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2013/14 Committee

Chairman

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Secretary

Colleen Blundell

Treasurer

Simon Denney

Committee

Bruce Blundell

Craig Godridge

Cheranne Morris

Peter McClurg

Neil Honey

Steve O'Brien

Greetings from the Chairperson

Port Geographe Upgrade - Over the last 12 months, the Dept of Transport has carried out a major upgrade to the groynes and beachfront at Port Geographe.

This should alleviate weed problems on the western beach and see it return to a pristine white again. The landscaping proposal, the formation of the lagoon, and inclusion of a playground area will also make it a more attractive place for residents to go.

SAR Rate - A great deal of committee time has been taken up with talks to the City of Busselton re the SAR rate payments. [See Page 2] Over the last 16 years, we have paid \$3.2 million into a reserve account with the City to go towards waterways management and sand bypassing. This money was to be held in trust until the project was completed but will now be used to engage the Dept of Transport assistance with dredging and sand bypassing work to keep the harbor entrance and channel open.

This is grossly unfair on landowners who pay for a facility which is used by the boating fraternity from all over the City and the Southwest, who do not contribute anything towards Port Geographe costs.

The City has told us they don't intend to increase the SAR rate above CPI and state they will only pay the Dept of Transport whatever money they collect from landowners.

Spinnaker House Debacle - By now, most of you will have seen the disgusting shell of a house in Spinnaker Boulevard that was transported from East Busselton.

Somehow the owner obtained a permit to leave the house on site. Only after a large outcry from residents did City inspectors visit the site and issue the owner with a list of requirements to be complied with before the house could be left on the site.

Apparently, detailed plans and specifications have to be submitted before building permits can be approved. It is alleged that this process may not have been followed.

There has been a lot coverage by the press and television through GWN and Chanel 7's Today Tonight, and strong support to prevent the house from being left there. [Continued on Page 6.]

ANNUAL GENERAL MEETING

The Association's AGM will be held on Monday 8th September 2014 at 7.00pm, at the Busselton Volunteer Marine Rescue Community Room, Marine House, Geographe Bay Road.
(Georgette Street Boat Ramp)

PGLOA Bid to Have SAR Reduced Fails

The first attempt by the Port Geographe Landowners Association committee (PGLOA) to get the charge for maintenance of Port Geographe coastal strip and waterways reduced has failed.



The charge is the Special Area Rate (SAR) which makes up a proportion of landowners annual Council rates.

The SAR is charged exclusively to Port Geographe Landowners living in the Port Geographe catchment. This catchment is an area east of Harwood Road and Groyne Road to the western edge of Wonnerup townsite, south of Navigation Way, the footbridge and Lanyard Boulevard.

The PGLOA recently made an eight page submission to Council, followed by a delegation meeting with the Mayor and key City administrators, and then a presentation to full council over this matter. During the meeting with the Mayor, the delegation was told that we “were hitting our heads up against a brickwall.”



Prior to this the PGLOA had sought legal opinion on the ability of the State Government to gain access via the Council to the Waterways Management Reserve Fund. This fund holds SAR collections accumulated since rates were first charged to Port Geographe Landowners.

The major points of the PGLOA report which highlights the unfair Special Area Rate collection are :

- * The Waterways and the PG coastal strip can be used by everyone and the charge is discriminatory.
- * The Port Geographe waterways and coastal strip are a public asset. These water ways may have been funded privately but they are a valuable asset for all Western Australians.
- * The PG coast from Groyne Road (the original demarcation point on the western side of the development), and Wonnerup, does not belong to Port Geographe landowners.
- * The State Government via Department of Transport obtains revenue from leasing the harbour bed.



- * Those landowners who live on the canals pay a licensing fee to the State Government for a jetty, built by the landowner, into the canal waterways.
- * Apart from the West Australian public using the boat ramps and the Port Geographe waterways for recreational purposes, commercial operators, government agencies such as Fisheries, Customs and Water Police also enter this water based development.
- * No boat ramp fees or boat ramp car park fees are collected to defray any waterways maintenance costs. However boat ramp car parking fees are levied at Hillary’s boat harbour and another Mandurah marina facility and at other waterway facilities.
- * PGLOA believe this has been a lost opportunity over the years and should not have occurred if a fairer user pay method had been introduced years back combined with a lesser impost on the affected Port Geographe community.
- * Maintenance work and costs has been done on the PG coast and limited waterways maintenance has been done mainly to the entrance channel and to the marina area which is the thoroughfare that every boat owner travels from the boat ramp to Geographe Bay.

