

Reference: HPS 2010.039

19 August 2015

Mr. Cameron Sargent
Team Leader
Key Site Assessments
NSW Planning & Environment
GPO Box 39
SYDNEY NSW 2000

Dear Cameron,

**MP 11_00001
SYDNEY HERITAGE FLEET
MODIFICATION PURSUANT TO SECTION 75W OF THE ENVIRONMENTAL PLANNING & ASSESSMENT
ACT 1979**

We refer to the abovementioned matter and recent discussions in relation to this approval.

As you are aware, Condition A2 of the Instrument of Approval requires that:

Any remediation works is to be carried out in accordance with the plan of remediation as approved by the Director General. [per Condition A1]

The relevant plan has been submitted to, and approved by, the Department of Planning & Environment (DPE), as per the requirements of Condition A1.

However, until such time as the works are completed, the consent remains inoperable.

At the request of the DPE, we are therefore lodging this modification request, on behalf of the Proponent, pursuant to Section 75W of the Environmental Planning & Assessment Act 1979 (the Act).

This request is made on the basis of the modification relating to a minor 'error' only, as instructed by DPE. The change sought is for the works required by the remediation action plan, prepared by JBS & G Australia Pty Ltd, dated 28 April 2015 (Site Audit Report 0503-1410) and approved by DPE on 17 August 2015, to form part of the approved documents relating to the development consent at Condition B2.

The works required to be completed under this plan should form part of Section F of the consent.

The primary reasons for this modification are that:

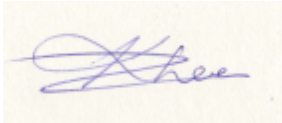
- by removing this condition will allow for the development consent to become operable, without changing, in any way, the intention, or requirements, of the consent;
- from a construction perspective and, in turn, a cost perspective, the ability to complete the remediation works and then continue with construction, as opposed to having to disturb the site and then restart works is a more effective way for the project to be completed;
- as the SHF is a not-for-profit organisation, an operable consent will now enable the SHF to pursue funding for the project at a more committed level, due to the certainty around the consent;

- by modifying the location of this condition will continue to ensure that the intentions of the development consent are implemented, but in a more effective manner from a timing and cost perspective; and
- there are no adverse environmental impacts as a result of modifying the consent in this form.

This being the case, we would ask that this modification application, pursuant to Section 75W of the Act, be approved and the consent accordingly modified.

Should you have any further queries, please do not hesitate to contact the undersigned.

Yours sincerely,



Kristy Lee
Director