

**STANDING COMMITTEE ON PUBLIC ADMINISTRATION  
AND FINANCE**

**LAND INQUIRY**

**TRANSCRIPT OF EVIDENCE TAKEN  
AT PERTH  
ON WEDNESDAY, 25 SEPTEMBER 2002**

**SESSION 4**

**Members**

**Hon Barry House (Chairman  
Hon Ed Dermer (Deputy Chairman)  
Hon Murray Criddle  
Hon John Fischer  
Hon Dee Margetts  
Hon Ken Travers  
Hon Sue Ellery**

**RYAN, MR MICHAEL**  
**examined:**

**The CHAIRMAN:** You will have signed a document entitled “Information for Witnesses”. Have you read and understood that document?

**Mr Ryan:** Yes.

**The CHAIRMAN:** These proceedings are being recorded by Hansard. A transcript of your evidence will be provided to you. To assist the committee and Hansard, please quote the full title of any document you refer to during the hearing, and please be aware of the microphones in front of you. I remind you that your transcript will become a matter for the public record. If for some reason you wish to make a confidential statement during today’s proceedings, you should request that the evidence be taken in closed session. If the committee grants your request, any public and media in attendance will be excluded from the hearing. Please note that, until such time as the transcript of your public evidence is finalised, it should not be made public. Premature publication or disclosure of public evidence may constitute a contempt of Parliament and may mean that the material published or disclosed is not subject to parliamentary privilege.

Welcome, once again, Mr Ryan. Would you like to make an opening statement to the committee?

**Mr Ryan:** Listening to the evidence of Mr O’Dea, I am the urban version of his situation. I live in Rivervale. I am part of a guided development scheme that has been going on for the last 14-odd years. It involves a number of people. We live off the end of the freeway in Rivervale. We have lived in a tip for the last 15 years. The council has not spent one dollar on our area. For the last nine years of that time, we have had planners in putting together a guided development scheme. A half a million dollars worth of fees has been paid out. Scheme managers have been appointed for the last three years to a scheme that does not exist.

When I first put in the submission back in February, I expected to come here with a result from an inquiry that is being held into Belmont, addressing some of the issues involved. That is still ongoing, and is in its tenth month. As part of that process, we make endless submissions; we address the issues that come up. Every time we ask a question the scheme changes. Every time we want figures, those figures change. The council appoints experts, and then the council is not responsible; the expert is. However the expert is not responsible. All of us sitting in this room are captured at some level by the bureaucracy or the system, and that is why we are sitting here having this discussion, trying to work out the best way to do it. Terry Dix, who spoke earlier to the committee, is my valuer. He has a lot of integrity, and talks a lot of truth, but he is my valuer, so I appreciate that I am probably a little biased.

Six year ago my land on the waterfront was resumed, along with that of my neighbours Mrs Cohen, who is in her nineties, and the Lauterbachs, who are in their eighties. The system slowly wears us down; we are fighting the Crown Law Department. We have had to spend huge amounts of money on architects before and after valuations, on and on and on. I think at this point in time we are on the second or third appeal, fighting in the courts against the Crown Law Department and its evidence. They lose that; they then appeal. When it does not reach the appeal stage,

they then appeal because they have lost a bit more. The system goes on, because they are fighting it with our money, in effect. The pit is endless. The scheme manager that has de facto control of our properties has been well paid, but he has never come up with a plan that has worked, and has never supplied a figure that has worked. We have dealt with figures, for the same piece of land with the same zoning, ranging from \$1 680 a square metre down to \$78 a square metre. We are supposed to make a decision. I can give the committee those figures. I do not have them here, but what I say is correct.

We go and talk to the council, and it dismisses every submission we have ever made. It has threatened to take away our zoning as part of the scheme, and it has threatened to take away our homes. I am faced with the situation in which they can resume the waterfront and my house, in which I have lived for 25 years, for my own good. That is broadly the situation in Rivervale. Other people will also talk on that situation. I also have land in Albany, and I have just introduced myself to John O'Dea. This situation has gone on for 12 or 14 years. It was waterfront land when we applied for subdivision. The waterfront was taken without compensation or credit for public open space. It is clearly illegal, and it is government thuggery to take it, but if you fight it you will go broke doing so. It has been fought. Currently, there is an issue down in Singleton, where the company has won the court case. It is my understanding that it goes to appeal in the High Court shortly. If it loses that case, the Government will change the legislation so that it can simply acquire waterfront land.

