

Section 82B Review (Review of Rejected Development Application)

To:	Anna Williams , Development Assessment Manager
From:	Ramona Smith, Planner
Date:	21 March 2017
Application Number:	REV2017/0004
Address:	Lot 1 DP 560135 , 5 Kirra Road ALLAMBIE HEIGHTS NSW 2100
Review of Application:	Review of Rejection of DA2017/0083 for Alterations and Additions to an existing dwelling

Development Application

Development Application No. DA2017/0083 was rejected by Council on 7 February 2017 pursuant to Clause 51 of EP&A Regulation 2000 on the basis that the Application failed to provide the following:

- A Bushfire Hazard Assessment Report as the land is situated in a Bushfire Prone Land on the Warringah Bush Fire Prone Land Map 2016.

Reasons for Review of Application

The applicant has lodged an application under the provision of 82B providing a Bushfire Risk Assessment prepared by Bushfire Consultancy Australia dated 23 February 2017. The application was received in council dated 1 March 2017 not within the 14 day statutory period.

SECTION 82B OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Under Section 82B 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 82B review:

Section 82B Requirement	Comments	Compliance
Does S82B apply to the development?	The provisions of Section 82B apply to the proposed development.	Yes
Has the S82B review application been lodged within 14 days of the date the DA was rejected? (Note: A S82B review request cannot be made after this time.)	The application was rejected on 7 February 2017 ,accordingly an application for S82B was lodged on 1 March 2017 not providing documentation within the required 14 day statutory period.	No
Persons who may conduct review The review must be conducted: (a) if the decision was made by the council-by the council, or	The application was rejected by the Planning Assessment Manager (Steven Findlay)	Yes

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Section 82B Requirement	Comments	Compliance
(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 review is being conducted by another delegate of the council who is not subordinate to the delegate who made the determination (Anna Williams)	
Has supporting information been provided to explain the applicant's request for review of Council's decision?	The information received was not provide within the 14 day statutory period and does not warrant review to be approved.	No (submitted 7 days after statutory period)

Conclusion

It is considered that the review is inconsistent with the provisions of section 82(B) of the EPA Act, 1979 and therefore it is recommended:

- Reject the application.

Recommendation

That Council as the consent authority reject the application No. REV2017/0004 for 5 Kirra Road ALLAMBIE HEIGHTS.

Signed

Ramona Smith, Planner

Anna Williams, Development Assessment Manager