

Western Adelaide coastal Residents' Association Inc

Wednesday 31st March 2010

Attendance: 26

Apologies: Paul Caica, Nicole Brammy, Tanya Potter, Marg Eassom, Chris Fitzpatrick, Lyn English

WACRA GENERAL MEETING

Bad vibrations and huge disquiet with the development happening at 352 Seaview Rd, Henley Beach

The Development Plan originally put to the Charles Sturt Council for approval was as a ground floor retail and 2 levels of undercroft parking but once this plan was approved, the developer applied for it to be an extra level - 3 levels - this was knocked back by Council on account of excessive height, bulk, unsustainability and parking. The Developer appealed to the ERD Court - we applied to be joined with the action with the Council as we did not like the character of the development (but we are not against development - we just want good development) but the judge ruled us out of order and so it was just the Council and Developer who put their case in front of the full court. Both parties were told to consult and they came up with a building consent agreement - approved by 3 judges - it was almost identical to the Developer's original application, In addition the developer applied successfully to Council for another 4 level building of 30 apartments.

Once the development started in earnest there were initially dust and noise issues but now all hell has broken loose with the excavation of the site. There is the need to use a pile driver to hammer in 200 piles to the depth of 27 metres in order to put in 2 lots of foundations for undercroft parking. The method being used is very noisy and violent and produces huge vibrations from the thumping - it is causing nearby houses in Military Rd and Yorke St to develop serious cracks and illness in humans.

Who is responsible for this methodology? Who is responsible for the damage?

The initial geo-technical report by the certifier says there are 3 methods of pile driving - the method being used is the most common, the cheapest and quickest - the other methods are called 'flight' and the other 'drill' and while more expensive and slower have far less affect on the surrounding area. Pile driving has consequences in built up areas. We have had talks with the Environment Protection Agency and Paul Caica to try to set up a meeting with the developer and builder but to no effect. We made the same request to CEO of Charles Sturt but the Council claims it has no responsibility in this process. We went to the Environment Defender's Office and with their lawyers wrote letters to the builder and developer but they were returned unopened from builder. The solicitor has written twice to the developer and building company - they say they are not liable for anything. We met with Paul Caica as the Minister for Environment and EPA who was supportive of a report from a senior EPA inspector that the work ought to cease and the other methods be tried but the Senior management of the EPA would not accept the report on the basis that it would not stand a challenge in the courts. We are going to write to the Board of the EPA, which is independent of the EPA, setting down areas of complaint and asking to make a presentation and trying to find out why are they not supporting the report and to seek their intervention.

The builder initially paid for some vibration and delapidation reports for some of the houses being affected but these were weeks after the pile driving had started and serious cracking had already occurred. All the households are recording the damage as it occurs - some in the \$1000s - and trying to keep live footage - families are being forced out of their homes during the pile driving - dogs are being terrified. The vibrations are being felt everywhere - and there is a fear the residents are being forced to take action in civil court but this can be very very expensive. The EPA rang this evening about a possible change of method - but it needs to happen soon.. Also lots of traffic problems. Hundreds of cement trucks will soon arrive.

The residents report that the EPA has no jurisdiction over the damage created by vibrations. There is a general feeling that no-one cares since there are no laws about vibrations - they feel abandoned by the system. There is great concern about what happens after Easter when the builders start hammering near Military Rd where most of the residents live. They are outraged at the total lack of communication about the process and are exhausted and very stressed - and face the prospect of this going on for years. They wonder about compensation and when they can start getting things repaired. The only comparable case found by one resident was in NSW where the Council and the developer agreed to 'hammer drop' 50% less. We have put in an FOI to Council for copies of the many reports to try to establish if the certifier and Council both approved what is happening. Michael Loucas is the architect. Jim Fitzpatrick defended Council's position and said the fault lay directly with the State Govt and Paul Holloway, the Planning Minister.

The meeting was generally appalled at the development process and heard from 4 residents whose lives were in huge turmoil and despair. Pauline expressed shame that such a thing could be happening here - a sentiment agreed on by all present. Julie said that it's going to happen more and it was important we protest now for all future developments. Trevor who lives in Main St said that the trucks were too high and expressed horror at the real prospect of hundreds of trucks loaded with concrete and steel.

We are planning to set up a Creative Action Committee to draw the attention of the media to the residents' plight and this is to be coordinated by the WACRA executive.

The meeting empowered the exec to put out a call to assist with some action if it becomes necessary - it's important to help with the psychological stress and seek compensation.

The Friends of Gulf St Vincent and the NRM Board have come up with a project to measure the turbidity of the waters around the Gulf over the next two years using the Secchi Disk Method. The Gulf St Vincent Science Project Secchi Disk will have 20 locations and invite Surf Clubs, community organisations and schools to record the turbidity - one site will be at West Beach, another at Henley Beach etc.

The **State election** has returned the Labour Govt and a vow to re-engage with the people. WAC needs to develop a log of claims - we should send that out as an example on community engagement - We want effective input into Council and Govt.

General Business

Celebrate 11th April - Henley Community Fair

Neville, President of the Henley Surf Life Saving Club was concerned with tons of unstable earth on the wetlands near Lockleys - it will all be washed out to sea if just left there - Jim to contact Allan Ockington.

Jason wondered about the car parking around the development site - 73 new apartments 19 specialty shop and an 80 seat restaurant - just 30 new parks all up. This will create serious parking and traffic problems in the area and the community. We were all reminded of the Joni Mitchell song - "Paved paradise and put up a parking lot"

Meeting closed at 9:40pm