

**STANDING COMMITTEE ON PUBLIC  
ADMINISTRATION  
AND FINANCE**

**TRANSCRIPT OF EVIDENCE TAKEN  
AT MANDURAH  
ON TUESDAY, 27 AUGUST 2002**

**SESSION 8**

**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**

**WILSON, MR MELDRUM**

**examined:**

**WILSON, MRS KAY**

**examined:**

**KILLIGREW, MRS IDA**

**examined:**

**KILLIGREW, MR LEO PATRICK**

**Spokesperson, Stakehill Rural Landowners Rural Action Group,**

**examined:**

**McKAY, MR IAN**

**Partner, I.R. & J.E.G. McKay,**

**examined:**

**SCOTT, MR DAVID**

**examined:**

**SCOTT, MRS CAROLYN**

**examined:**

**The CHAIRMAN:** Welcome. You will have signed a document entitled "Information 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 your submission and please be aware of the microphones. 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. I advise you that 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.

Would you like to make an opening statement, either as a group or individually?

**Mr Killigrew:** I will lead off with a general statement. We represent many other people - probably two dozen - who would have liked to be here. We felt that it was better to prepare and submit a common statement, as we have done, and follow that up with some of the more personal impact statements so that the effects of what I will describe in general can be understood a little better. I will speak fairly verbatim from the paper I have given to the committee, but if members feel that there is some point about which they would like to interject, they should feel free to do so. We believe the recent investment brokers scandal has highlighted the critical role of fraudulent

property valuations in the collapse of public confidence. People were persuaded to give valuations which were proved in the courts to have been completely inaccurate. We say that there is no less scandal in the corruption of that critical process at the instigation of government bureaucrats, for whatever reasons. We are entitled to expect that government agencies set the highest standards of ethical conduct, especially in such crucial matters as a fair and just valuation of private property. However, recent public examples have clearly demonstrated the potential for corruption of that process, even by government. For example, I refer to the ongoing situation in Northbridge. A headline for an article in *The West Australian* alluded to \$40 million of claims. The nub of that problem appears to be that the valuation process was corrupted. We believe that our experience at Baldivis is similar. I dare say the committee has heard from many other people along similar lines. We think there is indisputable evidence that for over the past 10 or 12 years the process of fair and just valuation of property has been corrupted. We are saying that the process, not any individual, is corrupt. We believe that individuals often act with what they feel are the best motives; they think they are acting for the public good and the betterment of the community at large. Unfortunately, many people are seriously injured through the implementation of that argument. We point out that many of the supporters of Mr Mugabe believe that the things happening in Zimbabwe are being done for the public good of that country. I believe Mr Hitler did the same thing. Too often we excuse these on the basis that people are acting in the public good. Individuals have a limited political impact, and they get murdered or have their assets stripped along the way. Often the process can appear to be quite legitimate.

Our saga commenced in 1992, but became very public in 1993. A public consultative process was set up by the then Department of Planning and Urban Development that referred essentially to our part of the world. The south west corridor community advisory committee was established. The Stakehill area is a precinct of about 400 hectares. It originally comprised 35 landholdings, each with a separate freehold title. This was awkward as many of the titles run into a wetland swamp. Stakehill Swamp, an ephemeral wetland or swamp, occupies about 200 hectares - about half the area of the precinct. It is central to the precinct and is shared in various proportions by each landowner.

Invitations to participate in the advisory committee review were sent to numerous extraneous stakeholders, including the local masonic lodge, various church groups and the YMCA. However, none of the affected landowners was invited to participate. Letters were sent to the other parties, and care was taken with their addresses and everything else, but not one landowner was invited. We found out about the committee by accident. Luckily, someone saw an advertisement in the local paper. When we offered to participate, we were told that committee positions had been filled. Notwithstanding that, we insisted, and people went to the meetings. The democratic procedures took place in a way. I point that out because it alienated many of our people. It was not a good start to the process. By contrast, the conservation interests were very well represented. They comprise a very dedicated group of people. We thought we were conservationists, but these people are very dedicated and are on a mission.

The review recommended that the Stakehill area in its entirety be rezoned from rural to parks and recreation and something called landscape protection. I will not dwell on landscape protection, but it was horrendous in its implication. It focused on the surrounding freehold land - the wetland proper and the surrounding tuart highland,

which we call our dryland. Land-use constraints would have been imposed and we would have been restricted in what we were allowed to do. Some people were told that they could not continue to have orchards on their properties because the use of superphosphate would not be permitted. Those measures could be understood if the place were pristine. However, we are talking about land that has been occupied for the best part of 70 or 80 years. Most of it has been cleared. The vegetation around the lake is not cleared. It is very well preserved, and that is why they like it. People had the opportunity to clear the land completely but they did not because they liked its aesthetic beauty. Unfortunately, that can often subsequently be a penalty. We want to make it very clear that the landowners were not then and are not now opposed to the conservation of the wetland. Most of the people who purchased the land at Stakehill did so because they were conservationists. Our children were raised there. Most of us have been there for over 20 years, and some have lived there for three generations. The market gardeners have been there for generations. We opposed the plan simply because we felt that a doctrinaire group within the environmental bureaucracies in government wanted to steal our land, and wanted to do it by stealth. Whether that was right or wrong, that was the perception. We rejected landscape protection because of the draconian implications that had for our use and enjoyment of the rural land.

