

Section Section 8.2(1C) Review (Review of Rejected Development Application)

To:	Rodney Piggott , Development Assessment Manager
From:	Catriona Shirley, Planner
Date:	22 April 2022
Application Number:	REV2019/0076
Address:	Lot 41 DP 217197 , 18 Koorangi Avenue ELANORA HEIGHTS NSW 2101
Review of Application:	Review of Rejection of DA2019/1483 for Subdivision of Land and construction of dwelling house and secondary dwelling

Development Application

Development Application No.2019/1483 was rejected by Council on 27 December 2019 pursuant to Clause 51 of EP&A Regulation 2000 on the basis that the Application failed to provide the following:

- *A cheque for \$320 to NSW RFS and \$140 to Northern Beaches Council as the proposal is Integrated Development under Section 100B of the Rural Fires Act 1997.*

Reasons for Review of Application

The applicant has lodged an application under the provision of Section 8.2 of the Environmental Planning and Assessment Act 1979 requesting a review of the rejection as well as submitted additional information to address the above concerns.

SECTION 8.3 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Under Section 8.3 of the EPA Act and Section 123H of the EPA Regulation, an applicant may request Council to review the decision to reject and not determine the application. The following table provides an assessment against the criteria of Section 8.3 review:

Section 8.3 Requirement	Comments	Compliance
Has the Section 8.3 review application been lodged within 14 days of the date the DA was rejected? (Note: A Section 8.3 review request cannot be made after this time.)	Application was received on 31 December 2019.	Yes
Persons who may conduct review The review of a determination or decision made by a delegate of a council is to be	The review has been conducted by a delegate of the council who is not subordinate to the delegate who made the decision.	Yes

Section 8.3 Requirement	Comments	Compliance
<p>conducted:</p> <p>(a) by the council (unless the determination or decision may be made only by a local planning panel or delegate of the council), or</p> <p>(b) by another delegate of the council who is not subordinate to the delegate who made the determination or decision.</p>		
<p>Has supporting information been provided to explain the applicant's request for review of Council's decision?</p>	<p>The Applicant has provided the following:</p> <ul style="list-style-type: none"> • Payment for the NSW Rural Fire Service (\$320) • Payment for Northern Beaches Council (\$140) 	<p>Yes</p>

Conclusion

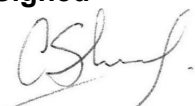
It is considered that the review is consistent with the provisions of section 8.3 of the EPA Act, 1979 and therefore it is recommended that:

- Council proceed with the assessment and determination of the Application.

Recommendation

That Council, as the consent authority, proceed with the assessment and determination of Development Application No.2019/1483 for the subdivision of land and the construction of a dwelling house and secondary dwelling.

Signed



Catriona Shirley, Planner



Rodney Piggott, Development Assessment Manager