

**Third Deed of Variation**  
**Oran Park Urban Release Area Planning Agreement**  
Under cl. 25C(3) of the *Environmental Planning and Assessment Regulation 2000*

**Camden Council**  
**Greenfields Development Company Pty Limited**  
**Greenfields Development Company No. 2 Pty Limited**  
**Leppington Pastoral Company Pty Limited**  
**Landcom**

Date:

**Third Deed of Variation to Oran Park Urban Release Area Planning Agreement**

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**Third Deed of Variation  
Oran Park Urban Release Area Planning Agreement**

**Table of Contents**

<b>Summary Sheet</b> .....	<b>3</b>
<b>Parties</b> .....	<b>5</b>
<b>Background</b> .....	<b>6</b>
<b>Operative provisions</b> .....	<b>6</b>
1 Interpretation.....	6
2 Status of this Deed .....	7
3 Commencement .....	7
4 Warranties .....	7
5 Amendment to Planning Agreement.....	7
6 Costs.....	7
7 Explanatory Note .....	8
<b>Execution</b> .....	<b>9</b>
<b>Appendix 1</b> .....	<b>12</b>
<b>Appendix 2</b> .....	<b>13</b>
<b>Appendix 3</b> .....	<b>16</b>

**Third Deed of Variation to Oran Park Urban Release Area Planning Agreement**

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**Third Deed of Variation to Oran Park Urban Release Area Planning Agreement**

**Summary Sheet**

**Council:**

**Name:** Camden Council

**Address:** 70 Central Avenue, Oran Park, NSW 2570

**Telephone:** (02) 4654 7777

**Facsimile:** (02) 4654 7829

**Email:** mail@camden.nsw.gov.au

**Representative:** General Manager

**Developers:**

**Name:** Greenfields Development Company Pty Limited

**Address:** Cnr Peter Brock Drive & Oran Park Drive Oran Park NSW 2570

**Telephone:** (02) 9043 7575

**Facsimile:** (02) 9043 7555

**Email:** mowens@greenfields.net.au

**Representative:** Mr Mick Owens

**Name:** Greenfields Development Company No. 2 Pty Limited

**Address:** Cnr Peter Brock Drive & Oran Park Drive Oran Park NSW 2570

**Telephone:** (02) 9043 7575

**Facsimile:** (02) 9043 7555

**Email:** mowens@greenfields.net.au

**Representative:** Mr Mick Owens

**Third Deed of Variation to Oran Park Urban Release Area Planning Agreement**

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**Name:** Landcom

**Address:** Level 14, 60 Station Street Parramatta, NSW 2150

**Telephone:** (02) 9841 8696

**Facsimile:** (02) 9841 8761

**Email:** nlennon@landcom.nsw.gov.au

**Representative:** Mr Nicholas Lennon

**Landowner:**

**Name:** Leppington Pastoral Company Pty Limited

**Address:** 1675 The Northern Road, BRINGELLY NSW 2556

**Telephone:** (02) 4773 4291

**Facsimile:** (02) 4773 4104

**Email:** tim.bryan@lpcmilk.com

**Representative:** Mr Tim Bryan

**Third Deed of Variation to Oran Park Urban Release Area Planning Agreement**

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**Third Deed of Variation to Oran Park Urban Release Area Planning Agreement**

Under cl. 25C of the *Environmental Planning and Assessment Regulation 2000*

**Parties**

**Camden Council** ABN 31 117 341 764 of 70 Central Avenue Oran Park, New South Wales, 2570 (**Council**)

and

**Greenfields Development Company Pty Limited** ABN 57 125 285 583 of Cnr Peter Brock Drive & Oran Park Drive Oran Park NSW 2570 (**GDC 1**)

and

**Greenfields Development Company No. 2 Pty Limited** ABN 31 133 939 965 of Cnr Peter Brock Drive & Oran Park Drive Oran Park NSW 2570 (**GDC 2**)

