

Section 82B Review (Review of Rejected Development Application)

To:	Anna Williams , Development Assessment Manager
From:	Nick Keeler, Planner
Date:	26 June 2019
Application Number:	REV2019/0034
Address:	Lot C DP 313316 , 43 White Street BALGOWLAH NSW 2093
Review of Application:	Review of Rejection of DA2019/0592 for demolition works and construction of a carport

Development Application

Development Application No. DA2019/0592 was rejected by Council on 13 June 2019 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.

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 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 21 June 2019.	Yes
Persons who may conduct review The review of a determination or decision made by a delegate of a council is to be	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
<p>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?	A Statement of Environmental Effects satisfying Council's requirements has been received.	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. DA2019/0592 for Demolition works and construction of a carport.

Signed



Nick Keeler, Planner



Anna Williams, Development Assessment Manager