



19 November 2015

The General Manager
Warringah Council
Civic Drive
725 Pittwater Road
DEE WHY NSW 2099

Dear Sir/Madam

Section 96(1) Application – Amend condition 4 of DA2015/745 to correct drafting error

This letter comprises a formal request to Warringah Council under Section 96(1) of the *Environmental Planning and Assessment Act 1979* to amend DA2015/745.

DA2015/0745 for the installation and use of temporary business premises on land within Council's road reserve adjacent to 9 Howard Avenue, Dee Why was approved on 11 November 2015.

Condition 4 of the consent specifies the time limits that apply to the use of the premises. The condition allows for a section 96 application to be submitted should the applicant seek to extend the specified two year time limit to allow for the continuation of the premises for newsagency or post office use. We believe that this is a drafting error as neither of these uses were envisaged by the original application. The intended purpose of the premises, as recognized in the reason for Condition 4, is to provide temporary accommodation for the National Australia Bank and the condition should therefore refer to bank use.

Accordingly, we seek to amend Condition 4 as follows (deleted text shown in ~~strike through~~, new text shown in **red bold**):

"4. Temporary construction and use of building

Development consent is granted for the use of the construction of a temporary structures and use as a commercial premises (NAB Bank) for a maximum temporary period of two (2) years from the date of this consent after which time the use is to cease and structures are to be removed.

*An application pursuant to Section 96 of the Act may be submitted to Council for the continuation of the use of the temporary structures as a ~~newsagency/post office~~ **bank** prior to the expiration of the 2 year period.*

Reason: To ensure the temporary structure is removed and use as a commercial premises (NAB bank) within Council's Road Reserve ceases after a maximum 2 year period (DACPLBOC2)."

If you require further information please do not hesitate to contact me on ph. (02) 9287 2509. We look forward to receiving a positive determination in due course.

Yours faithfully
MERITON GROUP

A handwritten signature in blue ink, appearing to read "N Jones".

Norelle Jones
Senior Town Planner