

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

To:	Matthew Edmonds , Development Assessment Manager
From:	Claire Ryan, Planner
Date:	18 December 2019
Application Number:	REV2019/0073
Address:	Lot 214 DP 13643 , 36 Allawah Avenue ELANORA HEIGHTS NSW 2101
Review of Application:	Review of Rejection of DA2019/1330 for construction of a secondary dwelling

Development Application

Development Application No. DA2019/1330 was rejected by Council on 2 December 2019 pursuant to Clause 51 of EP&A Regulation 2000 on the basis that the Application failed to provide the following:

- Arboricultural Report addressing impact on nearby trees.

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 December 2019, which is not within 14 days of the rejection of DA2019/1330.	No.
Persons who may conduct review The review of a determination or decision made by a delegate of a council is to be conducted: (a) by the council (unless the determination or decision	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
may be made only by a local planning panel or delegate of the council), or (b) by another delegate of the council who is not subordinate to the delegate who made the determination or decision.		
Has supporting information been provided to explain the applicant's request for review of Council's decision?	The provided Arboricultural Report is satisfactory.	Yes

Conclusion

It is considered that the review is inconsistent with the provisions of section 8.3 of the EPA Act, 1979.

Recommendation

That Council, as the consent authority, proceed to reject Development Application No. DA2019/1330 for construction of a secondary dwelling, as the application for review of the original rejection was not provided within 14 days.

Signed



Claire Ryan, Principal Planner



Matthew Edmonds, Development Assessment Manager