The recorded minutes of the advisory committee's meetings contain notes about a series of questions relating to the Perth-Mandurah rail link. The planning department chairperson repeatedly told the committee that he had no information on the subject. The matter was not detailed in any of the nine working papers of the structure plan review, and it was presumed to not affect us. The relevance is that the public consultative committee that was set up to investigate and bounce ideas backwards and forwards about, among other things, this precinct did not hear a word from the department about the proposed railway alignment. One week after the committee finalised and published its report and ceased to exist, the top executive within the planning department met with the council in closed session and revealed all. Our membership then knew that this had been on the cards for ages. It made a mockery of the process. We were further disillusioned by that. We have asked why the proposed railway will divert south of Rockingham. There has been a lot of focus on why the railway will go through South Perth but nobody has yet asked why it diverts away from the centres of population growth south of Rockingham - Clare, Port Kennedy, Secret Harbour, Golden Bay, Singleton and Mildura. Why will the rail veer into the buffer zones of the highly precious and pristine Anstey and Stakehill Swamps? We have not been able to find an answer to that. The only suggestion - which was made quite seriously - has been that the decision was made at the highest levels of the planning department because a prominent and obviously well-connected developer considered that his market south of Rockingham would not perceive the railway as a benefit. Though it may seem absurd, this is the explanation that was given to our membership by departmental consultants. It was recently confirmed in a discussion with the chairperson of our association.

**Hon ED DERMER:** With whom was the chairperson involved in a discussion?

**Mr Killigrew:** I will not name the individual. He works for the planning department as a consultant. His name was originally mentioned as the source of the information that the decision - baffling as it is - was made by the highest levels of the department. The consultant told us to not blame him as the decision was made "upstairs". That

decision appears to have been made because a developer had serious objections to the rail going through his development south of Rockingham.

In May 1993, during an independent review of the departmental files relating to the Stakehill issue, some of our members examined a memo addressed to the then President of the Australian Conservation Foundation. The memo essentially contained an offer to swap a rezoned Stakehill wetland for the foundation's compliance in the revocation of a system 6 wetland at Port Kennedy. I know of no other case in which a system 6 wetland has been pulled from the registry, let alone swapped for private land. However, that was the offer. The Australian Conservation Foundation went along with and said little about the revocation. The department swapped the land. One piece of land comprised 200 hectares and the other was a small wetland. However, that small wetland was on the system 6 register, which was the Holy Grail of conservation. There was no problem, and the revocation went ahead. It is still in the literature but is now covered by light industrial development. We understand that the wetland was originally private land that was resumed on the basis that it was of conservation value. I find that quite alarming. We were disturbed that we were being used as pawns in seeking the foundation's agreement for that revocation. However, there are 35 landowners in the Stakehill precinct, and we tended to object.

**Hon ED DERMER:** That land was proposed as a swap for your precinct. Did that revocation go ahead without impacting on your precinct?

**Mr Killigrew:** The department withdrew the system 6 classification over the Port Kennedy land, and moved to incorporate Stakehill in the metropolitan region scheme as conservation priority A, parks and recreation. That was the off-set deal.

**Hon ED DERMER:** I cannot understand to whom the deal was offered.

**Mr Killigrew:** The suggestion that we saw in the memo was made to the then president of the Australian Conservation Foundation. It basically said, "We know that this will hurt. We are going to seek to revoke a system six rating on this area, and we know that doesn't happen very often, but, in return for your compliance, we will rezone Stakehill", and it went ahead.

I have attached to this document two web site pages that were taken from the planning department's web site. Committee members will see that in the last paragraph of the second page it boasts of making \$21.9 million in a single year, and it states that it has been made from the resale of land that had been zoned for reservation. It lists, first of all, on the first page the various properties that were rezoned or reserved - parks and recreation, essentially. Then, in a rather harmless sort of way when one first reads it, it says, "Look, we've taken portions of that, rezoned them commercial or whatever, and sold them on. We've made 22 million bucks. That goes into the fund, and we continue to acquire property." At first sight, one thinks that that is pretty proper conduct - it is sensible, commercial conduct. It is not until one is subject, as we have been as individuals, to the process that one loses one's sense of humour about that statement. When we protested on the basis of our experience, those web site pages were removed. I do not believe they are there now, but committee members can see from the top of the first page that it is a genuine copy of what the department had on its web site. That is what I want to really focus on for the remainder of this little discussion; that is, the devaluation of land.

In our submission is a section that challenges the scientific basis on which this took place. I will not bore the committee with it; it is pretty technical. However, we have

had expert advice that the scientific paper is a self-serving document. It could be applied equally to many of the swamp wetlands around us, some of which have been developed by Taylor Woodrow (Australia) Pty Ltd, for example, north of us. It actually paid for its wetland and incorporated it as part of an urban development - what is sometimes called rural residential development.

**Hon ED DERMER:** Essentially, landscaping.

**Mr Killigrew:** Yes. It was not alienated from the community; it was incorporated and made part of the community. We think it is a very sensible way to go. However, our problem was not so much that we wanted to see subdivision in our area; in fact, most of our members wanted, and still do, just to remain rural. That did not seem possible. The department is saying to us, "No, the metropolitan region scheme will swamp you, so we are going to put this line around the whole precinct because there is a wetland in there, and irrespective of all the land use that is going on, we will limit that because we really want this to go back to a pristine wetland."

I want to focus on the devaluation process.

**The CHAIRMAN:** Before you do that - perhaps this is a silly question - why is it called the Semeniuk report? Was it put together in Bali or something?

**Mr Killigrew:** It came out of left field for us. We knew well in advance of the scientific report that one would be produced. When we asked for it, the department would not give it to us and said that it was not finished. I later found out that the person who prepared the report did so as a consultant and had not been paid, or not in full. Therefore, the reason for the delay was that it had not been completed. Notwithstanding that, a year in advance of its completion, the process had begun, and the science caught up with it. That is the report referred to in the submission. We have had it looked at, because basically that is used to justify what is happening. The department says that this is a pristine wetland, and it wants it preserved in full.

