

Port Mandurah Residents' Association

Newsletter — September 2009
www.portmandurah.com.au



PO Box 1339
Mandurah WA 6210

MARK YOUR DIARY!

Christmas Dinner Party — Sunday 6th December at Sunbreakers
Santa in the canals — Tuesday 24th December
PMRA AGM — Thursday 28th January, 2010

JETTIES — A RAW DEAL!

Following a long history of unsatisfactory dialogue between many Port Mandurah residents and the Department of Transport, the Port Mandurah Residents' Association (PMRA) has written to the Hon Simon O'Brien, Minister for Transport formally requesting a transfer of responsibility for jetty administration to the City of Mandurah. Full details of the letter and associated information is available on the website: www.portmandurah.com.au

The history of this problem stems from the "Jetties Act" (1926) which was enacted to accommodate persons who felt disenfranchised by the changes at the time of Federation to the colonial land titling system that shifted property boundaries which had, to that point, divided properties at the centre-point over rivers and streams to a distance away from the water's edge. At that time significant traffic and commerce was by way of rivers and many individuals had built jetties on what had become Crown land. The Jetty Licence system was introduced to give those individuals a degree of security for their jetty for commercial and recreational access.

PMRA argues that designers of artificial waterways, on what was formerly private land, such as the Port Mandurah canals, deliberately created titles for most blocks that have a proportion of their rated area falling within the canal. Council rates are charged for the land on which the jetty is built. The construction of private jetty assets or any infrastructure within the jetty envelope is what we are referring to in this appeal to the Minister. We believe that the interpretation used by the Department of Transport does not conform with the intended purpose of the Act.

The cost of maintaining the waterway is met by the levying of an additional Specified Area Rate (SAR) on canal residents, which is administered by the City.

A small contribution comes from the City, partly in recognition of non-resident use and we would like to stress that Port Mandurah residents do not have "the privilege of using the public waterway exclusively" as stated in a recent DoT letter to a PMRA member.

Additionally, PMRA would argue that the DoT has not fulfilled its obligations because of its failure to recognise "the canal system as being a public waterway." It has not accepted responsibility for provision and maintenance of:

- (a) navigation lights and markers;
- (b) sustaining navigable passage;
- (c) removal of unsafe or unserviceable piles; and
- (d) abatement of erosion, wall and shoreline protection,

all of which are paid from the residents' SAR.

PMRA clearly endeavours to ensure the maintenance of very high standards for jetty design, construction, aesthetics and amenity and has, from our own resources, produced comprehensive guidelines for Jetties and Boat-lifters (2004 and 2009) upon which the City has based some of its bylaws.

There should be no difference between interpretation of bylaws for a legal jetty and, for example, a pergola with respect to the responsibilities of Local Government.

We have been disappointed that the lack of consideration by the DoT, has left the City of Mandurah to accept the responsibility for jetties and waterways management. This requires the CoM to raise a SAR to, among other things, undertake exactly what the Department claims to be the purpose for collecting jetty licence fees. The failure of DoT to meet its obligations has required the City to use funds raised by specified area rates, to make up for the inadequacies of the Department of Transport's prioritisation.

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Port Mandurah Residents' Association

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RESTRICTIVE COVENANTS – What are they?

Original buyers of housing lots in Port Mandurah were required to sign a legal agreement with the developer — Cedar Woods (previously Esplanade Pty Ltd) — that they would take certain actions, and avoid activities that would adversely effect the amenity, quality of lifestyle and value of properties in Port Mandurah.

These developer's covenants (correctly known as Restrictive Covenants) were put in place by the developer to ensure that certain standards, over and above the statutory requirements of the City of Mandurah, were met.

Owners of Port Mandurah properties who did not purchase their property direct from the Developer need to be aware that the Covenants transfer with the Title. This means that even if a property has been sold several times the Covenants still apply (via a Deed of Covenant) despite the fact that the current owner did not sign the original agreement.

The Covenants can only be removed from a title by either a decision of the Supreme Court or an amendment to the City of Mandurah's Town Planning Scheme. Any breach of a Restrictive Covenant could result in legal action being initiated by another property owner.

This subject will be explained in future newsletters.

PEEL COMMUNITY FOUNDATION

The Peel Community Foundation (PCF) is a local initiative, under the Western Australian Community Foundation umbrella, that aims to strengthen our local community with worthwhile projects that enhance the long-term well-being of our region and environment. PCF receives and invests contributions and bequests from businesses and individuals who share this vision. Only the proceeds of the investments are distributed to community recipients.

A major initiative for the benefit of PCF will occur in October when **Alan Cransberg**, Managing Director of Alcoa Australia (a major PCF supporter and Port Mandurah Resident) makes a presentation "**Partnering is Good Business**" at a Peel Chamber of Commerce and Industry "Business After Hours" event.

The function is sponsored by Community First International, as part of its support for the PCF. The event will be held on Tuesday 6th October at 5.30pm at the Sebel, Mandurah.

PMRA supports this PCF event and more information will be available from the Peel Chamber of Commerce and Industry and on the PMRA website.



