

## Request to Review Recommendations

This Fast Fact confirms the legislative requirements for consent authorities, applicants, and other groups involved with the development approval process when requesting a review or variation to NSW Rural Fire Service (RFS) recommendations under section 79BA or General Terms of Approval under section 91A of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

This legislation necessitates such amendments to be referred to the Service via the consent authority.

### **Prior to determination of a development application:**

Clause 55 (1) of the *Environmental Planning and Assessment Regulation 2000* states “A development application may be amended or varied by the applicant (but only with the agreement of the consent authority) at any time before the application is determined”.

### **After determination of a development application:**

Amendments to consent conditions for development applications determined by the consent authority are subject to the requirements of section 96 of the EP&A Act which states that “a consent authority may, on application being made by the applicant ..... modify a development consent granted by it”.

Such amendments will require formal referral to the RFS via the consent authority.

The RFS will not accept any requests to review or vary recommendations or General Terms of Approval direct from an applicant or persons acting on their behalf. In all cases, written requests must be forwarded to the RFS via the consent authority together with the necessary documentation and plans.

Applicants are to ensure that the proposed modifications and variations to development applications comply with *Planning for Bush Fire Protection*. The services of a suitably qualified bush fire consultant may be required to advise on such matters.

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