

**STANDING COMMITTEE ON PUBLIC ADMINISTRATION
AND FINANCE**

LAND INQUIRY

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

SESSION 6

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**

PRESTAGE, MR RALPH

**Landowner,
examined:**

The CHAIRMAN: Welcome to the committee. You will have signed a document titled "Information for Witnesses". Have you read and understood that document?

Mr Prestage: Yes.

The CHAIRMAN: These proceedings are being recorded by Hansard. A transcript of your evidence will be provided to you. Your transcript will become a matter of 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 to the committee?

Mr Prestage: We are the owners of six hectares of vacant land, being lot 1610 at Barrett Street, Southern River, that has been included in Bushplan site 125 and has a total area of 121.3 hectares. The property has been owned since 1968 and, consistent with most private landowners, we sacrificed many privileges to pay for it over an extended period. The land was acquired for our future use and enjoyment and to provide for our personal superannuation; a vision we had 34 years ago. The provision of superannuation has been strongly encouraged by the federal Government over the past decade and is now compulsory for employees. Our superannuation has now been shattered by the stroke of a pen by the Western Australian Planning Commission and Bush Forever. Irrespective of the extensive statements issued by the departments about negotiation and consultation, it is a complete myth. To extend this, a brochure from the then State Government that was issued as a message to every householder, referring to the Land (Titles and Traditional Usage) Bill 1993, said it would be a fair solution for all Western Australians. It said that the Bill was being introduced due to proposed unfair federal legislation, and that the Bill would give all Western Australians a fair go and would avoid Western Australia becoming a State divided against itself. This is exactly what we are seeking: equality with those benefits that the adjoining landowners have received.

In 1993 the metropolitan region scheme indicated in a plan produced by the WAPC and issued as a public document that our land was included with the adjoining properties as proposed urban zoning. This was later changed to exclude our land and some other properties, which were listed as being part of Bushplan. I will leave this map, if you wish, which shows our land coloured grey in the middle of the plan and as a proposed urban zoning. The result of the scheme was that the land adjoining on the west of our property was rezoned to urban and developed by Taylor Woodrow, newcomers to the area. The land adjoining on the south side was recently rezoned urban in 2000 or 2001. On the east side there are four lots in a similar situation to our land. The land beyond this has been rezoned to urban. On the north side our land fronts Barrett Street. The lot on the other side of the road is in a similar situation to

our land; land beyond it has been rezoned to urban. Our property with some others is now surrounded by land that has recently been zoned urban.

We have been advised the lots that adjoin the western and southern sides of our land have been sold for between \$200 000 and \$300 000 per hectare. The Western Australian Planning Commission is offering approximately \$40 000 per hectare, one-fifth of the lowest recent sale price. When landowners inquired with the WAPC as to the low value, they were advised that the Government is the only purchaser. A magnificent gesture. This is at a time when Robert Mugabe is soundly criticised for similar actions, and given that we are led to believe we live in a civilised, moral and equitable democracy. The only difference is we are experiencing a slow, debilitating, mental, physical, moral and financial death. The value of our land is being depressed with government manipulation by its zoning practice. Had Robert Mugabe twigged to this subterfuge, he would be extremely jubilant in acquiring land simply by propagating appeasement while swindling landowners. How can we acquire land with similar attributes with the pittance offered? A definition of impossibility. There is an abundance of rural land nearby which the WAPC could acquire at an attractive price for both government and landowner, as it is not in the midst of an urban zoning.

It appears from our information that land with a much higher conservation value north of Holmes Road but zoned urban in the metropolitan region scheme is ignored as it is cheaper to purchase our land. Is this what the objective of the Government is all about - to base its actions and environmental decisions purely on monetary values? Our land is not wetland and is no threat to ecological communities. We have never been approached to discuss or ascertain any ecological values and do not know of any such assessment.

A development plan was prepared for the area by Prestige Developments (1995) Pty Ltd, town planners with in excess of 30 years experience. It has also lodged a submission with your committee based on its findings from extensive research and the technical and scientific knowledge gained, and this will provide a practical insight for consideration. The submission also includes professional reports from Chappell and Lambert Urban Design Consultants, and Alan Tingay and Associates, environmental scientists. The plan for subdivision took into account any nearby area with scientific values. The WAPC and the council never seriously considered it for negotiation.