That commenced the period of prolonged isolation and planning uncertainty in respect of the future zoning options for this land. Various proposals made known to the landowners essentially created a planning blight over the area, and this is the pattern that I am sure the committee has seen in other cases. The planning light got worse as time went on. We did not agree with the landscape protection zoning; we believed that we were conservationists and that the thing was in pristine condition because we were keeping it that way with our money. We resented the notion that the department would come and put a big fence around it, fence it off from us and everybody else, and then purport to look after it better than we did. A very draconian law was in place. We were not allowed to clear anything. We had to maintain fences around it and firebreaks etc. We could not see how the policy of landscape protection of the surrounding dryland was relevant, and we opposed it. For that, the long period of blight started.

**Hon ED DERMER:** You said that you could not see how the restrictions on the surrounding area were relevant. Did anyone offer an explanation to you, or did you ask for one, about why they were relevant?

**Mr Killigrew:** In respect of the science of the thing, we have never come face to face with any of the protagonists involved; we have come face to face with officers of the Department for Planning and Infrastructure. They seem to be the shock troops. They will come down and talk to us. However, the actual science behind it is hard to get at.

**Hon ED DERMER:** Have you asked for it?

**Mr Killigrew:** Yes, too right.

**Hon ED DERMER:** What did they say?

**Mr Killigrew:** Basically that there is a report and that the conservation value of the land is beyond dispute, and that is the end of the matter.

**Hon ED DERMER:** Did they offer to show you a copy of the report?

**Mr Killigrew:** I had to insist on buying it; I had to photocopy it myself.

**Hon ED DERMER:** This is the report to which you are referring.

**Mr Killigrew:** Yes - ultimately. However, do not forget that that was a year after the landscape protection changes had been mooted.

**Hon ED DERMER:** Does that report contain the scientific explanation?

**Mr Killigrew:** That report states that the Stakehill suite, along with others, should be conserved, and the type of conservation it recommends is isolation from the public, fencing it off, and landscape protection policies instituted around it. That particularly disturbed everybody.

**Hon ED DERMER:** Does the report include the scientific explanation of why it should be preserved?

**Mr Killigrew:** Yes. It states that essentially the key idea is that the department wants to protect sub-surface water from pollution and drainage into the swamp by limiting the type of fertiliser and by reforestation - the normal things. We are talking about market gardens, by the way - although not entirely. The committee will see the market gardens right along the eastern side. Much of the ridge is cleared parkland - some with orchards and various sorts of man-imposed landscapes, but it is hardly a landscape that people would say is not beautiful. Our view was that the science underlying this was rather shonky. For example, one of the things that the department said was that it must connect from the south, across the road to lakes further south. When questioned on that, it became obvious that Stakehill Road is a reservation of 60 metres width. There will be a bloomin' road there, and animals will migrate across the road. There is no suggestion of tunnels or anything like that. It just did not make sense. The linkage was suicidal anyway.

**Hon ED DERMER:** I return to the basic science of the water from the surrounding area draining into the wetland and its carrying chemical residues from fertiliser and activities that might be inherent in operating a market garden. Do you accept that basic science, or do you think that is flawed as well?

**Mr Killigrew:** This debate has gone on, as the committee knows, in a number of other instances when market gardens have been accused of polluting ground water. All I can say is that the evidence put forward in this document, other than just a bland assertion that that was occurring, is a nonsense. There is no evidence. If the committee reads the document, it will see that the assertions are made, but there is no evidence. There are not even references, as one would expect in a normal scientific paper, and that annoyed us.

**Hon ED DERMER:** No efforts were made to measure the chemical content of the water draining into the wetland.

**Mr Killigrew:** No, never - not at Stakehill.

**Mr McKay:** These reports - there have been others - have all been written without anybody stepping foot on our land.

**Hon ED DERMER:** To take a measurement or make an assessment?

**Mr McKay:** Not one person has walked our land, but there are three or four of these reports.

**Hon ED DERMER:** That is interesting in itself.

**The CHAIRMAN:** Yes. It is called a desktop study. That is the technical term.

**Mr McKay:** It is done from aeroplanes and computer disks.

**Mr Killigrew:** In fact, we think there is about a quarter of a million dollars in the bag. I will not bore you with the reports, but there is -

**Hon ED DERMER:** That is the suggested cost of the research.

**Mr Killigrew:** Yes. There is one report after another. I am not kidding. We get sick of them. Yet we were quite happy with one of them, the Everall report, to which I refer in the document. The Government sent out a fellow who said, "What's your problem? What's your beef? We're told that you're a greedy bunch of landowners." We said, "Well, hang on." He went back and wrote a report. We all agreed with it, because basically he said, "Let's reserve the wetland. There's the paperbark fringe. It clearly defines the wetland. These people have no problem with that. They must be allowed to get on with their lives, their market gardening and their orchards." However, that was not good enough. We have never had one letter to explain why the Government rejected the Everall report - there have been two reports since. We have not had one letter of explanation stating, "Sirs and madams, we are sorry, but we don't agree with X."

