

## AGREEMENT BETWEEN THE PARTIES

### SECTION 34(3)(a) AGREEMENT

#### COURT DETAILS

Court	Land and Environment Court of New South Wales
Class	1
Case number	2021/00149406

#### TITLE OF PROCEEDINGS

Applicant	<b>Eastview (Australia) Pty Limited</b>
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Respondent	<b>Blacktown City Council</b>
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#### FILING DETAILS

Filed for	<b>All parties</b>
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#### Section 34 Agreement

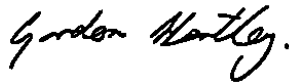
- 1 The parties have reached an agreement as to the terms of a decision in the proceedings that would be acceptable to the parties (being a decision that the Court could have made in the proper exercise of its functions).
- 2 The terms of the decision are as follows:
  - a. The applicant is granted leave to amend development application number SPP-21-00002 and rely on the amended architectural plans listed at condition 2.1.1 of Annexure A;
  - b. The applicant is to pay the respondent's costs thrown away as a result of the amendment to the development application pursuant to section 8.15(3) of the *Environmental Planning and Assessment Act 1979* in the order of \$20,000 within 28 days of these orders;;
  - c. The appeal is upheld;
  - d. The request made pursuant to clause 4.6 of *Blacktown Local Environmental Plan 2015* ('BLEP') in relation to the non-compliance with clause 4.3 of BLEP (Height of Buildings) prepared by Willow Tree Planning dated 14 September 2021 is upheld; and

- e. Development application number SPP-21-00002, lodged on 12 March 2021, as amended, for demolition of existing buildings and construction of a 15-storey mixed-use development comprising a ground level pub, 1st floor function centre and 13 residential levels consisting of 139 apartments with 6 basement levels of car parking at 34-46 Flushcombe Road, Blacktown, is approved subject to the conditions in Annexure 'A'.

3 Pursuant to section 34(3)(a) of the *Land and Environment Court Act 1979* (NSW), the parties request the Commissioner to dispose of these proceedings in accordance with the terms of the decision set out in paragraph 2 above.

**SIGNATURE**

Signature of legal representative



Capacity

Solicitor for the Applicant

Date of signature

10 December 2021

**SIGNATURE**

Signature of legal representative



Capacity

Solicitor for the Respondent

Date of signature

10 December 2021