

From: [REDACTED]
To: [Public Administration Committee](#)
Subject: Inquiry into Private Property Rights
Date: Sunday, 28 July 2019 10:52:31 AM
Attachments: [Alcoa Statement.PDF](#)
[Alcoa Closure..PDF](#)
[Sound telegraph.PDF](#)

Kristina Crichton
Committee Clerk
Standing Committee on Public Administration
Legislative Council

We thank the Legislative Council Committee for the opportunity to make a submission on Private Property Rights.

We wish to address item (d) of the terms of reference, which "asserts that fair and reasonable compensation must be paid to the owner of private property if the value of the property diminished by a government encumbrance or resumption in order to derive a public benefit."

My family came to Mandogalup in 1931 and my husband's family in 1954. The area was largely rural with market gardens and dairy farms. We have both spent most of our lives in Mandogalup - as have a number of our extended family. We have never had the convenience of being connected to scheme water, the sewerage system or natural gas.

Over that time (approximately 90 years) our property rights have been eroded through the actions of the state government, City of Kwinana and Alcoa.

In 1970 Alcoa built a residue disposal area (F Lake), which is located approximately 500m from our property. At the time we were told that the lifespan would be 10-20 years, however the licence has been renewed on a number of occasions and it is now close to 50 years old. In 2004, Alcoa committed (after engaging in a period of consultation with community stakeholders) that Area F Residue Lake would be closed in 2010 and rehabilitated by 2015, however this has not occurred (see media attachments).

Mandogalup is located approximately 35 kilometres from the Perth CBD, along the southern corridor and parallel to the Kwinana Freeway. Since the 1980s it has been identified in state planning documents as being suitable for future urban development. Examples include:

- *South Jandakot Mandogalup District Planning Study 1993*
- *Jandakot Regional Structure Plan published by the State Government in 2007*
- The City of Kwinana produced the draft *Eastern Regional Intensive Concept (ERIC) - 2005*

Since its formation the Kwinana Industries Council (KIC) has been lobbying state and local

governments to prevent the establishment of residential housing in Mandogalup. Most recently we were threatened with the establishment of a proposed 1.5 kilometre buffer zone (the *Western Trade Coast Protection Zone*), which was to be enforced without community consultation. This proposal was discontinued with the election of the Labor Government in March 2017.

In June 2018, the City of Kwinana announced its intention to rezone areas of Mandogalup within 1.5 kilometres of the Alcoa Residue Area through *Local Planning Policy 12*. The land was to be zoned 'future industrial' under local planning laws. This was done despite the Department of Lands, Planning and Heritage conducting a concurrent enquiry into the best zoning outcomes for Mandogalup (now known as *Improvement Plan 47*).

As residents we are restricted in what we can do with our homes. If the property is more than 75% destroyed it cannot be rebuilt, or if it is unoccupied for more than six months it cannot be reoccupied as a residence once the land has been zoned future industrial (see *Non-Conforming Land Use Part 5, Town Planning Scheme, City of Kwinana*). This puts residents in a difficult situation as a number of the homes are aged and in need of renovation.

The State Government has undertaken air quality studies in Mandogalup and the results were released earlier this year. The City of Kwinana is now disputing the EPA findings and has requested that more studies are carried out. We have regular rainwater and bore water testing carried out and the results are always within normal limits.

Most of the families living in Mandogalup are at or near retirement age. I have two aunts aged in their early 90s who have lived in Mandogalup since the early 1950s. There are a number of others who are in a similar situation and will be required to sell their homes to fund retirement living or nursing care. It is extremely difficult to sell land and homes in Mandogalup and has always been this way because of the presence of the Alcoa Residue Lakes and uncertainty in relation to planning and zoning. Many properties remain on the market for years without being sold. We fear that, even if Mandogalup is eventually zoned industrial, demand for land in the area will only arrive in 20-30 years time (given that only a third of the industrial land in the Kwinana and Rockingham area has been developed).

Since 2015 we have written dozens of letters to ministers, local governments and planning agencies with the intention of fighting for our property rights. Some of our attempts at advocacy are listed below:

- letters to the City of Kwinana and its councillors inviting them to visit our home and hear our concerns (only one took up the offer).
- attended community meetings, council meetings, meetings with government ministers (former Planning Minister Bill Marmion) and the WAPC (Sue Burrows, Executive Director).
- rally at Parliament House.

met with Members for Kwinana and Cockburn, Roger Cook and Fran Logan, on numerous occasions. Both have visited our home to see first-hand that there are no dust or amenity issues.

- met with Nicole Lockwood from Westport Taskforce, who has also visited our home. We have attended all of the Westport Taskforce community meetings.
- written to currently Planning Minister, Rita Saffioti.
- contributed submissions to a range of studies, including the *Proposed Local Planning Policy Mandogalup Future Development 2018*.
- met with Scott Hansen, Community Liaison Officer at Alcoa Kwinana, and David Honey, former Manager of Alcoa Residue Operations Australia (and now Member for Cottesloe).
- met with Chris Oughton, Director of Kwinana Industries Council (who has a significant influence on the City of Kwinana).

Families face great uncertainty and financial insecurity and there is no end in sight. This is causing great stress for those who are unable to sell their homes and/or land, as well as their parents' estates (when the time comes). As properties are classed as an asset by Centrelink, most residents will not qualify for a pension.

