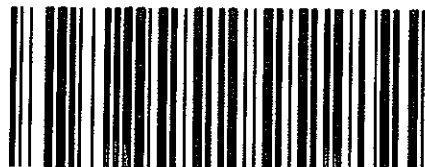


# Request to modify a major project



PCU005005

Date duly made: 10, 5, 10

Modification No. MP 07-0128 MOD 2

## 1. Before you lodge

This form is required under section 75W of the *Environmental Planning and Assessment Act 1979* (the Act) in order to request the Minister to modify the Minister's approval to carry out a project or concept plan to which Part 3A of the Act applies.

Before making this request, it is recommended that you first consult with the Department of Planning (the Department) concerning your modification. The Director-General may issue environmental assessment requirements that must be complied with before your request will be considered by the Minister. If the changes proposed by the modification will result in a project that is consistent with the existing approval, the Minister's approval for a modification is not required.

### Disclosure Statement

Persons making a request to modify a project or concept plan are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years.

Note: For more details about political donations disclosure requirements, including a disclosure form, go to [www.planning.nsw.gov.au/donations](http://www.planning.nsw.gov.au/donations).

### Lodgement

All modification requests must be lodged with the Director-General of the Department of Planning, by courier or mail. An electronic copy should also be e-mailed to the assessment contact officer assigned to the project.

NSW Department of Planning  
Ground floor, 23-33 Bridge Street, SYDNEY NSW 2000  
GPO Box 39 SYDNEY NSW 2001  
Phone 1300 305 695

Department of Planning  
Received  
04 MAY 2010

## 2. Details of the proponent

Company/organisation/agency

HEZ Nominees P/L ATF The HEZ Unit Trust

ABN

28100786187

Mr  Ms  Mrs  Dr  Other

First name

Phillip

Family name

Campbell-Wilson

Position

Receiver and Manager

STREET ADDRESS

Unit/street no.

Street name

Ernst & Young, 680 George Street

Suburb or town

Sydney

State

NSW

Postcode

2000

POSTAL ADDRESS (or mark 'as above')

AS ABOVE

Suburb or town

State

Postcode

Daytime telephone

02 9248 4391

Fax

02 9248 5209

Mobile

0408 757 245

Email

phillip.campbell-wilson@au.ey.com

### 3. Identify the land

STREET ADDRESS (where relevant)

Unit/street no.

Street or property name

Suburb, town or locality

Postcode

Local government area(s)

State Electorate(s)

REAL PROPERTY DESCRIPTION

Part lot 2/DP 1142708/Weston.

Note: The real property description is found on a map of the land or on the title documents for the land. If you are unsure of the real property description, you should contact the Department of Lands.

Please ensure that you place a slash (/) to distinguish between the lot, section, DP and strata numbers. If the proposed modification applies to more than one piece of land, please use a comma to distinguish between each real property description.

OR: detailed description of land attached:

MAP: A map of the site and locality should also be submitted with this request.

### 4. Details of the original major project or concept plan

Briefly describe what the original approval allows

Concept approval for the subdivision of a 129 hectare portion of the HEZ estate for future industrial development and conservation of land for ecological conservation purposes.

What was the original project application no.?

What was the date of the approval?

What was the original application fee?

Note: Clause 245K of the *Environmental Planning and Assessment Regulation 2000* provides information on calculating the maximum fee for a request for modification.

### 5. Describe the modification you propose to make to the approval

Describe the proposed modification

Vary condition 3.6 (monetary contribution for Honeyeater) to provide for the following payment profile: 1 January 2011 - \$68,000, 1 July 2011 - \$136,000, 1 July 2012 - \$136,000.

Vary condition 3.1(b) (Biodiversity Offset - Precinct 1) to provide that the offset land shall be provided within a timeframe of three (3) years from the date of approval.

The attached document (Appendix A) provides information supporting the above variations.

Your modification request may need to be accompanied by an Environmental Assessment, including plans. An electronic and hard copy of this document will be required.

