

JOONDALUP HEALTH CAMPUS — CONSTRUCTION EFFECT ON NEIGHBOURS

Grievance

MR A.P. O’GORMAN (Joondalup) [9.10 am]: This morning I have a grievance to the Minister for Health relating to the construction of the Joondalup Health Campus and the effect that is having on neighbours. I wrote to the minister on 15 June last year laying out the issues that some of the neighbours were experiencing. These include layers of dust spreading throughout the house, despite the closure of all doors and windows, affecting work stations and computers; discolouration of outdoor paving due to levels of dust; inability to use outdoor areas as patio furniture and bricks are embedded with dust; constant sneezing bouts, especially on windy days, because of dust; house awnings becoming thick with dust; vehicles showing signs of dust, even after weekly washing; and restrictions on quality of life due to constant thumping and banging noises associated with cranes, cement mixers and large, heavy vehicles.

We all agree that we have to have this upgrade to the Joondalup Health Campus; it is a very important upgrade for the people of Joondalup and for the people of the north metropolitan area. I received a response from the Minister for Health on 2 July in which he stated —

A major project of this type will sometimes cause dust to be generated that impacts on local residents. That is unfortunate, and every effort is made to minimise it. Site management by the managing contractor at Joondalup Health Campus, John Holland, has been excellent. John Holland has been proactive in minimising dust generation (for example, by use of water cannons, screen fencing, spray’n’grow mulch and water spray trucks) ...

Screen fencing was used, but that was constructed below the level of the site and the dust came off that site. The construction site is along the whole street, but one particular gentleman, Dr Phil Ridden, has taken this up. He has written to John Holland on a number of occasions advising of his problems. He wrote —

I therefore request that

1. We are advised when the site works will be complete. (I am assuming that all sand will then be sealed and no longer present a problem.)
2. Immediately, you install seals in our doors and windows.
3. At the conclusion of the site works — and earlier, if that’s some way off — you pay for
 - cleaning of all floors (including carpets) and other surfaces, window coverings and couches
 - cleaning of windows (inside and out)
 - removal of all the sand from the ceiling
 - refurbishment of our lawn and gardens.

Dr Ridden sent John Holland an account for the damage to his house. Dr Ridden has a doctorate; he is the principal of a local primary school in the electorate of the member for Wanneroo, so he is a very clever man. He has itemised the damage to his property and obtained verbal quotes: for the installation of seals around doors and window, \$50; for repairs to cracking of walls and repainting, \$300; for replacement of carpets ruined by sand, three rooms, \$2 597 and \$1 893; for replacement of two air conditioning units due to compressors being ruined by dust, \$2 842 and installation costs of \$899 and \$550; for cleaning of floors and other surfaces, window coverings and couches, \$400; and for the removal of sand from the ceiling, \$2 000. This is very important because the weight of the sand will cause the ceiling to drop and the whole house will be destroyed. The quote for the refurbishment of lawn and gardens, including the removal of rocks, wood, concrete and blue metal from the lawn, is \$6 000; and for damage to the hose and hose connection, and use of water, \$20. The damage totalled \$17 551. That is a rather large amount for a local resident to have to bear because of a government building contract.

I know that John Holland was contracted by Ramsay Health Care, but it is a government hospital that is being built on that site. The government is ultimately responsible. The government has put up the funds, but it did not include in the contract anything for the restoration of neighbouring properties. I know if there were a development across the road from the minister and that happened to the minister’s property, he would make a claim—as I and any member in this house would. I do not think what Dr Ridden is asking is unreasonable, and it can be assessed properly and appropriately and a compensation amount forwarded to Dr Phil Ridden at 47 Upney Mews. There are not too many houses on that street. A number of residents have had issues, but only Dr Ridden has continued to follow up the issue with me and has put together this quote and his claim for compensation. John Holland may be the builder, but the government is the owner of the building. Therefore, the

government should accept responsibility and make sure that, just because it is improving facilities in the northern suburbs for people with healthcare needs, the work does not impinge adversely on neighbours.

Already we have seen a fair amount of damage to Dr Ridden’s house. The site has almost been sealed. The only area that has not been sealed is the workers’ car park, which is directly opposite Mr Ridden’s house, so for the duration of the building project he will experience sand and dust coming off that unsealed car park. That is a crushed limestone car park, because it is obviously a temporary car park. Until that building is finished, there will be dust constantly coming across the road, so his house will constantly be adversely affected.

I ask that the minister urgently look into this matter. I know that the minister knows about it and that he has already said that it is not usual for building projects to compensate neighbours, but this is a peculiar case and Dr Ridden has documented the actual damage to his house from the day it started in February 2010 until now. The minister can go to his house. Dr Ridden is quite willing for people to look at the damage. I have been there. I have not gone into the roof space; I was not that keen. However, I know that when a lot of sand gets into a roof space, it causes problems. The last thing I want is Dr Ridden coming back in six or 12 months’ time claiming for a complete ceiling refit from the minister. Could the minister please look at this urgently?