The City’s response is that a levy was part of the deal when each landowner signed up to purchase a lot. However, PGLOA argued that while this was the case, this agreement, to charge a differential rate which is now called a Special Area Rate was made long before the first lot was sold in 1994/95 and that today’s reality is that everybody has access to the waterways and the PG coast. The PGLOA believes a fairer user pays system should be put in place.

The suggestion was that Council considers introducing a boat parking fee at the Port Geographe boat ramps. Port Geographe landowners would be provided with an annual pass to place on the windscreen of vehicles which exempted them from the charge. Or, alternatively ,Port Geographe landowners register their boat trailer licence number with the City so they would not get a fine when parking at the boat ramp. The annual parking fees collection is then deducted from the SAR budgeted amount for the following year and the SAR charge to PG Ratepayers is reduced in accordance with the parking fee collections.

The PGLOA’s first attempt to introduce this user pay system was timed to coincide with the negotiated new Management Deed between the City and the State Government. While this negotiated attempt failed it is the intention of the PGLOA committee to persevere by forming further strategies including putting public pressure on Council to introduce a user pays system.

New Management Deed What the PGLOA Has Been Told !

According to City administrators the new Management Deed which has been now signed by Council and State Government came about after the developer was declared insolvent.



The State Government had to pay for the coastal works after the developer's bank guarantees were exhausted. According to what the PGLOA has gleaned from City administrators it was unclear who was responsible for funding coastal and waterways maintenance works under this scenario. In other words this was not spelt out in the Development Deed, an agreement which was introduced between the State Government, City of Busselton and the developer prior to the start of the project and which has undergone amendment over the years.

Secondly, it was unclear what the cost of these maintenance works was going to be in the future. Up until this point the SAR funds would not have been drawn upon until the developer had completed the development and handed over the coastal and waterways maintenance responsibility to the City. Then the cost of coastal and waterways maintenance work would be shared with 75% cost being met by PG ratepayers through SAR collections and 25% from the City's general revenue.

Had the old groyne system remained, then the cost of these works would continue to balloon out to an annual cost of around \$2 million or more. This was significantly higher than the annual SAR collections of under \$150,000.

Under the new Management Deed the State Government will incrementally draw down on the Waterways Management Reserve Fund which currently holds about \$3million. This is the fund that holds the SAR collected over the years from PG Landowners. Port Geographe landowners will continue to pay the SAR. When the Waterways Management Reserve Fund is exhausted then the State Government will pick up the tab for the maintenance costs exceeding the annual SAR collection.

The new Management Deed removes the responsibility of the annual coastal maintenance work from a new developer's responsibility. The City will administer the works via a subcontracting arrangement with the Department of Transport.

This arrangement is supported by the PGLOA committee because it may help in finding a new developer to finish the project. The annual financial burden which previously fell on the developer was one of the reasons why it has been difficult to develop the project in a progressive way.

Foreshore Landscaping

At a recent Port Geographe Consultative Community Forum a representative from PGLOA was told that the City of Busselton could not afford the life maintenance of a Rolls Royce landscaping plan which had been worked up from the initial conceptual plan released by the Department of Transport.

The conceptual plan recently went out for public comment. The landscaping plan is part of the \$28million groyne reconfiguration project funded by the State Government and is for areas on the western side of the development and the section Moonlight Bay to Wonnerup where the new seawall has been completed. Around 65 responses were received on the conceptual plan which requested additional infrastructure to create a "Rolls Royce" version.

The City was aiming for a life maintenance budget of about \$121,000 and while all the additional items could not be accommodated several have been included to improve the conceptual plan. The City representative said there was a possibility that some of the current maintenance for Port Geographe could also be trimmed. The forum was told it currently costs the City \$266,000 annually for Port Geographe landscaping maintenance. This sum is above any other area that is not subject to a Special Area Rate for landscaping. (Port Geographe residents are charged a SAR but this is for Waterways and Coastal maintenance).



