



**SENATOR THE HON IAN CAMPBELL**  
Minister for the Environment and Heritage  
Senator for Western Australia

Mr Geoff Brown  
Convenor  
ADI Residents Action Group  
PO Box 4134  
WERRINGTON NSW 2747

1 JUN 2005

Dear Mr Brown

Thank you for your recent letter of 30 March 2005 concerning development at the former ADI site at St Marys in Western Sydney and the concerns you have raised on behalf of the ADI Residents' Action Group.

The St Marys Development Agreement (the Agreement) is the legal document which provides the governing framework for redevelopment of the site and for the protection of Register of the National Estate (RNE) listed lands within the former ADI site.

The Agreement allows for the progressive transfer of land to the state government from the landowner, Lend Lease, for the purposes of establishing the Regional Park. The Agreement gives effect to the Australian Government's commitment, announced on 25 October 2001, to protect 828 ha of land listed in the RNE.

The Agreement distinguishes between most RNE listed land and a small subset called Residual RNE Land currently not within the Regional Park proposal and owned by Lend Lease. In determining which of the Residual Land will be included in the Regional Park, the NSW National Parks and Wildlife Service will consider appropriate management options as part of the plan of management planning process. The Australian Government is not party to these outcomes and it is not possible to comment on which areas will be excluded from the Regional Park other than the decision being one for the state government.

It is correct that not all Residual Lands will be incorporated into the Regional Park, but it is clear that the Agreement did not contemplate that they necessarily would. The Australian Government inserted clauses into the Agreement to ensure that all RNE listed land would be protected, irrespective of land tenure. The issue of RNE listed lands remaining in private ownership is by no means a precedent because approximately 20 per cent of all natural heritage places listed in the register have a private ownership component.

If the NSW NPWS is planning to include only 15 ha of the 50 ha or Residual RNE land within the Regional Park, this would still be consistent with the terms of the Agreement. The Agreement, however, clearly stipulates that those residual lands remaining in Lend Lease ownership must be managed in accordance with a plan of management to protect RNE values.

The development proposal for the former ADI site excluded damaging works from occurring within any of the RNE listed land. Incidental infrastructure and residual remediation works identified in Sydney Regional Environment Plan No 30 (SREP 30), including eight combined wetland/stormwater retention basins, previously referred to and assessed by the former Australian Heritage Commission on 16 May 2000 are permitted works. The stormwater retention basins are designed to ensure the quality of stormwater runoff complies with the relevant environmental standards and SREP 30 objectives and to reduce runoff impacts within the Regional Park. The presence of wetland/stormwater retention basins does not imply that national estate values are not being protected.

The impacts associated with wetland/stormwater retention basins identified in SREP 30 in RNE listed lands have been previously assessed under the *Environment Protection (Impact of Proposals) Act 1974* and received certification from the Commonwealth Environment Minister in July 2002. Accordingly, actions taken in accordance with the original certification and the provisions of the Agreement do not require further assessment. Actions that are not consistent with the original approvals or provisions of the Agreement may give rise to new obligations under the *Environment Protection and Biodiversity Conservation Act 1999* and require my approval.

I hope this information has been of assistance.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ian Campbell', written in a cursive style.

IAN CAMPBELL.