We have lodged a submission with the committee and would make one clarification. In this we refer consistently to "compensation". This actually relates to receiving a fair market price based on the sales of nearby land. However, compensation as a premium is always considered where any land has a particular demand, attractiveness, advantage, character or future potential and for dislocation, deprivation and relocation costs - a solatium. In addition, landowners of rezoned land have an opportunity to carry out their own development, increasing the return by at least one-third to between \$267 000 and \$400 000 per hectare. We are deprived of this.

There had been very limited information from the WAPC until 1999 when the propaganda started. I have here some of the documents that we have received, but none of it helps my financial position. WAPC's personal communication is non-existent. This has been aggravated by the Bush Forever section, which clearly consists solely of an ideology. It is not prepared to consider any alternative to its decisions, irrespective of justice, equality or rights, or the policy of negotiation to achieve acceptable outcomes.

It is unacceptable to have a government policy-making body driven solely by bias based on personal and private beliefs. These attributes should exist only where it is an external self-funded organisation, which even then should still put out its views for debate. The Government has permitted a completely ideological and uncompromising group to implement and dictate its own views above government policy of democratic rights and fair outcomes. If it is to continue, then a government-funded levelling group must be established to provide some stability.

In my dealings with a Bush Forever staff member, he obviously considered my position so hilarious that a nearby staff member intervened and arranged for another member to come to the front counter. It was a general inquiry but the attending staff member's attitude was obvious. Bush Forever is operated by a group with no consideration for assistance nor for the financial devastation to affected landowners. The group obviously gains considerable satisfaction from its position of absolute power. The analogy would be to appoint Jack Van Tongeren to assess the applications of Asian asylum seekers to Australia. This is the situation that now exists with Bush Forever - not one extremist view, but a complete government department that openly inflicts and flaunts its views. Is our democratic system decaying and dying to the level of Third World dictatorships? The cost of supplying a public amenity should not be borne by a few selected individuals; it is a community responsibility.

In our submission we have brought to your attention the process of the Kalamunda Shire Council, which has placed a levy of approximately \$7 000 on every new residential lot developed. It is an additional tax to provide public amenities in the area. It has been an accepted community contribution of approximately 12 per cent on a \$55 000 site. An eight-hectare development would provide \$735 000, payable before approval for the issue of titles is given. We believe other shires have adopted this approach. The levy is in addition to the 10 per cent that a developer must contribute for public open space. If the Planning Commission had put its efforts into assistance rather than into trying to destroy our rights, and had applied an overall levy of \$7 000 per lot developed, then based on an average of lots developed as advised by WAPC, an average of 10 000 lots per year would have resulted in \$70 000 000 cash. Stocks of approximately 60 000 lots of vacant land are held at the moment, which equates to \$420 million. If this levy had been applied in 1992 when the first rumblings were being heard, over 10 years the levy would have provided \$700 million, which would have been saved from the public purse. I have here the documents from the Kalamunda Shire Council. The amount is indexed and subject to review every year.

In our submission we have listed 36 instances of government agencies engaged in the stampede to rezone public open space - land previously confiscated from private ownership - and school sites to urban. This is being done by various government bodies. This is while we are being denied our rights to a fair market value for land taken from us so that we can replace that which is being sold. Will this be repeated and our land sold in the future by greedy government agencies? The 36 sites cited in our submission are merely the tip of the iceberg. As recently as 31 July 2002, a report stated that Melville City Council, situated in the centre of suburbia, proposes to sell 29 of its magnificent public reserves that have been enjoyed by the public for nearly 100 years.

