

Section 82B Review (Review of Rejected Development Application)

To:	Luke Perry , Acting Development Assessment Manager
From:	Rhiannon McLardy, Planner
Date:	1 February 2019
Application Number:	REV2019/0001
Address:	Lot 2 DP 115063 , 1 Peacock Street SEAFORTH NSW 2092
Review of Application:	Review of Rejection of DA2018/2025 for alterations and Additions to a dwelling house for a carport

Development Application

Development Application No. DA2018/2025 was rejected by Council on 2 January 2019 pursuant to Clause 51 of EP&A Regulation 2000 on the basis that the Application failed to provide the following:

- Survey Plan
- Approval for concrete slab.

Reasons for Review of Application

The applicant has lodged an application under the provision of 82B and has provided a survey plan. An application for a Building Certificate BC2019/0010 has been submitted for the construction of the concrete slab. Reference to approval for the concrete slab has been removed from the DA documents and a new DA application form has been completed seeking consent for the use of the hardstand space.

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 DA was rejected? (Note: A S82B review request cannot be made after this time.)	Application was received on 16 January 2019	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 82B Requirement	Comments	Compliance
<p>The review must be conducted:</p> <p>(a) if the decision was made by the council-by the council, or</p> <p>(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.</p>		
Has supporting information been provided to explain the applicant's request for review of Council's decision?		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.

Recommendation

That Council as the consent authority proceed with the assessment and determination of Development Application No. DA2018/2025 for alterations and additions to a dwelling house for a carport.

Signed



Rhiannon McLardy, Planner



Luke Perry, Acting Development Assessment Manager