

**ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**

**DETERMINATION OF HUNTINGWOOD WEST PROJECT APPROVAL**

**Major Project No. 08\_0055  
(File No. 9042140)**

I, the Minister for Planning, pursuant to Section 75J of the *Environmental Planning & Assessment Act, 1979*, determine the Huntingwood West Project Application (MP No. 08\_0055) referred to in the attached Schedule 1, by **granting approval** subject to the conditions of approval in the attached Schedule 2.

The reasons for the imposition of conditions are:

- (1) To adequately mitigate the environmental impact of the development;
- (2) To maintain the amenity of the local area.



Frank Sartor MP  
Minister for Planning

Sydney,

11 Sept 2008

# SCHEDULE 1

## PART A — TABLE

Application made by:	APP Corporation Pty Ltd
Application made to:	Minister for Planning
Major Project Number:	08_0055
On land comprising:	Lot 100 in DP 1119687
Local Government Area	Blacktown City Council
For the carrying out of:	Subdivision as described in Condition A1, Part A, Schedule 2
Capital Investment Value	Project Application for subdivision only
Type of development:	Project approval under Part 3A of the EP&A Act
Determination made on:	August 2008
Determination:	Project approval is granted subject to the conditions in the attached Schedule 2
Date of commencement of approval:	This approval commences on the date of the Minister's approval
Date approval is liable to lapse	5 years from the date of determination unless specified action has been taken in accordance with Section 75Y of the EP&A Act

## PART B — DEFINITIONS

In this approval the following definitions apply:

**Act** means the *Environmental Planning and Assessment Act, 1979* (as amended).

**Council** means Blacktown City Council.

**Department** means the Department of Planning or its successors.

**Director General** means the Director General of the Department of Planning

**Minister** means the Minister for Planning.

**Project** means development that is declared under Section 75B of the EP & A Act to be a project to which Part 3A of the Act applies.

**Proponent** means the person proposing the carry out of development comprising all or any part of the project, and includes persons certified by the Minister to be the proponent.

**Regulations** means the Environmental Planning and Assessment Regulations, 2000 (as amended).

**RTA** means the Roads and Traffic Authority.

**Subject Site** has the same meaning as the land identified in Part A of this schedule.

**Huntingwood West** has the same meaning as the land identified in Part A of this schedule.

**Huntingwood West Project Application** means the project described in Schedule 2, Part A, Condition A1 and the accompanying plans and documentation described in Schedule 2, Part A, Condition A2.

**Major Project No. 08\_0055** means the project described in Condition A1, Part A, Schedule 4 and the accompanying plans and documentation described in Schedule 2, Part A, Condition A2..

## SCHEDULE 2

### CONDITIONS OF APPROVAL – HUNTINGWOOD WEST PROJECT APPLICATION MP NO. 08\_0055

#### PART A – ADMINISTRATIVE CONDITIONS

**A1.      *Development Description***

Project approval is granted only to carrying out the development described in detail below:

1. Subdivision of site into 6 lots.

**A2.      *Development in Accordance with Plans and Documentation***

The development shall be in accordance with the following plans, documentation and recommendations made herein:

- a. Huntingwood West Environmental Assessment Report prepared by JBA Urban Planning Consultants (Reference No. 08111) dated April 2008, incorporating Statement of Commitments dated 28/11/06.
- b. Survey plan prepared by David Wallace Fairlie, labelled Subdivision of Lot 100 in DP 1119687, numbered C607-088 B and dated March 2008.

**A3.      *Inconsistency Between Plans and Documentation***

In the event of any inconsistency between conditions of this project approval and the plans and documentation referred to above, the conditions of this project approval prevail.

**A4.      *Lapsing of Approval***

The project approval will lapse 5 years after the approval date in Part A of Schedule 1 of this project approval unless specified action has been taken in accordance with Section 75Y of the Act.

**A5.      *Prescribed Conditions***

The proponent shall comply with the prescribed conditions of project approval under Clause 75J (4) of the Act.

**A6.      *Determination of Future Applications***

The determination of future applications for development is to be generally consistent with the terms of approval of MP 06\_0203 and MP No. 08\_0055 as described in Part A of Schedule 1 and subject to the conditions of approval set out in Parts A and B of Schedule 2.

## **PART B – DEPARTMENT OF PLANNING'S CONDITIONS OF APPROVAL**

### **B1. Subdivision Certificate**

Prior to the lodgement of the plan of subdivision for registration, a Subdivision Certificate is to be obtained.

The application for a Subdivision Certificate is to be supported by the following documentation:

- a) A survey plan of subdivision prepared by a Registered Surveyor;
- b) Instruments prepared under Section 88B of the Conveyancing Acts as appropriate, setting out the terms of the Restriction as to User, Proposed Right of Carriageway of variable width and Proposed Easement for Services of variable width as shown on survey plan by labelled Subdivision of Lot 100 in DP 1119687, numbered C607-088 B and dated March 2008

### **B2. Infrastructure Provision Arrangement**

The proponent acting on the project application is to enter into a legally binding agreement (Deed, Planning Agreement or other suitable mechanism) with the RTA for regional road contributions at a rate of \$75,500.00 (excl. GST) per developable hectare, and intersection improvement works at the Great Western Highway and Bradham Drive. Evidence of the legally binding agreement shall be submitted to the Director of Strategic Assessments, Department of Planning, prior to the lodgement of any future project applications or development applications further subdivision or development of the super lots. All works associated with the proposed development shall be at no cost to the RTA.

### **B3. Access**

Documentary easements for access must be created over the appropriate lots in the subdivision to provide for public access, and created pursuant to Section 88B of the *Conveyancing Act 1919*.

### **B4. Services**

Documentary easements for services, drainage, support and shelter, use of plant, equipment, loading areas and service rooms, repairs, maintenance or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision, must be created over the appropriate lots in the subdivision pursuant to Section 88B of the *Conveyancing Act 1919*.

Pursuant to Section 88BA of the Conveyancing Act the Instrument creating the right of carriageway/easement to drain water shall make provision for maintenance of the right of carriageway/easement by the owners from time to time of the land benefited and burdened and are to share costs equally or proportionally on an equitable basis. Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.

### **B5. Utilities and Services**

- (1) Written evidence of arrangements being made with the Sydney Water, or other approved supplier, for the provision of individual water supply and sewerage services to all lots within each stage, will be submitted to the Principal Certifying Authority prior to the approval of any subsequent project or development application for works on the land.
- (2) Written evidence of arrangements being made with Integral Energy, or other approved supplier, for the provision of underground electricity supply to all lots and street lighting within each stage, will be submitted to the Principal Certifying Authority prior to the approval of any subsequent project or development application for works on the land.
- (3) Written evidence of arrangements being made with Telstra, or other approved supplier, for the provision of underground telephone services to all lots within each stage, will be submitted to the Principal Certifying Authority prior to the approval of any subsequent project or development application for works on the land.

### **B6. Prior to issue of Occupation Certificate for development of each lot**

Public road access needs to be constructed from each development lot to a public street. The road access shall be constructed in accordance with Blacktown City Council Standards and RTA Standards to Council's Satisfaction and shall be a dedicated public road.