In the end, we have got to the point, as I said, that we are counting, and it is still going on. We think it is about a quarter of a million dollars. By the way, of that amount, \$40 000 was ours, because the local shire told us that if we had a problem, we should do a town planning scheme. We all appeared before a parliamentary commission of inquiry, I think it was, which said to us, "You sound like you are capable conservationists. Why don't you be proactive?" so we were. We spent 40 grand and presented a plan to the council. The council was rather non-committal. The plan went off to the bureaucracies, and we believe it got stonewalled at the Department of Environmental Protection, because it wants the whole lot, and it sees only itself and the Department of Conservation and Land Management as being eligible to police this thing. The obvious thing is that we say, "You have enough people and more land than you can handle, and here is a group of people who have lived there for 30 years", as Dr Manea just said. I do not know how long the market gardeners have been there, but it is not a yesterday thing. We are not talking about land being cleared now - there are clearing bans throughout the area; we are talking about people who love to live and raise their children there, and we are being told, "No, we're sorry about the \$40 000 you spent on that plan." In fact, we did not even get a "sorry"; we had no explanation. Essentially, we come before the committee to ask it to please help us, because it seems to us that unless someone listens to us - the current minister is listening to us - and sees commonsense, we will end up in a bloodbath; there will be a problem. We have some members who have had heart attacks, there have been divorces, and people have had serious health and financial problems.

The committee will see two graphs at the back of the submission. They have been prepared from 150 entries. They are essentially all about valuation of land in our area. The first graph shows the values in our precinct over a 10-year period. That is a broad area within a few kilometres either side of the lake. The committee will see



that, in general, special rural land has two levels. One average is high. That is when there are improvements - a house, irrigation and sheds. We reckon it is about \$11 a metre in cold-blooded terms. The bottom line shows that currently it should be about \$8 a square metre. That is when there is just rural land. People are paying \$150 000 to \$200 000 for a five-acre - in the old language - or 2.5 hectare block.

Over the page, the other graph shows the values inside the area shown on that map. That is the Stakehill swampland proper. We are not talking about the swamp as such; we are talking about the whole land area. The committee will see the way in which blight has affected the land value in that precinct over 10 years. The current offer from the department puts the value below the Valuer General's unimproved value of land. I know of no similar case - the committee may have heard of some cases. Perhaps the same blighting effect is widespread - I do not know - but that is a first for me; that is, that the value of rural land can be dropped below the unimproved value.

**Mr Killigrew:** That means we are paying rates and taxes on land that is valued at less than we are being offered by the Government for the resumption of this land. We are dismayed. Several of us have had sworn valuations done privately at our own cost. For example, last year one typical 18-hectare block was valued at \$990 000. This year, a government valuer reduced that amount by 36 per cent. That has not happened in just one case; several of us have had valuations done. Our valuers are either crooks and are deceiving us, or the graph that members are looking at says it all. We believe that the effect of blighting an area by isolating it is that when someone goes to the local planner, the shire says that the land cannot be touched because there is a big question mark hanging over it. The question mark is simply that the shire's rural strategy states that our area should be zoned special rural and rural residential. The only reason it has not progressed past that point is the Government, and the Department of Environmental Protection in particular, keep arguing about where the lines should be drawn. A long time ago, we agreed that the lines should be drawn at the paperbark fringe. If someone wants to subdivide it later on, all manner of buffers can be negotiated. However, at this time, because of the problem of the definition of the lines, we cannot even get past the problem of rural zoning.

**Hon ED DERMER:** I will play the devil's advocate. I am trying to explore the real impact of the operations of your properties on that swamp. This is particularly important in the absence of any measurement data. What do you do on your land?

**Mr Killigrew:** We raise goats. It is cleared parkland. We have a vegetable garden, which has an irrigated section, an orchard and about two acres around the house has been landscaped and has some nice trees. We have fenced and made firebreaks on the rest of the property. Compared with other farms in the area, our farm would probably have the least impact to the environment.

**Hon ED DERMER:** The market garden probably needs some intensive chemicals added to it.

**Mr Killigrew:** Yes.

**Mr McKay:** I can speak on that because I am a market gardener.

**Hon ED DERMER:** What types of fertilisers, herbicides or insecticides do you use on your property?

**Mr McKay:** We use every sort that is necessary for a market garden. People use superphosphates, nitrogen, potassium fertilisers and fumigants, for example, methamsodium. We use NPK - nitrogen, phosphorous, potassium - fertilisers.

**Hon ED DERMER:** Are you confident that those chemical additives are not having an impact on the swamp?

**Mr McKay:** It would probably not be fair to say that I am confident of that. The market gardens are some distance from the wetland, but there is no wetland anyway, and there has not been any water in there for -

**Hon SUE ELLERY:** Will someone point out to me where the market gardens are on the map?

**Mr McKay:** I own these two lots here. These three lots over here are the market garden.

**The CHAIRMAN:** Where is Stakehill Road?

**Mr McKay:** Stakehill Road is here, which comes out on to Mandurah Road.

**Hon MURRAY CRIDDLE:** Where is Old Mandurah Road?

**Mr McKay:** That is down there. There is another market garden on this side of Stakehill Road, which is -

**Hon MURRAY CRIDDLE:** Where is the railway?

**Mr McKay:** It is down here.

**Hon MURRAY CRIDDLE:** That is in the south west corner.

**Mr McKay:** Yes. There is a large proportion of market gardens in the north.

**Hon MURRAY CRIDDLE:** The market gardens are in the north, particularly the north east.

**Mr McKay:** There is a market garden on the other side of the road too. We are talking about 80 acres. There are another 100 acres down here and another couple of little market gardens.

**Hon ED DERMER:** Does the irregular shape and the other part down there represent the wetland?

**Mr McKay:** That is the wetland and the buffer. People have mentioned the 150-metre buffer on some of the properties.

**Hon MURRAY CRIDDLE:** Are the numbers in the buffer all subject to what we are talking about?

**Mr McKay:** The whole area, yes.

**Hon ED DERMER:** Where is the wetland on the map?

**Mr Killigrew:** There has not been water in the wetland because it has been dry; it is like a dry swamp.

**Hon ED DERMER:** It has not been wet for some time.

**Mr Killigrew:** No, and it did not help to have Lark Hill developed opposite us. We do not know whether the water levels dropped because it has been dry or because of the activity from over the road where a lot of water is pumped onto the Lark Hill racecourse, which is immediately opposite the wetlands. However, for whatever reason, it is debateable whether it is a true wetland; there is no water in it.

