



14 January 2011

Chris Wilson
Executive Director - Major Projects
Department of Planning
22-33 Bridge Street
SYDNEY NSW 2000

ATTENTION: Chris Ritchie

Dear Chris,

**DHL Logistics Hub Lot 2 DP 120673
Further Minor Modification of Project Approval 08_0066 dated January 2009 (as
previously modified by Modification No 1 dated 4 November 2010)**

I refer to the above matter in respect of which we seek a further minor modification.

As you will be aware, the Project Approval was modified to deal with a number of issues, principally the re-orientation of buildings required to accommodate the alignment of the proposed Chandos Parkway. At the same time and following from Departmental policy changes, the terms of the voluntary planning agreement required amendment. As a consequence Condition 13 of the Project Approval was modified (see Condition 13 Mod 1 dated 4 November 2010, copy attached) to require as follows.

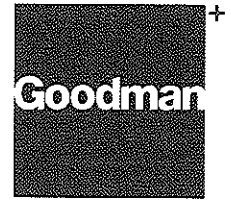
"13 Prior to the commencement of building works on Lot 2A, or the issue of a Subdivision Certificate, whichever is sooner, the Proponent shall enter into a Planning Agreement with the Minister, in accordance with Division 6 of Part 4, and the terms of the offer made to the Department on 4 November 2010 by the Proponent."

The planning agreement, a copy of which is attached, went on public exhibition on 12 January 2011 and is due to be exhibited until at least 11 February 2011. In addition there will be likely a period of time for the execution of the agreement by the Minister or his delegate. Accordingly, it will not be possible to carry out building works until about mid February 2011. This delay will cause great hardship. Accordingly, given that the attached offer is made and is binding in that the Developer cannot withdraw the offer and must execute the agreement after exhibition period, we are of the view that the condition which prevents the carrying out of building works be relaxed in the given circumstances of this case.

If the Department is in agreement then we request that the Condition 13 be modified as follows.

"13 Prior to the occupation of any building on Lot 2A, or the issue of a Subdivision Certificate, or within 14 days of notice from the Department that the planning agreement has been publically advertised for a period of 28 days whichever is sooner, the Proponent shall enter into a Planning Agreement with the Minister, in accordance with Division 6 of Part 4, and the terms of the offer made to the Department on 4 November 2010 by the Proponent."

We are of the view that this amended condition appropriately safeguards the Department and the public interest but allows the project to continue without unnecessary delay.



Would you kindly contact me to discuss the matter should you have any further query.

Yours sincerely,

A handwritten signature in black ink, appearing to be "WD" followed by a long horizontal flourish.

Will Dwyer
National Manager - Planning