

6 October 2010



A Colella
72 Abbott Road
NORTH CURL CURL NSW 2099

CC (SDS)

Dear Mr Colella,

RE: Modification Application No: Mod2010/0203 - (DA2006/0494)
Description: Modification of Consent No. DA2006/0494 for Upper storey extension including a deck and alterations and additions to existing dwelling, spa pool and carparking spaces
Address: 72 Abbott Road NORTH CURL CURL

We are writing to advise that the request to modify the above-mentioned Development Consent has been refused on **30 September 2010** as follows:

1. Pursuant to Section 96(1A)(b) "Modification of Consents" of the Environmental Planning and Assessment Act 1979, the proposed modifications are not considered to result in a development that is substantially the same development as the development for which the consent was originally granted. In this regard, the proposal involves the introduction of a "granny flat" which constitutes a second dwelling on the subject site and was not included in the original approval. The proposed granny flat requires further development consent.

Section 97 of the Environmental Planning and Assessment Act 1979 confers on the applicant a right of appeal to the Land and Environment Court within 12 months of receipt of this letter.

Should you require any further information on this matter, please contact **Michael Edwards** between the hours of 9.30am and 10.30am or 3.00pm and 4.00pm, Monday to Friday, on telephone number **9942 2111**, or at any time on facsimile number **9971 4522**.

Details of development applications lodged after July 1, 2005 are also available online, to access this facility please visit our E-Services System at www.warringah.nsw.gov.au.

Yours faithfully

Michael Edwards
Development Assessment Officer