**Hon ED DERMER:** When was the last time it had significant amounts of water in it?

**Mr McKay:** Most of the plans we have looked at, which include the 100-year flood lines, were drawn when there was no Serpentine dam. When the Serpentine Dam was not there or the dam used to overflow, the water would run through Baldivis to Mandurah.

**Hon ED DERMER:** It soaked this land.

**Mr Killigrew:** We think it lifted the watertable.

**Mr McKay:** The river has been blocked off, which is why we do not get underground water.

**Hon ED DERMER:** Are you suggesting that these properties are being restrained as a buffer around non-existent wetlands?

**Mr McKay:** Exactly.

**Hon ED DERMER:** I am trying to find out which chemicals you put on your market garden that might get washed down into the wetland; however, the wetland is not there.

**Mr Killigrew:** You should not think of a model such as Herdsman Lake, for example, which has ducks and water. I wish the wetlands were like that because the land around it would then be more valuable. We bought the land because it was pretty, but we must confess that it is an ephemeral swamp. If we get a particularly wet year, water will fill it up. Some people argue that in the past there has been a metre of water there.

**Mr Wilson:** There has been a metre of water in it and the bird life does use it. It is an ephemeral swamp; however, it is certainly not a swamp as most people would define it.

**Hon ED DERMER:** Would the swamp fill with water once every five or 10 years?

**Mr Wilson:** It would probably have water in it for one month of the year, depending on how good the season was, otherwise it is dry. People can walk over our land.

**Hon ED DERMER:** Does the wildlife recover during that one month when it is wet?

**Mr Wilson:** The wildlife use it when it is wet and swampy but then they leave. Black swans have lived there in the past. The birds obviously migrate from one swamp to another.

**Mr Killigrew:** We thought it was strange that there was an argument that conservation protection had to be put in place for a swamp that was so ephemeral. Very few of the people who worked behind the scenes to put those measures in place have ever been there.

**Hon ED DERMER:** The migration of bird wildlife from one swamp to another might relate to what was said earlier about this being an important step in the chain of wetlands.

**Mr Killigrew:** People argue that it is part of a chain. However, with respect, when our swamp is dry, all the swamps are blooming well dry. We know the area. The birds could go from our property to Ansty Swamp or Tamworth Hill. Those places are part of a chain - an interdunal swale. When our wetlands are dry, everything is dry and any fauna that is there does not want to cross a 60-metre wide road. Even now on Stakehill Road, there are a lot of duck and tortoise casualties that try to cross it. There is a perception that this wetland is a major conservation area. However, we

have not seen the scientific evidence to prove that. The experts who we have asked to look into the matter have questioned those findings.

**Hon ED DERMER:** Could that chain be environmentally important, even though it is wet for only one or two months of the year?

**Mr Killigrew:** Yes, it could; it has some importance and we suggested that that role should be conserved. Much of the wildlife that lives in the area during the dry periods lives in our dams. Most of us have built a dam around the lake. If there is any wildlife, for example, kangaroos or smaller birds, they will be found at the dams at sunset. The irony - like a lot of these matters - is that our occupation of the land provides the wildlife with more habitat than they would otherwise have.

**Mr Wilson:** Fences were built around the dams. During the summer, the Department of Conservation and Land Management burns-off the vegetation, which kills everything inside the fences. That is what happened at Port Kennedy. In its wisdom, CALM built a fence to keep feral animals out. However, it also kept in the kangaroos and everything inside the fence was burned to death.

**Hon ED DERMER:** Obviously a number of issues are being raised that warrant a thorough examination.

**The CHAIRMAN:** Was that wetland identified in a swan coastal plains report about 10 years ago?

**Mr Killigrew:** It was.

**The CHAIRMAN:** Is that the same report that identified irrigated playing fields and sewerage systems as wetlands?

**Mr Killigrew:** Yes, it did. We are gravely concerned that we have never seen any of these experts on our land. One of our members became so distressed that he had a heart attack. Before he had the heart attack, he called the Water and Rivers Commission to get someone to look at a problem he had. Some delightful young ladies, who were experts in their field, went to the property and talked together for most of the afternoon in a civilised fashion. The member later received a letter saying that as far as they were concerned, the proposed concept was inappropriate. As I said at the beginning, the proposal is well intended; however, when it is given the stamp of approval and the planning blight begins, it can be seen from the graphs how it can destroy people's lives. Most of the people who live here have invested their superannuation into their properties. Unfortunately, the stress of this situation has caused families to break up and serious illness - not to everybody, but to a good percentage of people.

The hardcore of people who remain here now will not budge. We believe that justice and commonsense will prevail. The members of this committee are the law-makers, and we look to you for help. We think that the law is inadequate. Although people believe they are doing the right thing, the law should direct what is done. Land must not be reserved unless it is for a very good reason. The decision to do that must be based on scientific reasons and public forums must be held. If land is reserved, there should be a limited time to do something about it; the matter cannot just drift for 12 years, otherwise people will suffer. If the land is to be valued, valuers from the precinct cannot be used. A valuer's document states, "In such cases, the property is purchased at current market value had the property not been affected by the reservation". But that is a nonsense. That is not what is happening.

