour

The following recommendations are made to reflect these key concepts.

RECOMMENDATION 4 – Review Management Plans using a Risk Management approach

It is recommended that the City review its existing natural area management plans within a risk management framework which should be used as the basis for assigning uses and management activities under the revised Local Laws.

RECOMMENDATION 5 – Develop one coherent use and access map for all natural areas within the City

The City commission a review of all the management plans, and the work from the community consultation shown in Section 1 with the objective of producing a simplified map of use areas, and access to guide the use, management of, and access to, natural areas.

RECOMMENDATION 6 – Use the map use and access map for natural areas The City **USES** the map prepared in Recommendation 5 by:

- *This map should be prepared as a GIS file and be loaded onto the City's GIS system.*
- *This map should also be available as a hard copy for the community*
- *City's works planning, asset management, rangers and community groups should all be required to follow this map in their activities.*

RECOMMENDATION 7 – Revise the use of areas and access as the population increases

The new Local Laws will have to allow different types of use to be changed over time. These time frames will vary according to population growth, land system type, management regime, community demand etc. It is recommended that the access maps be reviewed and upgraded every five years.

RECOMMENDATION 8 – Develop a dedicated on, and off, road Vehicle Recreation Area

It is recommended that the City facilitate a study, with the on-road and off-road motor sport communities, to identify dedicated on and off road Vehicle Recreation Areas.

This area should be developed to remove the need for using natural areas for Vehicle Recreation.

This should be supported by an industry development strategy for motor sport within the City that could provide a framework for the "elders" in motor sport to mentor the younger users. To ensure engagement in this project the motor sport community should organise itself, develop its own leadership structure, and raise 50% of the grant funding for such a study. The City should match the funding raised by the motor sport community.

Horse riders also represent a similar, however possibly not as intense, risk as motorised vehicles in natural areas. There are significant conflicts between horse users and motorised vehicle users and these will increase as population increases.

RECOMMENDATION 9 – Develop dedicated equestrian riding areas

It is recommended that the City undertake a similar study with the equestrian communities to that proposed above for the motor sport communities, to identify suitable areas for equestrian use.

RECOMMENDATION 10 – Increase penalties for non-compliance

The revised Local Laws should provide the opportunity for the City to set significant penalties for non-compliance by vehicle users. These should apply to vehicles whether they are licensed or non-licensed.

It is recommended that the City bring its penalties for non-compliance into line with the severity of those available to the Police, and these should be applied to both licensed and non-licensed vehicles.

RECOMMENDATION 11 – Summarise the revised Local Laws into an easily readable form

It is recommended that the Local Laws are converted into an easily understood format and used in all the information sheets, documentation etc. associated with the Local Laws and management of Natural areas

RECOMMENDATION 12 – Create Natural Area Advisory Groups

It is recommended that the revised Local Laws should formally recognise a role of Natural Area Advisory Groups with the capacity to make recommendations to Council about the use, management, enforcement, penalties and funding for works on Natural areas. These groups should also have the ability to seek grant funding and sponsorship. Membership could consist of:

- The Ward Council/or
- City Council staff
- Representatives from 3 – 5 user groups
- Representatives from agencies which contribute to the management of natural areas

RECOMMENDATION 13 – Develop a Social Marketing campaign

It is recommended that the City work with local media and advertising groups to prepare a sophisticated strategy to explain the Local Laws and illustrate areas where behavioural change is needed.



1 Introduction – Background and Consultation

1.1 The Local Laws Project

This Local Laws project was part of a bigger process to develop a new set of Local Laws that could be applied to natural areas within the City of Greater Geraldton (CGG). The area focused upon were the 70km of coastal reserves and beaches, and 20km of river foreshores. Historically, the legality of access and permitted uses within these natural areas was not well understood by vehicle users who were accessing these areas. Conversely people who were concerned about the ecology of these areas expressed strong concerns that uncontrolled vehicle access was causing major ecological damage. Over the past twenty years various volunteer conservation groups have made major contributions of time and resources to the repair and management of natural areas. They feel justifiably annoyed that vehicles users continue to destroy natural areas and apparently have no interest or willingness to contribute to the upkeep of the areas they use. In addition the population growth and the increase in numbers and types (quad, trail bikes etc.) of vehicles has increased user conflicts. With these increasingly conflicted interested the City and State government resources available for management were insufficient to deal with the challenges.

The City of Greater Geraldton wanted to improve the management of the natural areas of Crown land within the boundaries of the City and to ensure that the community were well engaged in this process. Improving the community involvement with, and management of, natural areas has many different facets including:

- Better understanding of natural systems
- Community wide respect for natural areas
- Improving management planning
- Physical management interventions
- User education
- Community involvement
- Better regulation and enforcement

The City of Greater Geraldton's *Local Government Property Local Law 2011 (Local*

Laws) provide a legal and administrative framework for how lands vested in the Local Government should be used and managed.

The City recognised that the existing Local Laws needed to be revised and updated to make it easier and more effective to manage natural areas. Consequently this project required that:

Recommendations [be prepared] for the structure and issues to be addressed in a revision of the City of Greater Geraldton's Local Laws as they apply to natural areas, specifically coastal and selected river areas in the City of Greater Geraldton; and to make recommendations on actions for the communication, enforcement, management or education relating to these laws. Of particular importance is the role of and access by vehicles to natural areas along the coast and on the Chapman River.

The Project area is shown on the maps in Figures 1.1 – 1.5.

This project was based in an extensive community consultation that saw over 200 people attend workshops to discuss what should be addressed in the revised Local Laws. This was supported by a workshop with Government agencies associated with the management of natural areas, and a detailed planning workshop where members of the community prepared the maps that designate uses and access to natural areas. A summary report of the consultation process is provided in Section 1.2. below.

