



Review of Governance and Administration Models for the Richmond River – North Eastern NSW

Prepared by

stephen fletcher & associates pty ltd

**environmental
planning**

November 2013

Disclaimer and Copyright

The information contained in this draft report including opinions, advice and representations ('the content') has been formulated in good faith and with all due care, and is considered true and correct at the time of publication. Richmond River County Council and Stephen Fletcher and Associates Pty Ltd do not warrant or represent that the content is free from errors or omissions or that it is exhaustive. No liability will be accepted in relation to the quality or accuracy of the content.

Council, its respective servants and agents accept no responsibility for any person acting on, or relying on, or upon the content. To the extent permitted by law Council disclaims all liability for any loss, damage, cost or expense incurred or arising by reason of any person using or relying on the content or by reason or by any error, omission, defect or mis-statement (whether such error, omission or mis-statement is caused by or arises from negligence, lack of care or otherwise). Users of this report are reminded of the need to ensure that all information upon which they rely is up to date. Clarification regarding the currency of the content can be obtained from Council.

© Richmond River County Council 2013

stephen fletcher & associates pty ltd

**environmental
planning**

**PO Box 5334
East Lismore
NSW 2480**

**Phone: 0413 314730
stephen@environplan.com.au
www.environplan.com.au**

CONTENTS

<u>1</u>	<u>INTRODUCTION</u>	<u>1</u>
1.1	PROJECT DEFINITION	1
1.2	TERMS OF ENGAGEMENT	1
1.3	PROJECT AIMS AND OBJECTIVES	1
<u>2</u>	<u>DOCUMENT REVIEW</u>	<u>2</u>
2.1	RICHMOND RIVER COUNTY COUNCIL PROCLAMATION AND MANAGEMENT PLAN	2
2.2	COASTAL ZONE MANAGEMENT PLAN FOR THE RICHMOND RIVER ESTUARY	2
<u>3</u>	<u>CURRENT ROLES AND RESPONSIBILITIES</u>	<u>4</u>
3.1	RICHMOND RIVER COUNTY COUNCIL	4
3.2	RICHMOND VALLEY COUNCIL, LISMORE CITY COUNCIL AND BALLINA SHIRE COUNCIL	5
3.3	FAR NORTH COAST WEEDS AND ROUS COUNTY COUNCIL	6
3.4	STATE AGENCIES	6
3.5	RICHMOND ESTUARY CZMP INTERIM IMPLEMENTATION GROUP	6
<u>4</u>	<u>CONSULTATIONS</u>	<u>7</u>
4.1	STAKEHOLDER CONSULTATIONS	7
4.2	DISCUSSION	12
<u>5</u>	<u>ISSUES ANALYSIS</u>	<u>15</u>
5.1.1	PROS AND CONS OF THE EXISTING STRUCTURE (ESTUARY MANAGEMENT INTERIM IMPLEMENTATION GROUP)	15
5.2	DETERMINING AN APPROPRIATE GOVERNANCE AND ADMINISTRATION MODEL	15
<u>6</u>	<u>CONSIDERATION OF GOVERNANCE AND ADMINISTRATION MODELS</u>	<u>17</u>
6.1	INTRODUCTION	17
6.2	CLARENCE FLOODPLAIN AND ESTUARY PARTNERSHIP	17
6.3	SCU – ‘THINK TANK’	17
6.4	NOROC – INCORPORATED	18
6.5	PORT PHILLIP AND WESTERNPORT CATCHMENT MANAGEMENT AUTHORITY	18
6.6	LAKE ILLAWARRA AUTHORITY	19
6.7	PARRAMATTA RIVER CATCHMENT GROUP	20
6.8	GEORGES RIVER COMBINED COUNCILS COMMITTEE INC	21
6.9	HEALTHY WATERWAYS – SOUTH EAST QUEENSLAND	21
6.10	SWAN RIVER TRUST (WA)	22
6.11	PEEL – HARVEY CATCHMENT COUNCIL (WA)	22
6.12	UNITED STATES	23
6.13	NEW ZEALAND	23
6.14	UNITED KINGDOM	24
<u>7</u>	<u>DISCUSSION</u>	<u>25</u>
<u>8</u>	<u>CONCLUSION</u>	<u>27</u>

Executive Summary

This report, commissioned by the Richmond River County Council and funded by the Northern Rivers Catchment Management Authority seeks to identify effectiveness of the current governance and administration arrangements for the management of the Richmond River estuary, and to identify the range of governance models being applied to river management.

It is intended that the information gained from this review will be used by the County Council and allied agencies such as the general purpose councils within the Richmond River catchment to assist in determining the most appropriate future structure or model for the effective natural resource management of the Richmond River estuary system.

The review consisted of a series of consultations with key stakeholders to identify the pros and cons of the existing governance and administration arrangements, followed by a desktop review of the range of existing governance structures being applied to estuary management.

Key findings of the analysis are:

- The need for the better clarification of roles and responsibilities for estuary management and protection was commonly raised by stakeholders and is seen as a major issue to be addressed;
- There is general agreement as to the need for a more formal structure for the implementation of the CZMP;
- There is also general concern with the lack of resources available for implementation of actions, and
- The benefits of resource sharing to increase co-ordination of activities and to provide combined savings was identified.

A number of governance structures being applied to estuary management have been identified. These range from non-legislated partnerships or associations, through more formalised boards, incorporated bodies and the like to Trusts and Authorities.

Within the stakeholder consultation group there is no clear consensus as to which governance structure would best provide for the future governance and administration of the Richmond River estuary.

Two potential structures were considered worthy of further consideration, these being an incorporated body and a county council model. Consideration of each is provided within the conclusion to this report, with a recommendation that further discussions and consideration of the county council model be undertaken.

1 Introduction

1.1 Project Definition

This report has been prepared on behalf of the Richmond River County Council and funded by the Northern Rivers Catchment Management Authority. The report seeks to identify the range of governance models being applied to river management nationally and internationally.

It is envisaged that the information gained from this desktop review will be used by the County Council and allied agencies such as the general purpose councils within the Richmond River catchment to assist in determining the most appropriate future structure or model for the effective natural resource management of the Richmond River estuary system.

1.2 Terms of Engagement

Stephen Fletcher & Associates Pty Ltd has been engaged by the Council to develop the project in the following stages:

Stage 1 - Project Definition – Initial Meeting, Data Request and Refining the Project

Stage 2 - Meeting with Richmond River Implementation Group and Stakeholders

Stage 3 - Desktop Review of Governance Models

Stage 4 - Preparation of Draft Report

Stage 5 - Meeting to Present Draft Report

Stage 6 - Preparation of Final Report

1.3 Project Aims and Objectives

The project aims and objectives are:

- Identify the pros and cons of the existing governance and administration arrangements;
- Consider alternative models and their successes and failings in Australia or overseas examples, and
- Identify a range of potential governance and administration models that may be suitable for the Richmond River estuary.

The need for review of the governance and administration of the Richmond River estuary is identified as a priority within the Coastal Zone Management Plan for the Richmond River Estuary (August 2011). This study is not an exercise to develop a final model or structure for the

governance and administration of the river system as this will be undertaken by Mayors and senior management of the councils within the catchment with the support of State Government agency staff. The study undertaken did however identify a number of different governance and administration structures which may in future be considered.

In August 2013 the County Council resolved that the project brief be extended to include recommendations regarding a preferred model for the County Council to further investigate. Accordingly the conclusions provided in Section 8 of this report have been expanded to consideration of the two previously recommended models being an incorporated body and a county council model. Consideration of each is provided with a recommendation that further discussions and consideration of the county council model be undertaken.

