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*Note: the purpose of this explanatory note is to provide details about this Agreement. This explanatory note should not be used to assist in construing this Agreement.*

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## **Explanatory Note**

### **Proposed Planning Agreement**

Under section 7.4 of the *Environmental Planning and Assessment Act 1979 (NSW)*

#### **1. Parties**

Northern Beaches Council (*Planning Authority*)

Manly Vale Developments No 2 Pty Ltd (*Developer*)

#### **2. Description of subject land**

Lots 20-22 and 25 in DP11320, and Lot 123 in DP37259

#### **3. Description of proposed change to environmental planning instrument/development application**

DA2020/0824 for shop-top housing development comprising a four-storey building over a two-level basement carpark with four retail tenancies, storage areas, plant rooms, loading bay, and three levels of apartments above and around a centralised internal courtyard, as approved under the Development Consent for DA2020/0824.

#### **4. Summary of objectives, nature and effect of the proposed Planning Agreement**

The Planning Agreement will deliver the following contributions to Council:

Dedication of Land to Council being approximately 54.6m<sup>2</sup> in size shown in the draft Proposed Plan of Subdivision of LOTS 20-22 & 25 in DP11320 AND LOT 123 in DP37259, Issue A, dated 17 January 2022 (**Plan of Subdivision**), for the purpose of widening the road reserve at Somerville Place and contained in **Attachment 1**.

Creation of an easement benefiting Council for public access across a privately owned footpath, as shown in the Plan of Subdivision.

The following public benefits are afforded by this Planning Agreement:

- The dedication of Land will be at no cost to Council and will provide a widened road reserve, resulting in it being 6 metres in width, and goes towards partially achieving the planned future outcome for Somerville Place.
- Widening this section of Somerville Place improves the utility of this road (which will be reconstructed under DA2020/0824) and will contribute to the future anticipated two-way operation, improving traffic movements.
- Public access, by way of a registered easement benefiting Council, over the privately-owned land (that will contain a footpath constructed under DA2020/0824) provides a safe pedestrian access to the local road network.

**5. Timing of delivery of the public community benefit** (*Note: Information is to be provided on the timing of delivery of the proposed benefits in relation to the issuing of construction, occupation or subdivision certificates.*)

Name	Timing
Dedicated Land	<p>The dedication of Land to Council is to occur:</p> <ul style="list-style-type: none"><li>• following the construction of Somerville Place and appropriate inspections/signoff by Council, and</li><li>• via the issue of a Subdivision Certificate by Council, and</li><li>• prior to the issue of an Occupation Certificate for DA2020/0824.</li></ul>
Easement	<p>The easement is to be created through the registration of a Subdivision Certificate issued by Council.</p> <p>The easement is to be created prior to the issue of an Occupation Certificate for DA2020/0824.</p>

**6. Other Matters**

Signed and dated by all Parties

*Note: This template has been drafted for a proposed planning agreement, but applies equally to a proposed amendment or revocation of a VPA.*