

7 August 2014

The Manager,  
Department of Planning  
23-33 Bridge Street  
SYDNEY NSW 2001

Dear Sir/Madam

**Re: Cleary and Vermont Quays Pty Limited  
Proposed Modification to Pitt Town Concept Plan  
Lots 11 & 12 DP1021340, Pitt Town**

We, Phillip Cleary the owner of Lot 12 DP1021340 and Keith Johnson, Director of Vermont Quays Pty Limited the owner of Lot 11 DP1021340 hereby jointly apply to the Department of Planning to amend the approved Pitt Town Concept Plan only as it relates to Lots 11 and 12 DP1021340 pursuant to section 75W of the Environmental Planning & Assessment Act 1979 in accordance with the attached plan.

We note that Phillip Cleary has already lodged with the Department the application to amend Lot 12 under MP07\_0140 MOD3. We further note that an amended plan by McKinlay Morgan & Associates Pty Limited dated 18 November 2011 for Lot 12 was submitted to the Department on 6 August 2014. This amended plan is the plan for which consent to amend is sought. A copy of this further plan by McKinlay Morgan & Associates Pty Limited dated 18 November 2011 is attached.

Vermont Quays Pty Limited has lodged an application to amend Lot 11 and other amendments under MP07\_0140 MOD4.

Philip Cleary by his execution hereof only consents to and seeks the amendments to Lot 11 as shown on the attached plan by Brown Smart Consulting dated 19 March 2014 and to Lot 12 as shown on the attached plan by McKinlay Morgan & Associates Pty Limited dated 18 November 2011.

Philip Cleary does not consent to and strenuously objects to any other amendments sought by Vermont Quays Pty Limited in MP07\_0140 MOD4.

For the avoidance of any doubt, Philip Cleary does not consent to and objects to the modification application lodged by Vermont Quays Pty Limited under MNP07\_0140 MOD4 other than the amendment to Lot 11 as set out in the plan by Brown Smart Consulting dated 19 March 2014.

