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Thursday, 4 March 2010

The Hon Peter Garrett
Minister for Environment, Heritage and the Arts

cc David Bradbury Member for Lindsay

RE: Urgent Ministerial intervention required to halt the clearing of Cumberland Plain Woodland at the former ADI Site – Penrith Local Government Area

Dear Minister,

We have been reliably informed that Delfin Lend Lease is about to commence clearing Critically Endangered Cumberland Plain Woodland (CPW) within the Western Precinct of the former Commonwealth owned ADI Site. This first 6 hectare subdivision will be one of many out of the total 230 hectares within the Western Precinct. The Central Precinct, some 130 hectares is proposed to be developed in some 5 years time. This combined area of 360 hectares is predominately CPW

Your DEWHA recently listed CPW and Shale Gravel Transition Forest as Critically Endangered Ecological Communities. It is believed that the basis for the Critically Endangered Listing was that CPW had been reduced in area by some 400 hectares. **Minister here at ADI a developer is allowed to clear nearly the same amount of CPW that justified elevating CPW from Endangered to Critically Endangered and they don't even have to refer their development applications to your DEWHA to have those assessed against the EPBC Act.**

This is criminal and morally bankrupt and your DEWHA and the local member for Lindsay know that what Delfin Lend Lease is proposing is clearly a breach of the EPBC Act.

The justification for that statement is that DEWHA in 2008 received a delegation from Delfin, Penrith Council and David Bradbury to negotiate changing the National Estate boundaries of the ADI Regional Park. DEWHA told the delegation, and this was paraphrased by your Adviser Peter Wright when we met him last month, that such an amendment would require Lend Leases 10 year old approval Certification – a dubious certification and assessment issued under the Howard Government – to be reassessed under the EPBC Act. Essentially DEWHA told the delegation that Delfin would not like the outcome of such assessment as it would result in the protection of CPW within proposed development areas and therefore a reduced housing lot yield and lower profits for the developer.

We know that Delfin Lend Lease has some shonky certification from the Howard Govt (see below)

Assessment and approval under Commonwealth environmental law was granted to the entire St Marys development under the former Environment Protection (Impact of Proposals) Act 1974 (EPIP Act) prior to the gazettal of the EPBC Act. Correspondence from the former Environment Australia (now DEWHA) was provided to the applicant in July 2002 advising that despite the repeal of the EPIP Act and gazettal of the EPBC Act, no further Commonwealth approval would be required for the St Marys property. This certification was provided under the Environmental Reform (Consequential Provisions) Act 1999.

But for your DEWHA and the local ALP Member to hide behind this dubious certification and turn a blind eye to the bulldozing of Critically Endangered CPW is immoral and in reality, when assessed against the EPBC Act, as it should be, ILLEGAL.

Minister we now call on you to urgently intervene and to call in the ADI Site development proposal by Delfin Lend Lease so that Critically Endangered CPW is properly assessed under the EPBC Act. It is clear the current assessment Delfin Lend Lease has - that gives them immunity from the EPBC Act - is scientifically flawed. The entire ADI Site assessment process under the Howard Govt was dubious and now as the bulldozers are about to roll those wrongs need to be corrected .

I recently emailed and phoned David Blumenthal – with no response - calling for him to act on this issue; we also said the same to Peter Wright last month in Sydney. A failure to protect these last great remnants of CPW at the ADI Site under the guise that legally we have no come back on the developer will not be accepted and viewed dimly by large numbers of voters in Western Sydney concerned with the protection of our Natural Heritage.

Yours truly,



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