2 Document Review

2.1 Richmond River County Council Proclamation and Management Plan

- Richmond River County Council was formed in 1959 as a single purpose council to mitigate the menace of flooding in the Richmond River Valley for the shires of Lismore, Gundurimba, Woodburn and Tintenbar;
- In 1993 RRCC hosted the development of the Tuckean Swamp Land and Water Management Plan and represented the first engagement of council in natural resource management (NRM);
- In August 2008 the Council's charter was amended to reflect the then current activity in NRM and to include an expanded management area to the whole of its constituent council areas;
- The Council has for some years now been involved in a number of programs, initiatives and committees with considerable combined resource implications. These commitments include:
 - Floodplain committees
 - Estuary management committees
 - NOROC- Natural Resource Managers Group
 - Floodplain Network Group
- Floodplain Management and Flood Mitigation are core roles of RRCC and are mutually dependant due to conditions set out in environmental legislation and the interactions of natural systems.

2.2 Coastal Zone Management Plan for the Richmond River Estuary

The Coastal Zone Management Plan for the Richmond River Estuary (CZMP) was prepared by Hydrosphere Consulting on behalf of the Richmond River County Council, Richmond Valley Council, Lismore City Council and Ballina Shire Council in 2011. The plan follows on from the development of the Estuary Management Study for the Richmond River and provides details on the actions required to achieve the objectives of the study for the management of the estuary.

The estuary is situated within three local government areas (Richmond Valley, Lismore City and Ballina Shire). It includes the tidal waters of the Richmond River to Casino, Wilsons River to Boatharbour, Bungawalbin and North Creek, and incorporates foreshore and adjacent lands. The Richmond River Catchment and the estuary management study area (principal area affected by the CZMP) are shown in the map below.



The CZMP identifies that *“the existing estuary management and governance model for the Richmond River estuary needs improvement. The issues raised during development of this study were primarily regarding the lack of a holistic approach to estuary management and poor coordination between the various management entities. It is believed that this presents a significant barrier to efficient delivery of on-ground programs and effective estuary management. The issues have come about due to the large number of stakeholders with a range of responsibilities including three Local Councils, three County Councils and various government agencies and organisations. Current legislated responsibilities do not allow any one*

party to provide an over-arching governance and administration role. Community confusion about the role of the various local and state departments in estuary management was also identified as an issue during the community consultation phase of this study. Improved governance arrangements will rely on clearly defined responsibilities and adequate funding to implement these responsibilities.

Determining efficient and effective administrative arrangements for estuary management is important in order to minimise lack of coordination, administrative gaps or overlaps and to streamline decision making. Improved governance arrangements will rely on clearly defined responsibilities and adequate funding to implement these responsibilities. To ensure effective implementation of the CZMP, the governance and administration arrangements for management of the estuary should be resolved as a priority”.

Strategic Action 1B of the CZMP seeks the review of the estuary governance and administration. In addition to the review, the Plan identifies a range of estuary management strategies and actions that combined seek to retain and enhance the ecological, social and economic values of the river system.

3 Current Roles and Responsibilities

3.1 Richmond River County Council

The Richmond River County Council (RRCC) was formed by proclamation of the NSW Governor General Lieutenant – General Sir Eric Winslow Woodward on 25 November 1959.

The Council was constituted under the *Local Government Act 1919* and was vested the various powers and duties under section 494 of the Act in relation to “the prevention or mitigation of menace to the safety of life or property from floods” (RRCC proclamation taken from Government Gazette No. 139 of 4th December 1959).

The creation of a specific purpose council with responsibility for flood mitigation arose as a reaction to the 1954 floods, which caused loss of life and property within the Richmond River catchment. The creation of the Council was considered to be a pro-active approach to the minimisation and/or prevention of future catastrophic flood events. The role of the Council was therefore essentially single purpose.

In accordance with the original 1959 proclamation the area over which the Council has authority are those lands contained within the City of Lismore and the Shires of Gundurimba, Tintenbar and Woodburn, as existing as at 1959. Of note is the fact that these local government boundaries no longer exist. The City of Lismore was combined with the Shire of Gundurimba and part of Terania Shire to create the current Lismore City Council area. The Shire of Tintenbar was combined with the former Ballina Shire to create the current Ballina Shire Council. Woodburn Shire became part of the Richmond River Shire Council, which subsequently amalgamated with Casino Municipal Council to form the Richmond Valley Council.

In 2008 an amendment to the Proclamation was made and the Council amended its charter to:

- a) Expand its spatial area so as to apply to all of the Ballina, Lismore and Richmond Valley LGAs;
- b) Amend the powers and duties of the County Council included in Clause (a) by the addition of "...and natural resource management issues arising there from", and
- c) Amend the constituent Membership numbers of the County Council to two Councillors from each of the three member councils.

The significance of the amended proclamation is that natural resource management issues are now recognised as part of the Council's principal responsibilities.

3.2 Richmond Valley Council, Lismore City Council and Ballina Shire Council

The three local general purpose councils are responsible for land use allocation and development in the immediate area and surrounding the estuary. The councils also have significant planning and development powers as consent authorities under the Environmental Planning and Assessment Act 1979.

The Local Government and Shires Associations of NSW website provides a useful description of local government responsibilities with regard to natural resource management. This is provided below:

As the sphere of government closest to the community, local government is responsible for good governance and the care and protection of local communities within a framework of sustainable development.

As managers of public land and land use planners, local government is responsible for policy development and implementation of land use planning as well as regulating a wide range of activities that may impact upon natural resource management. Local government also has a key role to play in translating the policies of Commonwealth and state governments into on-ground projects.

Local Government has a range of functions, powers and responsibilities at its disposal to influence natural resource management - on both private and public land. These include:

- Strategic planning through land use zoning and statutory controls on all freehold land and locally managed public open space;
- Development control of activities and works on land as specified by Council's LEP;
- Enforcement powers for development consent conditions, waste management and unauthorised land uses (e.g. land clearing, drainage, and filling);
- Administrative responsibility for state agency coordination through integrated planning, licensing and development concurrence;
- Stormwater management and control; sewerage and drainage works, and flood control;
- Pest, plant and animal risk control measures;
- Influence over land clearance patterns through incentive programs (planning amendments, rate differentials, levies, rural fire management and developer contributions);
- Management of local open space to restore remnant vegetation and recreate habitat; and

- Primary advocate for and coordinator of local community groups and interests.

3.3 Far North Coast Weeds and Rous County Council

Far North Coast Weeds is the local control authority responsible for administering the Noxious Weeds Act, 1993 in the Northern Rivers region of NSW. Responsibilities include:

- Controlling noxious weeds on public land including roadside weed management and aquatic noxious weeds on rivers and public lagoons;
- Conducting inspections of private property for presence of noxious weeds;
- Enforcement of control of noxious weeds through requests and fines as necessary; and
- Provide advice on weed management issues.

Rous Water is the regional water supply authority providing potable water in bulk to the Council areas of Lismore (excluding Nimbin), Ballina (excluding Wardell), Byron (excluding Mullumbimby) and Richmond Valley (excluding land to the west of Coraki). Catchment management activities are carried out by Rous Water to protect its drinking water sources and to protect and restore ecological systems and improve waterway health and water quality. (Hydrosphere Consulting 2011).

