

7 January 2009

Vaughan Milligan Development Consulting Pty Ltd
Po Box 49
Newport Beach NSW 2106

SM(PDS)

Dear Sir / Madam,

RE: 3 Devon Place COLLAROY NSW 2097
Modification of Development Consent No. DA2008/0238 – MOD2008/0373
Amendment of condition of DA2008/0238 relating to the issue of a Building Certificate

We are writing to advise that the request to modify the above-mentioned Development Consent has been approved on 31 December 2008 and determined as follows:

Approval to modify the original development consent is granted for the replacement of Condition number 1 as follows:

DEFERRED COMMENCEMENT CONDITION

This consent shall not operate until the following deferred commencement condition has been satisfied.

1. Building Certificate

A Building Certificate is required to be lodged for all the unauthorised works which have commenced or have been completed on the subject property. Evidence required to satisfy this condition must be submitted to Council within 6 months of the date of this consent. Further, the Consent will not be activated until evidence is provided of the issue of the said Building Certificate within the period of the Consent - 3 years from operative date of 16/06/08. Unless this condition is satisfied, the consent will lapse in accordance with Section 95 of the Environmental Planning and Assessment Regulation 2000.

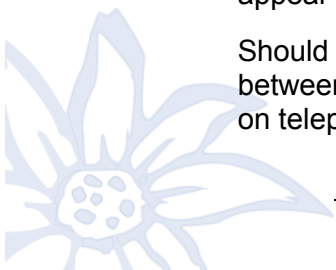
Reason: Existing structures located on site are illegal building works.

This letter should therefore be read in conjunction with Development Consent DA2008/0238 dated 16 June 2008.

Please note that on site works cannot proceed unless a Construction Certificate application for the modified proposal has been lodged with and approved by Council or an accredited certifier, and relevant conditions of the Development Application have been carried out.

Section 96(6) of the Environmental Planning and Assessment Act confers on an applicant who is not satisfied with the determination of the Consent Authority a right of appeal to the Land and Environment Court.

Should you require any further information on this matter, please contact **Keith Wright** 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 DA's Online System at www.warringah.nsw.gov.au.

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Yours faithfully

Keith Wright
Development Assessment Officer
Planning and Development Services