

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

<b>To:</b>	Matthew Edmonds , Development Assessment Manager
<b>From:</b>	Rebecca Englund, Planner
<b>Date:</b>	12 December 2018
<b>Application Number:</b>	REV2018/0033
<b>Address:</b>	Lot 2 DP 9900 , 876 Pittwater Road DEE WHY NSW 2099 Lot 3 DP 9900 , 876 Pittwater Road DEE WHY NSW 2099 Lot 4 DP 9900 , 876 Pittwater Road DEE WHY NSW 2099 Lot 1 DP 9900 , 874 Pittwater Road DEE WHY NSW 2099
<b>Review of Application:</b>	Review of Rejection of DA2018/1851 for demolition of existing buildings and construction of a shop top housing development comprising 97 dwellings 12 retail tenancies and basement car parking

### Development Application

Development Application No. DA2018/1851 was rejected by Council on 27 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 integrated referral to Water NSW, and
- an estimated cost of works prepared by a registered quantity surveyor.

The above listed information was subsequently provided on 7 December 2018.

### SECTIONS 8.2 & 8.3 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Under Section 8.3 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 8.3 review:

Section 82B Requirement	Comments	Compliance
Does S8.3 apply to the development?		Yes
Has the S8.3 review application been lodged within 14 days of the date the DA was rejected?  (Note: A S8.3 review request cannot be made after this time.)	Application was received on 6 December 2018.	Yes
Persons who may conduct review  The review must 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 82B Requirement	Comments	Compliance
<p>conducted:</p> <p>(a) if the decision was made by the council-by the council, or</p> <p>(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.</p>		
<p>Has supporting information been provided to explain the applicant's request for review of Council's decision?</p>		<p>Yes</p>

### Conclusion

It is considered that the review is consistent with the provisions of sections 8.2 & 8.3 of the EPA Act 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 DA2018/1851.

### Signed

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**Rebecca Englund, Planner**




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**Matthew Edmonds, Development Assessment Manager**