

**MANLY VALE DEVELOPMENTS NO. 2 PTY LIMITED**

23 March 2022

The General Manager  
Northern Beaches Council  
P.O Box 82  
MANLY NSW 2095

Dear General Manager

**RE: DEVELOPMENT APPLICATION 2020/0824 (the "DA")**  
**PROPERTY: 321-331 CONDRAMINE STREET, MANLY VALE (the "Property")**

Manly Vale Developments No. 2 Pty Limited ("Owner") has made the above DA in respect of the above Property.

This letter constitutes an offer by the Owner to enter into a voluntary planning agreement ("VPA") with Northern Beaches Council in connection with the DA.

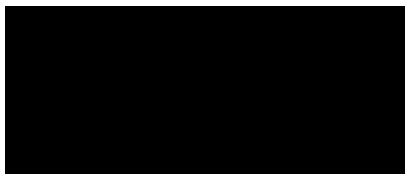
The Owner offers the following to be implemented by way of voluntary planning agreement:

1. The parties to the VPA will be the Owner (being the registered owner of the Property) and the Council.
2. The VPA will apply to the Property and will be registered on title within 14 days of the VPA being executed by all parties.
3. The VPA will apply to the development the subject of the DA ("Development").
4. The provision to be made under the VPA will be the dedication to Council of 1.4m wide x 38.075m long strip of land adjacent to Summerville Place to be used to widen Summerville Place ("the Land"). A plan showing the proposed area of dedication is attached to this letter.
6. The dedication of the Land would occur by way of plan of subdivision to be registered once the building and civil works are complete and prior to the issue of any occupation certificate in respect of the Development.
7. A right of footway will be created as an easement in gross (limited in height) in accordance with the hatching shown on the plan annexed.
7. The VPA shall not exclude the application of section 7.11, 7.12 or 7.24 of the EP&A Act.
8. The dedication of the Land shall not be taken into consideration in determining a development contribution under section 7.11.
9. The Land to be dedicated shall be used for the purpose of widening Summerville Place.
10. The VPA will provide for security by being registered on title of the Property so that it runs with the Land and by including a provision in the VPA that the Property cannot be transferred unless the Owner causes the transferee to enter into a deed by which the transferee agrees to be bound by the VPA.
11. The VPA will not operate unless and until Council grants consent to the DA.

12. In the event that consent is granted to the DA then a condition will be imposed on the Consent requiring the Owner to enter into the VPA upon Council notifying the Applicant in writing that it agrees to enter into the VPA.
13. The VPA will be otherwise in accordance with Council's Planning Agreement Guidelines December 2019.
14. The Owners obligations under the VPA will be undertaken and completed at the Owners cost. For the avoidance of doubt there will be no cost to Northern Beaches Council.

Yours faithfully

MANLY VALE DEVELOPMENTS NO. 2 PTY LIMITED



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