



Standing Committee on Environment and Public Affairs

05 November, 2020

Dear Members of the Standing Committee on Environment and Public Affairs

RE: Petition No. 179 - Preserving the Gnarabup coastline, tabled in the Upper House on 24 November 2020.

Proposed Development West of Wallcliffe 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 Petition No.179, Preserve Gnarabup and Margaret River Coastal Residents Association asks the 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 State Government. We understand this Inquiry would need to be activated in the next Parliament, following the March 2021 State Election.

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. None of the recommendations of that Inquiry have been acted on. 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 in January 2021.

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. Solicitor Clare Gleeson, acting on a pro-bono basis for Preserve Gnarabup, has lodged a scheme amendment pursuant to section 75(2) of the *Planning and Development Act 2005* with the Shire of Augusta-Margaret River for the Land. This proposal will shortly come before Councillors for consideration and a vote. The amendment proposes the reservation of the lots to "Parks and Recreation" reserve for a public purpose (consistent with adjacent reserved Crown land) or to compulsorily acquire/purchase the land for foreshore reserve. We ask the State Government to support the intent of this proposed amendment and permanently reserve or purchase the land to prevent it being developed. 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 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 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 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. In 2002 a Parliamentary Inquiry found that the plant may be illegal and that it was built 375 metres from the ocean when a 500 metre buffer was required by the WA Water Authority guidelines. The Annual Environmental Report shows, the plant is now only 200 metres from the ocean. This reduction in the buffer over an 18 year period is believed to be due to coastal erosion due to rising sea levels; and
- 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.

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 Gnarabup should be upheld by the reservation and further protection of the Land from development.

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.