The PGLOA representative asked the City's officer at the forum where the current money was being spent and then stated we were not getting value for money.

A combined response was prepared by the PGLOA, Action Group and Marina businesses in relation to this issue. The landscaping tender has closed, with work expected to begin in late Jul/Aug and finish Dec/Jan 2015.

Maintenance of Boat Ramps

The PGLOA committee has been pressing for the City to meet its responsibility and carry out what is considered urgent maintenance to the boat ramps as a matter of duty of care.

Photos showing the state of the boat ramps and a report was sent to Council expressing concern at the lack of attention to maintenance since the developer installed this facility over fifteen years ago.



After constant enquiry, an email response was sent to a PGLOA Committee member.

“Port Geographe, as a level 6 boat harbour, is the only regional boat-launching facility between Bunbury and Augusta. As was identified in the Capes Regional Boating Strategy (Shore Coastal 2011), demand for boat launching facilities in this region exceeds existing capacity.

As a result, the Port Geographe Boat Launching facility is a busy and highly significant boat launching facility. Modifications are currently underway to the groynes and harbour at Port Geographe to improve its amenity.

This project involves a planning study to identify the requirement for, and preliminary design of, progressive upgrades to the existing boat launching facilities and the feasibility of such works.

This will include user surveys, detailed structural inspections of the marine and land based facilities and planning and preliminary design for progressive upgrades.



Previous inspections in 2010 identified marine facilities (jetty and ramps) in a reasonably poor condition, particularly the concrete ramps and finger jetties.

Land based facilities were generally in a reasonable condition and designs have recently been developed for overflow parking.



Whilst the facilities are functional, planning is required for progressive upgrades to ensure this amenity is maintained for a reasonable planning period.”

Project Approach

- 1) Develop a user survey for boat launches on a peak demand days.
- 2) Undertake a detailed structural inspection of the existing facilities, in particular the marine facilities (concrete ramps, abutments and finger jetties).
- 3) Consult with VMR to establish suitability of current facilities for rescue operations.
- 4) Develop recommendations for upgrades to finger jetties, parking and other facilities
- 5) Consult with Council, users and the public about any possible upgrades
- 6) In the light of the studies and consultation, develop concept plans and detailed cost estimates for any recommended upgrades.

These works will be undertaken in the next financial year, if the grant gets approved and the Council approves the project as part of the overall budget adoption process.

[At the time of going to print, the City has been successful in obtaining a \$40,000 grant to perform these tasks.]

The PGLOA will continue to monitor the progress of this plan.



Old House Relocation, Spinnaker Boulevard

Active campaigning by the PGLOA and residents in the affected area of Port Geographe has resulted in a rethink by City councillors on the relocated old house in Spinnaker Boulevard.

While it appeared the administration went into damage control on the issue Councilor Gordon Bleechmore eventually sided with the PGLOA and residents and moved a motion in a Council meeting recently. The successful motion is to investigate legislative changes to relocated dwellings at Port Geographe and legal advice on removing the old home. The PGLOA has also learned that Mayor Ian Stubbs, who has been overseas, is also concerned that this house was allowed to be relocated.

The issue is still fluid and, at the time of going to print, legal opinion was being sought.

Not the Best Decision

The decision by City administrators to allow the old house to be moved to Spinnaker Boulevard is baffling. Apart from being wrong it also appears to be not politically savvy. The house is located adjacent to where the State Government has spent \$28 million on the groyne reconfiguration project and is directly behind where the first works on foreshore landscaping will commence.

Restrictive Covenant Action

The PGLOA has learned that the City of Busselton does not recognize developer's restrictive covenants which outlines the type of materials with which a new home can be constructed.

The PGLOA asked the question during a recent meeting with the Finance and Corporate Services Director and was told that this applied to any subdivision throughout the City. PGLOA representatives argued that these restrictive covenants were part of the annexure to title. However, the City insists that planning approval is given provided the proposed house plan meets the City's planning and building requirements.

