

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

<b>To:</b>	Rodney Piggott , Development Assessment Manager
<b>From:</b>	Phil Lane, Planner
<b>Date:</b>	13 November 2019
<b>Application Number:</b>	REV2019/0035
<b>Address:</b>	Lot 1 DP 1253393 , 12 - 12 A Ponderosa Parade WARRIEWOOD NSW 2102
<b>Review of Application:</b>	Review of Rejection of DA2019/0567 for Use of Premises as a Depot for trucks and construction materials

### Development Application

Development Application No. 2019/0567 was rejected by Council on 14 June 2019 pursuant to Clause 51 of EP&A Regulation 2000 on the basis that the Application failed to provide the following:

- A full description of works has not been completed on the Development Application form. In this regard, the description provided is "change of use/continuation of existing use", but fails to mention what the use actually is.
- The Statement of Environmental Effects does not address the status of the buildings and structures onsite, any proposed upgrades of the environmental measures (truck washing, servicing/repair), provision of administrative facilities, staff amenities, waste management, signage and carparking areas.
- The application has failed to provide plans for the occupation of the site as a Depot, mainly in the form of a Site Plan which depicts where and how the various uses on the site are to be carried out, including, trucks, cars, storage areas, any signage, any lighting and waste storage area(s). Also, details of any new temporary or permanent structures are to be provided in the plans, including elevations, sections, materials and colours as well as to any proposed upgrades of driveways and internal parking, storage and access areas.
- The application has failed to provide a Site Plan.
- The application has failed to provide Floor Plans of the existing buildings (used as offices, amenities, storage?) and any alterations and additions to those buildings.
- The application has failed to mention the legitimacy of all buildings and structures (temporary and permanent) onsite.

### 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?  ( <b>Note:</b> A Section 8.3 review request cannot be made after this time.)	Application was received on 25 June 2019	Yes
Persons who may conduct review  The review of a determination or decision made by a delegate of a council is to be conducted:  (a) by the council (unless the determination or decision may be made only by a local planning panel or delegate of the council), or  (b) by another delegate of the council who is not subordinate to the delegate who made the determination or decision.	The review has been conducted by a delegate of the council who is not subordinate to the delegate who made the decision.	Yes
Has supporting information been provided to explain the applicant's request for review of Council's decision?	<ul style="list-style-type: none"> <li>A full description of works has not been completed on the Development Application form. In this regard, the description provided is "change of use/continuation of existing use", but fails to mention what the use actually is.</li> <li>The Statement of Environmental Effects does not address the status of the buildings and structures onsite, any proposed upgrades of the environmental measures (truck washing, servicing/repair), provision of administrative facilities, staff amenities, waste management, signage and carparking areas.</li> <li>The application has failed to provide plans for the occupation of the site as a Depot,</li> </ul>	<p>Addressed</p> <p>Addressed</p> <p>Not addressed</p> <p>Addressed (hand drawn details on the survey plan)</p> <p>Not addressed</p>

Section 8.3 Requirement	Comments	Compliance
	<p>mainly in the form of a Site Plan which depicts where and how the various uses on the site are to be carried out, including, trucks, cars, storage areas, any signage, any lighting and waste storage area(s). Also, details of any new temporary or permanent structures are to be provided in the plans, including elevations, sections, materials and colours as well as to any proposed upgrades of driveways and internal parking, storage and access areas.</p> <ul style="list-style-type: none"> <li>• The application has failed to provide a Site Plan.</li> <li>• The application has failed to provide Floor Plans of the existing buildings (used as offices, amenities, storage?) and any alterations and additions to those buildings.</li> <li>• The application has failed to mention the legitimacy of all buildings and structures (temporary and permanent) onsite.</li> </ul>	Not addressed

## Conclusion

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

- Council reject the application.

## Recommendation

That Council, as the consent authority, proceed with the reject Development Application No. 2019/0567 for Use of Premises as a Depot for trucks and construction materials.

Signed



Phil Lane, Principal Planner



Rodney Piggott, Development Assessment Manager