We refer to the demise by a proposed sale of irreplaceable riverfront land at the Heathcote site, \$18 million; the Sunset Hospital site, \$15 million; the oceanfront land

at Leighton; \$15 million; the Buckland Hill site; the Scarborough High School site; the Trigg site, which was private land resumed in 1959; the Tamala Park 432 hectare site, \$150 million; the Lakeview drive-in site, \$15 million; Banksia Farm, Mt Claremont, which has been under protective trust since 1961; the City Beach Bowling Club site, \$3 million; Cantonment Hill, which is highest point in Fremantle; the Perry Lakes Stadium land, \$80 million; and Truro Place, City Beach, \$4 million. There is also the destruction of the green, pristine area of Henderson and Mabel Talbot Park and its lake, where Cambridge City Council is proceeding to relocate a car park that is to be developed for 19 housing lots. There is no consideration for the 30 identified species of waterbirds and of the food source for other ground-feeding birds. The saga of this and its environmental damage and the brawl between adjoining councils is very murky and alarming. The council sent three of its heavies unannounced to a council meeting to state that it was not proceeding with the negotiations but had lodged an application for the car park with the WAPC. There is barely a whisper from government controlling groups in regard to this rezoning and sale. State and local government have received benefits and options not offered to us. Why? This is a clear, unprecedented scramble by them for material wealth and the denial of the realisation of the value of our land or a reasonable payment for resumption. The sale of their land is in areas saturated by housing, whereas our land is in an area with abundant rural land.

We also cited where land owned by LandCorp, or Homeswest - that is, lot 1602 Barrett Street, within a short distance of our land - had been included as Bush Forever. However, you may have guessed it: a deal has been struck whereby lot 1602 is to be resumed by WAPC in consideration for the rezoning of and concessions for land owned by LandCorp on Warton Road, Southern River. Can there be any question as to our cynicism and contempt for this discriminating system? We have been subject to the following: five acres of land was resumed at Thornlie by the Department of Education in the late 1950s. The rear of the replacement land purchased in Gosnells was adjacent to Southern River and was resumed for public open space in 1970. No consideration has been received. After six months of negotiation, there was agreement in 1995 for high voltage powerlines to be removed from land purchased by Taylor Woodrow and to be relocated along Furley Road and Warton Road, only to have them constructed without any notice along Lakey Street, the boundary of our land. This allowed Taylor Woodrow to increase its development and receive a much higher sale price for its residential lots. This was detrimental to us. A State Energy Commission concrete block to hold a straining wire for a power pole was installed in the front garden bay at our house in Wembley Downs. The negotiation consisted of a letter saying it was to be installed on a nominated date.

The gazetted road reserve along Lakey Street, the boundary of our land in Southern River, was relocated away from our land to provide a benefit to Taylor Woodrow for its development. This was an absolute disadvantage to us and we had no notification of this. We did not know about it until we drove out there and saw it. A one-metre deep open drain has been dug along Barrett Street, the only bitumen road fronting our land and the only access to our property. We had no notification of this. We did not know until we went there and could not get on to the property. It was installed to take away winter rain from the Taylor Woodrow residential development, which had created local flooding at a nearby intersection. SECWA took three acres of land from us to construct concrete pylons for high voltage powerlines on our land at Beechboro. This was an area fronting the bitumen road and the highest and most valuable part of

the land. The remaining land is low lying and waterlogged in winter. It did not leave us with much. It took over 30 years to negotiate. We started in 1968 with my mother, who was a part land owner and who died in 1999. It was not until 2000 that it was settled. The other beneficiaries were lucky to have it finalised. Our land in Southern River is subject to a Bush Forever site. Land owned and used for horticulture in Wanneroo was zoned special rural, which placed limitations on it. This was not referred to in our submission as it was sold some years later for horticultural use.

At this point, we must state that we are very cognisant of the fragile nature of our environment and have participated in the preservation of Bold Park since mid-1980, obtaining and lodging 399 of the 1 396 submissions lodged. Lodging receipts are held by us. The proposed Knightsbridge subdivision, Stephenson Avenue, City Beach - Environmental Protection Authority, Perth, 1988; realignment of West Coast Highway, south City Beach, change to environmental conditions - Town of Cambridge, 1995; and Stephenson Highway Reserve Review - Director General of Transport, 2000. This required a detailed research of Main Roads vehicle traffic statistics for Rochdale Road. I have recently been approached to have my name submitted as honorary treasurer for a group looking after a large environmental area. I had to decline. We have also participated in the old-growth forest project through the Wilderness Society and attended its meetings; the Kings Park and Botanic Garden framework plan 1995-97; the Shenton Park Sanctuary 1994; the Old Coast Road, Dawesville, planning study 1993; the Mandurah rail plan and wetlands 1994; the metropolitan region scheme proposed major amendment 950/33, the north east corridor, 1994; the Unleaded Petrol Act Review 1993; the Cantonment Hill site, Fremantle, 2001; the regional forest agreement 1998; and the Creery wetlands, Mandurah.