3.4 State Agencies

There are a number of State agencies which have various roles related to the estuary. These include:

- Northern Rivers Catchment Management Authority
- Department of Primary Industries
- Department of Planning and Infrastructure
- Office of Environment and Heritage
- Office of Water

3.5 Richmond Estuary CZMP Interim Implementation Group

The implementation group was formed following the adoption of the CZMP and comprises of representatives of the three general purpose councils, RRCC, Northern Rivers Catchment Management Authority, Department of Primary Industries and the Office of Environment and Heritage. The role of the group is to collectively implement the strategic actions of the CZMP.

The group operates under a system of a rotating chair and administration services, and relies upon grant funding to implement the CZMP actions. The four combined councils do not contribute direct funds to the operation of the implementation group however provide resources with staff representation and administration. The general purpose councils provide funds to match those received from external grants through programs such as the Estuary Management Program administered by the NSW Office of Environment and Heritage. These grants are for specific projects and are therefore tied.

In relation to the implementation of the CZMP actions the process to date appears to revolve around the seeking and gaining of applicable grants and agency funds for a particular action, and then the allocation of project management roles to members of the group for the action. Examples are the Eco-health project being administered by Ballina Shire Council and the Riparian Vegetation Prioritisation Project being administered by Lismore City Council.

4 Consultations

4.1 Stakeholder Consultations

A list of council, state agency, industry and academic stakeholders was supplied, and where available the stakeholders were interviewed. The participants were asked to identify what they considered to be the key issues with the current governance and management system, what has worked and what hasn't, as well as their ideas for an appropriate future governance and administration structure.

The following summary is a collation of the matters raised by the four stakeholder groups, being State agencies, councils, academics (Southern Cross University) and industry. A list of the participants interviewed is provided as Appendix 1.

Operation of the Current Implementation Group

Agencies

- Makeup of implementation group from a skills base and position base (within respective agencies) is good – appropriate range of expertise and agency/council involvement
- However there is a need for a tighter co-ordinated approach to the implementation of actions – this may require clearer leadership
- Coordination has been somewhat disjointed with no clear line of responsibilities
- Group meets on an as needs basis with rotating chair and administration – more structure to this is required (Note: some participants did not raise lack of appointed chair as an issue)
- Focus on grants chasing and then the issue of implementation – who will take carriage of a project once funding is received?
- Poor connection with the upper management of the catchment e.g. Kyogle
- Need for additional focus on community education
- It is not clear how RRCC provides services to the council's and how this fits into the CZMP
- Grant process should involve draft funding applications being provided to the implementation group for refining and finalising and to make sure that the commitment and resources from stakeholders are there
- Lack of a good framework to effectively consult
- A Memorandum of Understanding (MOU) or partnership agreement is required
- RRCC has resource issues – there should be a part time paid position to implement the CZMP actions – position can be within RRCC or within a general purpose council
- A proper works program and quality control process is required
- A mission statement or terms of reference is required

- A 5-10 year strategic plan should be prepared and adopted

Councils

- There is a blurred line between the advisory capacity of the implementation group and the its capacity to implement actions
- General lack of acknowledgment from the community that estuary issues relate to the whole of the catchment
- Need for a chair and secretarial role with clear delineation of roles and responsibilities
- Group comprises a good mix of professions and is functioning well.
- Poor connection with the upper management of the catchment – e.g. Kyogle
- Group is successful in obtaining grants but it is unclear the difference between being a committee member and being responsible for implementing an action arising from the committee
- Poor on ground resourcing of the CZMP – not necessarily a matter of structure but needs to be addressed
- Lower sections of the estuary (Coraki down) cannot address upstream issues such as sediment loads and turbidity as they are generated upstream
- Implementation group is reactive to funding opportunities – funding rounds are announced then there is consideration to applying – application made and then the issue of resourcing and administration arises – needs a more co-ordinated approach
- RRCC becomes grant chaser and then left to implementation group to administer without adequate resourcing. This leads to implementation issues
- RRCC identifies management actions but does not have the funding or resources to go forward
- Need for greater clarification of roles and responsibilities
- Should engage industry

Southern Cross University

- Implementation group has dedicated individuals with good involvement

Industry

- Problem with current process is that it is a bureaucratic process
- Former estuary management committee was frustrating
- There is no definition of responsibility on various issues. Many farmers think that flood gates belong to them and they decide when to open them or not
- Need for more professionalism and commitment to managing estuary issues

Coordination

Agencies

- Co-ordination has been somewhat disjointed with no clear line of responsibilities
- Need to identify clear roles for RRCC, estuary implementation group and agencies – clear demarcation and responsibilities for actions and implementation of CZMP is

required

- Need for implementation of actions to be processed in a clear methodical way – administration structure needs to ensure this
- Poor on ground resourcing of CZMP – not necessarily a matter of structure but needs to be addressed

Councils

- Explore benefits of resource sharing – such as with Regional State of the Environment Report project
- Identify how RRCC can best fund NRM activities
- Should adopt a 10 year financial plan

Southern Cross University

- Consider a process whereby the whole of the catchment can be considered with councils retaining key responsibility for the upper catchment, tributaries etc with the new governance structure having greater input in the main estuary system
- Better identification of the link between tourism in eg Ballina – clean river water important for tourism – need to look at the costs and benefits

Industry

- Should allocate various tasks to the local councils as they have the equipment and resources – e.g. weed removal
- The issue of change in expectations has not been properly reconciled – there has been a perceived presumption that farmers will just ‘move with the times’
- Need for more and better community education given the dynamics and complexity of the Richmond estuary, and the need for the wider community to assist in protecting the water quality of the estuary
- Need to prioritise actions and priorities and to attract funding
- Need to change negative press about the Richmond River – it is more resilient than previously thought – improve the collective level of understanding
- Scientific data about acid sulphate soils and blackwater events is satisfactory – but informing the community is lacking
- Need for better understanding of estuary processes and the impacts of individual actions within the community – better education required

Suggestions for Future Governance and Administration

Agencies

- Involve Mayors and General Managers/ Agency Regional Managers
- Involve key industries
- A two tiered approach to governance may suit with perhaps Mayors and GMs/ Regional Managers at higher level, with council and department staff below to assist in implementation
- Focus on CZMP area (tidal limits) with ability to implement actions (under the CZMP) catchment wide where required (e.g. eco-health project) – Note – a number of participants consider that the focus should be on the whole of the catchment

- Potential for Richmond Catchment Board or Trust
- Implementation group type structure and involving other stakeholders on a project by project basis
- Should be set up to ensure that funding opportunities are not missed
- Needs to be an increased focus on education of estuary issues and NRM management of the estuary
- Richmond should have CMA or councils as leads to source and administer funds – a clear process of funding responsibilities should be developed
- Some participants don't support setting up a trust or board, others do
- Need to have a good chair to champion the process
- Need for greater recognition of CZMP and required actions at higher level of governance - i.e recognition of priority and understanding of issues at the catchment level
- May not require a large structure provided it does have some statutory influence rather than rely upon goodwill
- Should be a focus on co-ordinating actions and priorities then chasing grants
- Community education should be another focus – promote achievements, develop a monthly newsletter, logo, branding and website

Councils

- Implementation group type structure and involving other stakeholders on a project specific basis
- 2 tiered approach to governance may be appropriate with higher level involvement of GMs/ Mayors etc – look at Clarence-Tweed GM's group as a model
- Look at having a funding model hand in hand with governance – i.e. funding is a priority
- Needs to be an increased focus on education of estuary issues and NRM management of the estuary
- Potential for consideration of an environmental levy
- Need to employ a grant chaser and then have the resources (staff) to implement the projects
- Need for greater recognition of the CZMP (and required actions) at a higher level of governance - i.e recognition of priority
- Perhaps consider a process of reporting through Northern Rivers Region of Councils (NOROC) to increase awareness – i.e. as a standing item reported to every meeting
- It is valuable to have industry representatives and to get industry ownership of the issues
- There should not be disjointed membership of the group – needs the continuity to be successful
- Define the governance area as the CZMP map but provide for some projects to extend beyond e.g.- Eco-health project
- Actions and projects involving Council's allocation of resources and funds should be benefit – cost positive
- Improvement in process does not require a new governance structure

Southern Cross University (SCU)

- Focus on CZMP area (tidal limits) with ability to implement actions (under the CZMP) catchment wide where required (e.g. eco-health project) – Note – a number of participants consider that the focus should be on whole of catchment
- Governance body must have access to funding and including for multi faceted issues.