**Hon ED DERMER:** Because you are talking about 12 years previous.

**Mr Killigrew:** Yes. This is a cute little document they call “Your Property and the Metropolitan Region Scheme - Landowners’ Rights to Compensation in Relation to Reserved Land.” We have no problem with a genuine valuation and being fair. We are not asking for the earth. The problem is that, as you can see from that graph, we are now not talking just about the wetlands. We are talking about the surrounding land. That seems to me to be quite unjust. I have used the word “fraudulent” to describe some of the tactics that are being used. I do that reluctantly. However, if you read that document carefully you will see there is evidence that some of these people are very highly motivated, and they believe they are doing the right thing. We have to say over our dead bodies.

**Hon MURRAY CRIDDLE:** You mentioned compensation. I thought it would be just fair value for the land rather than compensation.

**Mr Wilson:** Yes, that is what we would like - fair value for our land.

**Mr Killigrew:** But you cannot sell your land because as soon as someone comes off the street -

**Hon MURRAY CRIDDLE:** No. I understand that. Everyone talks about compensation, but to me it would not be a bad start if you could just get a fair value for the land that was in sympathy with the value of the land around it. “Sympathy” is a bad word, but you know what I mean - a similar sort of valuation to one for land that is away from the area that is affected.

**Mr Killigrew:** Yes. That is a good point, but do not forget that this has not been reserved.

**Hon MURRAY CRIDDLE:** I understand that, but the impact is there.

**Mr Killigrew:** Yes, and do not forget that some of our members were brought in at the invitation of the ministry and were told, “Here is the map. Here is the reservation that is going to occur. You guys have got no value in that land behind where we are going to reserve the land.”

**The CHAIRMAN:** It is really more than just the land. It is also the rights that go with that property.

**Mr Killigrew:** Yes. We are saying that the process is wrong too. They should not have been taken into the ministry a year ago and shown a map of a proposed reserve that still has not happened. That is not fair. The ministry thinks it is doing the right thing by letting people know where it is at. However, the minister has not signed off on it yet. We were told the minister would be signing off on it a week after we were interviewed.

**Hon MURRAY CRIDDLE:** I still get back to the point that before anything happened, there was a value on the land, and that value was similar to the value on land that might be a kilometre away, or in that sort of vicinity. If you had been going to sell that land, you would have sold it at that time and had a valuation that would have been generally accepted.

kwil: Unaffected.

**Mr Killigrew:** Yes. It would have been unaffected. You are right. None of us has talked about compensation. Everyone says to us we are greedy and are obsessed with

compensation. That is wrong. We are obsessed with the value of our land and what is happening to it.

**Mrs Wilson:** I would like to add to what Leo has said and make a few other points. You have a copy of my presentation in front of you. You will see there are four concerns. I guess this is our story, but it is very similar to the story that Leo has told. Our concerns centre on planning delays and uncertainties, bearing in mind that this has occurred over the past 10 years, and, as Leo has said, the impact of this on the marketability and value of our freehold property. The other issue is determining and agreeing on the extent of the proposed parks and recreation reservation, more particularly the definition of the wetland and the surrounding buffer area on our property. At one stage during this process there was discussion about a 150 metre buffer right around our property. If you look at the map, you can see where our property is. It is lot 760, and it runs from Mandurah Road through to Jarvis Road. You can see that the wetland comprises nearly half of our property. These properties are about 200 metres wide, so a buffer zone of 150 metres would take up a considerable proportion of our dryland. You can see how much it will cut into our property. We have calculated that it will come to within 50 metres of where our house is at the moment, which to us is absolutely excessive. Someone has to determine where the buffer zone is. We have been trying to determine this for nearly 10 years. That is having an effect on the value of the properties and it is having an effect on people. The property alongside us to the north has been in the family for generations. They needed to sell, but every time there was an inquiry about the land they - the potential buyers - would go and talk to the City of Rockingham and it would not get beyond that because there was so much uncertainty about this area. For about two years they could not sell, and eventually the property sold for what we would consider to be half the unaffected market value. We could give you half a dozen examples like that.

The next point is achieving fair compensation once a portion of a property is reserved. I take the point that the correct word is probably value and not necessarily compensation, but I thought compensation was the word the Government used when it rezoned a person's property.

**Hon MURRAY CRIDDLE:** I just wanted to clear up in my mind what the issue was. If you want to call it compensation, I am happy, so long as we are talking about the same thing.

**Mrs Wilson:** Yes. I think we are talking about the same thing. The last and very important point is lack of confidence in the state planning authority to deal with these issues in a fair and ethical manner. We find it difficult to get a straight answer and to get information. A lot of our submissions and letters largely go unanswered, and I am sure the members of the Stakehill group would agree that a lot of the issues are not necessarily addressed and responded to. I have attached to my submission a list of the personal written communications to government agencies from my husband and me over the past nine or 10 years. You will see it includes the Metropolitan Region Planning Authority, the State Planning Commission, the Department for Planning and Urban Development, the City of Rockingham and the Environmental Protection Authority. When you multiply that by the number of landowners in this group you will see it has taken a lot of time and effort to try to come to a fair and equitable agreement.

I also draw your attention to the second issue in my presentation, which is on defining the wetland and buffer areas. This has been one of the major bones of contention for us about our property. This has dragged on since 1993. The EPA attempted to define the wetland; and we have mentioned the Semeniuk report. There have been three or four other attempts, but none has brought agreement. I support what Leo said. Not one landowner in that precinct had a real problem with Dave Everall's definition of the buffer zone. He was appointed by the Government, and we had high hopes that this might resolve this issue. However, it did not happen. To my knowledge, nothing has moved since then. We would read into that that perhaps the conservationists were not comfortable with that definition. We agreed with the Everall report, with the proviso that the maximum buffer zones determined by the relevant government authorities must be agreed by us before the reservation of the wetland proceeds. I think that is reasonable, because it can vary from one property to another. This is still the case, but these critical areas have not yet been confirmed; we are still waiting and the uncertainty is still dragging on. It is taking a toll on individuals and relationships. Leo has already gone through some of the information that we have found out that supports our contention that the government authority is not acting in an ethical manner.

