

# **ADI Residents Action Group**

## **Media Release**

**Friday, 28 May 2004**

### **Assistant Planning Ministers ADI excuse an admission of NSW Government mismanagement**

Residents opposed to the development of the ADI site at St Marys claim that the NSW Government, through their lawyers, Mallesons Stephen Jacques, has signed a development agreement that gives developers of the ADI Site, Lend Lease, power to override State-planning legislation.

Last night in Penrith Diane Beamer the Assistant Planning Minister told a public meeting that because of the binding nature of the St Marys Development Agreement, an agreement between the State and Lend Lease, the State risks being sued by Lend Lease if they rezone the ADI Site unsuitable for urban development. Ms Beamer has received advice from the government's lawyers that they face a probability of legal action from Lend Lease if the development is stopped.

“We don't for one minute believe that the State is powerless to stop the development of the ADI Site, the claim of litigation is just Ms Beamer's excuse to do nothing. Diane Beamer obviously hasn't thought through her excuse because what she is saying is that the NSW Government has entered into a legal arrangement that allows a property developer to override the NSW Environmental Planning and Assessment Act 1979 (EP&A Act).” Said, Geoff Brown for ADI RAG.

“Ms Beamer is claiming that if the State uses the EP&A Act to stop the development it faces having to compensate Lend Lease because the development agreement apparently gives them rights to develop the ADI Site. The EP&A Act says that Lend Lease as yet have no legal rights to develop the ADI Site because development consent has yet to be given to them by any consent authority.”

“It is beyond belief that a government would even contemplate signing a deal that leaves itself open to litigation by exercising its own legislation. This is outrageous. If Ms Beamer is correct then the Planning Minister, Craig Knowles, who signed the agreement and the governments lawyers who formulated the agreement with Lend Lease should be sacked.”

“No where in the St Marys Development Agreement does it state giving Lend Lease development rights or consent. It is simply a document that replaces developer contributions under section 94 of the EP&A Act. All it does is put in a legal framework the responsibilities and monetary contributions of the State and Lend Lease in providing services and facilities required by the development.”

“We are serious about exposing the government and have engaged a Barrister to examine the development agreement.”

**Further comment - Geoff Brown 0431 222602 Imogen Yang 0415 102984**