

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

To:	Matthew Edmonds , Development Assessment Manager
From:	Kent Bull, Planner
Date:	25 November 2019
Application Number:	REV2019/0067
Address:	Lot 1 DP 593980 , 27 - 47 Birkley Road MANLY NSW 2095
Review of Application:	Section 8.2(1C) Review of Rejection

Development Application

Development Application No. DA2019/1228 was rejected by Council on 6 November 2019 pursuant to Clause 51 of EP&A Regulation 2000 on the basis that the Application failed to provide the following:

- an existing Level 1 plan,
- an amended site plan that aligns with the internal floor plans,
- stormwater/services plan (showing the new external drainage lines referred to on Drawing F300),
- sections,
- elevations (showing the new external connections referred to on Drawing F300),
- Drawing F010 referred to on Drawing F300.

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 20 November 2019 which is within 14 days from when the development application was rejected.	Yes
Persons who may conduct review	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>The review of a determination or decision made by a delegate of a council is to be 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>		
<p>Has supporting information been provided to explain the applicant's request for review of Council's decision?</p>	<p>The Review application is accompanied by the required plans which resolved the outstanding matters on which the DA was rejected.</p>	<p>Yes</p>

Conclusion

It is considered that the review is consistent 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. DA2019/1228 for the installation of water storage system for fire fighting purposes.

Signed



Kent Bull, Planner



Matthew Edmonds, Development Assessment Manager