I find that in Albany I have the same scheme manager working on a guided development scheme on our land, pulling fees and making recommendations. This is the same scheme manager who is part of the terms of inquiry in Rivervale. Yesterday, we sent a cheque for \$41 000 to clear 25 blocks of subdivision for a condition put in place by the Western Australian Planning Commission. So we pay \$41 000, based on 3.6 of a guided development scheme which has neither been adopted by the council nor advertised. The system just puts it in place. If you argue with it, you never get your clearances, and you go broke. That is slowly and surely what is happening to me. I am chasing something like \$1 million worth of compensation. If I see any of it, it will probably be too late.

The property values in Rivervale should be as high as those in most places. It is water frontage, it is on the freeway, and it is next to the Burswood casino. A lot of the people in the area have been forced out at low prices. Not only have they been forced out, but the scheme manager has purchased land in the area in his wife's maiden name, at the lowest prices in the last 10 years. He did not make proper declarations at the time. We spend \$3 000 or \$4 000 on legal costs to get an opinion that he is an employee of the council. It was dismissed, and we go on. It has taken us something like two years to get the inquiry started, and in the meantime I am known as a person who is pushing his own barrow in Rivervale, and a liar. I have been threatened with having my zoning taken off me, and left off. This is stuff that is put out in the local press by the council, in the name of the mayor. When I come to talk here, which is not my speed - I appreciate that it is quite a friendly place to talk in - I run the risk of being a fanatic. I have been at the council now for three years on community issues of stealing our parks. Belmont is being slowly destroyed, and since the inquiry has been on, it has revved up a notch. You should drive out along the highway and see what is going on.

The system captures you, and you cannot get out of it, and you cannot find anybody to appeal to. They just wear you down. I can fight my own battles, and go down

screaming, but it is not fair on Mrs Cohen, the Lauterbachs and people like that. Mrs Foy was threatened with the loss of her house one Christmas Eve about four years ago. They can walk in and take your homes for the greater good of Belmont. It is not on. No-one wants the area not to develop. You are stupid if you think you want to live in a tip forever. However, that does not give the council the right. It is like Mr Dix was talking about earlier. It is private enterprise working under government, with all the money and weight of government to wear you down, take your properties and turn them to a profit. These scheme managers get six and a half per cent of the gross return on the area. Commercial guys in Perth will do it for a half or a third of that cost, but that is voted for them by the council, without any consultation with us. Others will talk on the fact that they are granted three per cent on top of any money they borrow, secured against our properties. Not even Bankwest charges me three per cent on top of margins. It is compulsory; it is written in.

We cannot get information on the scheme now unless we go through freedom of information. We cannot ask about our own properties without making a freedom of information application to Belmont. We have to get that. It is part of the scheme text. The guided development scheme should have an average life of five years. In Albany they have put in a guided development scheme that will cover 30 to 50 years development, and we will have to pay \$2 million to upgrade a regional road. At the Springs, it was five years. It was made 10 years for the non-participating owners, and as soon as everyone put their hand up the council made it 20. The people who are affected by it who are not part of it must contribute if they sell their houses at any time in the next 20 years. That is what we are fighting to get rid of. The figures do not work. Tell that to the council and it ignores the fact, because its expert tells it to. When we approach councillors, we are told that they only work on recommendation. The officers say they only make recommendations. You cannot hook onto anything; you cannot stop anything. Anyway, that is enough from me. Do you have any questions? I tend to go on. If you want another four hours, I can give it to you as well as that.

**The CHAIRMAN:** Mr Ryan, you are appearing before us as an individual, but you have mentioned the names of other people. Do you represent them as well, or do you have a group?

**Mr Ryan:** We are part of the Springs landowners group. I also have part ownership of a property in Augusta, on the ocean front, that is covered by the cape to cape report. You probably have some idea of what is going on. It is a situation where they do not differentiate between a 10-acre block and a 2 000-acre block. You can cut it into two. We have offered to trade our track to save the environment, because we have a mirror-image road reserve. You cannot do that because you will get a subdivision, which will destroy the environment anyway. Whether it will come to pass or not, I am not quite sure. That is just a broad overview. I and two of my neighbours are involved in a court case on compensation, which joins us and part of the Springs Private Landowners Group, but I have issues outside that group in other areas.

**Hon ED DERMER:** What would you have wanted to have done with your Rivervale property that the Springs redevelopment has prevented you from doing?

**Mr Ryan:** That is a very good question. At this stage we have been unable to do anything because there has been no direction. The state of the area has forced the

values backwards artificially. I am locked between the compensation case and not having any set zoning and everything having to go through the council to be cleared.

