

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

<b>To:</b>	Matthew Edmonds , Development Assessment Manager
<b>From:</b>	Penny Wood, Planner
<b>Date:</b>	6 January 2020
<b>Application Number:</b>	REV2019/0072
<b>Address:</b>	Lot 20 DP 16774 , 65 Waratah Street MONA VALE NSW 2103
<b>Review of Application:</b>	Alterations and additions to a dwelling house including a swimming pool

### Development Application

Development Application No. 2019/1380 was rejected by Council on 11 December 2019 pursuant to Clause 51 of EP&A Regulation 2000 on the basis that the Application failed to provide the following:

- Adequate Swimming Pool Plans in line with Council's DA lodgement requirements.

### 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 16 December 2019, within 14 days of 11 December 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:	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?	Further pool plans have been provided including a long section of the proposed swimming pool.	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 Development Application No. DA2019/1380 for Alterations and additions to a dwelling house including a swimming pool

### Signed



**Penny Wood, Planner**



**Matthew Edmonds, Development Assessment Manager**