

**SECTION 34 AGREEMENT BETWEEN PARTIES  
SECTION 34(3)  
LAND AND ENVIRONMENT COURT ACT 1979 (NSW)**

**COURT DETAILS**

Court	Land and Environment Court of New South Wales
Class	1
Case number	2017/53907

**TITLE OF PROCEEDINGS**

Applicant	<b>Woolwich Pty Ltd as trustee for Margaret Street Unit Trust</b>
Respondent	<b>Northern Beaches Council</b>

**FILING DETAILS**

Filed for	<b>Northern Beaches Council</b> , Respondent
Legal representative	Debra Townsend, King & Wood Mallesons
Legal representative reference	DST:AB:602-0022684
Contact name and telephone	Anna Bond, 02 9296 2199
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**AGREEMENT BETWEEN PARTIES – SECTION 34(3)**

- 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 agreement are as follows:
  - a. The appeal is upheld.
  - b. The Applicant is granted leave to rely on the amended plans listed in condition A1 of Annexure “A” to this agreement.
  - c. Development Application No. N0491/16, as amended pursuant to paragraph 2(b) above, for the subdivision of land and associated civil works and landscaping at 41 Warriewood Road, Warriewood (Lot 32 Section C DP 5464), is approved subject to the conditions set out in Annexure “A” to this agreement.
  - d. Pursuant to section 97B of the *Environmental Planning and Assessment Act 1979 (NSW)*, the Applicant shall pay the Respondent’s costs that are thrown away as a result of amending Development Application No. N0491/16 in the sum of \$25,000 all inclusive, such costs to be paid within 21 days of these

orders. This order is in full and final satisfaction of order 8 of the Court's orders made on 4 August 2017, as well as costs payable in relation to the further amendments set out at paragraph 2(b) above.

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

## SIGNATURE

Signature of Applicant's legal representative



Capacity

Solicitor on the record, by her employed solicitor, Emily Davies

Date of signature

29 November 2017

Signature of Respondent's legal representative



Capacity

Solicitor on the record, by her employed solicitor, Anna Bond

Date of signature

29 November 2017