

NORTHERN BEACHES COUNCIL

Section 82B Review (Review of Rejected Development Application)

To:	Rodney Piggott , Development Assessment Manager
From:	Tony Collier, Planner
Date:	13 December 2016
Application Number:	REV2016/0045
Address:	<p>Lot 1 DP 651395 , 9999 Pittwater Road BROOKVALE NSW 2100</p> <p>Lot 1 DP 114027 , 9999 Pittwater Road BROOKVALE NSW 2100</p> <p>Lot 5 DP 22257 , 9999 Pittwater Road BROOKVALE NSW 2100</p> <p>Lot 3 DP 22257 , 9999 Pittwater Road BROOKVALE NSW 2100</p> <p>Lot 6 DP 22257 , 9999 Pittwater Road BROOKVALE NSW 2100</p> <p>Lot 1 DP 784268 , 9999 Pittwater Road BROOKVALE NSW 2100</p> <p>Lot 2 DP 22257 , 9999 Pittwater Road BROOKVALE NSW 2100</p> <p>Lot 47 DP 3674 , 9999 Pittwater Road BROOKVALE NSW 2100</p> <p>Lot 4 DP 22257 , 9999 Pittwater Road BROOKVALE NSW 2100</p> <p>Lot 1 DP 22257 , 9999 Pittwater Road BROOKVALE NSW 2100</p> <p>Lot B DP 966128 , 9999 Pittwater Road BROOKVALE NSW 2100</p> <p>Lot 1 DP 1141128 , 9999 Pittwater Road BROOKVALE NSW 2100</p> <p>Lot 2 DP 1141128 , 9999 Pittwater Road BROOKVALE NSW 2100</p> <p>Lot 3 DP 1141128 , 9999 Pittwater Road BROOKVALE NSW 2100</p> <p>Lot 4 DP 1141128 , 9999 Pittwater Road BROOKVALE NSW 2100</p> <p>Lot 5 DP 1141128 , 9999 Pittwater Road BROOKVALE NSW 2100</p> <p>Lot 6 DP 1141128 , 9999 Pittwater Road BROOKVALE NSW 2100</p> <p>Lot 6 DP 785409 , 9999 Pittwater Road BROOKVALE NSW 2100</p>
Review of Application:	Building Identification Signage for Brookvale Oval

Development Application

Development Application No. 2016/1200 was rejected by Council on 23 November 2016 pursuant to Clause 51 of EP&A Regulation 2000 on the basis that the Application failed to provide the following:

NORTHERN BEACHES COUNCIL

A.

"The architectural plans accompanying the application are inadequate.

The Site Plan is not a clear and legible plan, rather it is a "Contour and Detail Survey" which contains a substantial amount of irrelevant information, does not contain a description of the proposal, does not contain an accurate depiction of the length of the sign relative to the length of the stadium frontage to Pittwater Road or a notation depicting what the yellow highlighter area actually comprises.

The streetscape photo which contains a superimposed image of the proposed sign is not an Elevation Plan as required. A detailed elevation plan must be lodged with any new application or S82B application. This streetscape image is satisfactory as a "photomontage" in addition to an elevation plan(s). There should be both existing and proposed streetscape images.

The First Floor Plan does not contain any dimensions of the proposed sign and is a confusing inclusion to the application.

The space on the sign labelled "Logo Here" is not discussed in the application. Details of what type of logo (size, materials, illumination, colour etc) is to be included.

The plans are to detail the construction materials and actual colours.

B. The A4 size Notification Plan is not adequate. The plan does not include a site plan and elevation as detailed above."

Reasons for Review of Application

The applicant has lodged an application under the provision of 82B to address the above matters A and B.

With respect to A, the s.82B application includes:

- A simplified and colourised site/Location plan which removes irrelevant information and includes a description of the proposal;
- An elevation plan as seen from the street frontage - together with the photomontage which includes actual signage detail.
- The site/location plan, the elevation plan and the photomontage include details of the type of logo, materials, colour, illumination etc.

With respect to B, the s.82B application includes:

- The notification plans are on two separate A4 pages and include the same level of detail as that provided on the A3 plans.

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?	Yes	Yes
Has the S82B review application	Yes	Yes

NORTHERN BEACHES COUNCIL

Section 82B Requirement	Comments	Compliance
<p>been lodged within 14 days of the date the DA was rejected?</p> <p>(Note: A S82B review request cannot be made after this time.)</p>	<p>Rejected 23 November 2016 Lodged 7 December 2016</p>	
<p>Persons who may conduct review</p> <p>The review must be 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>The application was rejected by a delegate of Council. The review has been conducted by another delegate of Council (Option b).</p>	Yes
<p>Has supporting information been provided to explain the applicant's request for review of Council's decision?</p>	<p>The Application Form includes sufficient detail to explain the applicant's request.</p>	Yes

Conclusion

It is considered that the review is consistent with the provisions of section 82(B) 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.

Signed



Tony Collier, Senior Development Planner



**NORTHERN BEACHES
COUNCIL**

Rodney Piggott, Development Assessment Manager