



**The Hon Terry Redman MLA  
Minister for Regional Development; Lands;  
Minister Assisting the Minister for State Development**

Our ref: 39-34704  
Your ref: Petition 117

Hon Simon O'Brien MLC  
Chairman  
Standing Committee on Environment and Public Affairs  
Parliament House  
PERTH WA 6000

Dear Mr *Simon* O'Brien

**PETITION NO. 117 – SOUTHGATE SAND DUNES - GERALDTON**

Thank you for your letter dated 18 May 2016 regarding the petition, which was tabled by Hon Paul Brown MLC in the Legislative Council on 6 April 2016.

On 28 October 1999, the State of Western Australia (the State) entered into a land exchange agreement entitled 'Agreement relating to the stabilisation of Southgate Dunes and a Land Exchange' (Agreement) with Landrow Greenough Ltd and Strawbay Pty Ltd, now Bayform Holdings Pty Ltd (the Developer).

The Southgate Dunes are a system of sand dunes that cover most of Victoria Location 11939, the whole of Crown Reserve 7276 and part of Victoria Location 2584. It is recognised that the Southgate Dunes are unstable and are moving slowly in a north to north easterly direction.

The State is the registered proprietor of Victoria Location 11939 and the Developer is the registered proprietor of an estate in fee simple in Victoria Location 2584 which adjoins Crown Reserve 7276. An unstable sand dune referred to as the Southern Dune exists over Crown Reserve 7276 and part of Victoria Location 2584.

Under the Agreement, it was the intention of the State to have that part of the Southgate Dunes which is on Victoria Locations 11939 and 2584 and Crown Reserve 7276, stabilised to prevent interference with roads, sewers, drains and other development in the vicinity of the Southgate Dunes. It was envisaged that the proposed land exchange afforded the State an opportunity to contractually oblige a third party to undertake the required stabilisation works resulting in a mutually beneficial outcome to both parties.

Pursuant to section 10, 11 and 15 of the *Land Administration Act 1997* (LAA), the State was to transfer Victoria Location 11939 in fee simple to the Developer and by way of exchange the Developer was to transfer Victoria Location 2584 to the State. As a condition of transfer of Victoria Location 11939, the Developer is also to stabilise that part of the Southgate Dunes which is on Victoria Location 11939 and the Southern Dune.

Since the granting of the original Agreement there have been numerous extensions and several variations of the Agreement to extend the termination date as well as to take into account the change of proponent and the evolution of the requirements of the Agreement.

In 2009, an additional condition was included into the Agreement requiring the Developer to obtain final approval from the Minister for Planning for the current Amendment No.4 to the City of Geraldton-Greenough Town Planning Scheme No 1A (Amendment 4) and to obtain the approval of the formal assessment under Part IV of the *Environmental Protection Act 1986* of Amendment 4 by the Minister for Environment. I understand that a decision regarding Amendment 4 is unresolved.

I can confirm the Agreement has now expired and the Developer was advised on 1 December 2015 that the granting of a new agreement would only be considered once Amendment 4 has been approved.

Further, I acknowledge the City of Greater Geraldton (City) is now strongly opposed to the implementation of Amendment 4 and recognise 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 the event Amendment 4 is approved by the Minister for Planning and the Developer requests a new agreement, the City will be consulted and their stance on this matter will be duly considered by the Department of Lands.

Yours sincerely



HON TERRY REDMAN MLA  
MINISTER FOR LANDS

21 JUN 2016