Most landowners abide by the restrictive covenants in order to maintain values within their street. Recently, however, there are some new owners that are building with different materials. The City of Busselton says that it is up to the developer to enforce their covenants or adjacent landowners can take legal advice. The PGLOA has written to the City requesting that the current review of the town planning scheme is amended to recognize restrictive covenants for this development in the future.

It is known that MLC Barry House is upset about the placement of this old house in such a strategic location adjacent to the State Government funded works. Barry House also chairs the Port Geographe Community Consultative Committee which is steering the foreshore project through to its conclusion.

The City of Busselton will also rely on State Government funds to extend the airport and fund a number of other key ticket items to improve the City's infrastructure. It would appear it is not the time to get State politicians off side.



Amendment to Town Planning Scheme

As soon as we became aware that covenants had lapsed, we submitted an immediate application to the City to get the Town Planning Scheme amended, so that all buildings in Port Geographe are constructed to the standard of other buildings in the area.



The process has started and Councillor Gordon Bleachmore is following it up. Unfortunately, however, Scheme amendments can take 8 to 9 months to become valid.

Chairman's Report

[Continued from Page 1]

Spinnaker House Debacle - Although it appears there may have been flaws in the process of granting a building permit, the City is digging in and not quickly moving to rectify matters.

Although Mayor Stubbs supported us when he became aware of the problem, nothing has occurred so far to change the situation.

We are currently investigating our options. It may be that the only avenue we have left is to challenge the decision through the State Administration Tribunal, although we will have to pay to do this.

A report on the findings will be presented to residents at the Annual General Meeting in September, possibly along with a recommendation for further action.



Legal Advice

The PGLOA is indebted to local commercial lawyer, Peter May, for his legal opinion and preparation of letters to Council on aspects raised by the committee in regard to the new Management Deed and the SAR. He has not charged the PGLOA for this professional advice.

A written legal opinion has been handed to City administrators and a response has been received.

The PGLOA is committed to try and get the best outcomes for PG landowners and a second legal opinion on important issues is part of the many tools to try and achieve this aim.

ANNUAL GENERAL MEETING

Monday 8th September 2014
7.00pm



Busselton Volunteer Marine Rescue
Marine House
Geographe Bay Road

(Georgette Street Boat Ramp)

STOP PRESS : At the last Council meeting, a motion was passed that the monies held in the Waterways Development Fund (\$500,000) be amended to allow funds to be spent in Port Geographe on various projects to improve the development. This is good news as it is badly needed in the development. Mayor Stubbs gave me a personal guarantee, and to full Council, that the PGLOA will have an input as to how it is spent.



Have you got an email address ?



We can cut the cost of producing and distributing of our newsletter, "Waters Edge", by sending it to you electronically.

Just send your email address to the PGLOA committee at portgeographeloa@gmail.com .

It makes life a little easier for us and we save costs, keeping our funds for other purposes.

If you haven't got an email address, don't worry - we will send it to you by post.

Want to become a member ?

If you are a landowner in Port Geographe, we would welcome you aboard our growing membership.

Complete the form below and return it to us by email or snail mail.

APPLICATION FOR MEMBERSHIP

Support the Association that supports you.

Membership of the Port Geographe Landowners Association Inc is open to all land owners and residents within the locality as defined by the City of Busselton and known as Port Geographe.

I/WE

RESIDENTIAL ADDRESS

.....

POSTAL ADDRESS (if different to the above)

.....

BEING THE OWNERS / RESIDENTS OF

..... PORT GEOGRAPHE,

(If the owner is a Company, please attach a letter from that Company nominating you as its representative)

WISH TO APPLY FOR MEMBERSHIP OF THE PGLOA AND ENCLOSE PAYMENT OF \$15, BEING THE MEMBERSHIP FEE FOR THE 2014 / 2015 YEAR, UP TO AND INCLUDING 30 SEPTEMBER 2015.

(Should you wish to pay by direct debit, our bank account details are -

BSB: 036-123 Account Number: 18-6479. Please include name and street.)

WISH TO RECEIVE FUTURE ISSUES OF THE PGLOA NEWSLETTER. YES / NO

.....
(SIGNED)

.....
(SIGNED)

TEL :

MOB :

EMAIL :