

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

To:	Lashta Haitari , Acting Development Assessment Manager
From:	Alex Keller, Planner
Date:	21 November 2019
Application Number:	REV2019/0065
Address:	Lot 20 DP 758044 , 1 Tabalum Road BALGOWLAH HEIGHTS NSW 2093
Review of Application:	Review of Rejection of DA2019/1180 demolition works and construction of a dwelling house including swimming pool

Development Application

Development Application No.2019/1180 was rejected by Council on 31 October 2019 pursuant to Clause 51 of EP&A Regulation 2000 on the basis that the Application failed to provide the following:

- The application needs to provide amended site and/or floor plans that indicate the location from which the section drawings are taken; and
- The application has failed to provide adequate Swimming Pool Plans in accordance with Council's lodgement requirements.

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 6 November 2019, within the review period permitted.	Yes
Persons who may conduct review The review of a determination or decision made by a	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>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>		
Has supporting information been provided to explain the applicant's request for review of Council's decision?	The applicant provided a new master set of information, including pool sections and levels (as per Plan sheets No.A1 to A34 and A38) to satisfy Council's letter dated 31 October 2019.	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 accept the application, having completed the REV2019/0065 including consideration of the applicant's submission.
- Consideration has also been given to submission issues made pre-notification by C/- B.Tulloch regarding the development application. These matters are appropriate to be addressed in full detail during the detailed assessment stage of the development application and do not warrant refusal of REV2019/0065.

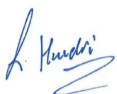
Recommendation

That Council, as the consent authority, proceed with the notification and assessment of Development Application No. 2019/1180 for demolition works and construction of a dwelling house and pool at No.1 Tablum Road, Balgowlah Heights.



Signed

Alex Keller, Principal Planner



Lashta Haitari, Acting Development Assessment Manager