Most funds are for single issue actions only

- SCU has access to grants such as ARC – Category 1 grants – there is a need to form appropriate linkages with local partners – a strategy for linking Southern Cross University and industry partners is required
- Needs to be greater assessment of the issues in the LGAs (including Kyogle and Byron) to better inform where work should be done
- Lack of Aboriginal involvement is an issue
- Should have champion(s) from the agricultural sector
- Would be good to develop a broader catchment management monitoring study
- Consider a resident levy (environmental levy) for estuary improvement works
- Consider incentives for environmental (water quality) improvement works on private property
- Best approach to floodplain management is multi-faceted
- Desired structure should make it easier for co-ordination of activities
- Perhaps a process whereby councils have greater input for upper catchment, tributaries etc with new governance having greater input in main estuary system (as defined under the CZMP)
- Concern that the more structured and agency driven a model is the more it is susceptible to inappropriate government oversight and less able to involve and support industry – perhaps a non-government model eg. a partnership may be best

Industry

- Changed community expectations over time have been significant – focus was on drains and flood management and now includes fish habitat. As a result the number of things producers are now ‘judged’ on is different. RRCC has had to deal with these changes and this has in the past created conflict
- Could focus on the entire catchment and perhaps separate into 2 zones such as estuary/tidal zone and freshwater zone
- Should have industry involvement but with all industries not just sugar growing and commercial fishing
- The more structured a governance model is the more rule bound it becomes and the increased risk towards inappropriate actions and oversight
- Structure should be more diverse e.g. Sustain Northern Rivers which has a ‘distributed leadership’ model
- Should include the ocean to the 3 nautical mile (commonwealth) boundary into the governance system
- Actions of group needs to be informed by an independent scientific panel – perhaps with links back to Southern Cross University

Potential Models

Agencies

- Hunter Trust
- Swan River Trust
- South-east Queensland (SEQ) model – Moreton Bay Partnership
- Northern Rivers Region of Councils (NOROC)
- Northern Rivers Social Development Council

Councils

- Catchment Board type model
- Georges River – River Keeper program as a model/initiative
- Clarence River CZMP (Partnership agreement)
- NOROC
- Clarence-Tweed GM's group with NRM managers group below

Southern Cross University

- Westernport Catchment Authority
- Melbourne Metropolitan Board of Works which had control of all issues within the catchment
- Wet-tropics Management Authority

Industry

- South-east Queensland (SEQ) model – Moreton Bay Partnership

4.2 Discussion

The consultations highlight a number of key issues. Of particular relevance are the following:

- The make up of the implementation group is generally seen as being good however a number from the groups have identified industry representation as being desirable. Several people interviewed commented upon the issues and conflicts which arose between industry and community representatives on the previous estuary management committee however attributed this to the individuals involved rather than the committee structure;
- The need for the better clarification of the roles and responsibilities for estuary management and protection was commonly raised and is seen as a major issue to be addressed;
- With the three general purpose councils, there is no consistent budgeting or reporting process for funding the implementation group or the CZMP actions;
- There is general agreement as to the need for a more formal structure for the implementation of the CZMP;
- There is also general concern with the lack of resources available for implementation of actions. Representatives from two of the general purpose councils raised the issue of actions and priorities being developed by the state agencies or the CMA, with the councils then being responsible for implementing the actions. They suggest that if funds are obtained for CZMP actions there must be an appropriate amount of resources attached to implement;
- Whilst there is general agreement of the need for improved co-ordination there is no consensus as to the most appropriate type of governance and administration structure. Most participants did not offer what they see as a preferred model;

- Stakeholders are divided as to whether the entire Richmond River catchment should be brought into the area of consideration for the governance model. The majority of participants however agreed that the area of concern should remain that of the current CZMP with the ability to extend to the wider catchment if resources permit and priority projects develop;
- There is majority recognition that greater co-ordination to pursue funding and to implement actions is required. This extends to a need to better prioritise actions. The need for greater involvement of the implementation group in the preparation and application of grants and establishment of priorities was raised;
- The issue of a lack of general community understanding of the dynamics of and pressures/influences affecting the estuary system, and the resultant need for increased and better education was also raised. Examples cited include a general perception that the river system is in crisis and that agencies and industries are not addressing NRM issues;
- Industry – The Richmond River Canegrowers Association and the Ballina Fishermen's Co-operative are willing to be involved in an association/group etc to implement the CZMP where confidence in the ability to achieve desirable outcomes is achieved;
- Resource issues raised include the need for a detailed financial plan (e.g.10 year plan) to identify required funding and other resources and to assist in identifying funding sources, agency and industry required commitments, grant opportunities and the development of realistic (achievable) actions, and
- The benefits of resource sharing to increase co-ordination of activities and provide combined savings was identified. An example where this has occurred is with the regional state of the environment report which involved the Kyogle, Richmond Valley, Lismore and Ballina councils.

The majority of stakeholders including the general purpose councils and industry representatives identified that the Richmond River County Council is viewed as being the lead agency for implementing the CZMP and for NRM activities within the defined estuary. This is certainly the case in relation to floodplain management (given the proclamation and charter of the County Council), however the role is less pronounced in relation to natural resource management responsibilities. With the review of appropriate governance and administration structure for the on-going management of the estuary system there is opportunity for addressing this uncertainty in roles and responsibilities.

The issue of lack of funding and resources (by the County Council, general purpose councils and agencies) to effectively deliver on desired actions was consistently raised. Some participants suggested an approach whereby the potential funding and resource base be first established, and then a governance structure be formed within the resource limitations/ opportunities. The need to be able to effectively deliver on actions taken on by the current estuary interim implementation group was highlighted.

Industry representatives highlighted the need for effective community education programs to ensure that:

- Community impacts upon the health of the estuary are better understood;
- Initiatives being undertaken by industry and agencies are promoted, and
- The current state of the estuary is identified.

From the discussions it is apparent that previous management committees formed over the years, in particular the Richmond River Floodplain Management Committee and the Richmond

River Estuary Management Committee have not met intentions due largely to issues of conflicts between committee members and personalities. There is therefore a considered need to develop a governance structure which can deal with such matters. Suggestions of a two-tiered structure involving a Board which is then supported by project management groups/working group(s) or the like may be one approach to consider.

In relation to regional collaboration, all three general purpose councils identified the opportunities and potential benefits of undertaking agreed collaborative projects. The regional State of the Environment Reporting, the Eco-health project and the Riparian Vegetation Prioritisation project were cited as good examples of collaborative estuary management initiatives.

The various state agencies consulted see themselves as important contributors in the estuary management process with their participation extending to staff time and expertise, land managers and funding bodies. None identified as being the lead body for the actual governance of the CZMP implementation group although OEH acknowledges that it has an umbrella role in implementing the CZMP actions (as lead funding agency). As noted previously, many consider the County Council to have essentially been delegated the role for overseeing the actions of the implementation group.

