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6 December 2010

## BY EMAIL AND POST

Attention: Mr Chris Pope and Ms Kara Krason  
Discovery Point Pty Ltd  
C/- Australand Holdings Limited  
Level 3 1C Homebush Bay Drive  
RHODES NSW 2138

Dear Chris and Kara

### Discovery Point: Rail Development Agreement and Concept Plan application

Discovery Point Pty Ltd has lodged a concept plan application for Discovery Point under Part 3A of the *Environmental Planning and Assessment Act 1979* (**Concept Plan Application**). The Concept Plan Application relates to land formerly the subject of a master plan consent from Rockdale Council No. 500/01 dated 11 April 2001 (**Masterplan Consent**). In essence, the intent of the Concept Plan Application is to replace the majority of the remaining parts of the Masterplan Consent for which development has not commenced.

Subsequent to the issue of the Masterplan Consent, State Rail Authority (**SRA**), Interciti Pty Ltd (now for all intents and purposes Discovery Point Pty Ltd and known as the **Developer**) and Rail Infrastructure Corporation (now **Railcorp**) entered into Rail Development Agreement (**RDA**) on 30 June 2003. The RDA relates to Rail Modification Works that will be carried out by and at the cost of the Developer in relation to development contemplated in the Masterplan Consent.

Now that the Concept Plan Application has been lodged you have sought advice as to whether the RDA needs to be amended.

We consider that the RDA does need to be amended and that it could appropriately deal with the development contemplated in the Concept Plan Application by replacing any reference to a development consent number with the concept plan number MP 10 0003 and updating the lot and deposited plan references. We note that the RDA contemplates that the detailed design and specifications for the Rail Modification Works have to be approved by SRA and Railcorp prior to commencement. This obligation will remain.

Yours faithfully

**MINTER ELLISON**



Penny Murray

Partner responsible: Penny Murray Direct phone: +61 2 9921 4868 Direct fax: +61 2 9921 8236  
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