

Appendix

(Clause 57)

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 Corner of Coff and Castle Street,
Coffs Harbour NSW 2450 (**Council**)

North Coffs Pty Ltd ACN 649 817 103 of PO Box 5062, Robina Town Centre QLD 4230
(**Developer**)

Description of the Land to which the Draft Planning Agreement Applies

Lot 4 DP 747644 and Lot 1 DP 1169519

290-290A North Boambee Road, North Boambee Valley

Description of Proposed Development

The proposed development is a staged subdivision to create 279 residential lots and 6 public reserves. The development includes the associated roads, infrastructure services, vegetation removal and earthworks.

Description of Development Contributions

This planning agreement requires the Developer to:

290-290A North Boambee Road Planning Agreement

Coffs Harbour City Council

North Coffs Pty Ltd

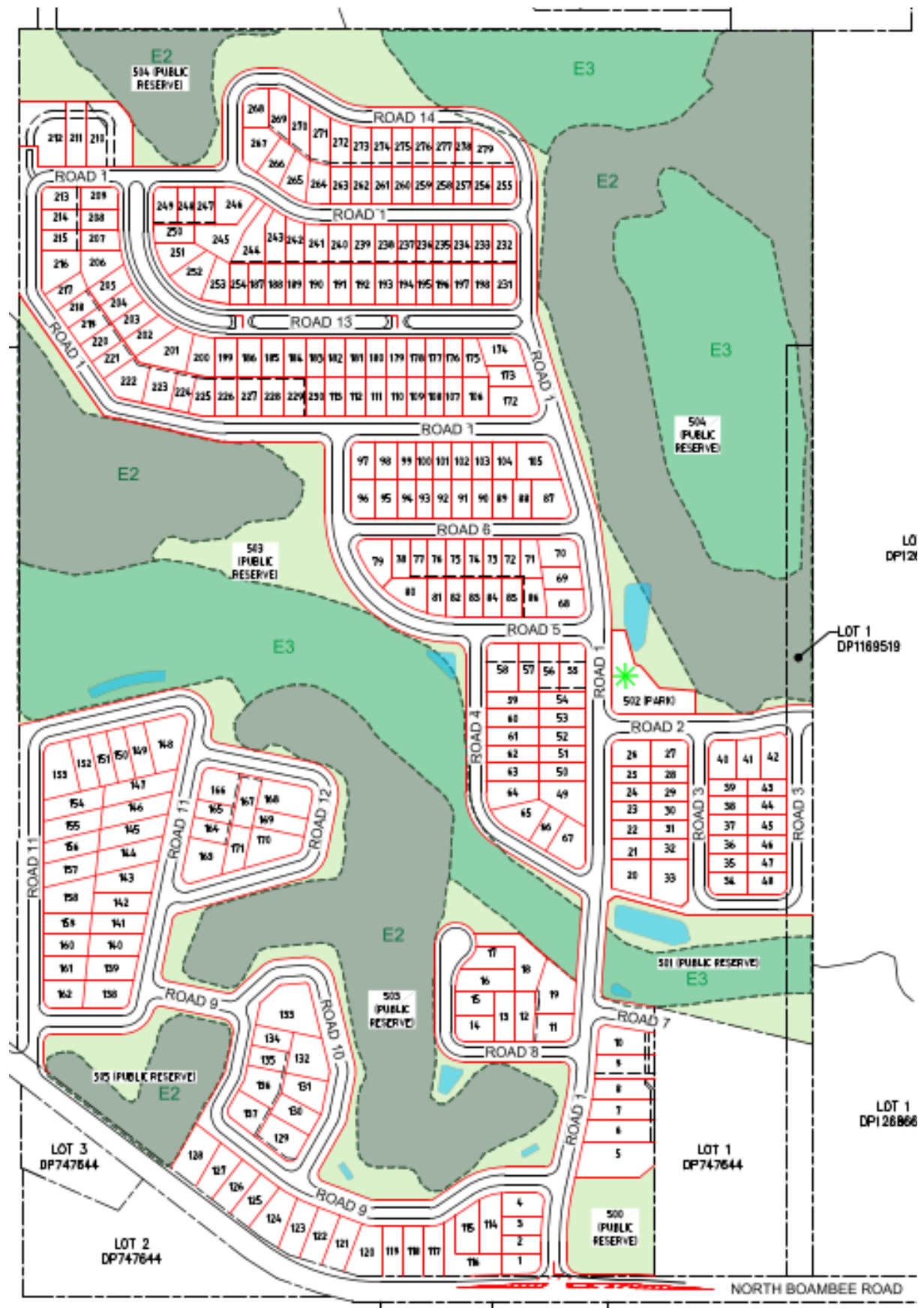
- dedicate proposed future lots 500,501,502,503,504 and 505 as public reserve as identified on the land dedication plan,
- prepare a Vegetation Management Plan which sets out management action on the public reserves for 5 years and provide it to the Council for approval,
- prepare an independently costed Vegetation Maintenance Program for the maintenance of the public reserve for 20 years and provide it to the Council for approval,
- the Developer may choose to pay a monetary contribution to the Council as per the approved costs in the Vegetation Maintenance Program or carry out those works itself,
- design and carry out embellishment works for a park on proposed future lot 502.

