

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

To:	Renee Ezzy , Acting Development Assessment Manager
From:	Nick Keeler, Planner
Date:	11 December 2019
Application Number:	REV2019/0066
Address:	Lot A DP 347673 , 18 Boyle Street BALGOWLAH NSW 2093 Lot B DP 347673 , 18 Boyle Street BALGOWLAH NSW 2093
Review of Application:	Review of Rejection of DA2019/1213 Erection of pylon sign

Development Application

Development Application No. DA2019/1213 was rejected by Council on 6 November 2019 pursuant to Clause 51 of EP&A Regulation 2000 on the basis that the Application failed to provide the following:

- The application is inconsistent with regards to the works proposed, noting that the Application Form is limited to signage, yet the Statement of Environmental Effects and the Architectural Plans include considerable building works.
Note: For the purpose of this correspondence, it is assumed that the application is limited to signage.
- The estimated cost of works nominated on the Application Form does not match the quote provided to support the application.
- The Statement of Environmental Effects provided does not appropriately identify the proposed works and does not address the relevant planning controls applying to the proposed development under MLEP 2013 and MDCP and other relevant legislation. Furthermore, the statement appears to relate to separate works and does not consider the impacts of the development on the site and surrounding properties.
- The application has failed to provide architectural drawings demonstrating the location of the proposed signage.
- The survey plan provided to support the application is illegible.

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 19 November 2019.	Yes
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 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.	The review has been conducted by a delegate of the council who is not subordinate to the delegate who made the decision.	Yes
Has supporting information been provided to explain the applicant's request for review of Council's decision?	While some additional and amended information has been provided, the documentation still lacks the following details: <ul style="list-style-type: none"> Detailed assessment of the proposed signage in accordance with MLEP 2013 and MDCP. Reference is made to an incorrect LEP. SEPP 64 assessment lacking appropriate detail Legible and accurate survey plan Submitted location plan does not accurately detail boundary setbacks 	No

Conclusion

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

- Council reject the application.

Recommendation

That Council, as the consent authority, proceed with the rejection of Development Application No. DA2019/1213 for signage.

Signed



Nick Keeler, Planner



Renee Ezzy, Acting Development Assessment Manager