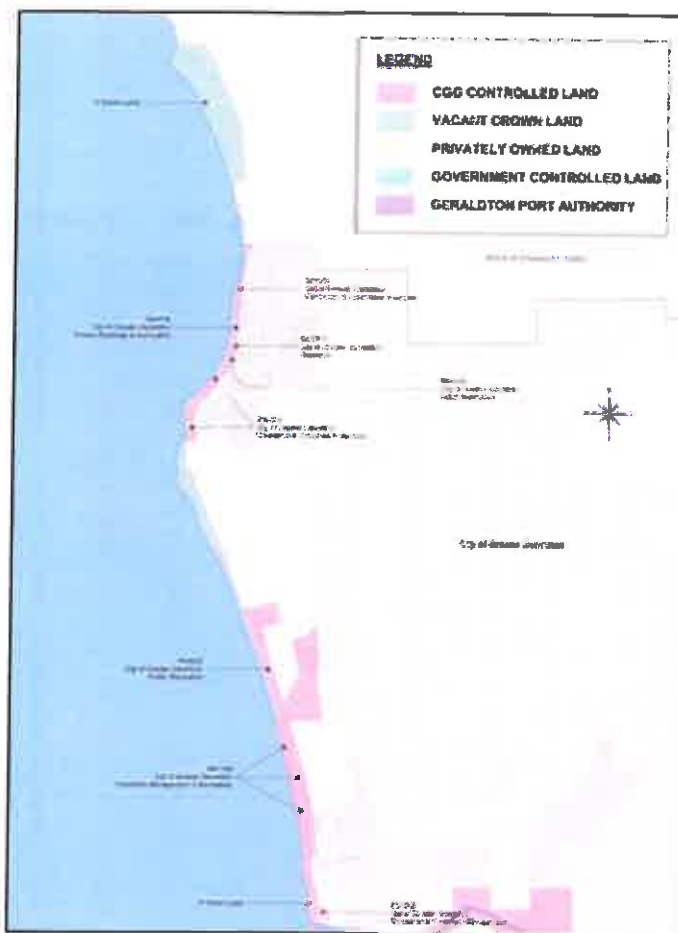


Figure 1.1.1 Legal status of natural areas



Figure 1.1.2 Community feedback on desired uses

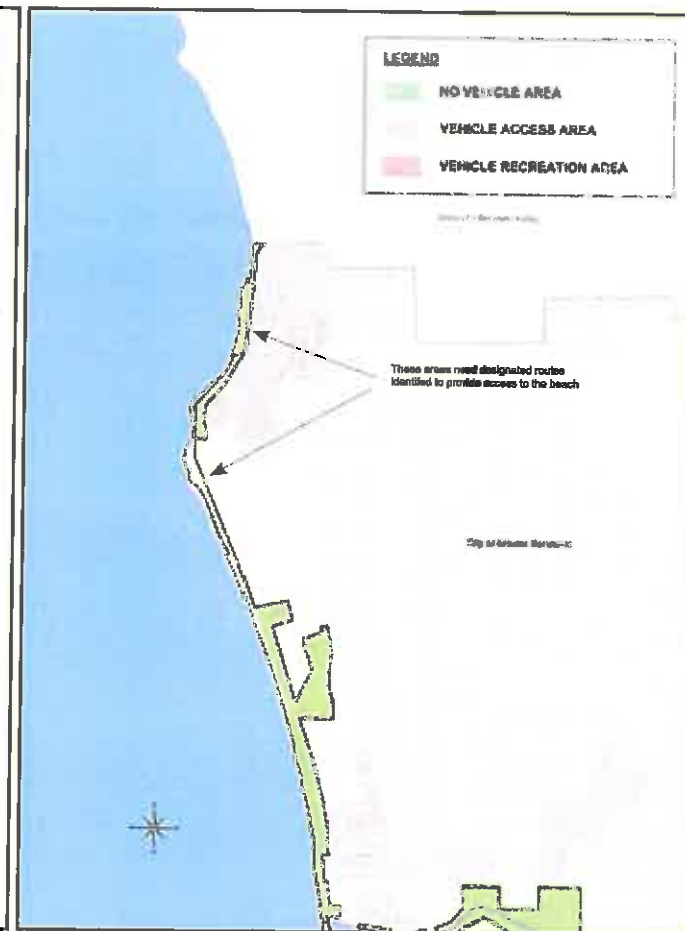


Figure 1.1.3 Possible uses based on areas the City controls



Figure 1.2.1 Legal status of natural areas



Figure 1.2.2 Community feedback on desired uses



Figure 1.2.3 Possible uses based on areas the City controls

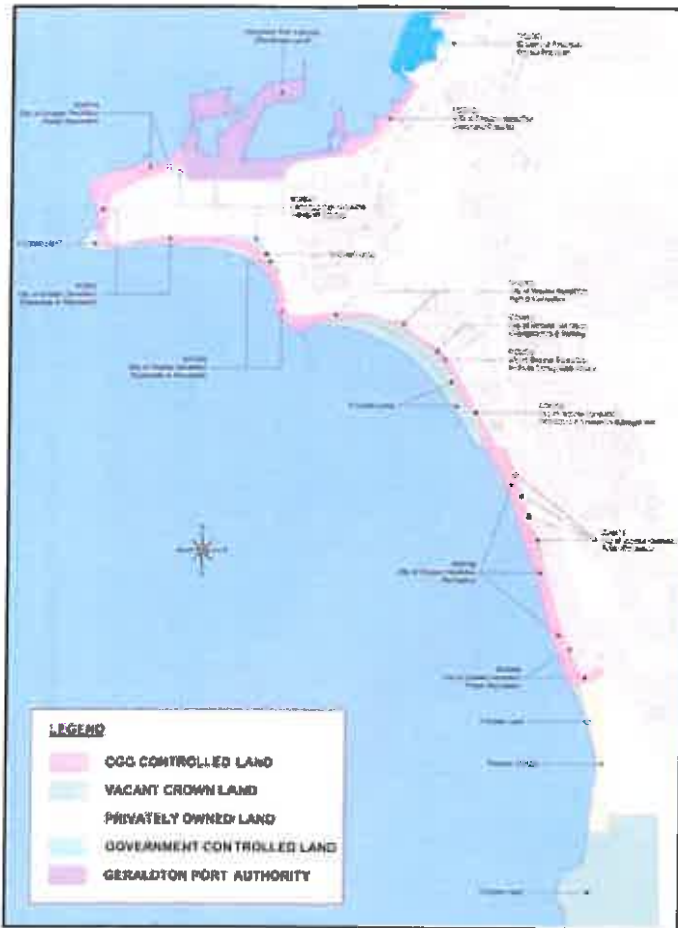


Figure 1.3.1 Legal status of natural areas



Figure 1.3.2 Community feedback on desired uses

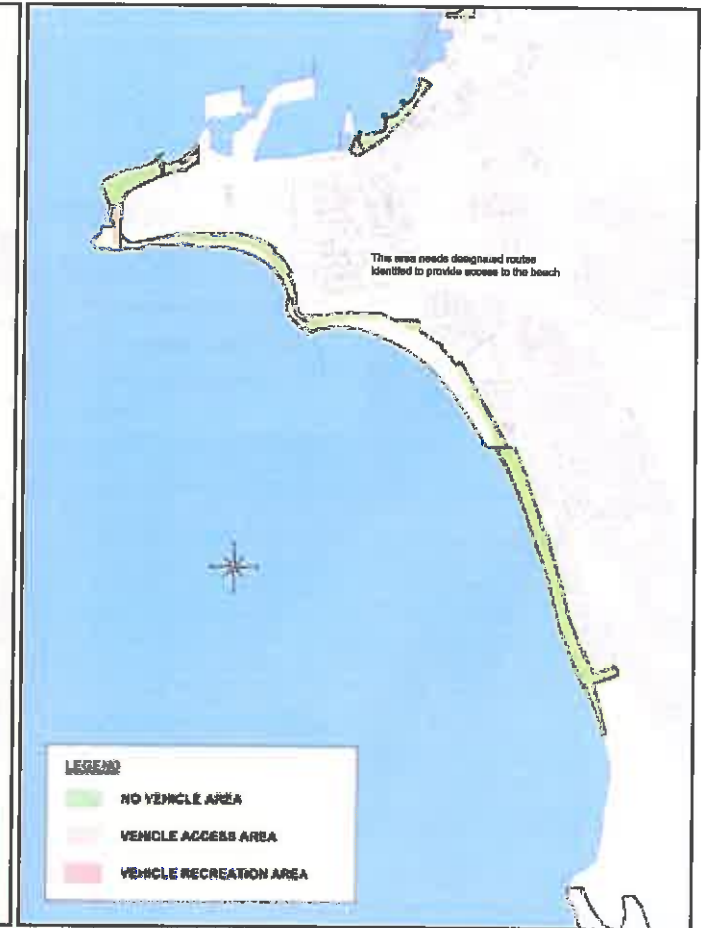


Figure 1.3.3 Uses based on areas the City controls



Figure 1.4.1 Legal status of natural areas

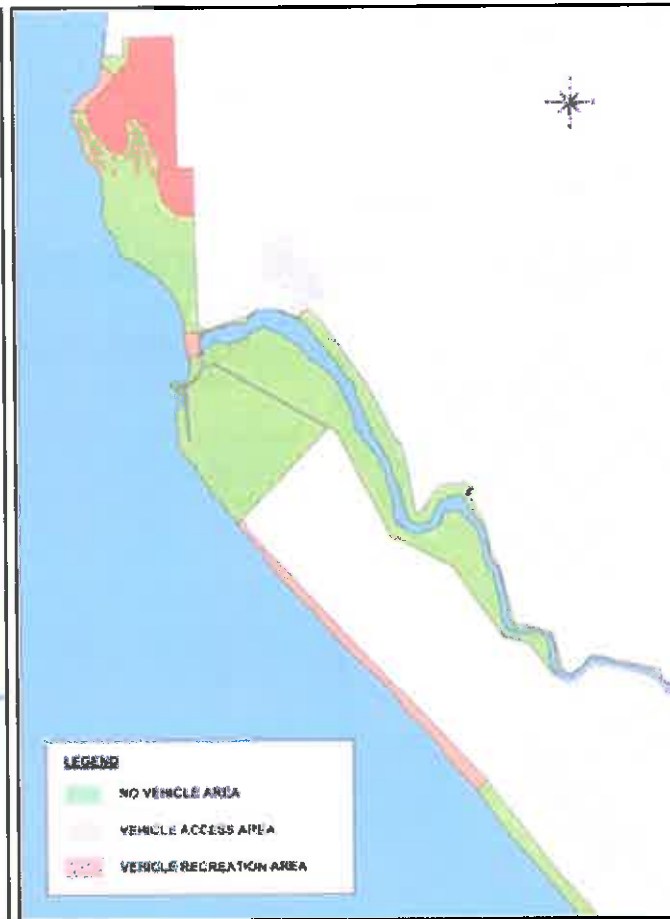


Figure 1.4.2 Community feedback on desired uses

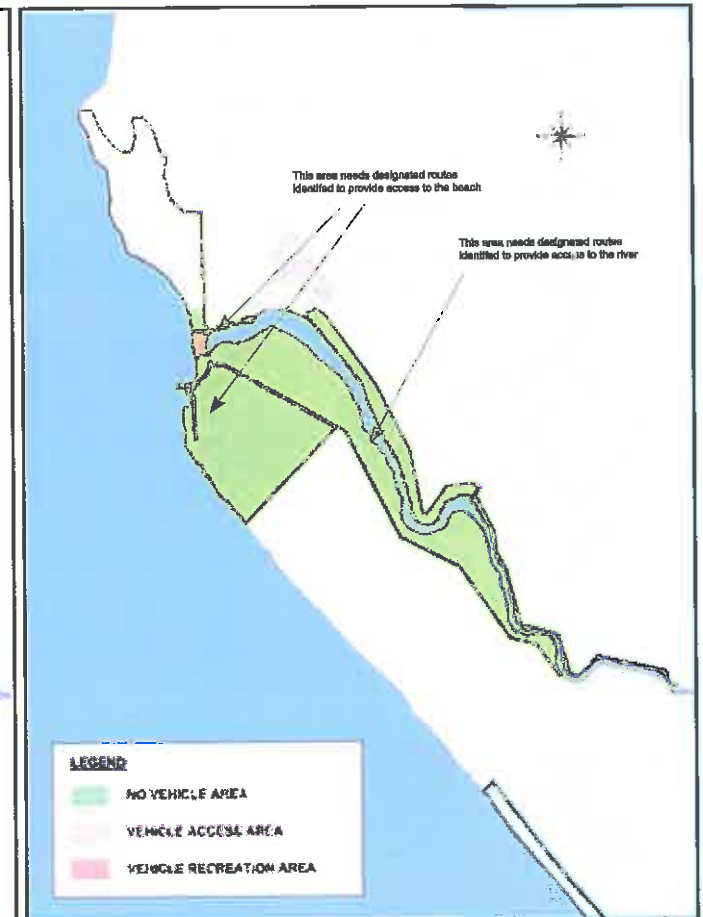


Figure 1.4.3 Possible uses based on areas the City controls



Figure 1.5.1 Legal status of natural areas



Figure 1.5.2 Community feedback on desired uses



Figure 1.5.3 Possible uses based on areas the City controls



1.2 Community Engagement

The Local Laws project successfully engaged more than 250 people in various stages of a consultation and design process for new Local Laws. A variety of consultation methods were used, with six different target audiences, to assist people to collaborate and work on issues and challenges, such as vehicle access on beaches, that had the potential to be highly contentious and emotionally charged. The feedback and evaluation of the consultation suggest the engagement approach was effective and successful.

The City had past success in changing behaviour and improving cooperation among stakeholders by involving them in collaborative planning processes at Sunset Beach, Pages Beach, and Back Beach. Consequently in this project it sought to extend this approach to other natural areas within the City. The purpose of the consultation process was "Thorough community and stakeholder engagement that leads to clear identification of vehicle access areas, and leads to recommendations for changes to Local Laws and

other management provisions to produce the sustainable management of coastal and riparian areas."

Past consultations about natural areas had clarified community values and aspirations associated with natural areas, but these had not been translated into specific actions in e.g. maps or laws.

Previously the City of Greater Geraldton had sought comments on proposed changes to the Local Laws by advertising for input, however this method of consultation produced only eight responses. Because of its commitment to deliberative democracy and community based decision making the City did not feel confident proceeding with changing the Local Laws without wider consultation, especially with people who use vehicles in natural areas and other organisations with interests in the management of natural areas e.g. environmental groups, police and government agencies.

