

Execution

Executed as a Deed

Dated:

Executed on behalf of the Council

General Manager

Witness

Mayor

Witness

Executed on behalf of the Developer in accordance with s127(1) of the
Corporations Act (Cth) 2001

Name/Position

Name/Position

Appendix

(Clause 53)

Environmental Planning and Assessment Regulation 2021

(Section 205)

Explanatory Note

Draft Planning Agreement

Under s7.4 of the *Environmental Planning and Assessment Act 1979*

Parties

Coffs Harbour City Council ABN 79 126 214 487 of Yarrila Place, 27 Gordon Street, Coffs Harbour NSW 2450 (**Council**)

ECGF Properties Pty Ltd ACN 616 835 931 of 4 Wingara Drive, Coffs Harbour NSW 2450 (**Developer & Landowner**)

Description of the Land to which the Draft Planning Agreement Applies

Lot 11 Sec O DP 17053 & Lot 12 Sec O DP 17053 & Lot 1 DP 532457

36 & 40 Walter Morris Close, Coffs Harbour NSW 2450

Description of Proposed Development

The Draft Planning Agreement is in connection with 0020/23DA which includes the:

- Demolition of existing dwellings
- Construction of Housing Seniors and People with a Disability (7 units)

Description of Development Contributions

The Draft Planning Agreement requires the Developer to:

- Design and construct a section of 1.5m wide footpath in the Park Beach Road reserve extending from the Walter Morris Drive cul-de-sac to the existing footpath on the southern side of Park Beach Road.



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

Objectives, Nature and Effect of Draft Planning Agreement

The objectives of the Draft Planning Agreement requires the Developer to:

- prepare for Council's approval a footpath plan that will deliver a portion of footpath identified in the Park Beach Developer Contribution Plan 2021.
- undertake the works identified in the plan.

Assessment of the Merits of the Draft Planning Agreement

How the Draft Planning Agreement Promotes the Public Interest

The section of footpath being constructed is identified in the City's Park Beach Area Developer Contribution Plans 2021 and will deliver a missing link in Park Beach Road in the City's Movement and Place Strategy.

The works are not scheduled for delivery in the City's 4 year capital delivery program. The Developer will be able to deliver the footpath infrastructure earlier than the City. It is in the interest of the public to deliver critical infrastructure identified in contributions plan as soon as possible.

Whether the Draft Planning Agreement Conforms with the Authority's Capital Works Program

The Draft Planning Agreement is consistent with Council's Capital Works Program.

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

VPA 3/24 – Walter Morris Close

Coffs Harbour City Council

ECGF Properties Pty Ltd

Prior to the issue of a Construction Certificate associated with any works approved in the development on the Land the Developer must:

- obtain Council's approval on a footpath plan.

Prior to the issue of an Occupation Certificate associated with any works approved in the development on the Land the Developer must:

- construct the footpath identified in the plan to Council's satisfaction.

DRAFT