My presentation contains a letter from the State Planning Commission dated November 1003 and headed "Metropolitan Region Scheme Proposed Major Amendment No 937/33 - South West Corridor Stage B, City of Rockingham". Halfway down the first page it states -

The main changes to the Scheme resulting from the proposed amendment are as follows: . . .

It then refers in the fifth dot point to the inclusion of Stakehill Swamp in the parks and recreation reservation. It also states -

the transfer of land east of Port Kennedy from the Parks and Recreation Reserve to the Urban and Industrial Zone, and from the Public Purposes Reserve to the Rural Zone.

That will give you an insight into the memo that Leo referred to. In a sense that appears to us to be almost a deal with the Australian Conservation Foundation.

I am a public servant, and one of the principles I always adhere to is that if government departments and public servants cannot maintain the highest standards, who on earth will. I expect the Department for Planning and Infrastructure to have the same ethics as those that are visited upon the public sector and public servants, regardless of what their agendas may be.

The final point is our lack of confidence in the state planning authority. While acknowledging that such planning issues may be complex and take some time to resolve, we argue that the Department for Planning and Infrastructure's handling of the issues related to the Stakehill precinct warrant investigation. In our experience there has not been sufficient dialogue with us as affected landowners. There is no evidence of a genuine attempt to progress the MRS amendment in a transparent and direct way or to resolve the matter of the parks and recreation reservation and associated issues in an open manner. If the department was reluctant to engage individual landowners, the action group was, and still is, a useful option, but this opportunity was rarely taken. In this instance we feel that the Department for Planning and Infrastructure has not attempted to meet and has not achieved the public sector standards.

**The CHAIRMAN:** Thank you.

**Mr Wilson:** Lacking the finer arts of the orator so greatly admired by politicians and bureaucrats, I have to resort to written notes and address you in plain workman's language from the coalface, so to speak. It does not take a Rhodes Scholar to realise that an inquiry into the fraudulent activity and processes by which the Department for Planning and Infrastructure divests the legal owner and user of his land is long overdue and should be done.

The bureaucratic four-step is as follows: step 1, place a planning blight over the desired area; step 2, in collusion with other government agencies, implement a veritable arsenal of oppressive restrictions on possible land usage, such as landscape protection and Bush Forever; step 3, place lawful landowners under years of constant and unwarranted financial and psychological stress resulting in family break-ups, illness and worse; and, step 4, mislead landowners with innuendos, misinformation, procrastination, lies and deceit, and fail to confirm ever-changing boundaries and refuse to answer correspondence. This phase isolates and identifies the elderly, the financially constrained and those unable to cope, who then either contact or are contacted by the Ministry for Planning and Infrastructure and are pressured into selling at unfair, unrealistic and greatly undervalued land prices. The benchmark for acquisition has now been set by the department.

Following acquisition of the land under whatever pretext - wetlands, public recreation or landscape amenity; call it what we want - wonder of wonders, after a time, amazingly, the land is found surplus to requirements, rezoned yet again and sold to the ministry's best friends, the land developers. The profits from this rorting then fund the next foray into the defrauding of landowners.

Our earnings, obtained by honest hard work in foreign locations in the then dangerous offshore oil industry, which involved long separations from wife and family, have given us some savings. As advised, this was invested in a share portfolio and property for our retirement, now imminent. Corporate fraud and mismanagement took care of the portfolio, and now the Ministry for Planning and Infrastructure, in a mirror image of the corporate sector, is intent on defrauding us of the rest by causing the diminution of land values.

Ten years of fighting to preserve the equity in our land has cut into our cash reserve. Appeals to politicians, council and members of Parliament, and meetings and letters - all seeking equitable resolutions - have been ignored. The past ten years' experience has confirmed beyond any doubt that faceless bureaucrats do indeed exist, and they control this country. Democracy, representation, fair and just process have gone the same way as the fairies in the garden. We know and understand the value of the wetland; that is why we purchased and preserved it. We also know that the Mandurah rail link at our front door and the freeway at our back door greatly enhance the value of our property, contrary to what the ministry would have us believe. One thing is for sure, the Valuer General would agree with us, as rates for our so-called valueless land have increased 150 per cent over the past 18 years. We will continue to fight by every means available, and when all is said and done, an angry man with nothing to lose is not exactly a conforming member of the community.

In conclusion, please forgive my jaundiced view of politicians and bureaucrats. If the Ministry for Planning and Infrastructure is the executive arm of a transparent and open government, and if an inquiry into its activities is not implemented, I truly fear for the future of Australia. A groundswell of disaffected landowners is becoming



apparent in the north, the south and the east. The veracity of my words can be backed with documentation if and when necessary. All landowners await the committee's considered findings without prejudice, and trust that they will be handed down before another change of government. I thank you for listening to me.

**Hon SUE ELLERY:** You did quite well.

**The CHAIRMAN:** You may not be an orator, Mr Wilson, but you have a way with words.

**Mr Wilson:** Writing is one of my attributes. I wish I could have looked at the committee members while I was speaking.