The risks identified for the consultation, and the responses, included:

- It was not known if the community knew about the Local Laws. During the initial consultation process it was found that there was a very low level of community knowledge about the Local Laws. Consequently the consultation process had to be modified to include a community education process about the Local Laws.
- The lines between the legalities relating to Local Laws and tenure (who owned the land) and management issues were very blurred. There was a high risk that the consultation would get side-tracked into trying to resolve tenure and management issues rather than focusing on the project brief. This did become a major issue in the consultation process and was not fully resolved. This is an issue on which the City will have to continue working.
- There would never be enough resources within the City to rely on enforcement as the sole means of implementing the Local Laws, however many people in the community had the expectation that the City would do the enforcement and the community had no role in management of natural areas. The consultation had to try and change this community attitude. Similarly it had to

identify ideas generated by the community that the City could adopt to work with the community to achieve management objectives. Criticism from users that they had not been adequately consulted could result in intense lobbying of council and stalling of adoption of the new laws. The consultation provided extensive opportunities for people to be engaged and specifically focused on encouraging traditionally disengaged groups to be involved.

- Different user groups and organisations came from very different perspectives. They needed the opportunity and time to find common ground, discuss, collaborate and agree on strategies to proceed with the future directions of the Local Laws. The consultation provided this opportunity for those that chose to take advantage of it.

The engagement strategy was prepared in consultation between the consultants and CGG staff. The plan outlined the intended outcomes, assumptions underlying the engagement approach, categorized the audience into six groups (e.g. councillors, non-vehicle beach users, motorbike riders, 4WD users etc.) each of which demanded a different approach; and set out the timelines and resources for engagement activities.

Some of the activities included:

- Review of more than 30 related reports, engagement results and research into relevant precedents from around the world,
- Compilation of a comprehensive list of more than 400 individual contacts and communication channels for reaching the target audiences,
- Preparation of a two page 'background briefing' for all stakeholders,
- Walk-in visits and introductory phone calls to more than 20 known 'influencers' to get their buy-in e.g. motorbike and fishing shop owners, club presidents, scientific experts
- Advertising, media releases, newsletters, social media, web site and all-hours mobile phone number for inquiries (20 calls received) used to maximize workshop attendance,
- Facilitation and follow-up of three 'Round 1' workshops held in different geographic locations to maximize local participation with more than 200

attendees,

- Analysis of workshop ideas and results and communication in reports and presentations,
- Facilitation of two 'Round 2' workshops to consolidate ideas from Round 1 workshops, to prepare maps of use and access, and agree on future directions with representatives of all user groups and agencies.

Outcomes

Some of the main outcomes and insights from Round 1 workshops included:

- Confirmation that less than 15% of people were aware of Local Laws existed, and how they affected their lifestyle and activities. Confirmation that most people were concerned about any changes that could constrain their current activities or enjoyment of the coast or bushland areas. Education and information about the laws is important to encourage compliance with the laws, and that some organised user groups were interested in how they could play a more active role in this. There are a range of ways new laws or arrangements could deal with these issues e.g. designated areas, signage, changes to regulations, penalties and enforcement. There are precedents locally and in other areas of the state and Australia for successfully addressing these issues.

A summary of the outcomes of the Round 1 and 2 workshops is presented below.

Clarification and sharing of the facts: More than 200 local people were now aware of the existing Local Laws, this information would be shared throughout their networks. The workshops, background briefing and Q&A sessions increased participants understanding of the role of local government and their role in contributing to sustainable access and use of natural areas. In the sessions held with agencies, it became apparent that all were aware of the problems and shared some role in addressing them. The discussions between police, conservationists, sports representatives and local government created a foundation for agreement on solutions that could be collaboratively implemented.

Maps, recommended amendments, and recommended controls and management measures that reflect community priorities and address contentious issues. Hundreds of ideas for improving laws were generated in Round 1 within categories such as education, demarcation, and communication. The workshops gave opportunities for locals to share their knowledge of specific natural areas and issues that needed to be addressed. Where there was previously some concern within CGG about the level of conflict within the community, the reality was that there was broad community acknowledgement of the current problems and agreement on solutions.

Improved relationships between stakeholders, and a commitment to implementation. There were many participants who were ideologically opposed at the start of the process, however through the workshops these people found large areas of agreement and common ground on how the laws could be improved. Specific user groups also self-nominated to take leadership roles in education of their club members or peers.

Round 2 saw a smaller group of self-nominated representatives collaborate on 'drawing lines on maps' and proposal legal boundaries for different activities. Evaluation forms expressed surprise at how solutions were developed by diverse groups of people who initially disagreed.

Workshop Effectiveness

Round 1

At most Round 1 sessions there were more than twice the number of expected attendees. Evaluation forms were used to determine the success of these workshops. The range of evaluation went from strongly disagree, disagree, neither agree nor disagree, agree, strongly agree. The evaluation forms from the Round 1 workshops indicated that most respondents:

- 'agreed' or 'strongly agreed' that the workshop - 'improved their awareness of the Local Laws and implications for their activities', and that 'they were likely to be involved in further meetings or projects related to Local Laws',
- 'neither agree nor disagree' as to whether they were - 'feeling clear about what

will happen with the rest of the Local Laws review process' and 'based on this experience I would attend similar forums in the future'.

- "agreed" that the forum was well-facilitated
- Common responses to 'What was the best part of the forum':
- The number of attendees and turnout
- The opportunity to be consulted about changes affecting me
- General consensus about moving to delineation of beach areas
- The fact it was convened
- Well-managed event, didn't turn into a rabble.
- Common responses to 'What change would you make in future forums':
- Larger venue, acoustics, tables and chairs
- More and better advertising, publicity, notice
- Councillors, State Gov., DEC representatives to speak,
- No suggestions or pretty well done

Round 2 evaluations were only distributed at the public forum in the evening, not at the morning session for government and representative agencies. Common responses to the questions included:

What aspects did you enjoy and thought worked well?

- Working in groups, interaction and map marking
- Interaction and voicing of alternative/diverse views
- Acknowledgement of all user groups, Good will of participants,
- Empowering
- What aspects could be improved?*
- 6pm start
- Clearer locations on maps,
- Clearer reference for 'use categories',

What would you say about this workshop to someone else who wasn't able to attend?

- Be involved and have your voice heard,
- Gave us a chance to put our views,
- Groups with conflicting interests coming together on a combined outcome,
- It was an excellent thing,

- Moving in the right direction,
- Great community consultation

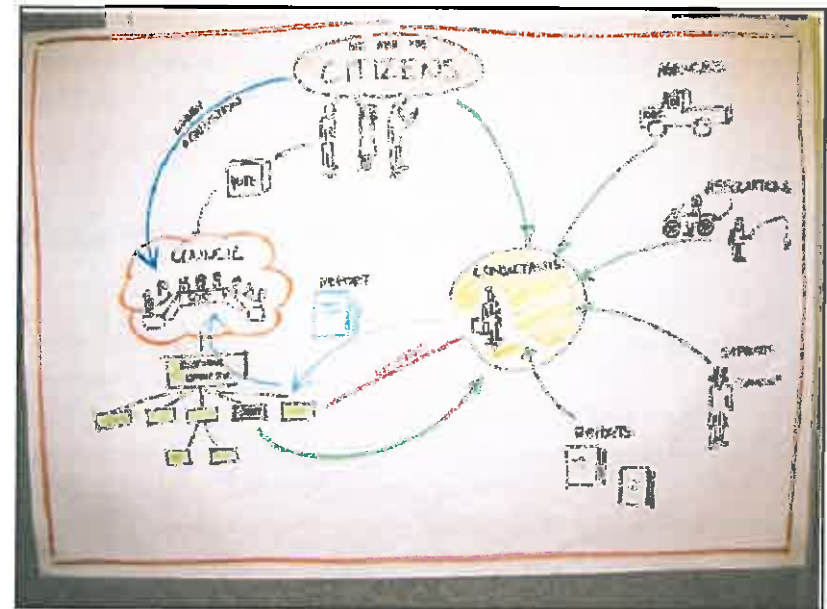
Outputs

While there were numerous outcomes from the workshop that are discussed later in this report, the Round 2 consultation gave the community the opportunity to indicate where they thought that different types of access should occur to natural areas.

