

Kavlyn Pty Ltd

A.C.N. 097 519 367 ~ A.B.N. 86 097 519 367

9 May, 2007

Mr Sam Haddad,
Director General
Department of Planning,
GPO Box 39,
Sydney, NSW, 2001.

FILE COPY

Dear Mr Haddad

**Re: Proposed Mixed Use Development at 1 – 17 Elsie & 45 – 49 George
Streets, Burwood.**

I refer to our meeting yesterday morning and thank you for your time in this matter. I confirm our previous request that the Minister for Planning deal with our proposal at the above address under Part 3A of the Environmental Planning & Assessment Act, 1979.

As you are aware we seek to alter the approval previously granted and amended by Council by the addition of a number of upper level towers containing residential units. The proposal in its current form accords with the provisions of the draft Burwood Town Centre LEP that is currently on public exhibition.

The original approval has been the subject of a number of amendments under S 96 of the Act, and approval now permits a multi level basement car park (public and private) and three upper levels of retail and commercial space totaling 10,251 m². For a variety of contractual reasons we were required to commence construction and we are currently at first floor level. It is envisaged that the 205 public car parking spaces will be handed over to Council in September.

In recent times we have been in discussions with Council regarding the ultimate development outcome that would be permissible on the site, subject to gazettal of the draft LEP. We have also undertaken considerable market investigation and have been unable to secure major commercial tenants to occupy the upper floors of the original approval. As a result the recently approved S96 allows for commercial space that can be occupied in smaller tenancies, which we believe is better suited to the Burwood market.

Our proposal now is to construct three residential towers over the commercial space ranging in height from 10 to 15 levels. The additional built form will contain 209 residential units of varying sizes. A schedule of compliance accompanies this letter and demonstrates that the proposal is consistent with the draft LEP.

The basis of our request for the proposal to be dealt with under Part 3A is as follows:-

1. The construction cost of the additional residential units is \$62.7 million, while the basement car park and three levels of retail and commercial space is \$41 million, giving a total project construction cost of approximately \$103.7million
2. Burwood Council remains the owner of the land and whilst it has contracted to sell the freehold interest to our company, settlement is yet to occur.
3. At great financial risk to our company – and encouraged by Burwood Council to do so we have sought to provide the public car park for the benefit of the community earlier than we would have under normal commercial circumstances.
4. The LEP process has been tortuous and unusually lengthy and is still a considerable time from gazettal.
5. The Part 3A application would incorporate FSR, height and uses not currently available within the existing planning framework, but that are consistent with the provisions of the Draft LEP currently on exhibition.
6. The development could be an exhibition project in terms of the draft LEP.
7. If the project has to be suspended it will result in a large number of construction job losses.

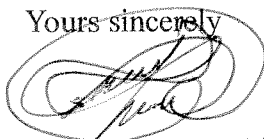
We confirm that we would be prepared to make any reasonable development contributions under S94 that might be imposed on this site under the new S94 Plan that is yet to be finalised. We would expect that credit would be given for both past contributions under the original approval and that any new contributions would reflect only the additional space now being applied for.

Accompanying this letter are the following documents:

- A short history of events;
- A set of draft concept plans;
- Statements from the project architect regarding the draft design and numerical statistics.

I trust that this information is sufficient for your further consideration of our request and look forward to a timely response. Should you have any further enquiries please do not hesitate to contact us or our Planning Consultant, David Furlong

Yours sincerely



SARKIS NASSIF ETC.

GENERAL MANAGER