DR K.D. HAMES (Dawesville — Minister for Health) [9.18 am]: I thank the member for Joondalup for bringing this issue up again. If I were in the member’s place as the local member, I would do exactly the same. The government does pay for things like this, and the way it does that is through the contract. Any contract we have with a private sector body that has the responsibility for building stuff will contain contingency fees and a risk element that will allow that contractor to undertake repairs, maintenance and whatever, if it causes, through its actions or negligence, the need for repairs or improvements to the house. For example, if John Holland’s actions in building that new hospital caused the total destruction of a house opposite, obviously it would be responsible for compensating the owner or rebuilding the house. Part of the risk that a government bears in contracting to the private sector to build something, as opposed to doing it itself, is that it contains elements that the taxpayer does pay for.

I know a bit about how the fellow feels. With my house in Mandurah, I had dust falling—it has gone now—for probably two years. The Mariners Cove development is across the road from where I live in Mandurah. It is a newly redeveloped subdivision that is due southeast from where I live. Every time the sea breeze comes in, it blows straight across that site into the houses across the road. I have a barbecue out the back that is black, and I could write my name in the dust that covered it. At the front of the house, the bottom rims of the garage roller door were covered in dust all the time, but particularly after a strong south-easterly breeze. I know how annoying that can be, so I understand Dr Ridden’s frustration. I have to say that I have not seen any evidence of dust being able to get into my house to damage carpets or the air conditioners, so I am a little surprised to hear he has those issues. However, there are different ways to get action and to try to help a constituent, which is obviously what the member for Joondalup is trying to do. Bringing the matter before the minister to hopefully embarrass the company to do something is within those mechanisms.

I have been given some information about what has happened. Dr Ridden wrote to John Holland alleging damage to his property and seeking payment of \$17 000. The letter goes through the detail of what he is seeking, which includes \$6 000 for refurbishing his lawn, \$4 291 for replacing the air conditioning unit and \$4 490 for replacing the carpets. They are the major components of it. An issue to do with cracking of the house was fixed. The areas that generated dust last year were areas of bulk excavation for the car park, but they have all been bitumen car parks since June–July. The member says that there are car parks still to be sealed opposite, which seems to slightly contradict what is written in the document before me. John Holland says that it was proactive in minimising dust generation at the time using industry best practice, including those things that the member went through about screens and watering and so on. The John Holland site manager advises that in his 20-year experience the amount of dust generated at Joondalup has been less than for the average project. That is not necessarily an answer because it leaves all sorts of variables available. The reality is that the council has requirements for dust control and people can have council staff assess that. The problem is that the dust is not necessarily there at the time council staff are available to do that sort of testing. John Holland conducted letter drops and listed some of the things that it did.

John Holland also made some comments about the property. It said that the owners seek \$6 000 for refurbishment of the lawn, yet photos of the street show that the lawn was in a suboptimal condition before the commencement of redevelopment works. People have also been parking on the verge of the property, which does not help. Of course, as the member and I know, although we would like to own those verges, they are not actually ours; verges belong to the council. We own only the land up to the front boundary of our property, not to the road. However, it is pretty unreasonable if people parking on the verge had damaged it, but John Holland said that it was not flash to start with.

The normal life cycle of an average quality air-conditioning compressor unit is five to nine years. From John Holland’s observation during a site visit, the compressors in question appear to be quite old and replacement is more likely due to age than excessive dust. During a previous inspection, which was documented by John Holland, Mrs Ridden noted that the carpet was old and that she had been trying to get Dr Ridden to replace the carpet for a while without any luck. What John Holland is saying is that, in a sense, this has been a bit opportunistic. It has not had any other complaints from people in the street. Although the member may have, John Holland certainly has not, and there has been no active work to be done.

As I said, the state government does not pay for these things in the contract; it is the responsibility of John Holland. Quite clearly, it is John Holland’s legal and moral responsibility. All I can do is offer somewhat gratuitous advice as an experienced local member about the options available to deal with an issue such as this and what I would say to the constituents. There are three options. One option has been taken by the member today; that is, to try to embarrass John Holland by going to the minister and coming to the Parliament so that John Holland will say, “This is too hard, we’ll pay.”

The second option is to make a legal claim and go to the Small Claims Tribunal. In doing that, the constituents have to show evidence, normally pictorial evidence, of the property before and after to show the damage done. The third option is for the local member to act as a mediator. If the member has been to the property and seen evidence that strongly suggests to him that the carpet is damaged as a result of dust or that there is significant dust, he can get the John Holland people into the house, while the member is present so that they have to defend it to him, to go through and examine those things.

I often find that is the best method and that normally some sort of compromise can be reached. Provided the member is convinced that it is obvious damage, he should be able to convince the company that it is obvious and find some compromise that will result in it paying some degree of compensation.