As has been discussed, this exercise brought people from many different backgrounds together to work on a common problem of "what uses should occur where". The combined information from this workshop is presented in Figure 1.1 – 1.5.

This information is presented with the following caveats:

- The maps are the community's input to the Council's decision making processes. They are not a Council endorsed land use or access strategy.
- The maps relate to **access** to natural areas. As is discussed elsewhere in this report it is inevitable that issues of types of landscape, management, enforcement will affect the Council's decisions and adoption of these recommendations.
- When the people at the consultation were preparing the maps they tended to think "out of past experience" and did not take account of the pressure that Geraldton's population growth would have on natural areas or the role that improved management could play in reducing pressure on natural areas. Consequently these maps should be viewed as providing guidance about **current** use. Uses will change over time and management will improve. Consequently the maps will have to be upgraded in the future.
- The maps represent a combination of community opinion and, as is typical of consensus decision making, not everybody will be pleased, all of the time, with the outcome. Despite general agreement during the consultation about the use of most of the natural areas, there were a few geographic locations where the decision about their use was unresolved between members of the group. The maps reflect a median position between these opinions.



2 Frameworks and Legalities

2.1 Existing Local Laws

The factors that affect the structure of the existing Local Laws within the City of Greater Geraldton is, as with other local governments, made up of a number of components or "layers". These are shown in Figure 2 below.

The current Local Laws evolved at a time when Local Government management of natural areas was largely concerned with controlling access and avoiding nuisance. Over time, the number and complexity of issues associated with natural areas, such as use for recreation, increasing population pressure, ecological management, community interest etc., have greatly increased.

There have been a number of "tweaks" made to the laws over the years to try and accommodate this increasing number of issues. This continual "tweaking" process has mean that the Laws now attempt to straddle many different issues relating to tenure, management, land etc., and are now considered to be too complex to be effective.

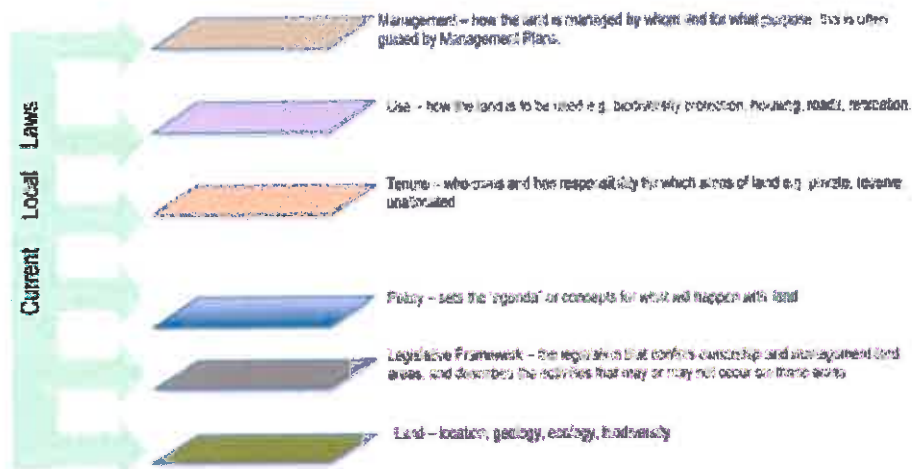


Figure 2 - Components or "Layers" that affect current Local Laws

Many of the statements in the Laws are either highly prescriptive and exclude certain activities, for example:

'Vehicle' includes:

every conveyance and every object capable of being propelled or drawn on wheels, track or otherwise; and an animal being ridden or driven. P3 (1)

or so general they are difficult to interpret...

'Behaviour that interferes with others': that does, or is likely to interfere with other's enjoyment P12, 4.1 (1)

Similarly terms like 'Beaches' and 'Four Wheel Drive Vehicles' are used but are not defined so are impossible to enforce P14, 5.3 (1).

2.2 Issues to be addressed by the revised Local Laws

The current Local Laws have other limitations in the following areas:

- Lack flexibility in differentiating between different land types, uses, and tenure
- Lack of opportunity to recognise different management regimes
- Have penalties and fees that are out of step with current conditions
- Operate generally within a law > enforcement > penalty model and do not provide a framework for proactive actions
- Do not provide a framework for community involvement in management or enforcement

Because of this, a new framework for the Local Laws is required. The following sections describe a

number of concepts that need to be recognised including:

- Natural areas are covered by a different land tenures
- The landscape is highly variable and able to tolerate different levels of use
- Population growth increases pressure on all natural areas, but particularly on important recreational nodes

- The Local Laws only apply to areas under the City's control
- There is a different set of State Laws for other areas
- Access to Natural areas is integral to the Geraldton culture, however there is also a dark side to this where some people do not respect other users or the ecology of the landscape
- Different uses have different risks attached to them. Determining equity of access should recognise these different levels of risk
- Managing unacceptable behaviour

2.3 A New Framework for the Local Laws

There are a range of management approaches available that could be included in the revised Local Laws, however most of the people at the consultation were familiar with activities by City Rangers around legislation, enforcement, and penalties. It was also apparent that there are insufficient resources available within the City for an effective Ranger presence in natural areas. In addition the City Rangers are under considerable stress from trying to meet unrealistic community expectations, working with archaic and unworkable legislation, a lack of respect from some members of the community and, in some cases, even verbal and physical assault by members of the public.

Some of the measures available to address this situation include:

- Simpler, clearer and more flexible Local Laws
- Using a risk management approach to determining the use of particular areas
- Engage the Natural area user communities in the planning and administration of their local areas
- Improves enforcement
- Better quality education and information for users

As has been noted in Section 2.1 the existing Local Laws attempt to address a range of issues that are too fluid or variable for the relatively strict definitions required by the existing legislation. A new framework is required to give greater flexibility and effectiveness to the revised Local Laws. This framework is illustrated in Figure 3 below. This framework has some similarities to the *Land Regulations 2006* in that it provides headline powers under which other activities can be designated. The intention is that issues relating to

uses of specific areas will be determined by Council and be able to be easily changed, rather than having to go through the process of State review as would have to occur in a revision of the Local Laws.

