

## **Appendix**

(Clause 49)

*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**)

**McEvoy (Moonee) SF Pty Ltd** ACN 653 190 473 of address 30 Breakers Way, Korora,  
NSW 2450 (**Developer**)

### **Description of the Land to which the Draft Planning Agreement Applies**

Lot 2 DP 1285743 and Lot 20 DP 1285819

544-556 Solitary Islands Way, Moonee Beach

### **Description of Proposed Development**

The proposed development is a staged subdivision to create 60 residential lots and 1 lot for a communications tower (Figure 1). The development includes the associated roads, infrastructure services and earthworks.

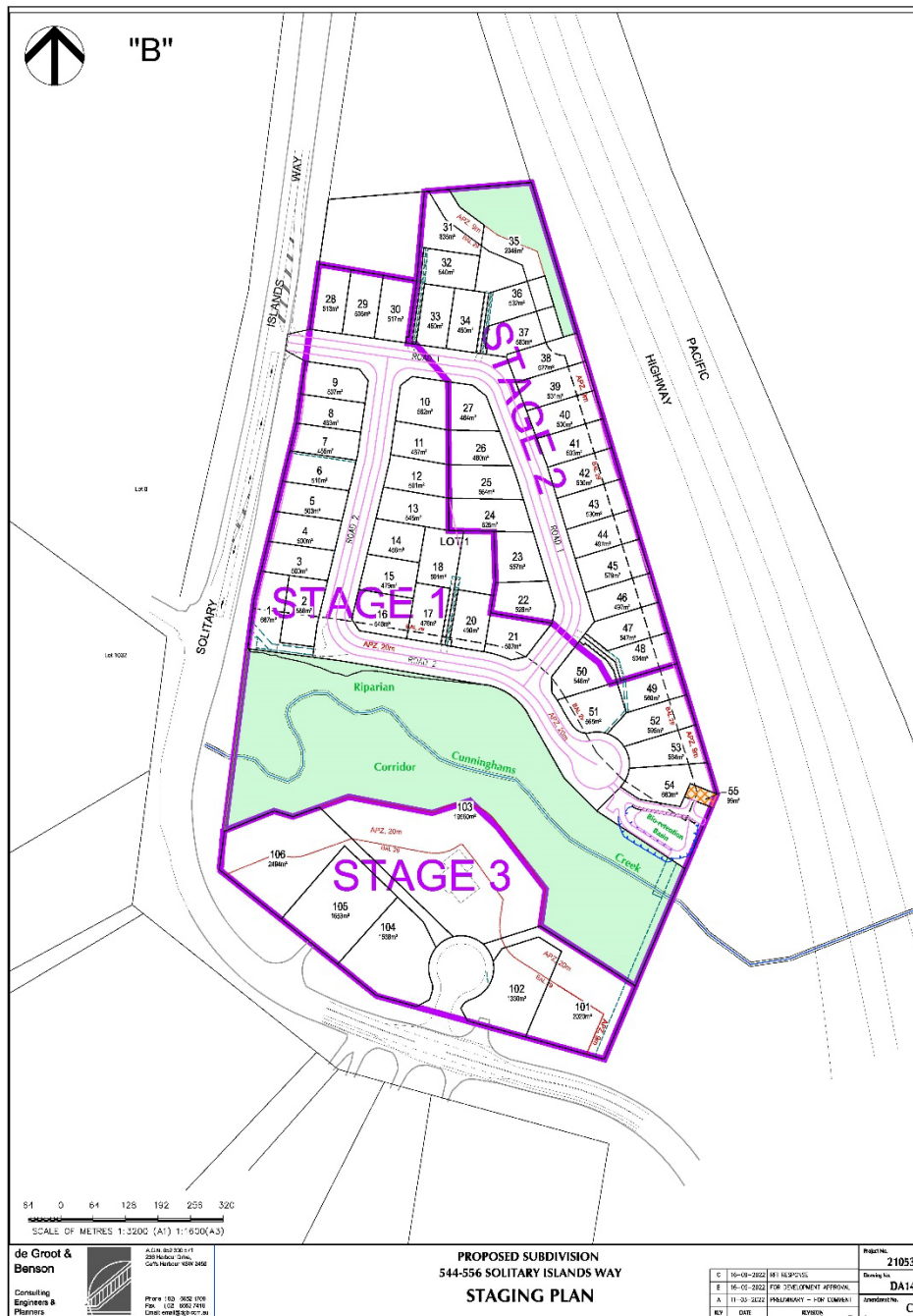


Figure 1 – Staging Plan

## Description of Development Contributions

This planning agreement requires the Developer to:

- Design for Council’s approval the water and sewer mains network servicing plans for West Moonee.
- Gain the required approvals to undertake the works associated with the approved water and sewer mains network servicing plans for West Moonee.
- Undertake the construction of the mains water and sewer network for West Moonee.
- Provide necessary easements, as required by Council, to facilitate access to, servicing and maintenance of the proposed infrastructure at no cost to Council.

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

#### **Objectives, Nature and Effect of Draft Planning Agreement**

The objective of the Draft Planning Agreement is to require the Developer to:

- Design, gain the required approval and construct the sewer main infrastructure for West Moonee along Solitary Islands Way as shown in Figure 2.
- Design, gain the required approval and construct a section of water trunk infrastructure for West Moonee along Solitary Island Way as shown in Figure 3.
- Provide necessary easements, as required by Council, to facilitate access to, servicing and maintenance of the proposed infrastructure at no cost to Council.

The Draft Planning Agreement allows for an offset of contributions levied under section 64 of the Local Government Act 1993 for \$383,350 (less any GST) for the water trunk infrastructure and \$916,515 (less any GST) for the sewer trunk infrastructure.