and

**Leppington Pastoral Company Pty Limited** ABN 83 000 420 404 of 1675 The Northern Road, Bringelly, New South Wales, 2556 (**Landowner**)

and

**Landcom** ABN 79 268 260 688 of Level 14, 60 Station Street Parramatta, NSW 2150 (**Landcom**)

# Third Deed of Variation to Oran Park Urban Release Area Planning Agreement

Camden Council

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## Background

- A The Parties are parties to the Planning Agreement.
- B The Planning Agreement was amended by two previous deed of variation entered into on 26 September 2018 and \_\_\_\_\_.
- C The Parties have agreed to further amend the Planning Agreement for the purposes of:
  - a) amending the development to which the Planning Agreement applies, to include development of 56 additional dwellings within Oran Park Town Centre made permissible by the taking effect of an SEPP Amendment,
  - b) requiring the dedication of additional land being a parcel of open space and embellishment of that land,
  - c) requiring the making of monetary development contributions in the amount of \$135.00 for each dwelling made permissible by the taking effect of the SEPP Amendment, and
  - d) other minor changes ancillary to the above.
- D This Deed of Variation is entered into in connection with a planning proposal to increase the maximum building height for a part of the Oran Park Town Centre to facilitate a high density residential development at that location.
- E The Parties enter into this Deed to give effect to the above purposes.

## Operative provisions

### 1 Interpretation

- 1.1 In this Deed the following definitions apply:
  - Deed** means this Deed of Variation and includes any schedules, annexures and appendices to this Deed.
  - Planning Agreement** means the Oran Park Urban Release Area Planning Agreement pursuant to s93F (now s7.4) of the Act, entered into between the Parties on 22 September 2011, as amended.
- 1.2 All other capitalised words used in this Deed have the meanings given to those words in the Planning Agreement.
- 1.3 Clauses 1.2, 48, 51, 53, 55 of the Planning Agreement apply as if they form part of this Deed with any necessary changes.

# **Third Deed of Variation to Oran Park Urban Release Area Planning Agreement**

**Camden Council**

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## **2 Status of this Deed**

- 2.1 This Deed is an amendment to the Planning Agreement within the meaning of clause 25C(3) of the Regulation.
- 2.2 This Deed is not a planning agreement within the meaning of s7.4(1) of the Act.

## **3 Commencement**

- 3.1 This Deed takes effect on the date when all Parties have executed this Deed.
- 3.2 The Party who executes this Deed last is to insert on the front page the date they did so and provide a copy of the fully executed and dated Deed to any other person who is a Party.

## **4 Warranties**

- 4.1 The Parties warrant to each other that they:
- 4.1.1 have full capacity to enter into this Deed, and
- 4.1.2 are able to fully comply with their obligations under this Deed.

## **5 Amendment to Planning Agreement**

- 5.1 On and from the date this Deed takes effect<
- 5.1.1 the Planning Agreement is amended in accordance with the marking-up shown on the copy of the Planning Agreement contained in Appendix 1, and
- 5.1.2 the plans in the Plan Package at Schedule 1 of the Planning Agreement having the title specified in the first column of the table below are replaced by the plans having the title specified in the second column in the table as set out in in Appendix 2 of this Deed:

<b>Existing Plan</b>	<b>Replacement Plan in Appendix 2</b>
Staging Overview Plan	VPA – Staging Overview Plan
VPA Facilities – Stage A	VPA Facilities – Stage A

## **6 Costs**

- 6.1 The Developer is to pay to the Council the Council's reasonable costs of preparing, negotiating, executing and stamping this Deed, and any document

**Third Deed of Variation to Oran Park Urban Release Area Planning Agreement**

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related to this Deed within 7 days of a written demand by the Council for such payment.

- 6.2 This clause continues to apply after expiration or termination of this Deed.