Each of the parts of Figure 3 are discussed later in this report and the ideas that emerged from the consultation that will need to be addressed in the revised Local Laws are presented as specific *Recommendations*.

RECOMMENDATION 1 – New Framework for revised Local Laws for Natural Areas

It is recommended that the revised Local Laws have the following components:

Headline Powers -- an overarching legal framework that provides the City with the:

- *Opportunity to create **By-Laws/Regulations** that can be varied with the approval of a Council meeting and do not require review by the State,*
- *Links the use of natural areas back to an assessment of the land type, proposed use, and level of management within a **risk management framework***
- *Formally recognises, and creates a decision making role, for community based **Natural Area Advisory Group/s** to oversee the planning and management of Natural areas. These Group/s should also have agency representation as per Recommendation 12.*
- *Recognises the role of **education and information** in management of natural areas*
- *Broadens the range of agencies and positions that can **have referred powers** under the Local Laws*
- *Provides opportunity to set **penalties** by regulation*

By-Laws / Regulations - that enable the City to define by a majority vote in Council:

- Specific **geographic areas** that may be defined by cadastral boundaries or landscape features*
- The capacity to **describe uses** that can be linked to these geographic areas*
- Set **timeframes** to define when the regulations should be reviewed*
- Set **penalties** for non-compliance*

2.3 Different Tenures

In Western Australia land is generally divided into private and Crown land. This project does not address the administration of natural areas on private land.

Crown land is defined as ...

Section 3 of the Land Administration Act 1997 (LAA) defines "Crown land", in conjunction with the definition of "land", to mean all land within the State which is not alienated (that is, which has not been disposed of in fee simple or freehold), including coastal waters out to three nautical miles off-shore. The LAA is the State's primary statute for dealing with Crown Land

Local Governments can have vesting (control) over some Crown lands and the consequent responsibility of overseeing the use and management of these lands in accordance with their stipulated purpose.

The City's Local Laws apply to lands under the City's control this includes reserves and freehold land owned by the City, these areas are shown in pink on the maps in this section. The revised Local Laws will apply to these areas.

Within the City of Greater Geraldton there are significant areas of unallocated Crown land (UCL) covering natural areas, shown as grey on the maps.

Administratively, the City is not technically responsible for management or use of UCL. The framework for the management of these areas is the State Government's Land Administration (Land Management) Regulations 2006.

There are administrative provisions within the Land Administration Regulations 2006 which would allow the City to take on the management of these UCL areas however there are a number of administrative issues that need to be resolved before this can occur, including:

- preparing the necessary MOU's between the Minister for Lands and the City to guide the actions and responsibilities of the City
- developing resourcing agreements where Government agencies with interests in particular natural areas can contribute to the management of UCL within the City of Greater Geraldton

- Having an agreed, overall management plan for natural areas covered by UCL to guide management contributions from the City, community and Government agencies

The consultation workshop between the City and Government agencies started the process of the City considering how UCL could be managed in the long term.

RECOMMENDATION 2 – Research how to apply the revised Local Laws to UCL
The City obtain legal advice, and enter into discussions with relevant Government agencies, as to how to extend, and resource, its revised Local Laws to cover UCL over natural areas within the City.

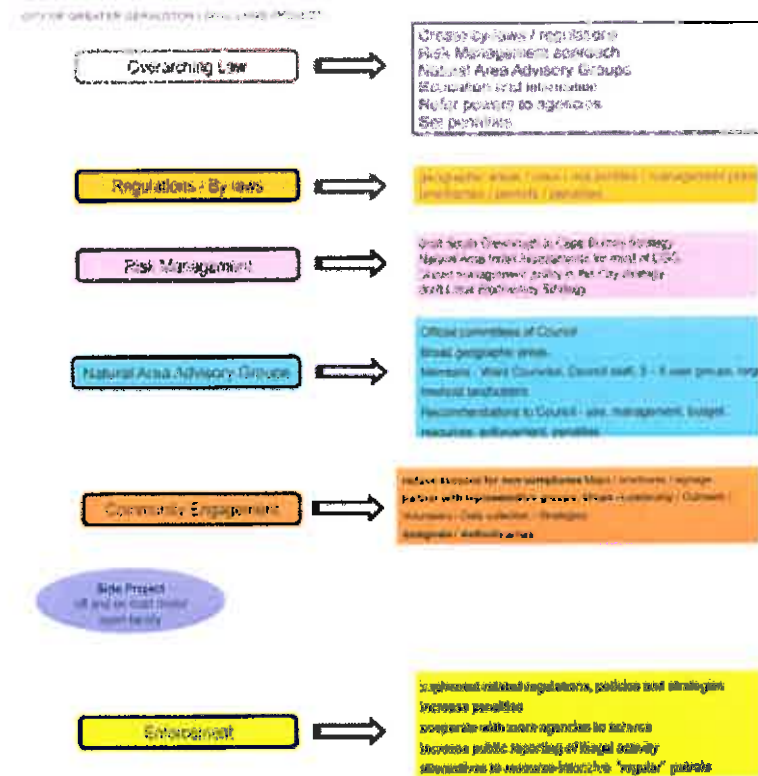


Figure 3 - Proposed structure for revised Local Laws

3 Implementation

3.1 Common Use Categories

During the consultation process various special interest groups e.g. horse riders, enduro riders etc. were well represented at the consultation. When comparing this level of engagement with surveys of beach users the most popular and frequent activities at the beach were walking (71%), swimming (59%), exercising the dog (44%), and fishing. People also enjoy driving their car on the beach (19%) and using motorbikes and other off-road vehicles (11%). The proportion of people who want to access natural areas with horses was not surveyed however anecdotal evidence from Pages Beach and the Chapman River is that horse riders do actively access these areas and, in the case of Chapman River, have had a significant ecological impact and caused neighbourhood complaints. The safety and ecological risk of cars/ORV/4WD/motor bikes is very significantly higher than people accessing natural areas as pedestrians. Risk from horses may be lower but is still significant.

The people of Geraldton consider it is a fundamental right to access natural areas, however demands from high risk / high impact users (cars/ORV/4WD/motor bikes/horses) for equity of access has to be balanced against their proportional impact and associated risk. The revised Local Laws should approach this question within a "risk management" framework to ensure that equitable beach access occurs for all users, as is discussed in Recommendation 3.

It was very evident from the consultation that the community makes a clear distinction between different types of high risk/high impact users. For example bicycles had a very different level of impact to motorbikes however this distinction is not recognised in the existing Local Laws or the *Land Administration (Land Management) Regulations 2006*, where bicycles and motorbikes are lumped under one heading of "vehicle".

RECOMMENDATION 3 - Recognise different categories of use

The revised Local Laws should recognise that different users have different impacts. Suggested classifications of uses for different areas should include:

No Vehicles – areas where the predominant focus is safe and quiet pedestrian recreation, protection and enhancement of the landscape and biodiversity.

