

WATER'S EDGE

PORT GEOGRAPHE LANDOWNERS ASSOCIATION INCORPORATED NEWSLETTER

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WHAT THE CHAIRMAN SAYS (*Jeff Priest, Chairman*)

HOW WE CAN SUPPORT YOU

Welcome to all our new members who will be receiving their first official newsletter. Thank you for your support and the continued support of our existing members.

We encourage feedback and will be pleased to research and report on any matters of particular interest to members.

Examples of matters which members have raised with the Committee related to:

- Sand and dust suppression
- Directional road signs
- Dumping items from pedestrian bridge
- Responsibility for maintenance of canal depth and water quality after handover
- Children jumping off pedestrian bridge
- Completion date of the pedestrian bridge and whether it be lit
- Danger for children having to ride their bikes along Layman Road to go to school
- Where to send house cleaning accounts due to dust from Phase 2
- Advice re damage to house due to Phase 2 earthworks
- Will the developers cover the sand on blocks which have been sold?

Thanks also to those who have supplied their email addresses and for the nice comments which have been received from members expressing their appreciation of the Committee's efforts on your behalf. If you have not supplied your email address and would prefer to receive communications from the Association electronically rather than hard copy just let our Secretary, Jane Sparkes, know on the above email address.

FURTHER RELEASE OF TITLES

Due to the ongoing procrastination and a seeming inability to make decisions on the hard issues, the release of Titles for Stages 3 and 4 was referred to the State Administrative Tribunal (SAT) for hearing on 30 March. As a result of a SAT mediation process the Western Australian Planning Commission agreed with the developer to release Stages 3 & 4 to enable the settlement of the canal lots in those stages to take place.

TESTING OF WATER FLUSHING BY USING RED DYE

The canal for Stages 3 and 4 of Phase 2 (the new subdivision) has been opened up for the past few months and the movement of water is now quite swift on the incoming and outgoing tides.

On 10 March, 2009 the developers placed Rhodamine WT dye in the canals to test flushing. With good flushing the exchange of water is 10 – 12 days. After 20 days the water was still light pink / brown / tea stain colour, however, crabs and fish were still being caught and school fish were abundant.

Rightly so, the Project Manager is unable to speak about the results until the official reports has been received.

The Association send an email to the Department for Planning and Infrastructure on 19 March, 2009 asking "if the developers must prove that each Stage of the development is flushing to the State's (DPI) satisfaction prior to approval being granted for development to commence on the next Stage."

Mr James Holder of the Department for Planning and Infrastructure has replied as follows: "Our understanding is that compliance with conditions relating to canal flushing for one Stage does not necessarily form a pre-requisite for commencing construction of the next Stages. Rather, it is a pre-requisite for the endorsement of deposited plans for any completed Stages." i.e. to enable settlement of the lots sold.

"The position generally regarding commencement of construction of each Stage is that this is the subject of separate, stand alone conditions of the subdivision approval and for the most part is dependant on approval by the Shire of Busselton."

The Association will continue to monitor the situation.

LANDSCAPE MASTER PLAN

On 13 January, the developers presented to the Committee an overview of the proposed Landscape Master Plan for Phases 1 and 2 of the Port Geographe development.

One can only admire the landscaping work carried out at the corner of Navigation Way and Marine Terrace by the developers.

Those who buy properties in Phase 2 (i.e. south of the Pedestrian bridge) do so in full knowledge that they will have to pay a Specified Area Rate (SAR) for the maintenance of landscaping.

Most members will remember that in 2004 the Shire tried to impose the same SAR on owners in Phase 1 for landscaping, however, that was defeated by people power as it was not one of the conditions of purchase, although the SAR for the maintenance of waterways was.

To date the developers have not been back to the Committee with the landscape plan.

MARINE SAFETY

As advised in our January Newsletter the State Government has appointed 4 Marine Safety Officers to cover the South West of the State. As we understand it the Busselton office still is not operational.

No doubt the officers will be busy over Easter and will target the canal system and the Bay

The Officer in Charge is Brad Wilson, Regional Transport Officer, South West and he is stationed in Bunbury. Brad's phone number is 0409 687 385 and his email address is Brad.Wilson@dpi.wa.gov.au. Brad has proven to be very accommodating in dealing the public's complaints for which we thank him.

RECENT PRINTED MEDIA HEADLINES

Examples of newspaper banners on articles relating to Port Geographe. (Aren't you so lucky that you have purchased property in the locality and that it will maintain its value after this lot of total negativity and very little positive comment about this amazing development)

And what about the effect on tourism in Busselton on which so many place so much weight?

