

# Primary Business Services Pty Ltd

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Noise.

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28<sup>th</sup> April 2014

Department of Environment Regulation  
Locked Bag 33 Cloisters Square  
PERTH WA 6850



Dear Sir

## Re: Wagerup Alumina Refinery Noise Amelioration Plan – A Ferraro

We refer to the above Plan which has been released for public comment. Primary Business Services Pty Ltd acts for the Ferraro family, dairy farmers at Yarloop who have been adversely affected by the Wagerup Refinery.

Our clients are extremely disappointed in the length of time it has taken for Alcoa to document the existing plans and to do so without any improvement to the original, poorly conceived program.

Our clients comment as follows –

1. The Plan relates to existing areas A & B only. When the crusher is shifted south the areas affected will shift south as well but this is not considered in the Plan.
2. Easterly and north easterly winds carry sound and dust outside of Area A and there is no allowance for this.
3. Alcoa asks affected landowners to relocate without proper compensation
  - a. Area A – affected land to be purchased at market value + 35% and a relocation allowance of \$7,000 which fail to take into account –
    - i. Loss of capital gains tax free status on land purchased pre 1985
    - ii. Stamp duty, legal and settlement fees
    - iii. Cost to re-establish our farming business, which for our clients means building a \$800,000-1.2million dairy plus other infrastructure
    - iv. Transport of animal, machinery, etc
    - v. Loss of production while winding down one farm and building up another
  - b. Area B – Alcoa states it will buy and sell land to support viability of the township. In fact Alcoas actions have been to –
    - i. Buy then discount the land by 10-15% when selling, thus undermining the market
    - ii. Allow the town to fail with closures including –
      1. Lamberto Roadhouse
      2. Stampone Roadhouse
      3. Glen's Shop
    - iii. The hospital has now closed, very concerning with an aging farmer population
    - iv. Inadequate number of members to sustain the Bowling Club
    - v. Hotel trade is below the minimum required

4. SPPP is now closed. In the attached letter to Hendy Cowan of 29 July 2008 Alcoa promises to meet with Mr Cowan and the Ferraro family if the matter could not be concluded by 15 August 2008. Alcoa failed to live up to their word and no meeting eventuated.
5. The Plan forces our clients to advertise their, until now, confidential dealings with Alcoa to the general population. This is clearly at odds with how the company deals with government and is blatantly an unfair use of power. Was this what Colin Barnett had in mind when he promised to respect the rights of property owners?
6. The Ferraro, Brown & Kau families have been farming in the Yarloop district for a combined time of 200 years but now have an arbitrary yellow line put through their properties with no ability to negotiate. This is not respect.
7. While Alcoa discharges toxic emissions from the mud lakes across the family's land and allows noise levels to impact on health through sleep deprivation. Alcoa has been charged over dust events on several occasions. However, the company's response is to engage lawyers to force their will instead of negotiating to resolve. This again is not respect.
8. The Plan does not now extend to land outside of Areas A & B. Yet in 2003 Alcoa revised the purchasing principles associated with contiguous landholdings to include these as per attached letter of 24 November 2004. This principle was clearly demonstrated in Alcoa's purchase of the Blake farm wherein land inside and out of Area A were purchased under Area A valuation. The current Plan does not uphold previous assurances or principles and diminishes our client's position.
9. Refinery Noise Emission Management Program – all acoustic monitoring and modelling must be done by an independent third party appointed by DER as neighbours to Alcoa have no faith in current noise monitoring provisions by Alcoa. The acoustic program has been tried before and failed due to some buildings in the area being constructed on stumps with timber cladding ie in comparison to double brick construction.

Our clients continue to desire a fair settlement with Alcoa and we seek assistance from DER through this submission.

The Ferraro farming business was started in the 1940's with Tony's father growing potatoes in Yarloop and has grown into a substantial dairy based operation supporting 3 generations of the family. The family has been impacted by Alcoa's arrival and operations at Wagerup through no fault of their own. They now stand to be further adversely affected by the expansion plans and the DER's Noise Amelioration Plan does little to repair the situation nor to make Alcoa a better neighbour. Alcoa's offers of land trades within the areas affected by the company's operations are meaningless to a family who only wish to relocate away from the hazards with suitable compensation.

The question is not how the family would comment on the Plan but how will the plan assist the family in resolving their situation with Alcoa.

The Minister states that best endeavours be used to resolve the issues created by Alcoa. Our clients receive one letter in the mail which offers only one solution, favourable to Alcoa, without any negotiation. This is not representative of "best endeavours".

We suggest that a suitably qualified and rural based real estate agency be appointed to negotiate the property purchase with our clients. Elders or Landmark would both be competent. The terms of the agency's appointment would need to include –

1. Reason for the purchase ie Noise and toxic emissions within the buffer zone
2. How land value is to be assessed
3. Compensation payable in addition to base land value
4. Calculation of additional payments to cover – 1. Stamp duty cost on relocation, 2. Cost of dairy infrastructure required on replacement property, 3. Loss of production while relocating, 4. Loss of CGT status & 5. Relocation expenses ie transport & cartage.

It would be a sad and costly day if the family had to relocate at their own expense due solely to a lack of empathy and respect.

We would be pleased to discuss any aspects of the above comments or arrange a meeting with our clients.

Yours faithfully



Colin Bosustow

cc. A&C Ferraro  
Hon Colin Barnett Premier  
Hon Barry House MLC  
Hon Albert Jacob MLA Minister for Environment  
Mr Jason Banks Director General Dept of Environment  
Mr Murray Cowper MLA  
Mr Gerald Holohan Roman Catholic Bishop