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SUBMISSION RE V.P.A. NORDS WHARF.

13/12/2010

A search of the public record as at 30/11/2010 shows that three of the eight title folios (lots) included in this V.P.A. namely lot 5/736170, lot 12/854197 and lot 6/746077 have notations on the title that clearly state:

"... IT IS RECOMMENDED THAT STRINGENT PROCESSES ARE ADOPTED IN VERIFYING THE IDENTITY OF PERSONS(S) CLAIMING A RIGHT TO DEAL WITH THE LAND CONTAINED IN THIS FOLIO.) These three lots are "held" by Coal and Allied Operations Pty Ltd. The remaining five title folios are held by Catherine Hill Bay land Pty Ltd

Section 9(a) of the V.P.A. states: "The land owner represents and WARRANTS to the Planning minister and the Environment minister that as at the date of this planning agreement, it is the legal and beneficial owner of the land"

Section 9(B) "Except as expressly set out in this planning agreement the land owner makes (and has made) no representations and gives (and has given) no warranties in respect of the land and the minister agrees to accept the environment offset land as it is."

Why would the Ministers, Sartor and Kelly want to accept on behalf of the people of N.S.W. a "WARRANTY" from the proponents as at the date of the planning agreement? Would it not be fundamentally prudent to seek PROOF of ownership BEFORE entering into a legally binding contract?

What stringent processes have been adopted to verify the identity of persons claiming a right to deal with this land?

Why would the Ministers want to accept this land "as is" without a proper geological, contamination or archeological assessment?

The three above mentioned lot numbers are the same lots included in the Gwandalan proposal. Both these projects share the same proponents, the same infrastructure, the same offset lands and are on exhibition at the same time. This is clearly the same project and should be assessed as such.

I object to this V.P.A. and urge the ministers not to enter into this agreement put forward by the proponent until it is historically proven who owns 100% of the land and that the land being traded has been DILIGENTLY ASSESSED.

Comment: This deal has a murky past and deserves no place in the future.

Wayne DeMarco