

P & N GROUP HOLDINGS PTY LTD

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17 June 2014

The General Manager
Burwood Council
PO Box 240
BURWOOD NSW 1805

Attention: Mr Brian Olsen – Manager Building and Development

Dear Sir,

**re: Section 96(2) Modification – 36-38 Victoria Street, Burwood – DA 12/2012 –
Demolition of existing building and erection of a mixed commercial/residential
building over basement car park**

I write in relation to the abovementioned application and further to your letter to P&N Group Holdings Pty Ltd dated 23 May 2014, my planning consultant's letter in reply dated 28 May 2014, and to your subsequent discussions with Bob Chambers of BBC Consulting Planners.

I note from your letter that the urban design study and infrastructure review plan of the Burwood Town Centre which is to determine what areas on sites in the Town Centre, if any, have potential for an increase in FSR, is to be completed by the end of June 2014 and will be reported to Council in July. I also note that the JRPP reporting timeframe/deadline for my Section 96 application is also July, thereby leaving no opportunity for my application to be considered in the context of the yet-to-be-completed study.

In these circumstances, I reluctantly agree to withdraw my Section 96 application (and seek a refund of some or all of the fees paid) because I do not want it to be reported to the JRPP with a negative recommendation.

As soon as some clarity exists on the path forward for FSR controls in the part of the Burwood Town Centre in which my site is located, I will decide whether or not to re-lodge my application in the same or an amended form.

Having regard to the study outcomes, I trust that if my application is re-lodged, it might be able to be promptly assessed and determined having regard to the timing constraints I am under with my approved building under construction.

Thanking you in anticipation of your assistance.

Please accept this letter as notification of my withdrawal of the Section 96 application.

Peter Sleiman

