

Hon Simon O'Brien MLC
Chairman
Standing Committee on Environment and Public Affairs
Parliament House
West Perth WA 6005

May 12, 2016

Dear Mr O'Brien

Petition No. 117 – Southgates Sand Dunes Geraldton

I confirm that I have not taken any action on this issue with the Parliamentary Commissioner for Administrative Investigations.

The Southgates sand dunes form part of the coastal precinct in an area that many Geraldton residents consider to be the southern entry statement to the largest city north of Perth.

Geraldton has since its early establishment been a community that has had a strong association with water related recreational activities such as fishing, surfing, boating, wind surfing and is now rapidly becoming a world recognised kite surfing mecca. It is also considered home to the internationally recognised West Coast Rock Lobster (Managed) Fishery, and was the world's first wild-catch fishery to be certified as ecologically sustainable in 2000, becoming the first to be certified for the third time in 2012.

The Geraldton coast is currently subject to a number of coastal erosion issues that are affecting communities and facilities along the beaches to the north of the Southgates area due to the poorly understood impacts of previous coastal developments. In 2003 the expansion of the Geraldton Port caused the sand replenishment of the northern beaches to be interrupted due to accretion of sand that drifts north to be trapped behind the seawalls of the port at Pages beach. Some 11,000 cubic metres of the sand that is accreting at Pages beach is manually bypassed to the northern beaches each year, in due recognition of the damage that has already been done and is on-going.

The Southgates sand dunes are an important feeder system for this sand replenishment and have been identified as such by many independent coastal erosion and inundation studies that have been undertaken. Currently there is a Coastal Adaptation Policy that has been adopted which has limited future development along the areas of the Geraldton coast that are under threat.

The land that forms part of the Southgates sand dunes was subject to a land swap by way of a legal contract between The State of Western Australia and Landrow Greenough Ltd and Strawbay Pty Ltd in 1999 entitled "Agreement relating to the stabilisation of Southgate Dunes and a land exchange." It should be noted that both of the entities being Landrow and Strawbay have subsequently disposed of their interest in Southgates to a company called Bayform Holdings Pty Ltd.



The area that is subject to this agreement is Victoria Location 11939 and a number of conditions were agreed to by both the State and the proponents before consideration of development approval. The most significant conditions in my view are namely:

- 1) The State provides to Landrow the land known as Southgates in exchange for:
 - a. Victoria Location 2584 and;
 - b. to stabilise that part of the Southgate Dunes.... As set out by this agreement.

The agreement between the State Government and signatories to the agreement was primarily to ensure that stabilisation of the dunes prevented important public infrastructure from being impacted by their slow North-Eastern progression.

A number of extensions to the timeframe in which the dune stabilisation as part of the original agreement must be undertaken have been approved. It is my belief that the latest extension to the agreement expired in 2014 and that there is currently no valid agreement between the State of Western Australia and Bayform Holdings to pursue stabilisation of the Southgates sand dunes by amending the City of Greater Geraldton (CGG) Town Planning Scheme to allow rezoning from recreational use to residential development.

The belief that stabilisation needs to occur and will be best achieved by rezoning the dunes from Reserve for the purposes of recreation to one of residential land displays a distinct lack of understanding of the desire of the Geraldton community to ensure that the dunes remain as a valuable public asset. The Southgates sand dunes form part of the valuable coastal precinct in the area that forms what many residents consider to be the southern entry to Geraldton.

The Southgates sand dunes are also a valuable source of lime sand for the agricultural sector throughout the northern part of the Midwest region. Lime sand extraction is currently allowed by way of permit administered by the CGG and provides the ability for the agricultural sector in this region to access an important resource needed to increase crop production. This need is recognised by the Department of Agriculture and Food WA (DAFWA) who have encouraged a doubling of lime sand being applied by the farming sector across the grain growing areas of Western Australia.

In my view, the on-going extraction of lime sand from this sand dune system contributes to providing a sustainable method to stabilise the North-Eastern migration of the sand dune system. The continuation of lime sand extraction also has a direct impact on reducing the risk of interference with a public asset and allowing for the increase in agricultural production in the Midwest region.

As mentioned previously, these sand dunes are regarded as an iconic part of the fabric of Geraldton where many families have been able to enjoy the quiet amenity of the beaches, waters and the sand dune system. Recreational activities have been enjoyed here since the initial establishment of Geraldton in the mid-1800's and that activity continues today with the area also being gazetted as an "off-road area".

The sand dunes have long been recognised as an area of Aboriginal heritage significance, and has a well-known history as a site of high cultural value. Aboriginal settlement artefacts have been found in this area over recent years, which support the calls to further protect this area.

The wishes of the community to see that this iconic natural environment is protected was upheld at a recent meeting of the Council of the City of Greater Geraldton, where Council resolved to:

1. ADVISE the Minister for Planning of the following:

- a. That Council strongly objects to the implementation of Local Planning Scheme Amendment No. 4 in its current form and reiterates its previous concerns regarding the Amendment;
- b. Council is disappointed that (to date) it has not been furnished copies of the reports that the proponent undertook in response to the appeal against the EPA's report relating to coastal processes, foreshore reserve and native vegetation; and
- c. Should the Amendment be given approval, Council will be vehemently objecting to any structure plan until such time as the issues relating to:
 - i. native title and Aboriginal heritage issues relevant to the subject area;
 - ii. Agreement from key stakeholders on the broader planning for the southern growth corridor;
 - iii. Arrangements for construction and/or upgrading of related infrastructure needs inclusive of developer contributions;
 - iv. Serviceability issues caused by the flooding of Rudds Gully;
 - v. cultural heritage assessment of the area addressed to Council's satisfaction;

2. ADVISE the Department of Lands that should any Scheme Amendment, structure plan or subdivision be approved without the support of the City, then the City would not accept any Management Order(s) for any associated public reserves created as part of the subdivision process.

In my view, any amendment to the Local Town Planning Scheme to allow for the iconic Southgates sand dunes to be re-zoned from a recreational use to one of residential is not supported by the Geraldton community. I therefore call on the Ministers for Environment, Planning and Lands to remove any further ability to alter the land use from recreation, recognising the very important role that the dunes play in the environmental and social future of Geraldton.

Yours Sincerely

A handwritten signature in black ink, appearing to be 'Paul Brown', with a long horizontal flourish extending to the right.

Paul Brown MLC
Member for the Agricultural Region