**Hon ED DERMER:** Have you made applications to the council that have been knocked back?

**Mr Ryan:** No. You get to the situation where you are that busy fighting the fire that you forget about living your life to a certain extent.

**Hon ED DERMER:** I am trying to focus on what you are claiming compensation for. I would have thought that compensation would be something that you would seek if you had lost a freedom.

**Mr Ryan:** There is no compensation in the Springs development. They have physically taken my waterfront for a bike path.

**Hon ED DERMER:** You are seeking compensation for that part of your property?

**Mr Ryan:** Yes. They have taken 30 metres of my property. They have made us the plaintiffs. We must run the court case. The Government sits and looks you in the eye and does nothing.

**Hon ED DERMER:** That part of the property is subject to the compensation case, is it?

**Mr Ryan:** Yes. The other one is subject to resumption as part of the scheme if the scheme goes through. I state that, but I have been a participating landowner, a non-participating landowner, a participating landowner and a non-participating landowner, and then I am referred to as a participating landowner. These are written as my requests. The council makes up history and puts it in to suit its purposes.

**Hon ED DERMER:** If I understand it correctly, as far as the remainder of the land is concerned, not the front part that has been taken away for the bike path, what is constraining you is the uncertainty about the future use of the land?

**Mr Ryan:** Yes, and the blight that is in the area.

**Hon ED DERMER:** You have not specifically sought to do anything different with the land from that which you are currently doing, have you?

**Mr Ryan:** Not particularly, no. I live there and wait for this thing to end. It is quite possible that I could be forced out of my property to cover my debts.

**Hon ED DERMER:** Have you been compelled to make a contribution to the redevelopment program; and, if so, what payments have you made to date?

**Mr Ryan:** No, the debt is raised against the land. If we kill the scheme, the debt will probably go away and the ratepayers of Belmont will pay it or, if we query it and it seems too high, the council will write it off. All I can say is that close to \$500 000 has gone to planners to create a plan that does not work. What part of that is my share or anyone else's share is unknown at this stage.

**Hon ED DERMER:** That \$500 000 is paid by the council to the planners, so I presume that your contribution to that would be the rates that you would pay on the land?

**Mr Ryan:** No, we paid the rates. Once the scheme is put up and gazetted, it immediately becomes a debt against the land. Everyone cops that on a percentage basis.

**Hon ED DERMER:** Is that above and beyond the normal rates that you pay the council?

**Mr Ryan:** Yes.

**Hon ED DERMER:** So you get the bill, and you feel that you do not have any influence over the nature of the scheme, do you?

**Mr Ryan:** Yes; that is, if it is carried through.

**Hon ED DERMER:** You said at one point that you were threatened that your zoning would be taken off you, did you not?

**Mr Ryan:** Yes.

**Hon ED DERMER:** Presumably before the redevelopment scheme started your zoning was residential, was it?

**Mr Ryan:** It was residential R80. Under the scheme it was a potential R100.

**Hon ED DERMER:** What did you mean when you said that someone said that they were taking the zoning off you?

**Mr Ryan:** We went to a public meeting. A presentation was made. One of the consultants who was there on behalf of somebody else spoke. The planner stood up and said, "Look, either this goes ahead or we have the right to leave your zoning as it is or to drop it back to R12.5." Another consultant stood up and said, "Have you just threatened these people?" We have an 11 page minute that accounts for virtually every word that was said on that.

**Hon ED DERMER:** I am visualising those sparring consultants before a meeting of locals.

**Mr Ryan:** No, they started with all the good will. The consultants were representing other landowners in the area, such as Main Roads and the church.

**Hon ED DERMER:** Was it suggested to you that you were asking too many questions or that complaining about the development could result in the R rating for your zoning being reduced?

**Mr Ryan:** I have confused myself as well as you. We went to an open forum meeting. We had our opinions. The particular subject on the night was that one of the cells in the area would return \$16 million. It was queried, and it came down to \$11 million on the day of the meeting. In the end it proved to be an unsustainable amount of money; it was just a figment of somebody's imagination. Things were brought up. The meeting started to get a little heated. The planner simply threatened that if we did not go along with the scheme, we stood to lose every zoning right that we had.

**Hon ED DERMER:** When you say "the planner", was it the town planner for the City of Belmont?

**Mr Ryan:** It was the council town planner or head of development at Belmont. That is accounted for in minutes. You will not find minutes of the meeting at the City of Belmont. They do not keep such records. They denied the threat, but that threat was underwritten by a government department, and that can be supported and sustained.

