

3 February 2011

Planning Department
Coffs Harbour City Council
Locked Bag 155
Coffs Harbour NSW 2450

Contact
Paul Carrick (02) 9210 6353
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Dear Sirs

**Development Application No. 1209/10
Easement over Lot 6 of Deposited Plan 1112654**

We act for Pacific Bay Development Pty Limited. We refer to Development Application No.1209/10 (**Application**) lodged by our client with Coffs Harbour City Council (**Council**) on 26 May 2010 in respect of part of Lot 5 of Deposited Plan 1112645 (**Lot 5E**).

We are instructed that you have previously had discussions with our client regarding their intention to create a Right of Access by way of an easement over Lot 6 of Deposited Plan 1112645 (**Lot 6**) as part of the development proposed under the Application. We are instructed that our client intends to construct a road within the proposed Right of Access which will afford access to Lot 5E from Bay Drive.

As you may be aware, Lot 6 forms part of the Pacific Bay Precinct which is governed by the Pacific Bay Beach and Golf Resort Association Incorporated (**Association**). The Association is the owner of the land burdened by the proposed easement. The Rules of the Association (**Rules**) give our client the right to create easements over the Association land and provide that the Association must consent to any easements and cannot unreasonably prevent access by our client to the Association land.

We are instructed that our client is in the process of obtaining the Association's consent to the proposed easement and anticipates having this available to submit to Council shortly.

If you have any queries please contact Paul Carrick on (02) 9210 6353.

Yours faithfully
Corrs Chambers Westgarth



Paul Carrick
Senior Associate