

Section 82B Review (Review of Rejected Development Application)

To:	Steven Findlay , Development Assessment Manager
From:	Catriona Shirley, Planner
Date:	6 September 2018
Application Number:	REV2018/0016
Address:	Lot 129 DP 6143 , 18 Austin Avenue NORTH CURL CURL NSW 2099
Review of Application:	Review of Rejection of DA2018/1315 for Temporary Signage

Development Application

Development Application No. DA2018/1315 was rejected by Council on 13 August 2018 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 applying to the proposed development under WLEP 2011 and WDCP in particular addressing State Environmental Planning Policy No 64 - Advertising and Signage and Part D23 Signs of Warringah Development Control Plan 2011 (address whether the signs will be illuminated) and any other relevant legislation and the impacts of the development on the site and surrounding properties.*
- *The application has failed to provide architectural drawings for the development including site plans and/or elevations of the proposed sign(s).*
- *A Preliminary Geotechnical Report (Assessment of Site Conditions) as the land is located in Landslip Risk Area "B" or "D" under Council's Landslip Risk Map.*

Reasons for Review of Application

The applicant has lodged an application under the provision of 8.2 and has provided a Statement of Environmental Effects, and architectural plans in relations in response to Council's rejection letter.

A Preliminary Geotechnical Report was not required as the application is for two temporary signs.

SECTION 82B OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Under Section 82B of the EPA Act, 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 82B review:

Section 82B Requirement	Comments	Compliance
Does S82B apply to the development?		Yes
Has the S82B review application been lodged within 14 days of the date the	Application was received on 22 August 2018	Yes

Section 82B Requirement	Comments	Compliance
DA was rejected? (Note: A S82B review request cannot be made after this time.)		
Persons who may conduct review The review must be conducted: (a) if the decision was made by the council-by the council, or (b) If the decision was made by a delegate of the council-by the council or another delegate of the council who is not subordinate to the delegate who made the determination.	The development application was rejected on 13 August 2018. The Review application was lodged on 22 August 2018 which is within 14 days of the date the DA was rejected.	Yes
Has supporting information been provided to explain the applicant's request for review of Council's decision?	The applicant has provided the information that the development application was refused upon, and has therefore supplied all necessary information for the assessment of the development application.	Yes

Conclusion

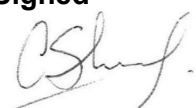
It is considered that the review is consistent with the provisions of section 82(B) of the EPA Act, 1979 and therefore it is recommended:

- Council proceed with the assessment and determination of the Application.
- Reject the application.

Recommendation

That Council as the consent authority proceed with the assessment and determination of Development Application.

Signed



Catriona Shirley, Planner

Steven Findlay

Steven Findlay, Development Assessment Manager