The general purpose councils similarly provide staff time and expertise, funding and project management to the CZMP, and see merit in having an estuary wide (or catchment wide) governance structure to implement appropriately funded and resourced projects. Cited examples of regionally focussed groups within the Northern Rivers include NOROC and the three county councils.

From the interviews it is clear that there is a majority consideration that the lack of resources is hindering the effective implementation of the CZMP and is therefore critical to any consideration of future effective governance of estuary management. A number of stakeholders have raised the issue of the need for resources (funds) to deliver the required CZMP actions in addition to those currently available via grants (and by the councils matching of those grant funds). Within this context, the possibility of having an environmental levy (imposed by individual general purpose councils) for implementing the CZMP actions has also been raised. An example cited is the levy imposed by Coffs Harbour City Council which has been used to provide for various NRM initiatives such as the Orara River Restoration Project.

5 Issues Analysis

5.1.1 Pros and Cons of the Existing Structure (Estuary Management Interim Implementation Group)

Pros

- Fits within current legislative framework
- Does not create a new 'organisation' with specific resourcing requirements
- Interim implementation group generally seen as working well with an appropriate makeup
- Can act in an advisory rather than regulatory role, supporting existing agencies
- Can be readily expanded with other stakeholders on an as needs basis such as for a specific project
- Can provide for 'ownership' of the process by a broad number of agencies including the local councils
- Can act as a conduit for receipt of grants and funds
- Can be readily adapted to provide for increased industry and community participation if required

Cons

- Inefficient funding model – Organisations competing with each other
- Missed funding opportunities
- Lack of contributed funding by stakeholders
- Lack of formal Chair and/or committee structure seen as an issue by some stakeholders
- Lack of industry representation seen as a negative by a number of survey participants
- Responsibility for implementing actions has generally fallen back to the general purpose councils and the Richmond River County Council
- Confusion as to which agency or council has responsibility or jurisdiction for addressing specific issues or for implementing individual actions
- Lack of co-ordination across entire estuary system or catchment
- Role of management group and its achievements are not well known or promoted

5.2 Determining an Appropriate Governance and Administration Model

It is outside the scope of this project to provide recommendations as to the most appropriate governance and administration models. However, it is considered that the best model would be one which capitalises on the current strengths of the group in implementing the CZMP actions whilst addressing the identified negatives within the current and potential resources available.

From the consultations undertaken it is evident that the most appropriate governance and administration framework will be one which provides for:

- The clear definition of roles and responsibilities within an organised framework;
- The ability to work within available resources;
- The best opportunities for accessing funding and grants;
- Opportunities for industry involvement;

- Opportunities for involvement of a wide range of non-government organisations (NGOs) and community stakeholders either as ‘partners’ or for specific projects;
- A sound education and community awareness component, and
- The ability to effectively and efficiently deliver on agreed actions.

The core focus or priorities for estuary management will influence the suitability of a specific governance model. As an example, if the focus is on securing grants then a different structure to one focussed on industry ‘buy-in’ may be warranted. Within a main structure the focus on specific issues such as acid sulphate soils, riparian revegetation, blackwater events, floodgate management etc may determine the suitability of sub-structures such as project teams or working groups. The most appropriate administration structure will similarly be determined by the level of resources available and the clear establishment of priorities.

Any consideration for expanding the role of the governance to the entire catchment will similarly affect the suitability of a given structure.

From the survey participants responses a fundamental priority for considering any future governance or administration model is the need to effectively deliver on actions and initiatives. The Richmond River Canegrowers Association and the Ballina Fishermen’s Co-operative have each indicated that they are prepared to be involved in any revised governance group for the estuary provided that they could identify the ability for the group to effect sustainable estuary management to the assistance of their respective industries.

Another consideration is whether the governance structure is required to fit within the current legislative framework or whether legislative amendment is required. An example is the establishment of an estuary management Authority which would necessitate the introduction of new legislation.

The complexity of any proposed structure has been raised as an issue with the majority of survey participants preferring a simplified structure to a complex one. Examples of simplified structures include non-statutory partnerships such as that within the Clarence Valley or an incorporated body such as that developed for the Georges River system.

More complex structures include Catchment Management Boards and Authorities.

The matter of liability and risk exposure for a given structure also requires consideration.

A number of estuary management structures examined have multiple governance layers or partnerships. Determining the basis upon which partners will be accepted and at which level they will be incorporated requires consideration.

The development of a Memorandum of Understanding or partnership agreement is a common approach adopted to ensure that all parties have an agreed and clear understanding of the roles and responsibilities of the body and the level of involvement of the individual participants.

6 Consideration of Governance and Administration Models

6.1 Introduction

In accordance with the brief, a cross section of Australian and international estuary management structures were reviewed, as identified in Appendix 2.

The review identified a range of structures being utilised varying in size and complexity.

6.2 Clarence Floodplain and Estuary Partnership

The Clarence Floodplain and Estuary Partnership was established by the Clarence Valley Council to assist in the implementation of the Clarence River CZMP.

The partnership comprises 16 member organisations including the Council, state agencies, industry (Clarence Canegrowers Association and Clarence River Fishermen's Cooperative, National Farmers Association), Landcare, environmental groups and Local Aboriginal land Councils.

A partnership agreement was developed and signed by all member organisations. The agreement includes guiding principles and strategies for the delivery of priority management actions.

Of note is the fact that the partnership is not a statutory committee and assists Council and the agencies in an advisory capacity and in the implementation of specific actions. Membership does not require a commitment to the provision of funds – the delivery of management actions is dependent upon the sourcing of appropriate funds.

As a result of the amalgamation of previous LGAs to form the Clarence Valley Council, the area covered by the partnership comprises a single LGA. The Clarence River headwaters within the Kyogle LGA are not included in the partnership's activities.

6.3 SCU – 'Think Tank'

In 2011 a meeting of a number of key stakeholders was held at Southern Cross University, Lismore. The group acknowledged that "the development of a new governance model needs to build from the current model while rectifying the limitations. With the CZMP there is now a common set of objectives and strategies to work from and the goal is to develop a governance model that can:

- Oversee and implement the strategies from the CZMP;
- Provide a funding base for ongoing activity;
- Provide support for attracting external funding sources, and

- Manage single issue interests.

To achieve this:

- Roles and responsibilities of parties/people involved in the implementation of the CZMP need to be defined, and
- A terms of reference that maintains the strategic focus of all parties needs to be developed”.

The group considered a potential model to comprise of a tiered structure with a Board/ Executive consisting of senior level council representation (e.g. Mayors and General Managers) with a directorate below consisting of agency senior management and people with invited skill sets. A lower management framework including project or extension officers and including industry engagement would be included.

6.4 NOROC – Incorporated

The Northern Rivers Region of Councils (NOROC) is an incorporated body which comprises representatives of the nine general purpose councils within the Northern Rivers as well as Rous County Council and Richmond River County Council. The organisation seeks to provide a mechanism for resource sharing and combined advocacy under four key priority outcomes being:

- Increasing regional profile and communication
- Facilitating joint activities
- Supporting research and advocacy
- Strengthening structure and capacity

The organisation operates with an executive officer with the structure comprising of a board and a number of sub groups including:

- Engineering Directors Group
- Human Resources Group
- North East Waste Forum
- North East Weight of Loads Group
- Northern Rivers Food Links
- Planning Directors Group
- Risk Managers Group
- Tourism Management Group
- Water Managers Group

6.5 Port Phillip and Westernport Catchment Management Authority

The Port Phillip and Westernport CMA (PPWCMA) is one of ten regional Catchment Management Authorities within Victoria. It was established in 2002 as the peak natural resource management body in the Port Phillip and Western Port region to develop and oversee the implementation of the Regional Catchment Strategy. The area covered is within 38 LGAs.

