

## Section 82B Review (Review of Rejected Development Application)

<b>To:</b>	Matthew Edmonds , Development Assessment Manager
<b>From:</b>	Megan Surtees, Planner
<b>Date:</b>	8 May 2019
<b>Application Number:</b>	REV2019/0017
<b>Address:</b>	Lot A DP 413022 , 149 Riverview Road AVALON BEACH NSW 2107 Lot LIC 481625 , 149 Riverview Road AVALON BEACH NSW 2107
<b>Review of Application:</b>	Review of Rejection of DA2019/0359 for alterations and additions to a jetty

### Development Application

Development Application No. 2019/0359 was rejected by Council on 16 April 2019 pursuant to Clause 51 of EP&A Regulation 2000 on the basis that the Application failed to provide the following:

- A cheque for \$320.00 made payable to DPI Fisheries for integrated referral.
- The correct integrated development fees have not been paid. In this regard, there is an outstanding fee of \$140.00, which is in accordance with Council's adopted fees and Charges.

### 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 17 April 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 of a determination or decision made by a 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?		Yes

### Conclusion

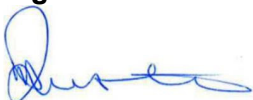
It is considered that the review is consistent with the provisions of section 8.3 of the EPA Act, 1979 and therefore it is recommended that:

- 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.2019/0359 for alterations to an existing jetty.

Signed



Megan Surtees, Planner



Matthew Edmonds, Development Assessment Manager

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**Peter Robinson, Executive Manager Development Assessment**