*There may be locations within these areas where specific tracks are identified for dog/small animals (on leads or free running), horse and/or unpowered bike use. There may also be tracks and roads identified **through** these areas for providing access by licensed 2&4 WD's to specific locations e.g. access through coastal reserves to boat launching points.*

NO - motorised vehicles of any kind (licensed or unlicensed).

City and other authorised vehicles are permitted for the purpose of management or servicing the area.

Vehicle Access - areas that are identified allowing general access and free movement by licensed 4WD's to give low speed, safe access to recreation points e.g. fishing and surfing beaches etc. These areas are not design for vehicle recreation. Pedestrian, horse, unpowered bike use, dog/small animals on leads or free running may also be appropriate.

NO - quads, motorised bikes, 2WD, unlicensed vehicles.

City and other authorised vehicles are permitted for the purpose of management or servicing the area.

Vehicle Recreation Area – powered, licensed vehicle based recreation.

NO - horses, unpowered bike use, dog/small animals, unlicensed vehicles.

City and other authorised vehicles are permitted for the purpose of management or servicing the area.

3.2 Common Management Plan

The areas that are covered by the Local Laws contain many different land systems, each of these systems having a unique landscape and ecology. Examples include beaches and primary dune systems, limestone headlands, reefs, river valleys etc.

These land systems have had different levels of use and have different capacities to absorb human use. For example, a beach may be able to accommodate a certain amount of traffic accessing a popular surfing place, however it may not be able to absorb ORV racing in and around the dunes.

There have been management plans prepared for various natural areas within the City

of Greater Geraldton including:

- draft South Greenough to Cape Burney Strategy
- Natural area initial Assessments for most of CGG 'Asset management' policy in the City strategy
- draft Local Biodiversity Strategy
- Management Plan for the Chapman River Estuary
- North Sunset Management Plan
- Chapman Regional Wildlife Corridor Plan
- Pages Beach Foreshore Management Plan
- Pt. Moore to Tarcoola Management Plan
- Sustainable Foreshore Management Plan for coast between Separation Point and African Reef
- Southgate's Cape Burney Management Plan
- Dongara Cape Burney Coastal Strategy
- Greenough River Estuary Management Plan 2005

Unfortunately there are significant challenges with implementing these plans, including:

- The plans are often technically complex and difficult to understand
- The plans often do not describe a hierarchy of actions, e.g. high priority to long term, and appear overwhelming in their number of recommendations
- They are single documents and not accessible to the community or City staff who do the "hands-on" management
- The plans use different descriptive categories and mapping styles
- They are not accessible on the City's GIS and asset management system

To resolve this it is suggested that a Risk Management approach is adopted for natural area management planning. Risk Management is a well developed management approach that has been applied in many different industries and is applicable to managing natural areas. Risk Management follows a simple model:

- Identify, analyse and prioritise the risks associated with a particular use of a specific area. For Natural areas these risks may include injury to people, fire, nuisance, ecological disturbance etc.

- Record these risks on a standard "Risk Register"
- Develop strategies to mitigate those identified risks by:
 - Reducing the likelihood of these risks occurring and / or
 - Reducing the consequences of these risks should they occur
- Document these mitigating strategies in standardised "Action Plans".

Most of the natural areas within the City already have some form of management plans that can be revised within a risk management framework. An additional benefit of this approach is that it potentially reduces the City's insurance liabilities because risk assessments provide a way of quantifying the risk to which the City is being exposed.

An additional advantage in using a Risk Management approach is that the *mitigating strategies*, when implemented as part of a management plan, can reduce the risk level and allow more people to access an area.

RECOMMENDATION 4 – Review Management Plans using a Risk Management approach

It is recommended that the City review its existing natural area management plans within a risk management framework which should be used as the basis for assigning uses and management activities under the revised Local Laws.

Given that a risk management review will take some time the most important initial feature of management plans is to define uses for natural areas and access routes within and to these areas. The community consultation associated with this project developed a use and access pattern for natural areas, this information is shown in Section 1.

RECOMMENDATION 5 – Develop one coherent use and access map for all natural areas within the City

The City commission a review of all the management plans, and the work from the community consultation shown in Section 1 with the objective of producing a simplified map of use areas, and access to guide the use, management of, and access to, natural areas.

RECOMMENDATION 6 – Use the map use and access map for natural areas

The City **USES** the map prepared in Recommendation 5 by:

- This map should be prepared as a GIS file and be loaded onto the City's GIS system.
- This map should also be available as a hard copy for the community
- City's works planning, asset management, rangers and community groups should all be required to follow this map in their activities.

It is acknowledge that a map of use and access to natural areas, is not the same as a full blown management plan, however it is considered that getting all of the City's and community's management activities to align along an agreed use and access plan will be a major step to improving management of natural areas.

3.3 Review the use and access map

The City of Greater Geraldton's population is estimated to treble by 2050. Based on this growth it is likely that many of the areas that are currently used by vehicles will become un-useable either because of the increased risk of conflict between users and/ or ecological impact of increased numbers of users.

A specific focus of Recommendation 1 is that the proposed structure for the Local Laws will allow the City to easily undertake these revisions and avoid creating legislative barriers to effective laws and their implementation.

RECOMMENDATION 7 – Revise the use of areas and access as the population increases

The new Local Laws will have to allow different types of use to be changed over time. These time frames will vary according to population growth, land system type, management regime, community demand etc. It is recommended that the access maps be reviewed and upgraded every five years.

3.4 Provide a place for everybody

Geraldton has been strongly orientated towards the beach for many years and its culture and identity links back to the beach. Many of the older suburbs e.g. Bluff Point, contain houses that were originally built by the farming community as beach cottages. Visitors from Perth viewed Geraldton as a beach holiday destination and "going up the coast" or "to the islands" has a legendary status as the ultimate in weekend recreation. Today images of families and the beach are used in tourism and marketing information to promote the Geraldton identity.

Geraldton people are justifiably proud of their beaches and beach culture and throughout the consultation people expressed a strong sense of care and a desire to protect and care for the coast.

There is however a darker side to the Geraldton culture which defines itself as being on a "frontier" and by using vehicles for demonstrating personal prowess by "taming" or "dominating" nature, risk taking, excitement and rebellion.

Historically this level of destructive use has been such that the ecology is resilient enough to repair after damage and there has been enough space for multiple users to go to other areas to avoid conflicts. Now as the population grows natural areas are already showing the stress of too many people, including – deaths and accidents, conflicts between users, ecological damage, complaints, and conflicts between users and neighbouring landowners

The fundamental message as Geraldton's population grows is that the frontiers are disappearing and people will have to learn how to share.

The revised Local Laws will have to recognise that the people of Geraldton do have an interest in continued vehicle access to various natural areas and it is desirable that this continue where possible. This has to be balanced against the impact that vehicles have on both other users of natural areas and the ecology.

Throughout the consultation many of the powered vehicle (ORV's, motorbikes etc.) and horse users were adamant that it was not them individually, or their group, that were causing social or ecological problems. Most of the established groups wanted to

be seen as responsible users that were self managing in appropriate behaviour within their own group and expressed a strong desire to have areas designated, sometimes exclusively for their particular use.

