

Section Section 8.2(1C) Review (Review of Rejected Development Application)

To:	Anne-Marie Young , Acting Development Assessment Manager
From:	Adam Croft, Planner
Date:	30 March 2020
Application Number:	REV2020/0009
Address:	Lot 51 DP 1237990 , 1 West Promenade MANLY NSW 2095
Review of Application:	Business identification signage

Development Application

Development Application No. 2020/0145 was rejected by Council on 24 February 2020 pursuant to Clause 51 of EP&A Regulation 2000 on the basis that the Application failed to provide the following:

- A Statement of Environmental Effects addressing the relevant planning controls and legislation, and any impact on the site and surrounding properties, including the heritage item contained on the site.

Reasons for Review of Application

The applicant has lodged an application under the provision of Section 8.2 of the Environmental Planning and Assessment Act 1979 requesting a review of the rejection as well as submitted additional information to address the above concerns.

SECTION 8.3 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Under Section 8.3 of the EPA Act and Section 123H of the EPA Regulation, 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 8.3 Requirement	Comments	Compliance
Has the Section 8.3 review application been lodged within 14 days of the date the DA was rejected? (Note: A Section 8.3 review request cannot be made after this time.)	Application was received on 2 March 2020	Yes
Persons who may conduct review The review of a determination or decision made by a delegate of a council is to 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 8.3 Requirement	Comments	Compliance
<p>conducted:</p> <p>(a) by the council (unless the determination or decision may be made only by a local planning panel or delegate of the council), or</p> <p>(b) by another delegate of the council who is not subordinate to the delegate who made the determination or decision.</p>		
Has supporting information been provided to explain the applicant's request for review of Council's decision?	<p>The application has provided the following details which are deemed adequate to proceed with the assessment of the Development Application:</p> <ul style="list-style-type: none"> An adequate Statement of Environmental Effects 	Yes

Conclusion

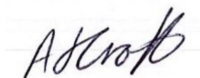
It is considered that the review is consistent/inconsistent with the provisions of section 8.3 of the EPA Act, 1979 and therefore it is recommended that:

- 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 No. 2020/0145 for Alterations and Additions, Business Premises.

Signed



Adam Croft, Planner



Anne-Marie Young, Acting Development Assessment Manager