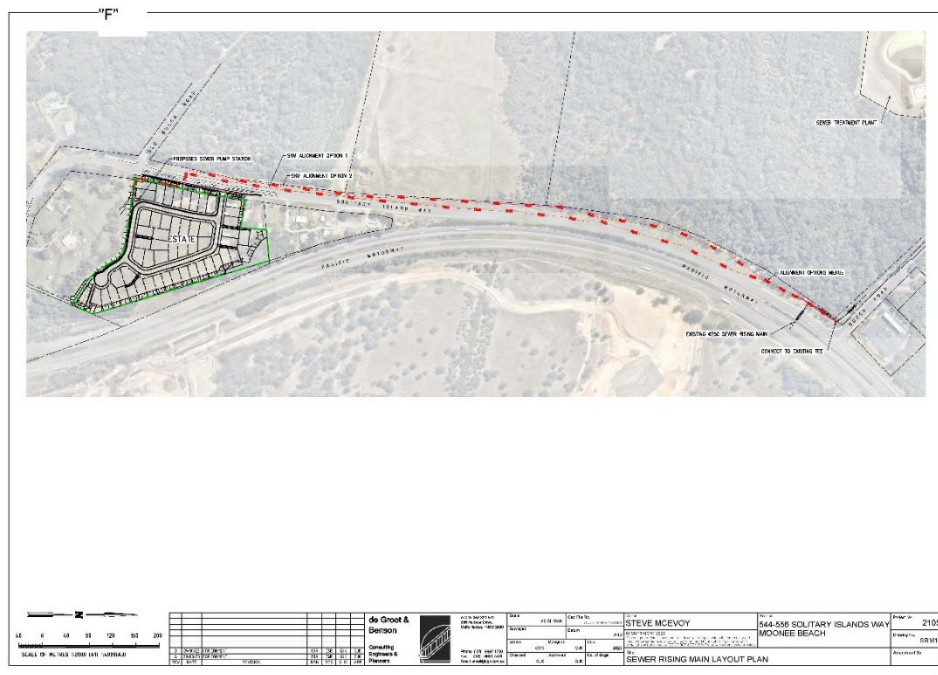


Figure 2 – Sewer network servicing plan

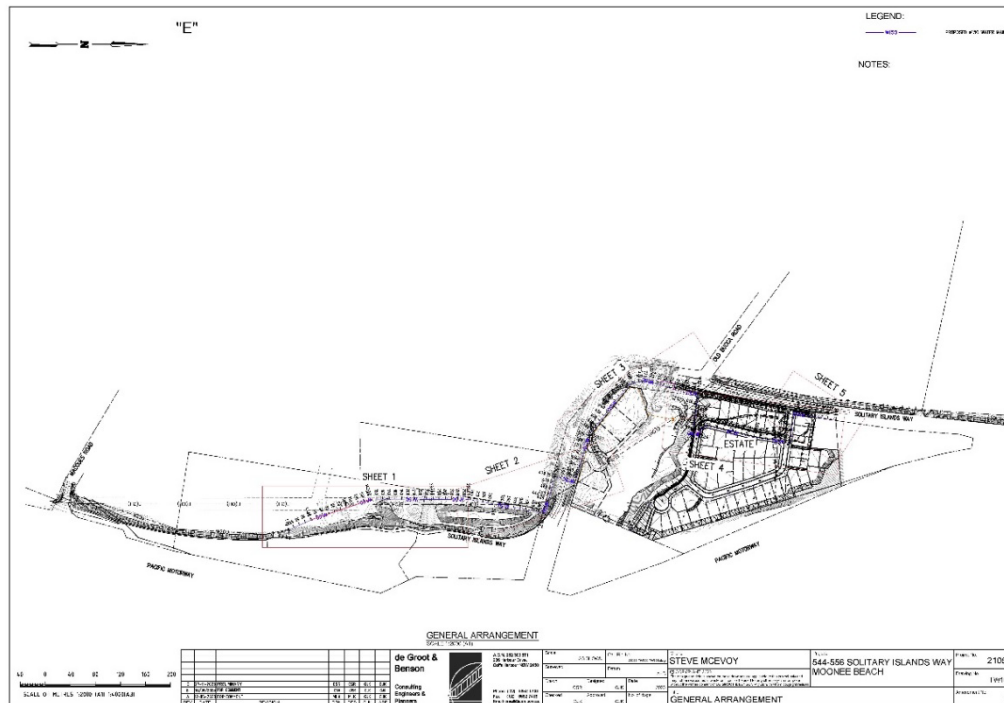


Figure 3 – Water network servicing plan

## Assessment of the Merits of the Draft Planning Agreement

### How the Draft Planning Agreement Promotes the Public Interest

The Moonee Release Area was rezoned in 2004 to support residential growth in Moonee. The City's Wastewater and Water Supply Development Servicing Plans identify Moonee Beach as a LGA Growth Area.

The western precinct of Moonee remains un-serviced by the City's Water and Sewer mains network, which to date has been a deterrent in West Moonee achieving its residential growth potential. The proposed development site is in West Moonee.

The delivery of this infrastructure will provide water and sewer mains network servicing West Moonee to facilitate residential growth in West Moonee.

The infrastructure will also provide water and sewer main network servicing to a future Council sporting facility.

The Planning Agreement requires the developer to design, gain the required approval and deliver the water and sewer main network in West Moonee.

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

The Draft Planning Agreement is not inconsistent with the 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***

Prior to the first Subdivision Certificate that creates a residential lot the Developer is to:

- complete the construction of the water and sewer mains network.

Simultaneous with registration of Subdivision Plans (that relate to the relevant Stage of the Development):

- deliver relevant easements as required by Council for the purpose of facilitating access to, service and maintenance of the proposed infrastructure at no cost to Council

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