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Attn. Jason Banks ADG
Dept. of Environmental Regulation
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PERTH WA 6850

REF, File No. DER 2014/001005-1

Dear Jason

We received an e-mail on Tuesday 19th from Mr. John Macpherson stating “Please find attached a draft response from the CEO of the DER, ahead of the stakeholders meeting with him tomorrow. There will be complete copies including appendices available at meeting”.

Despite being named on pages 2 & 4 of the document we were not party to that meeting, at which no doubt the contents of the document must have been discussed, we therefore would like to provide some feed back of our own on the document.

We comment as follows:-

1. It is noted that the documents Author is John Macpherson. If this person was involved in any deliberations, decisions or findings in this matter, does this not represent a conflict of interest? Mr. Macpherson has spent many years supporting Alcoa’s position in regard to noise issues around the Wagerup refinery. Including the so called 35db (A) noise contour line lie, now proven to be a “Property Purchase Line” used by Alcoa to cheat residents out of their rightful compensation. After all this time telling everyone they were wrong and he was right, is he the right person to provide an unbiased opinion of the facts.
2. On page 2 it states “The CEO met with a number of the parties who made submissions on 20th August 2014.....” obviously this document was written some time before the meeting and so pre-judges the outcome. Does Mr. Macpherson have some kind ability to see into the future? Or does it just illustrate a lack of respect for the consultation process and the stakeholders, due to a serious conflict of interest?
3. Mr. Macpherson came to our home along with Mr. Gillam of the DoH following our request for assistance in regard to issues with night time noise from the refinery. Realising there was a problem; he and Mr. Gillam offered a range of noise amelioration treatments, none of which would work for our timber home. Interestingly these are only available under the new NAP to noise affected homes in Area A (We were just inside Area B).

4. Despite a number of requests, Mr. Macpherson failed to conduct SPL testing at our former home, although we did obtain an SPL meter from another government department, which showed levels well in excess of both the then current 35db(A) and proposed 47db(A). Several other unofficial test results were ignored but no official tests were ever done. We even offered to accommodate technicians so noise testing could be done 24/7; this offer was refused, because noise could not pass through the modeled noise contour line, due to prevailing weather patterns and topography or a lack of will to confront Alcoa.
5. On Page 9 of your document it states that “no hard data was provided with the submissions”. Why is the onus of proof on us? There was no **hard data** provided to support Alcoa’s claims, just a computer model from 2002 which was not what it claimed to be. Surely the job of the DER is to support the community and do proper testing if there is a dispute, not to take as gospel what Alcoa tell them.
6. In our Submission we brought to your attention a number of clearly identified admissions by Alcoa, in their NAP, that they are aware of Noise Affected Premise beyond the area A Boundary. However you choose to ignore these facts.
7. We are aware that Alcoa may be facing prosecution for excess noise outside of Area A. Where does that put your assertions?
8. The DoH when requested in 2007 to provide information re the possible effects on our health, of the sleep deprivation we were suffering, had to go to the Victorian Health Dept. to obtain the information. They referred us to their Principle Medical Consultant, Dr. Virginia McLaughlin , who we were unable to contact, as she was away, was not returning and there was no one else to speak to and no one ever called us back.
9. Are you able to give any reason, other than the serious impacts Alcoa’s emissions and noise were having on our health, why we would leave a comfortable home we had spent years expanding and renovating for our retirement and move at a large financial loss? The fact is we were driven from our home by Alcoa’s chemical and night time noise emissions. We were forced to sell to them or stay and suffer further health impacts.
10. There is an inference that the Alcoa LMP was a voluntary scheme, this is far from the truth. Alcoa had by its actions devalued property in the Yarloop area so much that one had no choice but to sell to them, the only buyer, at their price and without compensation as they set up their property purchase area under the guise of some false scientific claims, supported by Government.
11. Finally we comment on the content of Appendix 2, the response from Landgate. The Landgate Advice on Alcoa’s LMP was based on your instructions and as there are only comments on Alcoa’s LMP in relation to properties in their Area A, not to all noise affected premises. It shows that you did not seek advice in relation to the whole LMP and thus it is meaningless.

Perhaps you might look again at the response you provided prior to your stakeholder consultation and have Alcoa re-write their NAP in full. As by now you are likely aware of any amount of misinformation your department has been provided with by Alcoa on this and other important issues surrounding their Wagerup operations.

We thank you for your attention and in anticipation of an early and favorable reply.

Yours sincerely

T.A. Cockerham

S.M. Cockerham (Mrs.)

22nd August 2014