



Mr Owen Walsh  
Development Director  
APP Corporation Pty limited  
Level 7, 116 Miller Street  
North Sydney  
NSW 2060

12/11860

Dear Mr Walsh

### **Commencing the Second Planning Agreement**

On behalf of the Minister for Planning and Infrastructure (**the Minister**), I accept the offer granted by Marsden Park Developments Pty Ltd and Galian Pty Ltd. (**the Developer**), under clause 2.2(a) of the Planning Agreement - 'Marsden Park Industrial Precinct' (**the Deed**), dated 10 November 2010, between the Minister and the Developer to enter into the Second Planning Agreement (as that term is defined in the Deed).

In accepting the offer referred to above, the Second Planning Agreement operates and becomes legally binding on both parties, and the parties are taken to have entered into the Second Planning Agreement on and from the date of this notice.

### **Amendments to the Deed due to Changes to Delivery of Richmond Road Upgrade**

I note that on 13 June 2012 the NSW Government announced it would upgrade Richmond Road between Townson Road and Grange Avenue, including the Richmond Road/ Townson Road intersection (**the Richmond Road upgrade**). These proposed works include Stages 1 to 5 of the RTA Road Works required to be delivered by the Developer under the Deed.

I understand Road and Maritime Services (**RMS**) has scheduled work to commence on the Richmond Road/Townson Road intersection later in 2012, and that these works include Stage 1 of the RTA Road Works required to be delivered by the Developer under the Deed.

On 10 January 2012 the Developer made a written offer to make a contribution to the value of \$4,000,000 to Government in lieu of constructing the Stage 1 RTA Road Works (**Stage 1 RTA Road Works Offer**).

I understand the Stage 1 RTA Road Works Offer comprises:

- a. \$1,187,083 in design and planning approval costs expended to as of 6 July 2012 on design and environmental approvals for the Richmond Road Upgrade;
- b. dedication of land required for road widening, valued at \$260,000; and
- c. a cash contribution of \$2,552,917, being the balance of the offer.

On behalf of the Minister, I accept the Developer's Stage 1 RTA Road Works Offer in satisfaction of the requirement to design and construct Stage 1 of the RTA Road Works under the Deed. However, before this offer and acceptance can be formalised, the Deed must be amended to reflect these changes.

The RMS has requested that the Department secure the road work land and the cash contribution for the upgrade. To this end and subject to your agreement:

- d. The RMS and the Department have reviewed the provided schedule of costs incurred by the Developer for the design and planning costs to 6 July 2012. The Department accepts the Developer's schedule to a value of \$1,187,083 in total and will issue the Developer with a Special Infrastructure Contribution (SIC) offset credit for this amount following amendment of the Deed.
- e. The Department acknowledges the Developer's acceptance of the 2 February 2012 Lunney Watt Pty Ltd and Associates valuation report procured by RMS as the value of the land to be dedicated being a 1,722 square metre of portion of lot 14 in DP 262886. The Department likewise accepts the figure of \$260,000 as the value of the land component of the contribution and will issue the Developer with a SIC offset credit for this amount, following amendment of the Deed and dedication or transfer of the land to the RMS.
- f. The enclosed invoice requests the payment of \$2,552,917 being the cash contribution comprising the balance of the Developer's Stage 1 RTA Road Works Offer. Once received, the cash payment will be made available to the RMS for the delivery of the Richmond Road/Townson Road intersection. The Department will issue the Developer with a SIC offset credit for this amount following amendment of the Deed and after the payment to the Department is confirmed.

The Deed will require further amendment to address the delivery by Government of Stages 2 to 5 of the RTA Road Works, subject to agreement of terms, this could possibly be carried out at the same time as those for the Stage 1 RTA Road Works Offer.

#### **Services Infrastructure Strategy and Services Infrastructure Implementation Plan**

In accordance with Clause 17A of the Deed, the Developer is requested to submit a revised draft Services Infrastructure Strategy and Implementation Plan within 30 days of the date of this letter

Should you have further enquiries regarding this matter, please contact John Borg of the Infrastructure Planning and Coordination Unit of the Department of Planning and Infrastructure, on telephone number (02) 9288 6526.

Yours sincerely

  
Andrew Jackson 23:10:12  
A/Deputy Director General  
Strategies and Land Release

cc: Suresh Mur Surendran, RMS