

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

To:	Renee Ezzy , Acting Development Assessment Manager
From:	Adam Croft, Planner
Date:	1 November 2019
Application Number:	REV2019/0063
Address:	Lot 2 DP 236331 , 135 Seaforth Crescent SEAFORTH NSW 2092
Review of Application:	Review of Rejection of DA2019/1111 for alterations and additions to a dwelling house including a swimming pool

Development Application

Development Application No. 2019/1111 was rejected by Council on 15 October 2019 pursuant to Clause 51 of EP&A Regulation 2000 on the basis that the Application failed to provide the following:

- Adequate swimming pool plans

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 17 October 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:	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>(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"> Adequate Swimming Pool Plans including a short and long section 	Yes

Conclusion

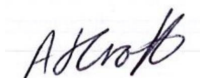
It is considered that the review is consistent/inconsistent with the provisions of section 8.3 of the EPA Act, 1979 and therefore it is recommended that:

- 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. 2019/1111 for Alterations and Additions, Dwelling House.

Signed



Adam Croft, Planner



Renee Ezzy, Acting Development Assessment Manager