If the selection of our land and the payment offered is expected to be accepted by us, then let us be appointed to select some of those involved or any other section to have the value of their property restricted against any increase in value since 1980 and allow us to acquire it at one-fifth of that value or even one-fifth of the value that similar nearby properties are now being sold for, or to have their superannuation on retirement reduced by four-fifths of its value.

Can anyone explain the difference, as this is our position of direct, unjust intervention? We urgently need a clear and concise procedure that removes the burden on a selected few to have their financial future destroyed in providing a public amenity.

Consideration should be given to the acquisition of land by the WAPC, which should be undertaken in outer areas well before it becomes expensive unless they are prepared to pay for it. This planning has been sadly neglected. The identified land should have demonstrated ecological value and the matter should be discussed immediately with the landowners - this never happened with us - with adequate communication and access to an independent WAPC. The whole concept must involve complete independence in respect of evaluation, communication, negotiation and valuation. Those with ideological views should form an external, independent advisory group, not associated with the decision making or negotiations, and so-called initiators. Identified land should be acquired within six months of a satisfactory negotiation or at a later date as agreed. This will allow the landowner to acquire another property at a similar cost or to remain for a time if a replacement property is not envisaged. Landowners should not be left in suspense, nor be subject to existing covert and clandestine attitudes, as we have seen for the past 10 years. Where

agreement on a value is not reached initially, then this should be attempted by two independent valuers appointed by the Government and two valuers appointed by the landowner. This will provide for conflict resolution at a low cost compared with legal proceedings. An independent valuer could adjudicate. Landowners must be treated as normal individuals, with rights equal to those of all unaffected landowners. They should not be denigrated. A fair, unaffected market price must be paid based on property sales of any other nearby land, subject only to normal valuation variations, or the property should be removed from Bush Forever and zoned urban under the metropolitan region scheme. Compensation should be part of the financial negotiations, if necessary. This will promote public acceptance and return any cost with increased conservation values.

I have read several articles, but unfortunately I did not bring them with me, whereby Namibia in South Africa since 1950 has developed a means of working with landowners that has increased the fauna by 40 per cent and has increased the trees by an estimated 80 per cent. This is what should be done in negotiations on people's attitudes to conservation.

The trauma and stress that we have experienced on many occasions over a long period cannot be expressed. As stated earlier, let us inflict our experience on those involved in creating our situation. Only then will the true effects be known. We are, therefore, very grateful that after such a long period this committee has undertaken to listen to the plight of landowners and hopefully make recommendations that will provide some equality.

The CHAIRMAN: Thank you, Mr Prestage. You have covered a lot of ground. Could you describe what sort of land you have at Southern River and how it compares with land next door that has been zoned urban? Is there any difference?

Mr Prestage: Very little difference. Taylor Woodrow cleared a magnificent stand of trees and my regret is that I never took a photograph of it. I did not have my camera with me. It was a crying shame. Our property was next door. Some years back I cleared some of my land. Had the WA Planning Commission negotiated in the early days it would have still been available. I have farmed wheat, sheep and barley at Dowerin for many years. I also moved from Gosnells to Wanneroo and carried out a horticulture business with 20 000 to 30 000 plants, of kangaroo paws and proteas for export. I had the services available, whereas the land at Gosnells did not and it did not look like they would be put there in the early stages.

Hon ED DERMER: When did you purchase the land at Southern River?

Mr Prestage: In about 1968.

Hon ED DERMER: What was the zoning then?

Mr Prestage: It was rural, the same as all the adjoining land.

Hon SUE ELLERY: On the first page of your submission you refer to what happened in 1999 with your land in Gosnells when the road reserve was deleted and another road constructed. You said you were not told that that would happen. How did you find out?