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290-290A North Boambee Road Planning Agreement

Coffs Harbour City Council

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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:

- dedicate lands to the Council for public reserves
- prepare for the Council's approval a Vegetation Management Plan for the dedicated lands and require the Developer to carry out the actions identified in the approved Vegetation Management Plan for five years
- prepare for the Council's approval a Vegetation Maintenance Program for the maintenance of dedicated lands for 20 years to ensure the Council is not burdened by the cost of maintaining the land, and either carry out the actions identified in that approved plan, or pay monetary contributions to the Council for the estimated costs of carrying out those actions,
- design and carry out embellishment works for a park on proposed future lot 502.

Assessment of the Merits of the Draft Planning Agreement

How the Draft Planning Agreement Promotes the Public Interest

The Lands being dedicated to the Council are zoned as C2 – Environmental Conservation and C3 – Environmental Management. The objectives of these zones are to protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values. The dedication of this land to the Council for public reserves secures the land for environmental purposes and allows for public access to the Lands for the wider community.

The dedication of the proposed future lots as public reserves supports the Council's My Coffs Community Strategic Plan objectives of:

- undertaking development that is environmentally, socially and economically responsible
- protecting the diversity of our natural environment.

The Vegetation Management Plan ensures that the dedicated lands are managed and protected for 5 years during the subdivision works and thereby improving the ecological condition of the land during construction and into the future.

The Vegetation Maintenance Program ensures that the Developer is responsible for either carrying out the ongoing maintenance of, or the ongoing costs of maintaining the lands after 5 year management period.

The requirement for the Developer to carry out embellishment works for a park promotes the provision of assets for the social welfare of the community.

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

The Draft Planning Agreement is not consistent with the Council's Capital Works Program.

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Coffs Harbour City Council

North Coffs Pty Ltd

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 issuing of a Subdivision Works Certificate associated with any works approved in the development on the Land the Developer is to:

- obtain the Council's approval on a Vegetation Management Plan
- provide the Council with security for carrying out of works in the Vegetation Management Plan.

Prior to the first Subdivision Certificate that creates a lot to be dedicated to the Council the Developer is to:

- obtain the Council's approval on a Vegetation Maintenance Plan for the dedicated land
- notify the Council whether the Developer will carry out maintenance of the dedicated land themselves or make a monetary contribution to the Council.

Prior to the Subdivision Certificate for the plan of subdivision that creates proposed lot 502, or the first plan of subdivision that creates the first Final Lot adjacent to proposed lot 502, the Developer is to complete the embellishment of the park.