In Geraldton traditional sports such as football, netball, cricket, golf, horse racing are very well and generously supported through grounds, buildings, infrastructure etc. many of which are provided, directly or indirectly, by the City and the State Government. Similarly water based sports such as beach going, boating, surfing, kiting, fishing are also very well supported,

Comparatively motor sports, particularly the more aggressive or adventurous types, are not at all well supported and there is a strong desire from within both the on-road and off-road motor sport communities for this to change. If there were well planned and suitable facilities available there would be less interest from the motor sport community to recreate in natural areas. Similarly it would be easier for the “elders” within these sports community to provide leadership and direct young users to suitable areas and encourage responsible behaviour.

RECOMMENDATION 8 – Develop a dedicated on, and off, road Vehicle Recreation Area

It is recommended that the City facilitate a study, with the on-road and off-road motor sport communities, to identify dedicated on and off road Vehicle Recreation Areas.

This area should be developed to remove the need for using natural areas for Vehicle Recreation.

This should be supported by an industry development strategy for motor sport within the City that could provide a framework for the “elders” in motor sport to mentor the younger users. To ensure engagement in this project the motor sport community should organise itself, develop its own leadership structure, and raise 50% of the grant funding for such a study. The City should match the funding raised by the motor sport community.

Horse riders also represent a similar, however possibly not as intense, risk as motorised vehicles in natural areas. There are significant conflicts between horse users and motorised vehicle users and these will increase as population increases.

RECOMMENDATION 9 – Develop dedicated equestrian riding areas

It is recommended that the City undertake a similar study with the equestrian communities to that proposed above for the motor sport communities, to identify suitable areas for equestrian use.

Despite the majority of the motor sport and horse communities assessing themselves as responsible users of natural areas, the evidence is that uncontrolled vehicle and horse access is causing significant damage to the ecology of natural areas, causing conflict with other users and nuisance to neighbours. During the consultation those causing problems were generally identified as young, rebellious males with no attachment to any particular group. It should however be noted that there were several informal comments from older users that “OK, occasionally I do sometimes let it rip... but I do it safely because I am experienced”.

If, in the last resort, users of natural areas do not behave in a responsible manner then the revised Local Laws need penalties set at such a level as to cause a behaviour change. Options include hefty fines and confiscation of vehicles.

RECOMMENDATION 10 – Increase penalties for non-compliance

The revised Local Laws should provide the opportunity for the City to set significant penalties for non-compliance by vehicle users. These should apply to vehicles whether they are licensed or non-licensed.

It is recommended that the City bring its penalties for non-compliance into line with the severity of those available to the Police, and these should be applied to both licensed and non-licensed vehicles. Once the Local Laws have been revised and a new structure adopted this information should be summarised and be made widely available for community information.

3.6 Inform the community

There are a number of key user groups amongst the community that can provide a path for educating people about use and management of natural areas. With the appropriate information packages in place the City Rangers could visit events such as MX, Enduro, Horse Rider, Mountain Biking events and meetings to distribute information. Similarly the Rangers can work with the 'leaders' within those groups to address issues as they arise.

In this context having the designation of areas, uses, penalties etc. being determined in by-laws makes it easier for the City to be responsive and change to meet users needs as they evolve over time.

RECOMMENDATION 11 – Summarise the revised Local Laws into an easily readable form

It is recommended that the Local Laws are converted into an easily understood format and used in all the information sheets, documentation etc. associated with the Local Laws and management of Natural areas

The enforcement for the existing Local Laws falls largely on the City Rangers and because of the speed and mobility of illegal vehicles in natural areas the Rangers are particularly stretched to effectively manage this problem. A number of areas of action are suggested to assist addressing this situation these include:

- Increase the numbers of agency representatives that have powers under the revised Local Laws. Possible agencies include Department of Transport officers, Fisheries Officers, Geraldton Port Authority, Police, DEC, FESA, other Council staff, Northern Agricultural Catchment Council staff. This can be coordinated by the City under advice from the Natural Area Advisory Group.
- Increase the sophistication of surveillance and reporting by the community. Other Local Government's and DEC have used fixed cameras to record activities. A further option, with an extremely high return on investment, would be to develop a smart phone app that transmitted date and GPS location stamped images of illegal behaviour back to the City's GIS system. This app would be available to

the general public enabling the City to build up an inventory of images of repeat offenders and the time and location of their offense. Once hoons were aware of this capacity of this system the sight of a member of the public wielding a mobile phone would be an important deterrent.

- Develop a low/no cost Permit system for vehicles to access certain areas. A Permit, recognised by a sticker or simple card to be carried, could be issued by local vehicle dealers, shops or motor sport groups and would be given after a person had received of information about the Local Laws and where they apply. This could be supported by signing a commitment to obey the law.
- Increase penalties to act as a real deterrent
- Improve education and information

3.6 Engage the community in local management

The Geraldton community has a strong and long term cultural association with natural areas, however this is not matched by a legal framework that enable users to get involved directly in the decision making process. There are also numerous informal and formal user groups which have interests in specific areas but little association with each other; for example a particular beach may be used by members of a fishing club, driven along by surfers, have the dunes repaired by a community conservation group, and be part of a triathlon circuit.

If these groups can be brought together to make decisions about the use, planning, management and funding for natural areas, then it is likely that there will be a strong engagement by the community and better transfer of information back to the wider community.

RECOMMENDATION 12 – Create Natural Area Advisory Groups

It is recommended that the revised Local Laws should formally recognise a role of Natural Area Advisory Groups with the capacity to make recommendations to Council about the use, management, enforcement, penalties and funding for works on Natural areas. These groups should also have the ability to seek grant funding and sponsorship. Membership could consist of:

- The Ward Councillor
- City Council staff
- Representatives from 3 – 5 user groups
- Representatives from agencies which contribute to the management of natural areas

Initially it is anticipated that there would only be one Natural Area Advisory Group, however if the need arises then other groups can be formed as required.

Most of the users of natural areas are responsible and willing to follow designated uses areas. This can be supported through a behaviour change programs that reward positive behaviour and define behaviour that is socially unacceptable. There are numerous campaigns such as drink-drive, anti-littering etc. where long term strategies have been put in place to inform and change community behaviour.

RECOMMENDATION 13 – Develop a Social Marketing campaign

It is recommended that the City work with local media and advertising groups to prepare a sophisticated strategy to explain the Local Laws and illustrate areas where behavioural change is needed.

4 Conclusion

This report presents a review of the issues that need to be considered in the revision of the City of Greater Geraldton's Local Laws as they apply to natural areas. It has been based in an extensive community consultation process that balanced the interests of many disparate groups.

Some of the key features are that the revised Local Laws should give the City the flexibility to alter the management and use of natural areas as circumstances change. Another feature is that these Laws provide a framework for increased community and agency involvement in sharing the management responsibility for the City's natural areas.

It is emphasised that the recommendations for use of specific areas and access to these areas is time dependent and will change and the population of Geraldton increases and when impacts of users is balanced by increases in management.