## **7 Explanatory Note**

- 7.1 Appendix 3 contains the Explanatory Note relating to this Deed required by clause 25E of the Regulation.
- 7.2 Pursuant to clause 25E(7) of the Regulation, the Parties agree that the Explanatory Note is not to be used to assist in construing this Deed.



**Third Deed of Variation to Oran Park Urban Release Area Planning Agreement**

**Camden Council**

**Greenfields Development Company Pty Limited**

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**Landcom**

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**Execution**

**Executed as a Deed**

**Dated:**

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**Executed on behalf of the Council** by its attorney who has no notice of revocation of its power of attorney

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**Attorney signature**

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**Witness signature**

---

**Attorney's name**

---

**Witness name**

**Signing on behalf of Camden Council**

**Registered POA: Book:**

---

**Witness address**

**No:**

---

**Executed on behalf of Greenfields Development Company Pty Limited** in accordance with s127(1) of the Corporations Act (Cth) 2001

---

**Director signature**

---

**Director/Secretary signature**

---

**Director name**

---

**Director/Secretary name**

**Third Deed of Variation to Oran Park Urban Release Area Planning Agreement**

**Camden Council**

**Greenfields Development Company Pty Limited**

**Greenfields Development Company No. 2 Pty Limited**

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**Landcom**

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**Executed on behalf of Greenfields Development Company No.2 Pty Limited** in accordance with s127(1) of the Corporations Act (Cth) 2001

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Director signature

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Director/Secretary signature

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Director name

---

Director/Secretary name

---

**Executed on behalf of Leppington Pastoral Company Pty Limited** in accordance with s127(1) of the Corporations Act (Cth) 2001

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Director signature

---

Director/Secretary signature

---

Director name

---

Director/Secretary name

**Third Deed of Variation to Oran Park Urban Release Area Planning Agreement**

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**Greenfields Development Company Pty Limited**

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**Landcom**

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**Executed on behalf of Landcom** by its attorneys jointly under Power of Attorney Book \_\_\_\_\_ No. \_\_\_\_\_ dated \_\_\_\_\_. By signing this document, each attorney certifies that they have no notice of revocation of such powers and authorities.

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**Signature of attorney**

---

**Witness signature**

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**Name of Attorney**

---

**Witness name**

---

**Position of attorney**

---

**Witness address**

---

**Signature of attorney**

---

**Witness signature**

---

**Name of Attorney**

---

**Witness name**

---

**Position of attorney**

---

**Witness address**

**Third Deed of Variation to Oran Park Urban Release Area Planning Agreement**

**Camden Council**

**Greenfields Development Company Pty Limited**

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**Appendix 1**

(Clause 5)

**Amended Planning Agreement**

See the following pages.

DRAFT

**Third Deed of Variation to Oran Park Urban Release Area Planning Agreement**

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**Greenfields Development Company Pty Limited**

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**Appendix 2**

(Clause 5)