Partnerships include Melbourne Water, the Department of Sustainability and Environment, Department of Primary Industries, Environment Protection Authority and Parks Victoria.

The PPWCMA “provides leadership to a range of stakeholder groups and works to deliver integrated catchment management and sustainability of the region’s catchment assets by building cooperation, coordination and partnerships amongst these groups”.

The CMA has powers and duties provided under the Catchment and Land Protection Act 1994.

The Board members are appointed by the Victorian Minister for Environment and Climate Change and the Minister for Water. There are currently nine members on the Board, lead by an industry Chair.

The Port Phillip and Westernport CMA's role includes the administration and delivery of funding from the Australian Government's Caring for our Country program and Victorian Government's Victorian Investment Framework within our region.

Each year the Port Phillip and Westernport CMA offers grants to community groups and volunteer-based organisations to support the important work they undertake in the region.

Administration is the responsibility of a CEO with a branched structure consisting of business and governance, environmental projects, environmental strategy; landcare and community outreach departments.

6.6 Lake Illawarra Authority

The Lake Illawarra Authority was established by the NSW Government with the aim of transforming the degraded waters and foreshores of Lake Illawarra into an attractive recreational and tourist resource.

The establishment of the Authority required the introduction of the Lake Illawarra Authority Act 1987. The Act sets out the roles, responsibilities and powers of the Authority.

On the 1th June 2013 the Deputy Premier of NSW, the Hon. Andrew Stoner announced that following a review it was determined that the Authority had met its objectives under the Act and that the Act is to be repealed and an estuary management committee formed.

“This will effectively return management of the lake to Wollongong City and Shellharbour City Councils and the community”.

In consultation with the two local councils, NSW Crown Lands will prepare a transition plan, including funding arrangements, for this to be achieved. The new management model is consistent with that of other estuaries in NSW, including Lake Macquarie, Tuggerah Lakes and the St Georges Basin.

6.7 Parramatta River Catchment Group

The Parramatta River Catchment Group (PRCG) is a regional organisation of local councils, state agencies and community representatives whose aim is to work together to improve the health of the Parramatta River catchment. Through regional collaboration, the PRCG seeks to ensure coordination of effort, professional management, optimal use of resources and greater impact on governmental policies and decisions affecting the catchment than could be achieved through each member working separately.

The group has been responsible for overseeing the process involved in developing an Estuary Management Plan

The formation of the group began with the development of a detailed Memorandum of Understanding (MOU) which signifies the importance of the Parramatta River catchment and the willingness of each organisation to work collaboratively to reach our shared vision

The group undertakes regional, collaborative projects that assist in addressing one or more issues affecting the local environment, for example, stormwater pollution, increasing biodiversity corridors or environmental education initiatives. Depending on the focus of each project, a wide variety of stakeholders may be involved, including council officers, residents, businesses or specific community groups such as those from culturally and linguistically diverse backgrounds. Three sub-committees operate within the PRCG representing the following themes:

- Biodiversity
- Estuary Management
- Water/Stormwater

Membership of the group differs from others reviewed in that there are three categories of membership as follows:

- Financial Members consist of councils and agencies contributing financially towards the coordination and operating costs of the PRCG and actively participating, including regular attendance at meetings. These include the 12 Council's within the catchment, Sydney Water and the Sydney Metropolitan CMA.
- Memorandum of Understanding (MoU) Members include financial and non-paying councils and agencies who have formally signed the MoU outlining how each member will participate collaboratively in the PRCG. The MoU Members include all of the above organisations, plus: NSW Department of Water and Energy, NSW Fire Brigades, NSW Maritime, and Parramatta Park Trust.
- Associate Members include other organisations that either participate actively in the PRCG through attendance at meetings or provide specific technical support, information and advice as needed.

6.8 Georges River Combined Councils Committee Inc

The Georges River Combined Councils Committee is an incorporated body consisting of representatives of the 9 Council's within the Georges River catchment. Each Council is represented on the GRCCC by up to three Councillors.

Administration of the incorporated body is via an executive officer. An executive group has been formed consisting of a President, Vice President, Treasurer, Public Officer, host Council Manager and the Executive Officer and the group meets once a month.

The structure underneath the Executive Committee comprises 5 'cluster groups' being:

- Finance and Administration Cluster Group
- River Ecosystems Cluster Group
- Estuarine Management Cluster Group
- Riverkeeper Cluster Group
- Education and Media Communications Program Cluster Group

In addition to various programs being run by the committee, it is also involved in a number of partner programs.

6.9 Healthy Waterways – South East Queensland

Healthy Waterways is a not-for-profit, non-government, membership-based organisation working to protect and improve waterway health in South East Queensland (SEQ).

Membership includes the Department of Environment and Heritage Protection, nine (9) Local Government Councils (plus a further three as contributing members, a range of industry representatives and seventeen (17) environmental and allied associations/groups.

There are three categories of membership available:

- Investing Participant (to guide core activities of Healthy Waterways)
- Contributing Participant (to support specific projects)
- General Participant (to keep up-to-date and involved with Healthy Waterways initiatives and networks)

The organisation provides opportunities for sponsorship of a number of initiatives and sponsorship is promoted as providing significant branding, promotional and media opportunities.

The organisation operates under a formal constitution.

Governance consists of a Board of Directors (currently five directors) operating under a four-year term. The Board sets the strategic direction for Healthy Waterways and ensures the organisation achieves and acts in accordance with the objects set out in the Healthy Waterways Constitution. Administration consists of a Chief Executive Officer who oversees a number of staff operating under two teams being the Executive and Business Service team and the Program and Services Team.

6.10 Swan River Trust (WA)

Established in 1989, the Swan River Trust is a State government agency charged with protecting and managing the Swan Canning river system.

The trust is a State government agency responsible to the Minister for Environment. It operates under the Swan and Canning Rivers Management Act 2006. The Trust operates within 6 sections being:

- Strategic Programs
- Statutory Planning
- River System Management
- Riverpark Management
- Communications
- Business Management

Responsibilities include the provision of advice to local governments and the Western Australian Planning Commission on town planning issues affecting the rivers. Within an established 'Development Control Area' the Trust has a statutory role in assessing and determining development applications to "ensure that social, environmental and aesthetic values are not compromised by new developments". The Trust has different degrees of involvement in assessing development applications around the rivers, depending on where the development is located with respect to the Development Control Area. In the more critical areas it has a determining role, in other areas it has an advisory role to the local council.

6.11 Peel –Harvey Catchment Council (WA)

The Peel-Harvey Catchment Council (PHCC) is an incorporated, not-for-profit, community based Natural Resource Management organisation that promotes an integrated approach to catchment management and the way we protect and restore the environment within the Peel-Harvey catchment. The PHCC works with landholders, community groups, industry, the Australian Government, Government of Western Australia and local governments to affect change 'on-ground'.

The Council's web-site advises that "our activities address sustainable natural resource management (NRM) including climate change, river and wetland restoration, biodiversity protection, sustainable agriculture and building community capacity. The past ecological collapse of the Peel-Harvey Estuarine System demands a continued emphasis on water quality issues".

The PHCC board membership is comprised of 10 community members, 2 local government representatives and representatives of the Departments of Agriculture and Food, Environment and Conservation, Water and the Peel Development Commission. The PHCC board is skills based, with members selected by an independent panel based on their experience and understanding of Natural Resource Management.

