



Standing Committee on Environment and Public Affairs

21 August, 2021

Dear Members of the Standing Committee on Environment and Public Affairs

RE: Gnarabup Headland Petition tabled on 18 August, 2021 by the Hon. Jackie Jarvis MLC, member for the South West Region.

This Petition is a re-tabling of Petition No. 179 - Preserving the Gnarabup coastline, tabled in the Upper House on 24 November 2020 during the previous Parliament.

It relates to the proposed Development West of Walcliffe Road at Gnarabup in Shire of Augusta-Margaret River, Lots 783,501, 503, 502,504 Gnarabup

Thank you for the invitation to make this submission. Further to the Petition tabled on 18 August 2021 (233 signatures) and Petition No.179 in the previous Parliament (992 signatures) (total 1225 signatures), Preserve Gnarabup and Margaret River Coastal Residents Association asks the Standing Committee to conduct an Inquiry into the whether development of the above lots, located on the West of Walcliffe Road, Gnarabup is appropriate and should be approved by the WA Planning Commission or Planning Minister.

We note that the troubled Gnarabup Waste Water Treatment Plant, which the developer Luke Saraceni plans to rely on for this proposed development was the subject of a Parliamentary Inquiry in 2001/2 during the first term of the Gallop Government. The Conclusions of the Report of the Standing Committee on the Environment and Public Affairs found:

- the Waste Water Treatment Plant may be illegal,
- the EPA's advice that the development area may require assessment was ignored by regulators assessing approval of the plant and the Proposal was never referred to the EPA or assessed by the EPA; and also
- that the plant was built 375 metres from the ocean when a 500 metre buffer was the then Water Authority (now the Water Corporation) guideline for such developments.

The Inquiry made three recommendations however none of these ever-received State Government funding and have not proceeded. The Shire of Augusta-Margaret River did at one stage secure a grant to fund part of the work but that lapsed. The plant is owned and operated by Water Corporation.

The recommendations were:

- that the plant be moved to a less sensitive location,
- that the plant be turned into a pumping station to treated waste water away from the coast to water the Margaret River Golf Course; and
- that the plant be turned into a pumping station to pump the waste to the Margaret River Waste Water Treatment Plant.

The report from that Inquiry can be found [here](#).

Our organisations seek to protect a unique Western Australian community asset - Margaret River's town beach, the only protected swimming and recreation beach in the area, and its narrow strip of undeveloped fragile limestone karst headland from the proposed inappropriate development of the area.

The development relates to a proposed hotel on lot 783 Mitchell Drive and mixed tourism short stay and permanent residential housing estate on Lots 501, 502 and 504 Reef Drive, and Lot 503 Seagrass Place, Gnarabup (Land). Property developer Mr Luke Saraceni has confirmed that he intends to submit his Development Application/s for the lots directly to the State Government's new State Development Assessment Unit however his application keeps being delayed. Originally he said he would submit it in August 2020 and has given more than five suggested submission dates over the past 12 months. We believe these delays are because Mr Saraceni and the State Development Assessment Unit have realised the difficulty and potential negative impact of developing this fragile and important site.

The subdivision of these lots in the mid 2000s was approved despite almost two decades of opposition by the community and the Shire of Augusta-Margaret River, and also occurred at a time when as a society we didn't fully understand the impact of rising sea levels and climate change on this area, and the enormous biodiversity importance of this environment. Our concerns with the development are summarised below:

