

**STANDING COMMITTEE ON PUBLIC ADMINISTRATION
AND FINANCE**

LAND INQUIRY

**TRANSCRIPT OF EVIDENCE TAKEN
AT PERTH
WEDNESDAY, 13 NOVEMBER 2002**

SESSION 3

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**

[2.40 pm]

ANDERSON, MR DAVID
J.C. Anderson and Co,
examined:

ANDERSON, MR MARK
J.C. Anderson and Co,
examined:

The CHAIRMAN: Welcome to the committee. You have signed a document for witnesses. Have you read and understood that document?

The Witnesses: 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 this hearing for the record and please be aware of the microphones and speak into them because your remarks are being recorded. 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 or media in attendance will be excluded from the hearing. Please note that until a transcript of your public evidence is finalised, it should not be made public. Premature publication or disclosure of public evidence may constitute contempt of Parliament and may mean that the material published or disclosed is not subject to parliamentary privilege.

Would you like to make an opening statement to the committee?

Mr D. Anderson: I have distributed a map containing a highlighted area. The coloured-in section represents the land the family owns presently. At the top of the map is Sixty Eight Road and running up and down the map is Old Mandurah Road. That gives you an idea of our location.

The CHAIRMAN: I know precisely where it is; I drive up there often because I live in the South West.

Mr D. Anderson: Part of the land is known as the Stake Hill Swamp land. We are here after a considerable amount of time has been spent by landowners in the Stake Hill Swamp area on this issue. For the past 10 years we have been told by various government agencies, authorities, parliamentarians and bureaucrats that our land is of significant scientific value because it is in a wetland area. No conclusive scientific reports have been done on the area. I do not know how these bureaucrats and people can say these things. Our family business, indicated on the shaded-in land on the map, has been operating for approximately 105 years. The area on the map has been held by the family for about 50 years. Mark and I are the fourth generation vegetable growers to produce products for sale locally and on the export market from the same area. We have a very sustainable business. We are at the stage now where our business needs to increase dramatically. We have been told all sorts of snippets, rumours and innuendo that if we put in an application to clear land or draw extra water, it will trigger a compensation review by the Government to compensate people

whose land must be required for public reserve. If this happens, we feel that we will not be given a fair price for the land or we will not be able to expand our family business.

We are appearing to ask for some help, guidance and recommendations so that we can expand our business and not be covered in red tape, living with the fear of having our land compulsorily withdrawn from us.

Mr M. Anderson: We have heard rumours about a buffer zone to be established around the Stake Hill Swamp. That will encroach on our growing area. We want to know whether it is true. Will the Government reserve the land? What steps will the Government take to help us out, if at all, with relocation or whatever?

The CHAIRMAN: On the maps you have given us, it appears that about two-thirds of the property is cultivated? Is that a rough estimation?

Mr D. Anderson: It is a little under half.

The CHAIRMAN: Do you cultivate that in rotation for different crops?

Mr D. Anderson: Yes. We mainly produce carrots for export to South East Asia and potatoes under licence for Western Potatoes for the domestic market.

The CHAIRMAN: Can you describe the land that you cannot cultivate?

Mr D. Anderson: It is covered in paperbark trees. We do not go in there because there are probably heaps of tiger snakes and we do not like snakes. It is probably overgrown. We had a fire in there six or seven years ago, which burnt it to a cinder, which is not really what the area wants. However, we cannot help the threat of bushfire; it is with us all the time. The area is not used for anything. No stock grazes there. Occasionally our neighbours used to send their goats through to clean up the Kikuyu at the end of the swamp, but they have not had any livestock for some time. It is untouched - as it was when we first moved there.

The CHAIRMAN: Would you like to expand your business by using some of that property?

Mr M. Anderson: That is all we have, yes.

Hon DEE MARGETTS: I suppose this was originally a multi-coloured map. I presume the dotted lines were put on the map by the Government.

Mr D. Anderson: I have a coloured map that explains it more clearly. Unfortunately, the facilities were not available to produce another coloured map.