6.12 United States

The United States operates under Federal estuary management legislation generally comparative to those within Australia. The U.S. legislation includes the Coastal Zone Management Act (1972), Estuary Protection Act (1968) and Estuary Restoration Act (2000). Cities and Counties prepare estuary management plans (comprehensive conservation and management plans) under the direction of the U.S. Environment Protection Agency and in accordance with the National estuary Program. Plans may apply to several cities or counties.

To assist in implementation of the plans, Estuary partnerships are formed, made up of agency, industry and community interests. The size of these partnerships varies and may be extensive, including representatives from a host of associations, schools, volunteer groups, etc. The Federal agency and the States provide base funding with other public and private funding sought for projects.

A Board of Directors oversees the implementation of the plans.

The National Estuary Program is not a single program or the staff of an agency or organization; instead, it is a regional, community based collaboration made up of many partners, interests, and perspectives. NEPs involve the creation of a governing structure that is inclusive with stakeholders guiding decision making. There are 28 NEPs operating within the U.S.

Lower Columbia River Estuary Partnership

The Lower Columbia Estuary Partnership operates as a non profit corporation with a Board of Directors that represents the diverse interests and geography of the study area. Governance rests principally with the EPA and the states of Oregon and Washington.

6.13 New Zealand

New Zealand operates under a system of regional and district councils. The Resource Management Act 1991 is principal piece of legislation governing NRM activities at the national level. Other acts such as the Foreshore and Seabed Act 2004 are also of influence.

With the regional councils the focus for estuary management is on in-house actions under adopted management plans. Examples include:

- The Manawatu Estuary Management Plan (Horizons Regional Council, Department of Conservation, Horowhenua District Council (territorial authority)). The Plan is overseen by a trust (Manawatu Estuary Trust). The Trust does not have a statutory role similar to those of Trusts in Australia.
- Waikaraka Estuary Management Plan (and Management Group)
- Kaituna River and Ongatoro/Maketu Estuary Strategy – (Bay of Plenty Regional Council)

6.14 United Kingdom

The United Kingdom has a similar management approach to estuary management to that of NSW. Estuary Management plans are prepared for each estuary. Like NSW, a plan may affect several Council areas (Boroughs, District Councils or County Councils).

Natural Resource Management in England includes the development of mandatory 'Directives'. Examples include the Environmental Liability Directive which is aimed at preventing and remedying environmental damage, Strategic Assessment Directive which triggers an equivalent of the NSW environmental impact assessment or environmental impact statement, and the Water Framework Directive. Various Regulations such as the Habitat Regulations give statutory weight to the directives.

There are various examples of estuary management plans and implementation committees such as the Crouch and Roach Estuary Management Plan. This has similarities with the Richmond in that it covers three council areas and relates to an estuary system which is significant for agriculture, ecology, tourism and community well-being.

The Crouch and Roach Estuary Project Steering Group is made up of nominated representatives from the Project Partner organisations. Financial management, including expenses, rests with Essex County Council, who are the authority employing a Project Officer. The day-to-day management of the project officer is delegated by the Steering Group to Rochford District Council. The Crouch Harbour Authority provides a resource for this project by the provision of the project officer's work base.

Funding is provided for the engagement of a project officer who is responsible for seeking project funding.

A chair is elected annually and the chair cannot reside for more than one year at a time.

This model appears somewhat complicated as one organisation is responsible for employing the project officer, another for overseeing and another for allocation of work space.

Another model has been developed for the management of the Humber Estuary. The system is the largest coastal estuary on the east coast of Britain and is internationally important for wildlife.

A management group was formed to implement a management scheme. Thirty-four 'relevant authorities' (statutory bodies) are involved in the implementation of the scheme. In 2011 the governance model for the group was reviewed.

The authorities are all equal members of the Humber Estuary Relevant Authorities Group (HERAG).

In terms of implementation, the Action Plan (Management plan) lists the relevant authorities responsible for the management of each activity and in many cases, the management actions are undertaken by a single relevant authority.

Another interesting United Kingdom example is the Thames Estuary Partnership. The Partnership is set up as a company set up as a charity and run by a board of directors and a management group. The partnership claims to provide a neutral forum for local authorities, national agencies, industry, voluntary bodies, local communities and individuals to work together for the good of the Thames estuary.

The Partnership is overseen by the Management Group which is made up of Directors of the Company, Trustees of the Charity and other supporting organisations. All major decisions governing the future of the Partnership are made by the Directors and the Management Group.

7 Discussion

The consultations undertaken have identified a general acceptance of the need for a more structured and accountable governance and administration body for the future management of the Richmond River estuary system. However there are wide ranging opinions as to how this should be achieved with differing views on:

- Whether the body should have involvement in the current mapped CZMP area, the entire river and tributary system or the whole catchment;
- The required levels of agency and industry involvement;
- Whether the structure should be formal or informal;
- Specific focuses such as grant chasing, community education, co-ordination of local government initiatives etc, and
- The lead agencies to be involved.

Determining an appropriate governance and management structure will depend upon a range of matters including:

- Available resources and funding;
- Current legislative framework;
- Political will;
- Established priorities and action;
- Desired level of political involvement – e.g. should the structure be run by a Board comprising political representatives for agencies and councils or should it be run by industry leaders/champions or bureaucrats, and
- Expectations and commitment to the allocation of resources (including recurrent operational funds).

The desktop research of existing models has identified that a range of governance and administration structures are being applied to estuary management within Australia and overseas. These structures include:

- Informal such as focus groups or stakeholder liaison groups;
- More formalised stakeholder groups with defined objectives and agreed roles via a memorandum of understanding, partnership agreement or the like;
- Groups focused on broad community engagement;

- Management groups/ committees positioned under existing governance structures such as a local council;
- Multi tiered structures with varying levels of membership;
- Sponsorship provided positions;
- Trusts and Boards, and
- Authorities.

The more structured and legislated models vary between the Australian states and overseas, a product of differing governing legislation. An example is the catchment management authorities within Australia, which have differing levels of authority amongst the states (e.g. Victorian CMAs are responsible for flood management, NSW CMAs are not).

Reviewing the success of existing governance models within the context of the Richmond River estuary is problematic in that:

- Each estuary system has a degree of uniqueness in terms of the issues, the pressures being placed upon the system and the required outcomes from users;
- Legislative frameworks vary between different states and countries;
- Within Australia, management structures suitable for a catchment within a single local government area will differ from catchments which expand over multiple councils, and
- A desktop review (of available literature, web-based promotions, management plans etc) does not necessarily accurately identify the level of success of a management group. For example a group with a strong focus on raising community awareness and promoting achievements will, under a desktop review, be more likely to rate as successful.

The structure examples detailed in this section were selected as they were either identified by stakeholders as suitable models or were considered successful from the desktop reviews.

Identified key elements to the success of a given structure for estuary management are:

- Pre-established and well understood roles and responsibilities;
- Agreement on the focus and priorities – there are currently varying opinions as to what a new governance structure should focus on;
- If an informal structure is adopted, an auspicing body or agency capable of providing administrative oversight and accepted by all participants is necessary;
- ‘Ownership’ of the process at senior organizational level is desirable;
- Clear identification of required funding and resource base, and
- An appropriate administration structure to complement the governance structure.

A number of agency, council and university stakeholders consider that the current implementation group is functioning well given the level of available resources and accordingly consider that a complex or more legislated structure may not be required.

Other considerations:

- For promotional purposes, community engagement and external sponsorship a more formal corporate identity (branding, logo, web-site etc) may be desirable;
- In general terms, the more formally structured (legislated) governance bodies such as trusts are considerably larger and more resource dependent than less formal bodies.