Yours faithfully

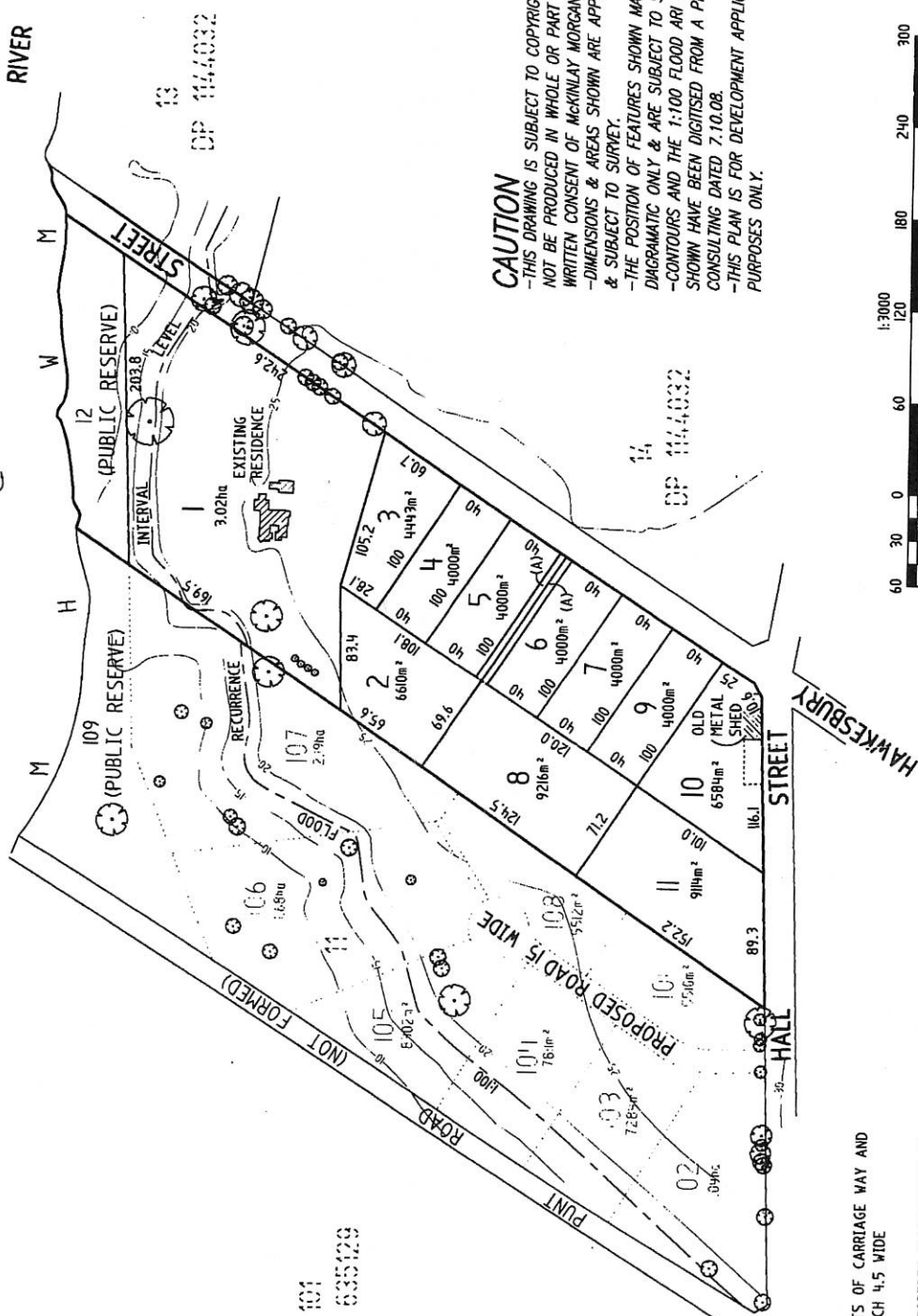


Phillip Cleary



Keith Johnson

HAWKESBURY 2 RIVER

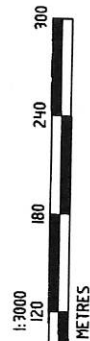


**CAUTION**

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 -DIMENSIONS & AREAS SHOWN ARE APPROXIMATE ONLY & SUBJECT TO SURVEY.  
 -THE POSITION OF FEATURES SHOWN MAY BE DIAGRAMATIC ONLY & ARE SUBJECT TO SURVEY.  
 -CONTOURS AND THE 1:100 FLOOD ARI CONTOUR SHOWN HAVE BEEN DIGITISED FROM A PLAN BY BROWN CONSULTING DATED 7.10.08.  
 -THIS PLAN IS FOR DEVELOPMENT APPLICATION PURPOSES ONLY.



DIAL 1100 BEFORE YOU GO



DATE 18/11/2011	CLIENT NAME FALCON & ASSOC.
FILE NO. 8284/12	LOCALITY PITT TOWN
COUNCIL BEC	PUN No. 8284282
	C.F.F.E. 8284282-8-8C

PLAN OF PROPOSED SUBDIVISION OF LOT 12, DP 1021340 AT PITT TOWN

**MCKINLAY MORGAN & ASSOCIATES Pty Ltd.**  
 CONSULTING ENGINEERS - PROJECT MANAGERS  
 102 New South Wales Street, Pitt Town NSW 2154  
 Ph: 02 9371 1481  
 Fax: 02 9371 1481  
 Email: mack@mkmg.com.au  
 www.mackmkg.com.au

10	11	12	13	14	15	16	17	18	19	20
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10	11	12	13	14	15	16	17	18	19	20

PROPOSED RECIPROCAL RIGHTS OF CARRIAGE WAY AND MEASUREMENTS FOR SERVICES EACH 4.5 WIDE  
 LAYOUT OVER ADJOINING PROPERTY (LOTS 101-109) IS INDICATIVE ONLY TO SHOW POTENTIAL

DESIGN BY AE	REDUCED RATIO AT AS 1:3000
SURVEY BY -	CONTOUR INTERVAL 5m
DRAWN BY SK/D	ORIGIN OF LEVELS
CHECKED BY	DATUM

101  
 DP 635129

14  
 DP 1144032

13  
 DP 1144032



## AGREEMENT

Between: **Philip Cleary** of 61 Hall Street, Pitt Town ("**Cleary**") of the One Part  
And: **Vermont Quays Pty Limited** of Level 12, 48 Hunter Street, Sydney ("**Vermont**") of the Second Part

### RECITALS:

- a. Both Cleary and Vermont have lodged with the Department of Planning applications to amend the Pitt Town Concept Plan ("Concept Plan") approved by the Department of Planning.
- b. The Cleary modification application relates to an amendment to the lot layout of lot 12 in the Concept Plan.
- c. The Vermont modification application seeks a number of amendments to the Concept Plan including an amendment to the lot layout of lot 11 in the Concept Plan.
- d. The parties agree to consent to the application of the other only as it relates to lot 11 and 12 respectively and to take all necessary and reasonable steps to facilitate the approval by the Department of the amended plans only as they relate to lots 11 and 12.

### IT IS AGREED AS FOLLOWS:

1. Vermont withdraws its objection to the Department for the Lot 12 Modification (07\_0140 MOD 3) lodged by Cleary and consents to this Modification.
2. Cleary only consents to that part of the Vermont modification application (07\_0140 MOD4) as it relates to lot 11.
3. Cleary does not consent to and strenuously objects to the Vermont modification application (07\_0140 MOD4) other than as it relates to lot 11.
4. Vermont agrees that each party shall act independently with the respective modifications for Lots 11 and 12. Each party shall cover its own costs for consultants, legal and other approvals costs.
5. Each party reserves the right to withdraw its consent for the modification of the other party at its or his discretion if after pursuing all reasonable efforts to have such modifications approved, such modification application are unsuccessful.

Dated: 7 August 2014.

Signed by the said Philip Cleary  
In the presence of:


Signed for and behalf of  
**Vermont Quays Pty Limited**  
By Keith Johnson, sole director,