



Doonside Project Planning Agreement Amendment Deed

Under cl25C of the *Environmental Planning and Assessment Regulation 2000*

Landcom

**Minister Administering the Environmental Planning
and Assessment Act 1979**

"[Insert Date]"

Doonside Project Planning Agreement Amendment Deed

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Doonside Project Planning Agreement Amendment Deed

Summary Sheet

Landcom:

Name: Landcom

Address: Level 2, 330 Church Street, Parramatta NSW 2150

Telephone: (02) 9841 8600

Facsimile: (02) 9841 8688

Email: cabbott@landcom.nsw.gov.au

Representative: Camille Abbott

Minister:

Name: The Minister Administering the Environmental Planning and Assessment Act
1979

Address: 23-33 Bridge Street Sydney NSW 2000

Telephone: 9228 6299

Facsimile: 9228 6299

Email: sam.haddad@planning.nsw.gov.au

Representative: Director-General



Doonside Project Planning Agreement Amendment Deed

Under cl25C of the *Environmental Planning and Assessment Regulation 2000*

Parties

Landcom ABN 79 268 260 688 of Level 2, 330 Church Street, Parramatta NSW 2150
(Landcom)

and

Minister Administering the Environmental Planning and Assessment Act 1979 ABN 38 755 709 681 of Level 34, Governor Macquarie Tower, 1 Farrer Place, Sydney NSW 2000 (Minister)

Background

- A Landcom has made the Modification Application to the Minister.
- B If the Modification Application is approved, the Parties agree that the VPA should be amended to accord with the development as approved by Project Approval No 06-0204 as so modified.

Operative provisions

Part 1 - Preliminary

1 Definitions & Interpretation

- 1.1 In this Deed the following definitions apply:

Act means the *Environmental Planning and Assessment Act 1979* (NSW).

Deed means this deed.

VPA means the '*Doonside Project Planning Agreement*' between the Parties dated 29 April 2009.

Modification Application means the application by Landcom to the Minister dated [x] to modify Project Approval No 06_0204.

2 Commencement

- 2.1 This Deed commences if and when the Modification Application is approved, if at all.

3 Amendment of VPA

- 3.1 On an from the date this Deed commences, the VPA is amended as follows:

3.1.1 Schedule 2:

- (a) Delete the definition of 'The Development' and insert instead:

'The 820 lot residential development on the Doonside Residential Parcel the subject of Project Approval No. 06_0204 as modified by the approval of the application by Landcom to the Minister dated [x] to modify the Project Approval.'

4 Entire Agreement

- 4.1 This Deed contains everything to which the Parties have agreed in relation to the matters it deals with.
- 4.2 No Party can rely on an earlier document, or anything said or done by another Party, or by a director, officer, agent or employee of that Party, before this Deed was executed, except as permitted by law.

5 Governing Law and Jurisdiction

- 5.1 This Deed is governed by the law of New South Wales.
- 5.2 The Parties submit to the non-exclusive jurisdiction of its courts and courts of appeal from them.
- 5.3 The Parties are not to object to the exercise of jurisdiction by those courts on any basis.

6 No Fetter

- 6.1 Nothing in this Deed shall be construed as requiring the Minister to do anything that would cause the Minister to be in breach of any obligation at law, and without limitation, nothing shall be construed as limiting or fettering in any way the exercise of any statutory discretion or duty.

7 Costs

- 7.1 Landcom is to pay the Minister's costs not exceeding \$[Insert amount] of preparing, negotiating and executing this Deed, and any document related to this Deed within 7 days of a written demand by the Minister for such payment.

8 Explanatory Note Relating to this Deed

- 8.1 The Appendix contains the Explanatory Note relating to this Deed required by clause 25E of the Regulation.
- 8.2 Pursuant to clause 25E(7) of the Regulation, the Parties agree that the Explanatory Note in the Appendix is not to be used to assist in construing this Deed.

DRAFT

Execution

Executed as a Deed

Dated:

Executed on behalf of the Minister

Name/Position

Witness Name/Position

Executed on behalf of Landcom

Executed on behalf of Landcom by me, Sean O'Toole, Managing Director, as Delegate of Landcom and I hereby certify that I have no notice of revocation of such delegation:

Sean O'Toole /Managing Director

Witness/Name/Position



Appendix

(Clause 44)

Environmental Planning and Assessment Regulation 2000

(Clause 25E)

Explanatory Note

Draft Planning Agreement Amendment Deed

Under cl25C of the *Environmental Planning and Assessment Regulation 2000*

Parties

Landcom ABN 79 268 260 688 of Level 2, 330 Church Street, Parramatta NSW 2150
(Landcom)

and

**Minister Administering the Environmental Planning and
Assessment Act 1979** ABN 38 755 709 681 of Level 34, Governor Macquarie Tower,
1 Farrer Place, Sydney NSW 2000 (**Minister**)

Description of the Planning Agreement To Which the Draft Planning Agreement Amendment Deed Applies

'Doonside Project Planning Agreement' between the Parties dated 29 April 2009 (**VPA**)

Summary of Objectives, Nature and Effect of the Draft Planning Agreement Amendment Deed

Objectives of Draft Planning Agreement Amendment Deed

To ensure that the VPA accords with Project Approval No 06-0204 (**Project
Approval**) as modified under s75W of the Act if at all.

Nature of Draft Planning Agreement Amendment Deed

The Deed provides for the amendment of the VPA if the Project Approval is modified in response to Landcom's application to the Minister dated [x] (Modification Application).

Effect of the Draft Planning Agreement Amendment Deed

The Deed provides for the amendment of the definition of 'Development' to accord with the Project Approval as modified if the Modification Application is approved.

Assessment of the Merits of the Draft Planning Agreement Amendment Deed

The Planning Purposes Served by the Draft Planning Agreement Amendment Deed

To ensure that the VPA continues to apply to the development referred to in the VPA despite the modification of the Project Approval.

How the Draft Planning Agreement Amendment Deed promotes the Public Interest

As above.

For Planning Authorities:

Development Corporations - How the Draft Planning Agreement Amendment Deed Promotes its Statutory Responsibilities

N/A

Other Public Authorities – How the Draft Planning Agreement Amendment Deed Promotes the Objects (if any) of the Act under which it is Constituted

Accords with the public interest and facilitates the orderly and economic use and development of the land to which the Project Approval relates.

Councils – How the Draft Planning Agreement Amendment Deed Promotes the Elements of the Council's Charter

N/A

All Planning Authorities – Whether the Draft Planning Agreement Amendment Deed Conforms with the Authority's Capital Works Program

N/A

Whether the Draft Planning Agreement Amendment Deed specifies that certain requirements of the agreement must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued

No.

DRAFT