- the loss of amenity and access to this valuable community and tourism asset. Gnarabup is Margaret River's only protected swimming and recreation beach and is heavily used;
- the loss of native vegetation and fauna habitat and its impact on the ecology of this bio-diversity hot spot. Development on these lots has never been assessed by the Environmental Protection Authority. Recent sightings of critically endangered Western Ringtail Possums on and near the lots have been reported to Department of Biodiversity, Conservation and Attractions. The limestone karst geology also presents issues with rising sea levels and potentially subterranean fauna.
- the presence of a significant Aboriginal heritage place (lodged with the Department of Planning Lands and Heritage's Aboriginal Heritage Register) on one of the lots and the long standing opposition to development by the Traditional Owners;
- the future loss of beach access and foreshore reserve as sea levels rise and erode away the existing foreshore reserve (see the Shire of Augusta-Margaret River Coastal Hazard Risk Management and Adaptation Plan 2015);
- the financial liability that approving development on the lots will expose the Local, State and Commonwealth Government to – given the modelling of rising sea levels in the Shire's Coastal Hazard Risk Management and Adaptation Plan 2015;
- the loss of a valuable nature-based tourism attraction and experience which supports the local tourism industry;
- the high visual impact of development on these raised lots on the Gnarabup and Prevelly landscape – as identified by the WA EPA in 1993;
- the impact to the character and amenity of the locality;
- the lack of infrastructure to support further development at Gnarabup. The current limited water supplies, sewerage and waste water treatment and single road access to the town sites of Gnarabup and Prevelly.
- The high level of nitrate and heavy metals recorded in the ground and ocean near the Gnarabup Waste Water Treatment Plant. Liquid waste from the plant is distributed into the ground and eventually flows to the nearby ocean. The concentrations of nitrate reported in the Water Corporation's 2019/18 Annual Environmental Report for the plant in the ocean is concerning. E.coli has also been sampled in the ocean. There is also an increase in chlorophyll, suggesting that the increasing nitrate is fuelling phytoplankton growth. A May 2021 DWER report found heavy metals were found in the surrounding ground at levels exceeding Australian and international standards. In 2002 a Parliamentary Inquiry found that the plant may be illegal and that it was built in 1994 375 metres from the ocean when a 500 metre buffer was required by the WA Water Authority guidelines. The Annual Environmental Report shows states the plant is now only 200 metres from the ocean. In fact we know it is now actually less than this at approximately 175-185 metres from the ocean. This reduction in the buffer over a 27 year period is due to the high level of coastal erosion this stretch of coast is experiencing due to rising sea levels; and increasingly fierce winter storms.
- the high fire risk of further development at Gnarabup. Gnarabup, Prevelly and the surrounding national park are listed as 'Extreme' bush fire risk zones in the Shire's Local Planning Scheme 1. Further, in 2018 the Fire and Emergency Commissioner declared parts of the Augusta Margaret River Shire, including Gnarabup, as being 'bushfire prone' in accordance with the Fire and Emergency Services Act. There is only one road in and out of Gnarabup and evacuation via the ocean is often not possible due to large swells. Further development in the area will put new residents, visitors and existing residents at increased risk from bushfire.

The original structure plan approved for the Gnarabup Beach real estate development in 1993 limited the size of the estate to approximately the same size as the Prevelly township at the time and limited the number of tourist rooms. These limits were exceeded many years ago. We propose that the original intent for development of Gnarabup should be upheld and no further development allowed.

Despite early identification in the 1980s that this area of Land was significant and of high visual amenity, years of State and Local Government investment in sound planning policy to support sustainable residential and tourism development of the area while protecting its natural environment and social values, persistent and strong pressure on the political process from property developers has seen the findings of this careful planning contravened and planning law and policy protections eroded. Gnarabup has now met and exceeded the population limit identified in State Planning Policy 6.1 The Leeuwin Naturaliste Ridge Statement of Planning Policy 1997 and many other local planning documents. We ask you to uphold the original planning intent for Gnarabup as a township of limited size and tourism beds. The limited development has already been exceeded. The development now proposed on this site by companies led by Mr Saraceni, contradicts numerous State Government planning policy and strategic documents including:

- Bowman and Hesp, Geomorphological Study of the Leeuwin-Naturaliste Coastline - Assessment of Stability and Potential Development Sites (1982),
- Leeuwin-Naturaliste Region Plan Stage 2 (1988),
- the findings of the Government Officers Technical Advisory Group (GOTAG) (chaired by Larry Guise, then Executive Director of the then Department of Planning and Urban Development) which comprised representatives of nine State Government agencies and the Shire tasked with considering the proposed Gnarabup development (1992-95),
- the Leeuwin Naturaliste Ridge Statement of Planning Policy (1997), Statement of Planning Policy No. 2.6 - State Coastal Planning Policy (2003, 2006 and 2013 amendments) and,
- State Planning Policy 3.7 Planning in Bushfire Prone Areas.

The Environmental Protection Authority has acknowledged that further assessment of development of this site is warranted. This year it has determined to assess an amendment to the Shire of Augusta-Margaret River's Local Planning Scheme which applies to four of the five lots mentioned above. Further, following Preserve Gnarabup's referral of the proposed development to the EPA, EPA Services is currently assessing whether the EPA should conduct an assessment of the environmental impact of the development. A seven-day public consultation period will open shortly.

However, there is no guarantee these two assessments of the proposed development of this site will go ahead. The staff of the Shire of Augusta-Margaret River are worried about the cost of environmental scoping studies required if the Shire progresses with its Scheme Amendment and the EPA is yet to determine whether it will assess Preserve Gnarabup's referral of the proposed development.

We draw your attention to the fact that the community has been consulted on development at Gnarabup nine times over the past 30 years. Each time, consultation has overwhelmingly rejected development of this environmentally sensitive and socially important area. The coming consultations by the EPA and the State Development Assessment Unit will mark the 10th and 11th time the community has been consulted on development at Gnarabup.

Given the long 30-year history of concern by local people at development of this land, we ask that the Standing Committee inquire into whether development on Gnarabup Headland is appropriate and should be approved by the WA Planning Commission or Minister for Planning. An inquiry into the development of this site would allow the community, Shire and State Government to clearly understand whether the area can support development of this type and scale. Such an Inquiry would enable informed decisions can be made.