

trading as
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The Mayor,
Campbelltown City Council,
Civic Centre,
Campbelltown



29 AUGUST 1988

Dear Sir,

RE: YAP YAN PIN PTY LIMITED WEDDERBURN SUBDIVISION.

Your letter of 22 August 1988 to Lean Lackenby and Hayward and a copy of your Mayoral Minute of 16 August 1988 have been referred to us for reply.

Yap Yan Pin Pty Limited has throughout this matter acted with the utmost good faith and respect for the environment and the feelings of others also interested in the environment and in particular the habitat alleged to support a small mobile koala population in the O'Hares Creek Gorge area and adjacent Crown-owned land.

You are of course well aware that as a condition of the Development Approvals an area of approximately 550 acres which may encompass some koala habitat will be given to the Council as Reserve.

In addition there are stringent controls on development on the small number of blocks being created despite the fact that on virtually all of these blocks there is no koala habitat, the land having been cleared up to thirty years ago for farming.

The Company voluntarily entered into a wide-ranging and unique Conservation Agreement with the Minister for the Environment which will remain on the lands in perpetuity. In case your Aldermen are not aware of the details of this Agreement a copy is enclosed for their perusal. Further, the Company has entered into special arrangements with Council in relation to road design to ensure maximum vehicle speeds in the area are controlled. We are assured by the project managers and surveyors that in approximately six kilometres of road almost no trees of any substance whatsoever will need to be felled, and certainly no trees anywhere near the alleged koala habitat or forming part of a koala's (well-known) diet will be involved in any clearing operations.

"Leaving nothing to chance"

off development work (only in the area closest to where the koalas habitat is believed to be on the neighbouring land) for six weeks while the study was being carried out.

In all the circumstances the Company considers it has gone out of its way to more than balance the alleged environmental issues with its legitimate and lawful right to develop the land in question in accordance with Council's legally imposed requirements, and interestingly all of the people considered **experts** in koalas appear to agree with this view.

Unfortunately a number of organisations and individuals have chosen to take an ill-informed and unwarranted series of actions against Yap Yan Pin Pty Limited in this matter. Some of these interferences have been seriously affecting the Company financially and if continued will cause it to suffer further and very **extensive** financial damage..

Various organisations and individual officers where they are acting beyond the legitimate interests of the organisations, have been written to and put on notice that if they take actions which cause Yap Yan Pin Pty Limited financial loss, or continue actions already doing so, the Company will take the necessary proceedings in due course to recoup those losses.

Any proceedings to challenge the properly-granted Development consents will be most vigorously opposed and damages and costs will be sought.

We note from the content of your minute that you are cognisant of the large potential for damage to our client Company and are sure that you will ensure that actions that are taken by Council do not have the effect of further extending the financial damage presently being caused. In this regard we are instructed to advise that our client does not consider it an appropriate action by Council to seek to have the inapplicable Heritage legislation used to issue a further Conservation Order. The Company further advises that while it may be a laudable aim to seek to protect the koala habitat in the general area, a major problem to date has been that people who should have been far better informed have assumed that the blocks being developed are all koala habitat. In fact it is clear that even by the greatest stretch of the imagination the vast majority of the area being developed couldn't be so regarded. In these circumstances it is considered to be well beyond the legitimate responsibilities of the Council to seek to prevent the Company carrying out the development while Council negotiates the legislative maze governing the altering of its planning controls.

We are given to understand that despite the Company's agreement to the Koala Study and access to its land, and its agreement to hold off development for six weeks in the allegedly sensitive areas of the Development, Council does not appear to consider it appropriate to

We are given to understand that despite the Company's agreement to the Koala Study and access to its land, and its agreement to hold off development for six weeks in the allegedly sensitive areas of the Development, Council does not appear to consider it appropriate to reciprocate the goodwill exhibited by the Company and confirm in writing that it has no objection to work starting on Stage 3 of the development. This area in the Company's submission cannot reasonably be regarded as even a **potentially** sensitive area. This course of action has a lot to commend it as it will reduce the damage the Company will suffer (and thus the losses it will need to recoup from parties causing the delays) and will enable the study to proceed without even the remotest chance of the alleged habitat area being disturbed.

In almost all development there is a trade-off between the respective vested interests. However in this matter it appears to us that **none** of the extraordinary steps taken by the Company are being given proper weight and it is apparently expected to suffer delays and losses in silence while others seek to decide the fate of its pursuit of its lawful objectives.

We understand Council is having yet another meeting on this matter on Tuesday night 30 August, and in view of the urgency have taken the liberty of utilising fax, and the good auspices of Mr. Peter Lean, to convey this letter to you for your consideration prior to the meeting. Both the writer and Mr. Lean will be happy to address the meeting to assist Council. If that is not acceptable, if there is any information this firm can supply to assist the Council to decide to come to the proper decision in this matter please do not hesitate to contact the writer.

Yours faithfully,

R.G. Knowsley LL.B
KNOWSLEY MANAGEMENT SYSTEMS.

ENCLOSURE

1. Copy Conservation Agreement