**Replacement Plans**

See the following pages

DRAFT

# Third Deed of Variation to Oran Park Urban Release Area Planning Agreement

Camden Council

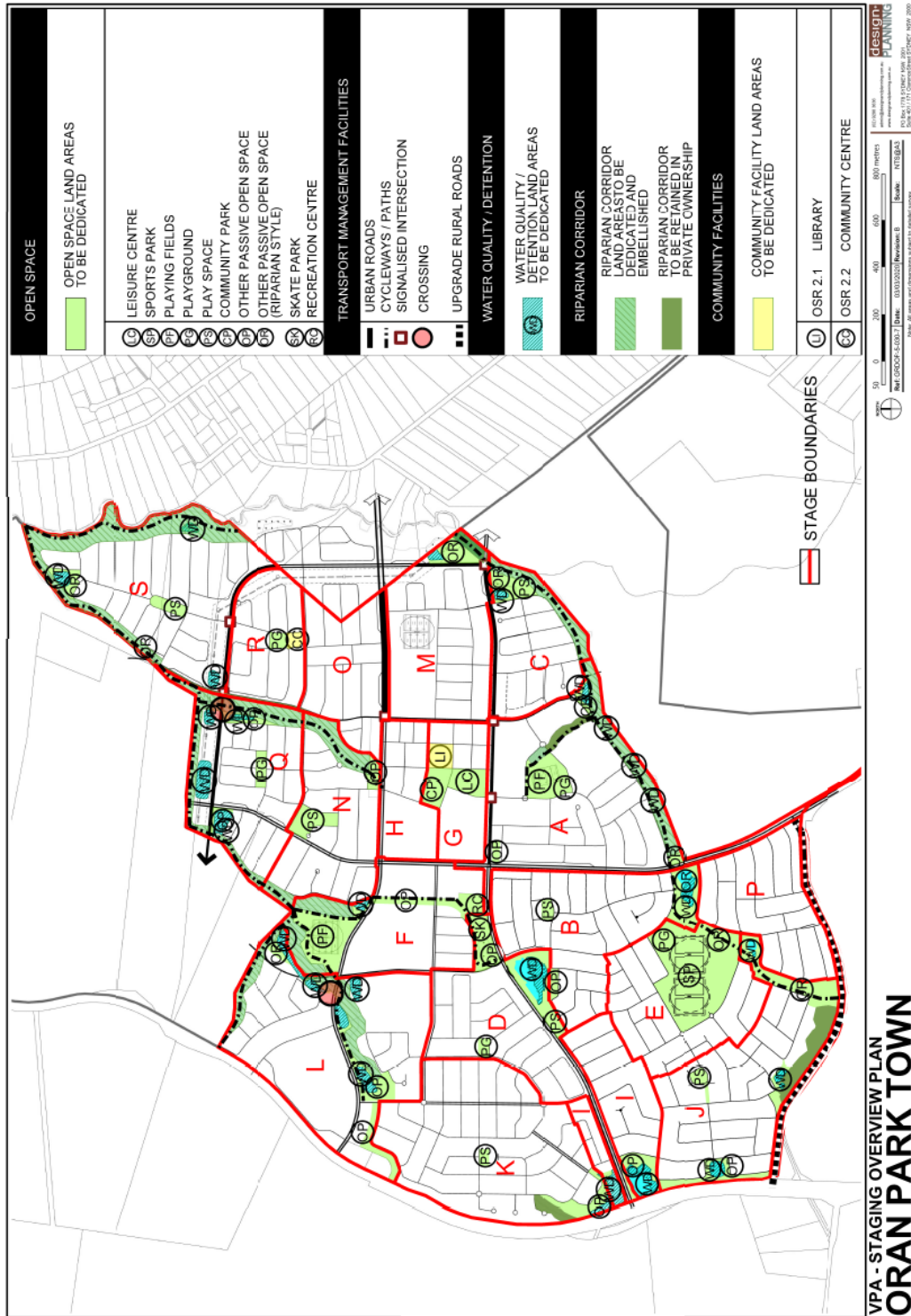
Greenfields Development Company Pty Limited

