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4th July 2006

Ms L White
Independent Commission Against Corruption
Level 21
133 Castlereagh Street
SYDNEY NSW 2000

Dear Ms White,

The ADI Residents Action Group requests that ICAC conduct an investigation into how the NSW Government along with Penrith and Blacktown Councils are ensuring 5300 ongoing jobs are being legitimately created by Delfin Lend Lease as a result of their development of the 1535 ha former ADI Site at St Marys.

The NSW Government and the Councils have been identified as comprising members of an Employment Development Strategy Committee which is to monitor and oversee Delfin Lend Lease's Employment Strategy to ensure it meets and possibly exceeds its 5300 jobs target as mandated by Sydney Regional Environmental Plan 30 St Marys, St Marys Environmental Planning Strategy 2000 and the St Marys Development Agreement 2002.

The NSW Government in approving development of the ADI Site gave several commitments to the public that this would be a model urban development, the one by which all others would be measured. It would not be another dormitory suburb where residents needed to travel well outside the local area to find work. The Government and the Developer stated it would ensure the incoming resident workforce was matched by new ongoing jobs generated as a result of the development (not construction jobs) on site and on surrounding land.

Our complaint is that Delfin Lend Lease's jobs creation methodology, to meet its 5300 ongoing jobs target, appears dishonest. Personal communication with Judith Field of Delfin Lend Lease indicates that they intend claiming jobs created by others as jobs they have created; therefore they can subtract these false jobs figures from the 5300 jobs target. It appears this dishonest methodology has been condoned by the Employment Strategy Committee. One of the strategies they have developed is to set up an Employment Agency, Ropes Crossing Skilling and Employment Centre. Judith Field manages this centre and she claims in 12 months they have found 333 jobs and 70 training positions. She states that they intend to claim these 333 jobs as jobs created by Delfin Lend Lease and further reduce the 5300 jobs target. This employment agency is the only one now operating in St Marys so they have the local market cornered.

Other dubious methodologies include: Delfin Lend Lease intend to count any self employed person that resides on land sold by Delfin Lend Lease as a job generated by the Development and further reduce their 5300 jobs target. This means they intend to claim long established jobs as new jobs. Eg. A plumber buys land, his wife is a partner in the business, his two sons are also employed in the business. That is four established jobs falsely claimed by Delfin Lend Lease as their jobs. Also, Section 32.1 of SREP 30 states that: *the total number of jobs generated by development on land to which this plan applies (including jobs generated on the surrounding land) is to approximate the number of workers who will be resident on the land to which this plan applies after the development has been carried out.* The problem here is there is no definition of 'surrounding land' in any document. This appears to give Delfin Lend Lease free range to claim jobs created anywhere in the St Marys region as a job generated as a result of their development. Judith Field again indicated they intend to do this.

The principle behind this complaint is that many thousands of local residents opposed this urban development. The NSW Government and the developer, to offset this opposition, made many promises that there would be benefits to the new and existing community as a result of development. Sustainable jobs creation was at the core of these promises. The dubious nature of Delfin Lend Leases proposed job creation appears to indicate the commitments of the State and the Developer were nothing but more hollow rhetoric.

It is particularly galling that the NSW Government recently presented Delfin Lend Lease with a prestigious western Sydney Industry award for their Ropes Crossing Skilling and Employment Centre.

Please see our website for a more detailed account of our complaint <http://www.adisite.org/Delfinsdodgyemploymentfigures.html>

Also, see <http://www.premiers.nsw.gov.au/NR/rdonlyres/B37A4C4C-1FC0-4E26-929A-291FA8A39FE9/0/2006WSIAWinnersHCbyAward.pdf> for info on award to Delfin Lend Lease

Background

The NSW Government under the Environmental Planning and Assessment Act 1979-gazetted Sydney Regional Environmental Plan 30 St Marys (SREP 30) in 2001 zoning the land for a range of uses including Employment lands. SREP 30 was later amended in April 2006 making changes due to an increase in the area to be zoned for conservation. SREP 30 was accompanied by another document, St Marys Environmental Planning Strategy 2000, this set out more detailed strategies to guide the developers to meet the performance objectives for the development. A third document, the St Marys Development Agreement, a legally binding contract, was entered into by the NSW Government and the developer in 2002. This contract established the rights and responsibilities of the parties in providing facilities and services and identifies performance objectives such as the creation of an Employment Strategy.

These three documents can be found at these links:

<http://www.legislation.nsw.gov.au/fullhtml/inforce/epi+16+2001+FIRST+0+N?>

<http://www.adisite.org/Documents%20pdf/St%20Marys%20Environmental%20Planning%20Strategy%202000.pdf>

http://www.adisite.org/Documents%20pdf/stmda_bod.pdf

These three documents call for an Employment Strategy to be developed to guide the generation of ongoing jobs that matched the resident workforce. A Committee to comprise members from Planning NSW, the Premiers Dept, State and Regional Development, Penrith and Blacktown Councils was to be formed to monitor the Employment Strategy and to ensure it was working to create the required ongoing jobs. Delfin Lend Lease had to develop the Strategy and present it to the Committee before the NSW Planning Minister would allow the first land release to go ahead. This occurred in 2003.

The Employment Development Strategy is at this link:

<http://www.adisite.org/Documents%20pdf/ADI%20Site%20St%20Marys%20Employment%20Strategy.pdf>

Delfin Lend Lease website

announcement http://www.delfinlendlease.com.au/llweb/dll/main.nsf/all/news_20060524

Also, see attached documents and letter to Premier lemma on this matter. Thank you in advance for your consideration of this matter. Please do not hesitate to contact me for any further information.

Kind regards,

Geoff Brown