They usually require considerable funds for the administration and operation of the organisation. Unless sufficient resources are available to service a larger governance body, the success of such a body may be compromised, and

- An incorporated body such as that developed for NOROC or the Georges River estuary management may provide opportunity for increasing acknowledgment of the roles and responsibilities of a management group, serve to increase community and industry awareness whilst operating within the current bureaucratic, political and legislative framework. The county council model may also provide such opportunities.

8 Conclusion

From the consultations a number of key considerations have emerged, in particular:

- The need for the better clarification of roles and responsibilities for estuary management and protection was commonly raised and is seen as a major issue to be addressed;
- There is also general concern with the lack of resources available for implementation of CZMP actions, and
- The benefits of resource sharing to increase co-ordination of activities and to provide combined savings was identified.

Of particular note is a general agreement of the need to formalise the structure for the implementation of the Richmond River Coastal Zone Management Plan.

A number of governance structures being applied to estuary management have been identified. These range from non-legislated partnerships or associations, through to more formalised boards, incorporated bodies and the like, to trusts and authorities.

Within the stakeholder consultation group there is no clear consensus as to which structure would best provide for the future governance and administration of the Richmond River estuary. A number of stakeholders consider that the current implementation group is functioning well given the level of available resources and consider that a complex or more legislated structure may not be required, and consider that the desired structure can be established within the current agency and council framework.

Other stakeholders consider that a more formal structure such as an Estuary Management Board or Trust is required.

As identified within this report, identification of the potential availability of recurrent and project specific resources is also important in determining the most appropriate governance structure. From the consultations a number of possible resource and funding options were identified being:

- Opportunities for additional grants funds;
- Additional contributions from councils based on a long term financial plan, and
- Development of an environmental levy.

The brief for this project did not extend to providing recommendations on the preferred governance model. However, given:

- The lack of current and identified future resources required for effective operation of a relatively large resource dependent organisation such as an Authority or Trust;
- Opportunities to retain the identified benefits of the current implementation group whilst addressing the identified negatives;
- Consideration that the current ad-hoc structure requires improvement, and
- Consideration that for effective management of the estuary, management should be at a regional or sub-regional level rather than wholly at the individual council level (the participation and success of previous and current regional partnerships supports this),

it is considered appropriate for more detailed consideration of 'regional models'. These include the identified successful structures of an incorporated body such as the NOROC model and the Georges River Estuary model and also the local government county council model.

Within these potential structures (and others) there is merit in considering having a two-tiered structure with a Board/ Executive consisting of senior level council representation (e.g. Mayors and General Managers) with a directorate below consisting of agency senior management and people with invited skill sets. A lower management framework including project or extension officers and including industry engagement as per the SCU 'Think-tank' model could also be included.

Benefits of this include:

- Ownership of the process at senior organizational level;
- Political will and desirable level of political input into estuary management;
- Agreement and commitment on the focus and priorities;
- Potential for additional funding sources;
- Technical input to effectively deliver on actions, and
- Potential industry input and assistance.

Should available resources permit then considerations can extend to the more formal and legislated models including establishing a trust.

Report Addendum – September 2013

On the 14th August 2013 the County Council resolved that the project brief be extended to include recommendations regarding a preferred model for the County Council to further investigate.

In the preceding sections the opportunities and benefits of various models have been discussed and our provided recommendation was that two future 'regional management' models be further considered, being the incorporated model such as NOROC and the County Council model. The principal pros and cons of each are considered to be as follows:

Incorporated Model

Pros	Does not require additional specific legislation to develop
	Would not be considered as another layer of bureaucracy and governance oversight
	Retains autonomy of individual local government authorities
	May be considered more acceptable within current political climate given discussions around LGA amalgamations
	There are suitable North Coast region and national examples which can be used to assist in formation of the group
	Can be easily altered or modified (such as expanded in representation) if required
	Can readily incorporate non government groups such as business groups and community organisations
Cons	Individual stakeholders are able to withdraw from the organisation at any time – potential loss of continuity
	Cannot introduce levies or rates, but must rely upon individual LGAs to generate revenue
	Has no legislative or statutory weight – often considered more of a lobbying or advisory body. It therefore relies upon a statutory body for governance of actions
	Model may be less stable than others as there is no required long-term commitment required from stakeholders. The NOROC organisation with a number of councils withdrawing their membership is an example
	If established as a new body, considerable administration and management resources may be required although some resources can be reduced by auspicing with an existing council or organisation

County Council Model

Pros	Establishes a firm legislative base for responsibilities, through development of proclamation and by virtue of the Local Government Act 1993 provisions
	Can be modelled on current regional councils such as Rous County Council or Richmond River County Council
	If appropriate, can readily be incorporated within existing regional County Council (following amendment to proclamation). Richmond River County Council already has natural resource management role incorporated into its proclamation but this is not currently able to bring in all of the CZMP actions
	LGAs are familiar with the governance and operation of county councils
	Can raise revenue by introducing appropriate levies
	From the consultations the model appears to have acceptance from many of the stakeholders
Cons	A new county council requires the introduction of specific legislation and allocation of potentially significant resources
	Potential concern over establishing a new regional government entity within current political climate

	Considerable administration and governance resourcing issues should a new county council be developed
	From the consultations, some stakeholders are critical of the functioning of the Richmond River County Council, although most see the County Council as currently being the lead agency for implementing the CZMP. Criticisms mainly involve lack of resources to effectively implement the CZMP.

Whilst the incorporated organisation model and the county council model each have specific merits in terms of their ability to govern the implementation of the CZMP it is recommended that the county council model be preferred for further consideration and consultation. There is however a need to consider in more detail the options of establishing a new county council versus incorporating the CZMP role within an existing county council. Of the three existing county councils within the region, the Richmond River County Council is likely to be the most appropriate given that:

- It is currently seen by most stakeholders (from the consultations) as the agency currently most involved in implementing the CZMP
- The current proclamation and functions of the Council includes natural resource management roles
- The County Council has a considerable history of natural resource management initiatives within the Richmond and Wilsons River catchments.

It must however be acknowledged that the Richmond River County Council is a very small local government entity and operates under a significantly limited budget. A positioning statement report commissioned by the County Council in 2011 identified the restricted capacity of the County Council for the deliver of floodplain services and natural resource management services in accordance with its proclamation, management plan and general statutory obligations.

The option of creating a new county council for estuary management versus incorporating functions within the current RRCC were further considered with comment as follows:

Current RRCC	Establishing a New County Council
Is an established organisation with staff	Requires new organisation structure, administration staff and operational staff
Has established roles in natural resource management and has a physical presence/recognition.	Requires establishment of a new council, legislated proclamation and development of corporate structure
Natural resource management roles are linked to floodplain management	A new county council is able to develop individual and purpose specific charter
Has an existing resource base which is insufficient for delivery of NRM activities under the CZMP	Requires identification of proposed resource base. Any required resources are additional to those already being provided to RRCC

Further Recommendations

It is further recommended that:

1. Richmond River County Council consult with all constituent Councils regarding the options and suitability of formally becoming the lead agency responsible for implementation of the CZMP;
2. If general acceptance of Point 1 above is obtained, Richmond River County Council should review it's proclamation to provide for wider natural resource management responsibilities beyond those related to flood management but restricted to the spatial area affected by the CZMP;
3. Richmond River County Council review its resource base regarding its ability to effectively manage additional natural resource management activities as contained within the CZMP, and
4. Richmond River County Council prepare a long-term financial (resourcing) strategy for the effective implementation of the CZMP actions.

**This report was adopted by the Richmond River County Council at its Ordinary Meeting
of 13th November 2013**