Greenfields Development Company No. 2 Pty Limited

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Landcom

## VPA – Staging Overview Plan



**Third Deed of Variation to Oran Park Urban Release Area Planning Agreement**

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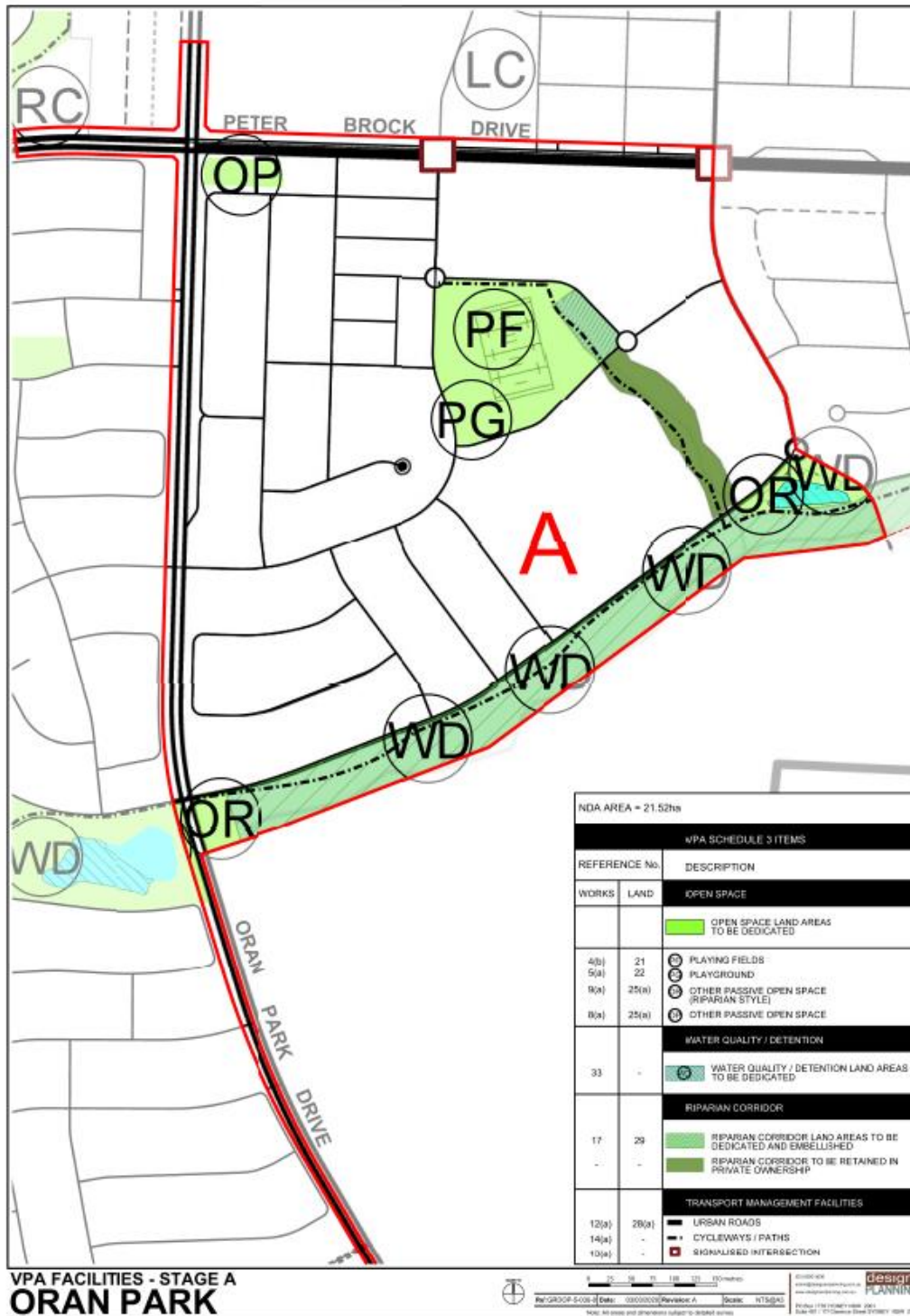
**Greenfields Development Company Pty Limited**

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**VPA Facilities – Stage A**



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**Appendix 3**

(Clause 7)

*Environmental Planning and Assessment Regulation 2000*

(Clause 25E)

**Explanatory Note**

**Draft Second Deed of Variation to Planning Agreement**

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

**Parties**

**Camden Council** ABN 31 117 341 764 of 70 Central Avenue Oran Park, New South Wales, 2570 (**Council**)

**Greenfields Development Company Pty Limited** ABN 57 125 285 583 of Cnr Peter Brock Drive & Oran Park Drive Oran Park NSW 2570 (**GDC 1**)