**The CHAIRMAN:** We felt the impact of your comments.

**Mr McKay:** I have the two blocks that I pointed out to you in 68 Road, which I purchased in 1986 to begin a market garden, which I started from scratch, although I probably did not have enough money at the time. We have struggled. We planned the block when we first bought it and we installed sprinklers in 20 acres. We were going to build a house on a small section at the back of the land when we had enough money. I am 55 and nearing an age at which I can access my superannuation. I have enough money to build the house but nowhere to build it. I will have to consider knocking down my old house because the Government wants to resume that part of my land that I have had set aside for the past 18 years. I do not know what to do now. We have two blocks and it is permissible to build two houses on each block. However, the Government wants to create a buffer zone of about 7.5 acres to a non-existent wetland. In one way it is worth thousands of dollars to me because I cannot replace it, at least not close to where I live. My son is showing an interest in working in the garden with me and has just begun to do so. We would no doubt be able to use two houses, but we will be unable to replace the land for the amount that the government has indicated to other landowners. It is worth the same as 7.5 acres somewhere else. Obviously, the Government will take 7.5 acres off 27 acres and say "Sorry, you are a bit short." That is the sort of story we are hearing.

Zoning has been applied to our land as a result of committees that have been established to assist town planners. I think Leo touched on this issue. The conservationists have a disproportionate influence. They have said that the lake is pristine and they want it preserved, yet the people on those committees have never walked on the land. They have no idea what is in there. I know who they are; I have heard them speak at public meetings. They have no idea, yet they have helped governments make decisions that are affecting our financial state and our lives. The Government should examine the disproportionate influence of that lobby group. As another gentleman mentioned, hundreds of acres in Baldivis have been fenced off, although it has not been set aside for public use. A handful of conservationists benefit from it. I do not think that even school children are taken in there. The one fairly large lake, which I can understand the need to protect, has pampas grass growing in it, which is a weed that is threatening to take over the whole area. We never see Department of Conservation and Land Management officers in there. The pampas grass is taking over a larger area every year and eventually the area will be worthless.

I am also critical of the public consultation process. Our group has done everything it possibly could to work with the Government to overcome the problem. In 10 years I do not know how many consultants have been employed. Leo gave the committee some figures. We prepared a town planning scheme and we have tried to talk to government departments and ministers and so on. The map that the department has

produced is exactly the same as it was 10 years ago. Anyone who tries to tell us that the public voice is heard in the consultation process is wrong. The process is worthless. We have done all we can in a big group, and not one word we have said has been heard; yet the lobby groups who do not own the land are heard.

I know how valuations work. A valuer would probably look only at our precinct. It is a piece of Baldvis that is zoned rural and not earmarked for future urban development. The Government cannot resume the land over the road because it is zoned differently. We are stuck. The council and the Government have conveniently left out only that part of Baldvis - approximately 400 acres - from its rural strategy. The rest of Baldvis is zoned rural-future urban. Our land has been left out because the Government wants to keep down the price because it wants to buy it. No valuation in that area could be used. People who have spoken at this hearing today prior to me are experiencing the same problems. Land earmarked by the Government should not be used in a valuation process. The process unfairly affects the land values. In the process of gradually being bought out people are unhappy with prices they are being offered for their land. However, their circumstances dictate that they do not have options. They cannot sell to developers or anyone else. They can sell only to the Government. A person who undertook a valuation, which was to be referred back to the department, put a note on her valuation that the process was downgrading the property. She was called into the department and requested to remove the note from her valuation. That sort of thing has occurred within the government process. It is not fair and it is happening, although people may not be aware of that.

**Mrs Scott:** I endorse the comments of everyone else and voice my great disillusionment with government departments. We found out about the possible rezoning of our land through neighbours. The plans we saw indicated that the Government wanted to take 95 per cent of our property. A line was drawn through the middle of our house. The department did not even have the decency to let us know that this process was about to occur. An obscure advertisement was put in *The West Australian*, which not everybody buys. Not everyone appreciates the impact of the proposal on their properties. Government departments should always write to all affected landowners when any proposal is likely to affect their properties.

Over the past 10 years we have faced considerable uncertainty. We do not know whether to develop the land. The Water and Rivers Commission has threatened to reduce our water allowance because we have not developed. However, we do not want to spend any money on any major development. We are approaching a no-win situation. We strongly object to people who neither own a property nor live in the area being able to make submissions regarding the conservation value or otherwise of our properties. At times we wonder why we did not clear our property completely when we first bought it. We seem to have become victims because we have retained natural bushland.

One of our neighbouring properties has recently been bought by the Government. That property has now been rented out. If this land has such high conservation value, why is the Government now renting it out to people who really do not care about the land the way landowners do? It has always been our belief that if society is strongly in support of conservation it must be willing to pay a fair and just price when it affects someone's home and livelihood.

**The CHAIRMAN:** Thank you very much. That is excellent. Together with Mr and Mrs Higginsons' evidence earlier, we now have a very comprehensive understanding of your situation. Congratulations on the way you have put your submission. Are there any other burning points?

**Mr Wilson:** We are all conservationists. We realise that this wetland is precious. I am a reasonable man - we are all reasonable people. If the wetland is that precious, talk to us and arrive at an equitable solution, and we will accommodate it. That is all that needs to happen. It is just a matter of simple communication.

**Mrs Scott:** Also, why does the process have to take ten years? Surely something needs to be done to shorten that process.

**Mrs Wilson:** Can you explain what the committee's brief is, and what it can do?

**The CHAIRMAN:** We are a standing committee of the Legislative Council. Our role is to inquire into these issues and report back to the Legislative Council, as a House of Parliament. We do not have any powers to change legislation ourselves, but our brief is to make recommendations to the Parliament about what should happen. That is what we intend to do, on a whole range of issues. This is a very broad inquiry and it is difficult to get a handle on all aspects of it, but over a few days of public hearings it is becoming clear to the members of this committee that certain issues stand out very clearly, and we can focus on those.

**Mr Killigrew:** On behalf of our group, I thank you for your patience and courtesy and wish you all the best in your inquiry. It is one of the last things we can hang our hat on.

**The CHAIRMAN:** Thanks everybody.

**Committee adjourned at 4.05 pm**