

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

To:	Matthew Edmonds , Development Assessment Manager
From:	Megan Surtees, Planner
Date:	9 March 2020
Application Number:	REV2020/0007
Address:	Lot 3 DP 16941 , 128 Queenscliff Road QUEENSCLIFF NSW 2096
Review of Application:	Review of Rejection of DA2020/0083 for alterations and additions to a dwelling house

Development Application

Development Application No. DA2020/0083 was rejected by Council on 17 February 2020 pursuant to Clause 51 of EP&A Regulation 2000 on the basis that the Application failed to provide the following:

- A BASIX Certificate
- A Statement of Environmental Effects

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 18 February 2020	Yes
Persons who may conduct review The review of a determination or decision made by a delegate of a council is to be conducted:	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
(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.		
Has supporting information been provided to explain the Applicant's request for review of Council's decision?	Upon a preliminary assessment it was noted that the proposed development will result in numerous non-compliances relating to the Warringah Development Control Plan (WDCP). The Statement of Environmental Effects does not address these non-compliances and how they will impact on the amenity of surrounding properties. As such, the Statement of Environmental Effects does not satisfactorily explain the Applicant's request for a review of Council's decision.	No

Conclusion


It is considered that the review is inconsistent with the provisions of section 8.2 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 Development Application No. DA2020/0083 for an incomplete Statement of Environmental Effects. The Applicant is advised to review Council's Lodgement Requirements (which outlines what is required in a Statement of Environmental Effects document) and is to address all relevant controls within the WDCP, and Warringah Local Environmental Plan (WLEP), within the Statement of Environmental Effects prior to the submission of any future development application.

Signed



Megan Surtees, Planner





Matthew Edmonds, Development Assessment Manager