

Section 82B Review (Review of Rejected Development Application)

To:	Luke Perry , Acting Development Assessment Manager
From:	Claire Ryan, Planner
Date:	8 January 2019
Application Number:	REV2018/0037
Address:	Lot 1 DP 998658 , 27 Kangaroo Street MANLY NSW 2095
Review of Application:	Review of Rejection of DA2018/1931 for alterations and additions to a dwelling house and swimming pool

Development Application

Development Application No. DA2018/1931 was rejected by Council on 14 December 2018 pursuant to Clause 51 of EP&A Regulation 2000 on the basis that the Application failed to provide the following:

- A Statement of Environmental Effects addressing the relevant planning controls applying to the proposed development under MLEP 2013 and MDCP 2013 and any other relevant legislation and the impacts of the development on the site and surrounding properties; and
- Section plans of the proposed swimming pool.

Reasons for Review of Application

The applicant has lodged an application under the provision of s 8.2(1) and has provided a Statement of Environmental Effects and sections of the proposed swimming pool.

SECTION 8.2(1) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Under Section 8.2(1) 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 8.2 (1) review:

s 8.2(1) Requirement	Comments	Compliance
Does s 8.2(1) apply to the development?	Yes.	Yes
Has the s 8.2(1) review application been lodged within 14 days of the date the DA was rejected? (Note: A s 8.2(1) review request cannot be made after this time.)	Application was received on 17 December 2018.	Yes
Persons who may conduct review The review must be	The review has been conducted by a delegate of the council who is not subordinate to the delegate who made the decision.	Yes

s 8.2(1) Requirement	Comments	Compliance
<p>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>		
<p>Has supporting information been provided to explain the applicant's request for review of Council's decision?</p>	<p>Yes - the applicant has submitted the required documentation with the review application.</p>	<p>Yes</p>

Conclusion

It is considered that the review is consistent with the provisions of section 8.2(1) of the EPA Act, 1979 and therefore it is recommended:

Recommendation

That Council as the consent authority proceed with the assessment and determination of Development Application No. DA2018/1931.

Signed



Claire Ryan, Planner



Luke Perry, Acting Development Assessment Manager