**ESTIMATED CAPITAL INVESTMENT VALUE**

Please indicate the estimated capital investment value (CIV) of the modification to the project approval or concept plan (excluding GST).

\$NA

**FULL TIME EQUIVALENT JOBS**

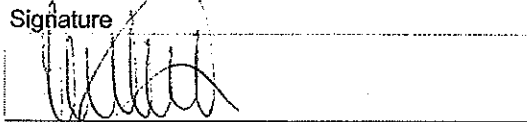
Please indicate the number of jobs created by the proposed modification. This should be expressed as a proportion of full time equivalent (FTE) jobs over a full year.

Construction jobs (FTE) NA

Operational jobs (FTE) NA

**6. Landowner's consent (where required)**

As the owner(s) of the above property, I/we consent to this request being made by the proponent:

Land  
Part lot 2/DP 1142708/Weston.  
Signature  
  
Name  
Phillip Campbell-Wilson  
Date  
2 May 2010

Land  
  
Signature  
  
Name  
  
Date

Note: Under Clause 8F of the *Environmental Planning and Assessment Regulation 2000* (the Regulation), certain applications for approval under Part 3A of the Act do not require consent of the landowner, however, the proponent is required to give notice of the application (e.g. linear infrastructure, mining & petroleum projects, and critical infrastructure).

**7. Political donation disclosure statement**

Persons making a request to modify a project or concept plan are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years.

Have you attached a disclosure statement to this request?

- Yes
- No

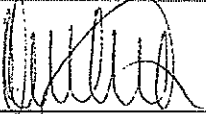
Note: For more details about political donations disclosure requirements, including a disclosure form, go to [www.planning.nsw.gov.au/donations](http://www.planning.nsw.gov.au/donations).

**8. Proponent's signature**

As the proponent(s) of the project and in signing below, I/we hereby:

- provide a description of the modification to the project approval or concept plan and address all matters required by the Director-General pursuant to Section 75W of the Act, and
- declare that all information contained within this form is accurate at the time of signing.

Signature



Name

Phillip Campbell-Wilson

Date

2/5/200

In what capacity are you signing if you are not the proponent

Name, if you are not the proponent

## Appendix A - supporting information for variations to Concept Approval 07\_128

### Proposed variation 1

Vary condition 3.6 (monetary contribution for Honeyeater) to provide for the following payment profile:

- 1 January 2011 - \$68,000
- 1 July 2011 - \$136,000
- 1 July 2012 - \$136,000

### Supporting information

I have consulted with DECCW in respect of this proposed change and they have advised that they agree to the revised payment dates. DECCW advise that the revised payment dates will be more efficient as the money will be received at appropriate times to match expenditure requirements, as opposed to being received in a year where DECCW is unable to spend the funds.

### Proposed variation 2

Vary condition 3.1(b) (Biodiversity Offset - Precinct 1) to provide that the offset land shall be provided within a timeframe of three (3) years from the date of approval.

### Supporting information

The rationale for this variation is that I require a sufficient amount of time to establish, have approved and implement a bio diversity offset strategy for the HEZ site (inclusive of the 10 ha requirement for Precinct 1). Given the complexities that we are now aware of in relation to the bio diversity offsets and the number of stakeholders involved, a material extension to the timeframe in the existing approval is required to allow this item to be addressed appropriately.

We are currently unaware of any strategy to address the 10 ha requirement for Precinct 1, as previous HEZ management had pursued a strategy of addressing the bio diversity requirements on an estate wide basis through a State Significant Site process. Given that the State Significant Site application has not progressed and that the proponent has recently entered receivership it is highly unlikely that an effective strategy for bio diversity can be developed and implemented by the existing cut off date of 28 October 2010.

Under the Concept Approval a total of 29 ha of conservation land is required to be provided, 19 ha (or 66%) has already been set aside and given that limited development has occurred in Precinct 1 (and limited development is expected to occur in the short term) I consider that ecological risks associated with extending the time limit are low.

I have consulted with DECCW, who has indicated that they would be willing to consider an extension of the cut off date for provision of the 10 ha bio diversity offset .