**Greenfields Development Company No. 2 Pty Limited** ABN 31 133 939 965 of Cnr Peter Brock Drive & Oran Park Drive Oran Park NSW 2570 (**GDC 2**)

**Leppington Pastoral Company Pty Limited** ABN 83 000 420 404 of 1675 The Northern Road, Bringelly, New South Wales, 2556 (**Landowner**)

**Landcom** ABN 79 268 260 688 of Level 14, 60 Station Street Parramatta, NSW 2150 (**Landcom**)

**Description of the Land to which the Draft Deed of Variation Applies**

The Draft Deed of Variation applies to the same Land the subject of the Planning Agreement.



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### **Description of Proposed Development**

The Draft Deed of Variation applies to the Development as described in the amended Schedule 2 of the Planning Agreement.

### **Summary of Objectives, Nature and Effect of the Draft Deed of Variation**

#### **Objectives of Draft Deed of Variation**

The objective of the Draft Deed of Variation is to amend the Planning Agreement to:

- amend the development to which the Planning Agreement applies, to include development of additional dwellings within Oran Park Town Centre made permissible by the taking effect of an LEP Amendment,
- require the dedication of additional land being a parcel of open space and embellishment of that land,
- require the making of monetary development contributions in the amount of \$135.00 for each dwelling made permissible by the taking effect of the LEP Amendment, and
- other minor changes ancillary to the above.

#### **Nature of Draft Deed of Variation**

The Draft Deed is a variation to the Planning Agreement under clause 25C(3) of the *Environmental Planning and Assessment Regulation 2000*.

#### **Effect of the Draft Deed of Variation**

The Draft Deed of Variation amends the Planning Agreement in the manner set out in clause 5 of this Deed.

### **Assessment of the Merits of the Draft Deed of Variation**

#### **The Planning Purposes Served by the Draft Deed of Variation**

The planning purposes served by the Draft Deed are similar to those set out in the Planning Agreement, and the Planning Agreement explanatory note.

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Specifically, the Draft Deed serves the planning purposes as set out in section 1.3(c) and (g) of the *Environmental Planning & Assessment Act 1979*, by promoting the orderly and economic use and development of land, and promoting the good design and amenity of the built environment.

### **How the Draft Deed of Variation Promotes the Public Interest**

The Draft Deed promotes the public interest in the same manner set out in the Planning Agreement, and the Planning Agreement explanatory note.

Specifically, the Draft Deed promotes the public interest by and requiring the Developer to provide embellished land for open space and monetary contributions to be applied by the Council towards various public purposes and thereby securing an additional facility for the use and enjoyment of the people of the Oran Park community.

### **For Planning Authorities:**

#### ***Development Corporations - How the Draft Deed of Variation Promotes its Statutory Responsibilities***

N/A

#### ***Other Public Authorities – How the Draft Deed of Variation Promotes the Objects (if any) of the Act under which it is Constituted***

N/A

#### ***Councils – How the Draft Deed of Variation Promotes the Elements of the Council's Charter***

The Draft Deed of Variation promotes the Guiding Principles for Councils in s8A of the *Local Government Act 1993* by:

- plan strategically for the provision of effective and efficient services to meet the needs of the community,
- manage lands and other assets so that current and future local community needs can be met in an affordable way,
- work with the Developer to secure appropriate services for local community needs,
- actively engage with their local communities by publicly notifying this Deed of Variation.

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***All Planning Authorities – Whether the Draft Deed of Variation Conforms with the Authority’s Capital Works Program***

The Draft Deed requires that land be dedicated by the Developer and embellishment works be carried out on that land by the Developer and monetary contributions be paid by the Developer for various public purposes.

These works are not included in the Council's relevant current capital works program.

***All Planning Authorities – Whether the Draft Deed of Variation specifies that certain requirements must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued***

The Draft Deed does not specify that certain requirements must be complied with before a construction certificates, occupation certificate or subdivision certificate is issued.