**Hon ED DERMER:** To the best of your knowledge, who initiated the redevelopment scheme?

**Mr Ryan:** The Belmont City Council. It was mooted because Main Roads owned 60 per cent of the land there for the freeway extension. It did not go ahead, so it looked like an opportunity. It was made a special area 14 to 16 years ago. Since then it has slowly changed; it has changed to the Springs, it has had the guided development scheme, and it has slowly built up.

**Hon ED DERMER:** Do you know if the initiative came from the councillors or the officers?

**Mr Ryan:** It would have to come from the officers; there is no initiative in the councillors, I can assure you.

**Hon MURRAY CRIDDLE:** I would be interested in your giving us a list at some time at your convenience, because time has run out now, of a process that might overcome some of your problems. If you could do that, it would be useful.

**Mr Ryan:** Yes.

**Hon DEE MARGETTS:** What kind of information have you requested over time from the council that you have been forced to ask for under the freedom of information provisions?

**Mr Ryan:** One of the next speakers is much more precise on that sort of thing. As far as the Springs is concerned, we have had endless meetings. If you go back over the minutes at Belmont, you will see that we made statements. Week after week we asked 20 or 30 questions trying to get to the bottom of this - returns on land, the process and all that sort of thing. As part of trying to save Hardey Park, which Hon Jim Scott supported us on at the time, I was granted freedom of information on land valuations dealing with the land swap. The council swore out a writ to stop me getting that, because of the situation in Parliament. It was appealed at the last moment because the dealing in Parliament was exposed because of timing. It sat in the courts for seven or eight months. No-one ever addressed it. It just went away as soon as the deal was done. With the Springs it is different. What they have been trying to do in a guided development scheme context is to say that people cannot ask a question about their own property and where they are going with it. It is appalling in the extreme.

**Hon DEE MARGETTS:** You might perhaps take this question on notice, but it occurs to me that an issue with the bike path is also probably related to setbacks over time. Has the council made changes to the setback rules?

**Mr Ryan:** The council uses the Swan River Trust whenever it wants to as part of the setback rulings. It is a policy document; that is all it is. The council will tear it up when it wants to or use it against people if it wants to. From a personal perspective, I think that the bike path construction is probably one of the best things that the Government has done, even though it has cost me my waterfront. I have no real objection to that; it is the system of screwing people past that point. I have lost 30 metres of my waterfront for which I cannot get compensation. At Ascot Waters the Belmont Bowling Club was sold. A seven-storey monstrosity is currently under construction on that site. Up there where the council owned the land and sold it, it retained 6.5 metres back from the waterfront.

**Hon DEE MARGETTS:** When was that?

**Mr Ryan:** It is happening now. The only thing we have achieved in three years is that we had the setback extended to 11 metres. An extra 100 square metres on that site in Belmont was added to the foreshore reserve. That site was sold to Ascot

Waters for \$90 a square metre. Ascot Waters resold it for something like \$250 a square metre, and 12 months later it is getting sold for \$1 000 a square metre, according to the brochures of the developer. The council owned the land and allowed a 6.5 metre setback from the waterfront. When we got it moved back to 11 metres, the word was that Mick Ryan had cost the council \$100 000 in extra money to buy this land back, which was rubbish anyway. It was being sold for fourpence! We then found that the Swan River Trust policy does not allow anything to be built within 10 metres of the fence. This is all on the flood plain, too, in case members are interested. It has been filled up to 4 AHD. The system is broken big time, but if the council wants to use it against me, it will take 30 metres and force me back 10 metres on my own land, which becomes a de facto resumption. When it is an asset of the city, the council gives it away. There will be a pool, which must be built above the ground otherwise it will flood, within 11 or 12 metres of the waterfront. That is appalling stuff when the land has been given away for nothing in the first place. An A class reserve next to the building has been built on. It is filled to support the development. A building without approval exists on the other side on trust land. I can then get into the four-hour story.

**The CHAIRMAN:** You mentioned a potential conflict with the scheme manager. Have you taken that matter up with either the Department of Local Government and Regional Development or the Minister for Local Government?

**Mr Ryan:** It is a major part of the terms of the inquiry, as we understand it, so a decision on that one way or the other will be handed down in a month or so, I think.

**The CHAIRMAN:** If there is any further documentation you want to provide to the committee, or any suggestions by way of the notes that were requested before or any list of names that may be relevant to the committee, please submit them as a further submission to your submission today.

**Mr Ryan:** I appreciate that and I thank you for your time. As I say, I can be a bit of a problem once I get wound up.