

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

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| To: | Anna Williams , Development Assessment Manager |
| From: | Kelsey Wilkes, Planner |
| Date: | 5 September 2019 |
| Application Number: | REV2019/0050 |
| Address: | Lot 2 DP 852892 , 128 A Garden Street NORTH NARRABEEN NSW 2101 |
| Review of Application: | Review of Rejection of DA2019/0909 alterations and additions to a dwelling house |

Development Application

Development Application No. DA2019/0909 was rejected by Council on 27 August 2019 pursuant to Clause 51 of EP&A Regulation 2000 on the basis that the Application failed to provide the following:

- Statement of Environmental Effects
- Survey

Reasons for Review of Application

The applicant has lodged an application under the provision of Section 8.3 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 82B 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 3 September 2019, 7 days after it was rejected. | 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 82B 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? | The applicant has successfully provided the requested missing information | Yes |

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. DA2019/0909 for alterations and additions to an existing dwelling house

Signed



Kelsey Wilkes, Planner



Anna Williams, Development Assessment Manager