Mr Prestage: When we went out there we found that the road alongside our property had been changed. We saw the change in the road alignment. They had built the road. Taylor Woodrow had sold probably 60 or 70 per cent of the development. The drain along the front had been dug about three feet deep. We went to go on the

property and could not get there, except by jumping over the drain. It was along the bitumen road. Because of the deviation of the road, we had to go through the bush to get to the property. There is a small area in the front with a roundabout with a huge SEC post in the middle of the roundabout, which is extremely dangerous.

Hon SUE ELLERY: The point of my question was: we may make recommendations at some stage, based on the evidence that has been put before us, about how people have been communicated with. That is why I wanted to know how you knew these changes happened.

Mr Prestage: Personal observation.

Hon JOHN FISCHER: Were the SEC lines changed at the same time?

Mr Prestage: At the same time. I have a file on this but I did not bring it in; my case is not big enough. We spent six months, in numerous meetings, with the local people - with SECWA, the Gosnells council, the WA Planning Commission - and eventually they agreed that rather than zigzag through the area, which was their proposal, it would run straight down Furley Road and Warton Road, which was the simplest and the easiest. When Taylor Woodrow wanted to develop its land, it thought that would not be attractive enough. They put them in where they wanted.

The CHAIRMAN: How did you find out about Bush Plan? Were you personally notified and had you been involved in negotiations and consultations leading up to the announcement?

Mr Prestage: I was telephoned by neighbours, who lived in a house three blocks down from us and who were in the same predicament. They said, "Have you seen what Bush Plan has proposed for this area?" and I said I had not. I asked them where they found out about that, and they said they had read it in the local paper. I got a copy of the paper.

The CHAIRMAN: There was no personal notification or consultation?

Mr Prestage: I have never spoken to anybody.

The CHAIRMAN: You received nothing in writing?

Mr Prestage: Not in the early stages.

Hon DEE MARGETTS: How big was the piece of land that was cleared by Taylor Woodrow relatively recently?

Mr Prestage: I do not know, but I would say it would have been about four times the size of our land.

Hon DEE MARGETTS: Was this done following approval?

Mr Prestage: Yes. It was part of an old farming area adjacent to ours. An area had been left as natural scrub, but they wanted to clear the lot and they replanted an area to meet the requirements.

The CHAIRMAN: Thank you for attending, Mr and Mrs Prestage. You have covered all of the issues very comprehensively. Do you wish to say anything in conclusion?

Mr Prestage: Only that in 2002 all this means nothing to me. There are heaps of costs involved. I knew enough about the environment before I got this stuff. I have been involved in it for many years. The length of time I spent on Bold Park is unaccountable. I have a big box containing all the letters I wrote and the work I put

in. If they want to take my land and if they think it is so valuable, let them pay for it and let me relocate elsewhere, or sell it and move out of the area. We are not given any consideration. We cannot repurchase similar land elsewhere. Why leave it until now? I do not know. The WA Planning Commission had the Stephenson plan; surely they could grasp something from that and say this is where they were going and make provisions for equality. It is better to have agreeable people rather than aggressive people. That is what they are doing to us. I went out there in the early stages, we had a house on a replacement lot after they took the previous land, where we had no water and electricity, and no roads to the front, but we had been established. In come the others, buy the land, make the money and move out. It does not make sense. There must be some form of planning: that they want to go this way; we will negotiate with these people. I know that people ask for extraordinary amounts of money if they know the Government is involved, but I have heard of the Kalamunda shire placing this much money - about 12.5 per cent - on a small block returning in total millions of dollars. Why was this not adopted when the WAPC knows that people's land is going to be taken? It should work out a reasonable amount of money. At one stage the Government tried to buy land without notification, but I cannot see the real argument for that. If a person is going to sell his land, whether to the Government or not, he should not be asking for a killing. The Government pays market value and he must accept it. If that is changed there is a problem, because if the Government rezones that land to urban - which has been the case recently, where a land agent did that and it went to court - that is not proper. People must be respected for what they have and what happens to them.

The CHAIRMAN: Please feel free to leave any documents with the committee, by way of additions to your submission.

Mr Prestage: If I can. I have some other suggestions. I have not had time to have a look at them, but I will type those out and let the committee have them. They are procedures that could be adopted.

The CHAIRMAN: That would be helpful. Thank you for your attendance.

Proceeding suspended from 12.45 to 1.12 pm