PORT MANDURAH RESIDENTS' ASSOCIATION

Application for NEW Membership ONLY

(If you are already members, renewal invitations are sent out when your membership expires)

I/We wish to apply for membership of the Port Mandurah Residents' Association. I/We agree to abide by the Constitution as formally amended on 13th January 2005. Each residence receives **two full memberships** for each year's membership fee and all permanent members of the household enjoy various membership privileges as Associate Members (no fee).

<i>Insert names – use preferred Christian Names</i>			
Member		Full Members – see Membership Package schedule below for fee	
Member			
Member of family		Associate Member: Free	
Member of family		Associate Member: Free	
Member of family		Associate Member: Free	
Member of family		Associate Member: Free	
Member of family		Associate Member: Free	
Canal property address			
Mailing address		Only if mail can't be delivered to canal property address	
Our email address is:			
Phone		Mobile	
<i>Membership Packages available – 2 memberships per calendar year</i>		<i>Tick your choice</i>	
Enduring Fees	Notionally 15 years	<input type="checkbox"/>	\$300
5 years	2010, 2011, 2012, 2013, 2014 [inclusive]	<input type="checkbox"/>	\$120
3 years	2010, 2011, 2012 [inclusive]	<input type="checkbox"/>	\$80
1 year	2010	<input type="checkbox"/>	\$40
<i>Please make your cheque payable to: Port Mandurah Residents' Association or electronically transmit to our bank account: Bendigo Bank: BSB 633 108: Account No: 136986080</i>			
Signed:	Date:	Cheque for the sum of \$..... is enclosed	
<i>It would be appreciated if you could provide us with the following extra information if applicable to your property, or if you have a boat, in the Port Mandurah precinct.</i>			
Jetty	Wood <input type="checkbox"/> :	Floating <input type="checkbox"/> :	Extra piles <input type="checkbox"/> : None <input type="checkbox"/> :
Lifter	Electric <input type="checkbox"/> :	Hydraulic <input type="checkbox"/> :	Floating <input type="checkbox"/> : Derrick <input type="checkbox"/> : None <input type="checkbox"/> :
Boat	Type:	Rego No.	Name:
Boat	Type:	Rego No.	Name:
Boat	Type:	Rego No.	Name:

Mail to: Port Mandurah Residents' Association, P.O. Box 1339 MANDURAH WA 6210

Privacy Policy: The Port Mandurah Residents' Association will not disclose any of your personal information to other organisations or people and will only use summaries of such information to support its position in matters relating to the precinct of Port Mandurah, Western Australia.

Port Mandurah Residents' Association

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PMRA has never objected to the size of the annual jetty fee. We have only questioned what value is provided back to us from its collection, and the appearance of paying twice for the same service. We have tried to encourage the DPI (DoT) to fulfil its obligations, without success.

A recent survey of our membership indicated wide support for the SAR on canal residences, because the residents actually see the benefits. This cannot be said for the Jetty Licence fee. We are disappointed in the duplicity displayed here and PMRA will continue to seek a just solution to this inequity.

Our local MLA, Dr Kim Hames, Member for Dawesville, has written to the Minister for Transport supporting our position.

SAR SUPPORT FOR PMRA

As reported in the last PMRA Newsletter within the SAR review, under recommendation 5, that "*the PMRA should be recompensed financially for tangible support to communicate to all residents and meet Council requirements*", we are proposing that a 2010-11 budget item equal to 7% of the SAR be allocated to PMRA to continue to provide professional and administrative support.

The funds will mean that all residents, not just PMRA members, are contributing in a small way to the cost of providing the professional and administrative obligations that PMRA has to the City of Mandurah. We had expected this to be a contentious issue but to date PMRA has not received one dissenting opinion and only expressions of support.

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DREDGING

PMRA is working closely with the City Of Mandurah to ensure that a dredging of the Northern Entrance of Port Mandurah will take place before the start of summer, (hopefully this will occur in the first week of November when tides are ideal). The funds in place via the SAR and we believe that approval from the Department of Water is close, at last.

A novel suggestion of a permanent solution using a barrier extending east from Henry Sutton Grove is being given serious consideration by DoT and it is hoped that this would provide both a sand entrapment that should reduce the dredging requirement and a vastly improved sandy beach-line adjoining Henry Sutton Grove and the Fairbridge Bank.

More detail on website: www.portmandurah.com.au

CHRISTMAS LIGHTS COMPETITION

This year, to avoid some of the problems encountered last year, there will be slight changes to the way PMRA manages the Xmas Lights Competition. To be eligible for the major prizes, an entry form must be completed for your lights to be judged.

This entry form will be issued with a PMRA newsletter in October. Entry is free and open to all Port Mandurah residents.

It is hoped the prizes this year will be significant through the generosity of our sponsors.

SANTA ON THE CANALS ON CHRISTMAS EVE

With Christmas only four months away Santa is busy preparing his crew and gifts for distribution to the children. Look out for Santa and his helpers from about 5.30pm on Thursday evening the 24th December.

CHRISTMAS DINNER PARTY

Following many favourable comments after the 2007 event, the PMRA Social Committee has decided to book Sunbreakers Restaurant for our PMRA Christmas Party this year.

We have also managed to book Father Christmas who is already growing his beard and revving up the reindeers. We will be limited to about 100, so book early when bookings open with our next newsletter!

Sunbreakers — 6th December

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