

## Section 82B Review (Review of Rejected Development Application)

<b>To:</b>	Steven Findlay , Development Assessment Manager
<b>From:</b>	Ashley Warnest, Planner
<b>Date:</b>	10 December 2018
<b>Application Number:</b>	REV2018/0031
<b>Address:</b>	Lot 12 DP 1014199 , 102 Wakehurst Parkway ELANORA HEIGHTS NSW 2101
<b>Review of Application:</b>	Review of Rejection of DA2018/1816 for Alterations and Additions to a dwelling house and subdivision of 1 lot into 2 lots

### Development Application

Development Application No. DA2018/1816 was rejected by Council on 15 November 2018 pursuant to Clause 51 of EP&A Regulation 2000 on the basis that the Application failed to provide the following:

- A cheque for \$320.00 made payable to the NSW Rural Fire Service for integrated referrals.
- The correct integrated development fees have not been paid. In this regard, there is an outstanding fee of \$140.00, which is in accordance with Council's adopted Fees and Charges.

### Reasons for Review of Application

The applicant has lodged an application under the provision of 8.2(1)(c) seeking to overturn the rejection of the application.

### SECTION 8.2(1)(c) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Under Section 8.2(1)(c) of the EPA Act, 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 8.2(1)(c) review:

Section 8.2(1)(c) Requirement	Comments	Compliance
Does 8.2(1)(c) apply to the development?	S8.2(1)(c) applies to the development as it was the decision of Council to reject and not determine an application for development consent.	Yes
Has the 8.2(1)(c) review application been lodged within 14 days of the date the DA was rejected?  (Note: A 8.2(1)(c) review request cannot be made after this time.)	Application was received on 19/11/2018 which is 4 days after the date the DA was rejected.	Yes
Persons who may conduct	The review has been conducted by a delegate of	Yes

Section 8.2(1)(c) Requirement	Comments	Compliance
review  The review must be conducted:  (a) if the decision was made by the council-by the council, or  (b) If the decision was made by a delegate of the council-by the council or another delegate of the council who is not subordinate to the delegate who made the determination.	the council who is not subordinate to the delegate who made the decision.	
Has supporting information been provided to explain the applicant's request for review of Council's decision?	The application is accompanied by a cheque for \$320.00 made payable to the NSW Rural Fire Service for integrated referrals and the outstanding \$140 fee has been paid. This resolves the outstanding matter on which the DA was rejected.	Yes

### Conclusion

It is considered that the review is consistent with the provisions of section 8.2(1)(c) of the EPA Act, 1979 and therefore it is recommended:

- 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. DA2018/1816 for the alterations and Additions to a dwelling house and subdivision of 1 lot into 2 lots.

### Signed




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**Ashley Warnest, Planner**




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**Steven Findlay, Development Assessment Manager**