

**ADI RESIDENTS ACTION GROUP  
SYDNEY BUSHLAND ACTION GROUP  
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2 April 2003

Hon. Craig Knowles  
Minister for Planning  
Level 33 Governor Macquarie Tower  
1 Farrer Place  
Sydney 2000

Dear Minister,

We are very encouraged by the widely reported public statement of the then Minister for Planning, Dr Refshauge, on 8 March 2003 that he '*would support returning the entire [ADI] site as a regional park.*' We also welcome the Premier's comment on 21 March on ABC TV to the journalist panel hosted by Quentin Dempster that he would very happily accept the whole of the ADI Site from the Commonwealth to be managed as a park by the NPWS. We conclude from these clear statements that the NSW Government agrees that the best land use for this place is as a park.

That position now coincides with a very important change of view of the Commonwealth Government. We note the statement reported in the SMH on 17 March 2003 by Ms Jackie Kelly, Member for Lindsay in the Federal Parliament and Parliamentary Secretary in the Howard Government, concerning that Government's views on the ADI site. She confirmed that the Commonwealth, the beneficial owner of the ADI Site through Comland, would not challenge an outcome where the whole of the land is a park.

Therefore both governments, NSW as the planner and the Commonwealth as the owner, accept the use of the land as a park. We suggest there is now a sound basis for the NSW Government to implement a rezoning process which facilitates the Commonwealth's acceptance of a park option.

We urge you to begin the process by repealing Regional Environment Plan 30. We believe this is a reasonable and appropriate course of action for several reasons.

First, there is the unilateral decision by the Commonwealth in November 2001 to substantially and significantly alter the land use options under REP 30 by announcing the Commonwealth's commitment to add some 250 hectares of the proposed development area to the regional park reserve area under the REP.

Second, we draw your attention to the very important findings of the recent Land and Environment Court decision in the appeal against Penrith City Council's planning approval for the first development on the Site, the Xavier College high school.

The decision of the Chief Judge of the Land and Environment Court (*see [www.lawlink.nsw.gov.au/lec](http://www.lawlink.nsw.gov.au/lec) Case 223 of 2002 Plumb v Penrith City Council and Anor*).

clearly established that endangered Cumberland Plain Woodland (CPW) exists over the whole of the school site despite not being recognised by any of the formal planning studies that have informed Regional Environmental Plan 30, a plan that covers the whole of the ADI Site. Justice Pearlman said *“The weight of evidence establishes that CPW occurs over the whole of the school site and I so find.”*

The judgement supports the view that the NSW Government agencies had not adequately assessed the ADI Site before supporting development proposals for the land and also supports the March 2000 report by the CSIRO to Penrith City Council that the conservation assessment basis adopted by the NSW Department of Planning for development on the site was flawed.

The CSIRO report recommended a detailed scientific site study over a long term to determine the full potential for regeneration of endangered woodland on the ADI Site which has not been done. In this regard, it is crucial to observe that cessation of broad acre slashing on the Site over the past two years (in response to the requirements of the Commonwealth’s Environment Protection and Biodiversity Conservation Act) has led to extensive regrowth of Cumberland Plain Woodland (CPW), an endangered ecological community, which supports both the CSIRO Report and Justice Pearlman’s finding in the Xavier case.

We enclose a very recent report by an experienced ecological assessor that details the regrowth of CPW in the western sector of the ADI Site, in areas not currently identified as CPW by State agencies.

Third, we draw your attention to the provisions of REP 30 that provide for massive filling in the floodplain of South Creek which bisects the Site. South Creek is one of the largest tributary catchments of the Hawkesbury Nepean River. REP 30 provides for up to 2 million tonnes of fill to be placed in the floodplain of the creek to facilitate the development, in complete contradiction of current policies and programs to protect the HN River and to avoid further salinity and flooding.

Your Government subsequently recognised the increasing concern about protection of the HN River by creating a program in 2001 to ensure substantial focus on the HN catchment restoration and management, through the Department of Land and Water Conservation. We believe that the latest knowledge about flooding and salinity risks in western Sydney well justifies repeal of the REP on this basis alone.

We look forward to your positive response and we would welcome the opportunity to discuss the matter further with you or your advisers.

Yours sincerely

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Chair, ADI Residents Action Group

Noel Plumb  
Convenor, Sydney Bushland Action Group