Hon DEE MARGETTS: Those dotted lines make more sense now. Is there a report that the committee could refer to? Who is looking after it? Who manages it - the Department of Conservation and Land Management?

Mr D. Anderson: We own the land.

Hon DEE MARGETTS: I am referring to the rest of the wetlands.

Mr D. Anderson: It is all in private ownership. The Government has bought a couple of blocks from people who are elderly and ill and had to sell at short notice.

The CHAIRMAN: We heard previous evidence in Mandurah from various people who are affected. I am pretty sure it is the same area.

Hon SUE ELLERY: It is.

The CHAIRMAN: A WA Planning Commission document has affected your area in a sense.

Mr M. Anderson: I think there are three tabled documents that have changed.

Hon DEE MARGETTS: I was not at the Mandurah hearing. Paperbark areas are fairly fragile environments. Have you been informed about the water quality issues and other issues for the wetlands, such as the nutrients?

Mr D. Anderson: We have heard nothing whatsoever. Nobody has approached us about the wetlands. We must loosely call it a wetlands because there is no water in it.

Hon DEE MARGETTS: Is it seasonal?

Mr D. Anderson: It is not even seasonal.

Mr M. Anderson: On our highlighted area you would be lucky to find any water at the height of winter.

Hon ED DERMER: I understand the further extent of the wet area has water in it one or two months of the year in a normal pattern, but that is mainly south from your area.

Mr M. Anderson: Seasonally, further south there may be water.

Hon DEE MARGETTS: Is that wetland registered under system 6?

Mr M. Anderson: What is system 6?

Hon DEE MARGETTS: There is a wetlands register for the State.

Mr D. Anderson: We do not know.

Mr M. Anderson: You could refer to Bushplan.

Mr D. Anderson: Or the Everall report.

Mr M. Anderson: It is documented in there. The original one was by the Department of Planning and Urban Development 10 years ago. The department wanted to reserve that whole piece plus all the limestone ridge along Old Mandurah Road to Pykera. That has since changed.

Hon DEE MARGETTS: It is probably true that paperbark wetlands are not in high supply close to Perth.

Mr M. Anderson: They used to be.

Hon DEE MARGETTS: Not now.

Mr M. Anderson: Suddenly this area has become vitally important to everyone. Thomsons Lake in Jandakot and a few others have gone under the developer's shovel and disappeared.

Mr D. Anderson: We hear that the Amarillo Swamp is to be drained and filled for housing later. Anomalies like that cause us great concern. We do not know where we stand now. There is so much conjecture and innuendo.

Mr M. Anderson: A 50-metre buffer around the area would significantly encroach on our growing land.

The CHAIRMAN: We saw maps earlier that indicated the difference between buffer areas. I can understand how it would make an enormous difference to your business.

Mr D. Anderson: It would wind us up in a flash.

Hon KEN TRAVERS: Is the buffer zone the area that would be covered by Bush Forever as opposed to the EPP lakes policy boundaries? Is there enough buffer on top of that?

Mr M. Anderson: I understand the buffer would be on top of any lines there.

Mr D. Anderson: The size varies between departments from 150 to 50 metres, from 10 years ago to now. We do not know where we stand.

The CHAIRMAN: Is the issue mainly the uncertainty - not knowing the situation?

Hon ED DERMER: Coupled with a concern that if you ask questions, you could bring more trouble on yourself?

Mr D. Anderson: Yes. If I applied for a water licence through the Water and Rivers Commission within that 50 or 100-metre buffer area, it could trigger the compensation issue and it would be all over. We do not know where we stand.

Hon ED DERMER: When we took the evidence in Mandurah by, I imagine, your neighbours, I recollect detailed explanations from those people about the conservation purpose of the lake. If I recollect correctly, they were of the view that there was occasionally water in the lake, which I think they said was for one or two months a year.

Mr M. Anderson: That could be seasonally adjusted.

Hon ED DERMER: They believed it might be a chain of lakes that had significance for migratory birds, if I recall correctly from the evidence. It might be worth your while examining that evidence. The transcript is available on the Internet site as public evidence we received from the perspective of your neighbours.

