



# Conflict resolution pathway for the lower Gascoyne River area flood related issues

## Background

Periodic flooding of the lower Gascoyne River floodplain at Carnarvon is a natural event. The Carnarvon horticultural area has experienced considerable damage following flooding of the Gascoyne River in 1960, 1961, 1974, 1980, 1995, 2000, 2009, 2010/11 and 2021.

To assist the horticulture industry to recover and reduce future impacts, the Western Australian Government convened the Carnarvon Floodplain Working Group (the Working Group) to review factors that contributed to the impacts of the flood.

The terms of reference for the Working Group sought to provide clarity of the roles and responsibilities for each of the governing organisations in flood management, with an emphasis on identifying the relevant organisation to resolve issues. The Working Group recognised that many issues were a shared responsibility, that would require multiple entities to resolve.

Management of the floodplain is a shared responsibility. The collective organisations responsible for the floodplain need to work together on its effective management.

The Working Group identified the importance for industry associations to provide leadership to assist growers to undertake their responsibilities as landholders. Industry associations can advocate the practices expected of their members through a joint understanding of the situation without a regulatory approach.

The roles and responsibilities of the key stakeholders need to be understood to identify the best and most appropriate mechanism for resolution. In some circumstances a coordinated approach to identifying, communicating, and resolving issues could improve management practices for the horticultural industry.

To manage local issues between neighbours and organisations, the Working Group made recommendations, approved by the Minister for Agriculture and Food, for:

**1.3** The Commissioner of Soil and Land Conservation, Department of Primary Industries and Regional Development (DPIRD), Department of Water and Environmental Regulation (DWER), Shire of Carnarvon and Department of Fire and Emergency Services (DFES) clearly define and communicate their regulatory powers and expectations of landholders, supported by Carnarvon Growers Association.

**1.4** The Working Group develop a conflict resolution pathway to assist mediation of on farm issues between stakeholders and communicate that pathway to all.

This guidance deals with recommendation 1.4

## Purpose

The purpose of this guidance is to provide a conflict resolution pathway to assist mediation of on farm issues between stakeholders in the lower Gascoyne River area related to flooding.

The pathway detailed in Figure 1 provides a process for submitting issues to the Working Group to resolve or determine the responsible agency/s to undertake resolution of the issue. The Working Group has representatives from the main responsible organisations related to flooding in the Lower Gascoyne River including state government, local government, and local community members to provide an informed pathway to assist in determining the responsible entities.

The Working Group comprises:

* Department of Primary Industries and Regional Development
* Department of Water and Environmental Regulation
* Department of Fire and Emergency Services
* Department of Planning, Lands and Heritage
* Shire of Carnarvon
* Gascoyne Development Commission
* Commissioner Soil and Land Conservation
* Grower community representatives

## Outside of scope

Neighbourhood issues unrelated to flooding of the lower Gascoyne River area. These may include:

* Neighbour disputes unrelated to flooding
* Land use conflict not related to flood impact
  + Incorrect boundaries
  + Commencing building or demolition
  + Encroachment
  + Accessing other land
  + Dust
  + Water pollution
  + Nuisance pets, stock
  + Overhanging vegetation or encroaching roots, tree debris
  + Noise
  + Dividing fence disputes
    - boundary fence payment
    - boundary fence ownership

If your issue is a neighbourhood dispute, visit the below links for further information:

* [https://www.legalaid.wa.gov.au/find-legal-answers/homes-and-neighbours/dealing-neighbours/get-help-dealing-neighbours](https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.legalaid.wa.gov.au%2Ffind-legal-answers%2Fhomes-and-neighbours%2Fdealing-neighbours%2Fget-help-dealing-neighbours&data=05%7C02%7CValerie.Shrubb%40dpird.wa.gov.au%7Ca8efef48ccaf4a6e9b7f08dc3e424003%7C7b5e7ee62d234b9aabaaa0beeed2548e%7C0%7C0%7C638453701453443225%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=QpSeLTumo%2BneA%2FiRQwIGlii8qo0f%2BlG8b1Q7DkNg5OQ%3D&reserved=0)
* <https://www.canning.wa.gov.au/residents/living-here/health-services/community-and-residents/resolving-disputes-with-neighbours>

## Conflict resolution pathway

Figure 1 outlines a conflict resolution pathway to assist mediation of issues related to flooding.

To initiate a request, a stakeholder submits a completed flood issue resolution request form to the Executive Officer of the Carnarvon Floodplain Management Working Group (Working Group). On receipt, the Executive Officer will assess the request before progressing to the Working Group to confirm that this is the correct process to deal with the issue and that all the information required has been included.

If the issue isn’t related to flooding the Executive Officer will advise the proponent. The issue is then deemed resolved.

If the issue/s is related to flooding and the responsible agency/s is outlined in the *Roles and Responsibilities of Carnarvon Stakeholders in Flood Management* the issue is noted in the Working Group minutes and referred to the responsible agency with a request for updates and deemed resolved.

If it is unclear who the responsible agency/s is, the issue is referred to the Working Group and the Working Group appoints an agency to undertake a conflict analysis.

The conflict analysis process is aimed at identifying and understanding the conflict to enable referral to an appropriate agency/s.

Conflict analysis model:

1. Analyse context
   * Identify issue/s
   * Identify causes, drivers and triggers
   * Identify parties to conflict
   * Identify effects
2. Responsible agency/s identified
   * regulatory responsibility
3. Options
   * Resolution
   * Legal process

Figure 1 Proposed pathway

A diagram of a flowchart

Description automatically generated

## Related Documents

1. Carnarvon Floodplain Management Working Group Report May 2022
2. Roles and responsibilities of Carnarvon stakeholders in flood management
3. Flood issue resolution form

Documents located at <https://www.agric.wa.gov.au/carnarvon-floodplain-report>

## Version control

|  |  |  |
| --- | --- | --- |
| **Version control table** | | |
| **Version number** | **Summary of Changes** | **Date modified** |
| 1.0 | Approved by CFMWG | X |
|  |  |  |
|  |  |  |

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# Flood issue resolution request formGraphical element as part of footer design.

|  |  |
| --- | --- |
| Flood issue resolution request form | |
| **Name** |  |
| **Address** |  |
| **Email** |  |
| **Phone** |  |
| Complaint/Issue summary. |  |
| If the complaint/issue relates to neighbours or other stakeholders, please detail |  |
| How does your complaint/issue relate to flooding? |  |
| What is the outcome you are seeking? |  |

**Please attach photos or other evidence to support your complaint/issue if needed.**

|  |  |  |
| --- | --- | --- |
| To be completed by Carnarvon Floodplain Management Working Group (Working Group) Executive Officer | | |
| Section 1 | | |
| Executive Officer assessment:  Is the issue/s flood related | Yes | No |
| Recommendation | Complete section 2 | Agency referral – Yes/No |
|  |  | Resolved summary  (Include if appropriate agency/s was determined. Name of agency/s if referred. Note reasoning) |
| Section 2 | | |
| Executive Officer assessment:  Refer issue to Working Group | Yes | No |
|  |  | Resolved summary (include agency/s issue has been referred to. Note reasoning) |
| Working Group outcome | Grievance agency Identified | Date for resolution |
| Grievance agency assessment:  Resolved | Yes | No |
|  | Summary | Summary |