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| 14 January | The Sahara Desert comes to the sea |
| 16 January | Canal work to be decided |
| 6 February | Town needs another entry |
| 17 February | \$1,750,000 home sold in Keel Retreat |
| 6 March | Final plea for action |
| 11 March | It looks like the Red Sea |
| 11 March | Red canals await the green light |
| 13 March | Toxic danger given weight |
| 15 March | Toxic mountains |
| 15 March | Tourism on the nose in Busselton |
| 20 March | Health concerns now heightened by report |
| 20 March | Legal action looms over troubled waters as residents lose patience |
| 20 March | Developer denies health threat |
| 22 March | Our health is at risk from toxic seaweed |
| 25 March | No more waiting |
| 25 March | Port Geographe handballing |
| 27 March | Study rejection not helpful |
| 1 April | Sufficient evidence to act |
| 1 April | Five minutes is enough for a bad smell |
| 1 April | Expose the loss of facility |

This Association had quite a deal of emailing as this Newsletter was being compiled trying to ascertain what exact proof other groups and associations had as to illnesses (both current and long term) being caused to local residents by the release of the H₂S gas during by-passing of the of the seagrass wrack and also coastal engineers' advice as to a possible re-configure of the entry groynes prior to the University of WA's seagrass study being completed and results being released.

Neither was forthcoming, however, substantial information was provided by the Chairperson of both the Port Geographe Action Group and Wonnerup Residents' Association Inc. for which we sincerely thank her.

For your information, following is one of the emails sent from this Association to the Chairperson of the Port Geographe Action Group and Wonnerup Residents' Association Inc. (the same person) on 30 March, 2009:

"What would specifically be of assistance to us all would be reports from medical practitioners on those who are suffering some form of illness stating that the illness is, not maybe, caused by H₂S from seagrass wracks.

Also of interest would be a qualified design of the groynes' re-configuration which can immediately be carried out to resolve our problems of seagrass (and H₂S) and sand by-passing, i.e. not having to wait for further study of seagrass movements in the Bay, and modelling based on those studies.

This would go a long way towards achieving the community's objectives.

Wonnerup and the canals are yet other problems which continue to be addressed."

The response to both questions was in the negative as No. Comments on actual medical practitioners' reports nor design plans were forthcoming.

Is it unreasonable to suggest that neither exist?

In the Busselton Dunsborough Times of 13 March, 2009 it was reported that: "Port Geographe residents will take legal action now a toxicologist has confirmed their health has been damaged by toxic gases associated with the development's controversial by-passing work".

Members would be interested to note that a Councillor asked the following question at the Council Meeting held on 11 March, 2009:

"Does the Shire have exposure to legal liability with respect to high levels of hydrogen sulphide?"

The question was taken on notice.

The response to that question was published in the Minutes of the Shire Council meeting held on 25 March, 2009 as follows:

"This is a difficult question to answer at this stage given the state of current information regarding hydrogen sulphide levels. It would be prudent for the Shire to wait to receive more information about the levels and the exact causes before more fully considering its legal position. However, ultimately liability is most likely to attach to the person or entity which causes the thing to occur which may give rise to harm or damage. Thus once more information is known, the Shire would need to give consideration to the potential hydrogen sulphide levels at the same time that it gives any approvals or authorisations in respect of works that could lead to the production of hydrogen sulphide and if it were not to give proper consideration to those issues, then there is some potential for the Shire to be legally liable to persons suffering harm or damage as a result of this, but this is purely hypothetical at this stage in the absence of more concrete information."

So what does all this mean? Basically whether or not the by-passing works involving dust, noise, and H₂S emissions are causing illnesses of some sort or another or whether those factors are an amenity issue is by the by.

The bottom line is that they are unacceptable to us all and are detrimentally effecting the lifestyle of the community either physically, mentally or financially.

Clearly the solution is to move the seagrass before it rots to prevent the H₂S emissions and in a cost efficient manner.

To date the method to achieve the solution is said to be to re-configure the groynes and to this end a Study as to the movement of the seagrass around Geographe Bay is being undertaken and is to be concluded in 2009.

On conclusion, computer modelling of the Study results are to be undertaken to determine the best re-configuration to the groynes to allow nature to carry out by by-passing works.

In the meantime this Association will continue as it has done in the past, to seek the assistance of the State Government to ramp up resourcing of the various agencies to technically resolve the problems at Port Geographe and to assist with funding of the actual works necessary to achieve that resolution.

In summary, the priorities for the Association are:

1. Coastal works
2. Flushing of the canals
3. Landscaping
4. Specified Area Rates (SAR)

TRIVIA TIME -

One for the times
One for the canals

**Why is the man who invests all your money called a broker?
I never drink water because of the disgusting things that fish do in it.**
(W.C. Fields)