Mr M. Anderson: Was that from a neighbour or someone interested in the area?

Hon ED DERMER: From my recollection it was three or four landowners in your area. Three or four presented together when we were in Mandurah for a hearing in September.

The CHAIRMAN: You mentioned in your introductory statements that you were coming here to present us with information and to seek some recommendations. Our committee is a standing committee of the Legislative Council comprising members drawn from all political parties in the Legislative Council. We have determined to undertake an inquiry into the impacts on private property owners of government actions and processes. Our role is to gather evidence from people such as yourselves and to report to Parliament. Unfortunately for you, our role is not to act as a tribunal or an appeal body to sort out your situation. Unfortunately, we are not in a position to make recommendations to you to contact this body or that body. We cannot do that at this stage. Our recommendations to the Parliament may, we hope, present some clear ways forward for the Parliament to make the whole process under which we operate better and fairer.

Hon JOHN FISCHER: You said that 10 years ago you were told your land was precious to the biological system. Has anyone from those departments ever come around to talk to you?

Mr D. Anderson: Definitely not.

Hon JOHN FISCHER: No-one?

Mr D. Anderson: Definitely not, and that is the part that really hurts. If people came down and pulled on their wellies and ran through the swamp and knew what it was about, they would be informed.

Hon JOHN FISCHER: Apart from bureaucrats putting a stripe on a piece of paper, no-one has spoken to you at all?

Mr D. Anderson: Exactly. There have been public meetings and the whole thing has been drawn on the whiteboard. As far as putting on the Rossi boots and walking through the swamp and saying that we have migratory birds and frill-necked lizards running through the bush so we need to keep this as part of pristine wetlands, nothing has happened. We want someone to tell us what we must do. We could accept that. All the conjecture and innuendo is forcing down our land prices, which is giving us a diminished asset. Around the rest of the State, not many places in Western Australia have declining land prices.

The CHAIRMAN: Apart from the personal contact, what other means of communication has occurred between government agencies and yourselves? Have you been sent documents in the mail?

Mr D. Anderson: Yes. We have received documents in the mail and we have written submissions and been to public meetings. We have had our Stake Hill Land Action Group meetings. It has gone on and on. It is a little bit sad for Mark and I. When it first started my grandad was alive but he has died. Dad turns 67 next month. Where will it leave Mark and I in another 10 years. The problem has seen three generations of Andersons. How much longer must it go on?

Hon ED DERMER: Did you say it was 105 years?

Mr D. Anderson: Can we write in our wills that the land will be passed on to our kids?

Hon DEE MARGETTS: What soil type do you have?

Mr D. Anderson: Sandy soil.

Mr M. Anderson: The dry land is sandy, coastal plain.

Hon DEE MARGETTS: Is it yellow soil?

Mr D. Anderson: It is Karrakatta soil; it has yellow sand underneath.

Hon DEE MARGETTS: What is the wetlands soil like?

Mr D. Anderson: We do not know, we have never been in there.

Hon DEE MARGETTS: That is right - the tiger snakes.

The CHAIRMAN: There is no claim that the tiger snake is an endangered species is there?

Mr D. Anderson: I hope not.

Hon ED DERMER: It may explain why some of the bureaucrats have not been down there.

Hon DEE MARGETTS: They would probably wear their wellies up to their armpits in that case.

The CHAIRMAN: We have a very good understanding of your case and the situation in which you find yourselves. Based on previous evidence, it is a familiar pattern of events that we are hearing from people. In that sense, you have been very

valuable to our committee in presenting a case study to us. Would you like to say anything in conclusion?

Mr D. Anderson: Thank you for the opportunity to be able to speak to you today so that we can perhaps move towards getting this issue resolved in a way that will be fair to all the landowners.

Mr M. Anderson: Ten years is a long time.

The CHAIRMAN: One of the issues that is of concern to all of us is the time it takes and the impact on personal lives not only in a monetary sense but also in other ways. Thank you very much for your time. We have heard your comments and will take them into consideration.

Committee adjourned at 3.05 pm