

23rd November 2009

OUR REF: 202616-L001055
YOUR REF: DA 149-6-2004

The Department of Planning
Alan Bright
Acting Director for Coastal Assessments
GPO Box 39
SYDNEY NSW 2001

Attention: Jane Flanagan

Dear Jane

RE: S96AA – LOT 18 IN DP 1032636 THE BRANCH LANE, KARUAH

As per our previous correspondence, we hereby submit our S96AA *Modification by consent authorities of consents granted by the court* for DA 149-6-2004. As per S96AA of the Environmental Planning and Assessment Act 1979, subclause

- (1) *a consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the Court and subject to and in accordance with the regulations, modify the development consent if:*
- (a) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
 - (b) *it has notified the application in accordance with*
 - (i) *the regulations, if the regulations so require, and*
 - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
 - (c) *it has notified, or made reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed modification by sending written notice to the last address known to the consent authority of the objector or other persons, and*
 - (d) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

The proposed modification of the development consent is merely an alteration to the staging order with the end result from the development being the same, hence, it is *substantially the same development as the development for which the consent was originally granted.*

DEVELOPMENT CONSULTANTS IN ENGINEERING, SURVEYING AND PLANNING



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The current approved staging is:

Stage 1 – Lot 4

Stage 2 – Lot 1

Stage 3 – Lots 2 & 3

The resulting staging from this S96AA is:

Stage 1 – Lot 4

Stage 2 – Lot 3

Stage 3 – Lots 1 & 2

It is noted that the Development Application was previously notified as per the regulation and it is considered that there is no requirement for further notification.

Attachment A shows the proposed staging plan which pertains to this S96AA Application. A completed Application to modify a development consent form is attached along with a cheque in the amount of \$500 for the processing of this application.

We trust that this is sufficient to enable processing of this application, however, should you require any further information or have any questions, please do not hesitate to contact either Bob Lander or myself at this office.

Kind regards

TATTERSALL SURVEYORS



Ben Folbigg
Development Co-ordinator

encl.

Attachment A:

Proposed Staging Plan