If Alcoa wants a buffer for its residue lake it can buy our land at market value, however we have been advised that they have no intention of doing this.

We are 65 and 71 years of age and may need to 'size down' when we can no longer manage our property or need assistance with our care.

Please recognise the injustice done to our property rights.

Margaret and Hubert de Haer





Alcoa World Alumina Australia is the global leader in alumina production and Australia's sixth largest resources sector exporter. Alcoa is an integrated business comprised of bauxite mining, alumina refining, aluminium smelting, rolling and canned sheet products, with operations in Victoria, Western Australia and New South Wales.

27 October 2004

Early residue move to bring forward development opportunities

Alcoa is bringing forward the development of its Kwinana residue areas to the west of the current facility, in consultation with local stakeholder groups.

The company has advised neighbours and government in a community-based Stakeholder Reference Group (SRG) that it will move its residue storage operations west earlier than originally planned and close its eastern-most residue storage areas by the end of 2015. Previously these areas were designated to be operational residue storage areas until 2020. After residue storage activities in the current area (Area F) cease in 2010, a five year rehabilitation program will restore native vegetation and natural contours to the eastern side of these residue areas, with rehabilitation activities completed by the end of 2015.

This land will be returned initially to green open space with a view to developing a long-term plan for public open space.

This initiative provides certainty around time frames for both the Department of Planning and Infrastructure and the Town of Kwinana to review development opportunities for the land to the east of the residue area.

The community and local government are in support of the early shift of the active residue operations to land on the western side of the residue storage area which is owned by Alcoa and already designated for future residue storage.

Since April, Alcoa has been working with a SRG to examine the short, medium and long term management options for the residue storage areas. The SRG included close neighbours, State and local government representatives, Town of Kwinana councillors, and has been coordinated by an independent facilitator.

"This decision has been made after months of discussion with all the stakeholders, and consideration of the economic, social and environmental impacts of our operations," Kwinana Refinery Manager, Simon Butterworth said today. "We believe this decision supports our community's needs and expectations, while enabling the Kwinana refinery to continue operating well into the future."

'Alcoa has a long term commitment in Western Australia and we anticipate continued operations at the Kwinana refinery and residue area for many years.'

-ends-

For more information contact: Linda Garner, Kwinana Refinery Community Relations Officer, Alcoa World Alumina, Australia on 9410 3171 or 0404 800 403

Note to editors: "Alcoa World Alumina" should not be contracted to "AWA." This acronym is the registered name of another company.

Alcoa World Alumina Australia is a trading name of Alcoa of Australia Limited, ACN 054 879 258

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Kwinana Residue

Accelerating Closure of Area F

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ALCOA

Feedback to Recommendations 29th September SRG Meeting

SRG Advice

3. Alcoa to accelerate closure and rehabilitation of the eastern side of residue. This will require negotiation and an agreement with the local council on early rezoning of the land west of the current residue storage area designated for residue disposal.

Alcoa Response

3. Alcoa cannot commit to early closure of F Lake until a full evaluation of the financial impact of this recommendation is completed. Alcoa will formally respond when this has been fully evaluated.

australia's
aluminium
SINCE 1982



Favoured Option

Adopt Option 2:

- Cease mud deposition in Area F before current planned storage life (2010)
- Rehabilitate area early (2010 – 2014)
- Withdraw from eastern area by 2015
- Bring forward construction of residue storage areas to west
- H Lake continues for the life of the residue areas as water storage facility.
 - Beaches will be rehabilitated to eliminate dust potential

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SINCE 1963



Recommendation

Benefits:

- Eliminates eastern dust emission source
- Reduces eastern impact zone
- Reduces final stack height and improves visual amenity
- Facilitates zoning & development along freeway

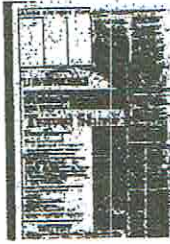
Implications:

- Increased earlier exposure to higher no. of residences to west and north
- Increased cost of ~\$10M

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ALCOA



Alcoa changes plan

THE Alcoa Kwinana alumina refinery will expedite the development of its new residue areas following a decision last week.

The company has decided to move the storage areas to the west of the plant earlier than intended after community consultation.

The residue storage areas were designated to be operational until 2030 but will now cease in 2010.

The company will then undertake a five-year rehabilitation program to restore the area with native vegetation.

The land will initially be returned to green open space with a view to developing a

long-term plan for public open space. Stakeholder Reference Group member and Kwinana Cr Rod Pattinson said the decision was a significant development in the planning for the area.

Cr Pattinson said the move would allow the current buffer zone to be moved and allow for urban development between the Kwinana Freeway and Mandogalup Road.

"The community has been looking for this for a long time," he said.

However, Kwinana Progress Association president Steve Hesse said the group was opposed to the move due to dust problems he believed were already prevalent from the residue area.

"The ponds often leak, contaminating the groundwater," Mr Hesse said.

"Alcoa needs to look at other ways to get rid of it (the residue) and recycle, instead of just dumping it."

Refinery manager Simon Butterworth said the decision was made after months of discussion with all stakeholders and consideration of the economic, social and environmental impacts of the company's operations.

"We believe this decision supports our community's needs and expectations, while enabling the Kwinana refinery to continue operating well into the future," Mr Butterworth said.