

## Section 82B Review (Review of Rejected Development Application)

<b>To:</b>	Rodney Piggott , Development Assessment Manager
<b>From:</b>	Georgia Quinn, Planner
<b>Date:</b>	22 March 2019
<b>Application Number:</b>	REV2019/0012
<b>Address:</b>	Lot 39 DP 207049 , 11 Wandearah Avenue AVALON BEACH NSW 2107
<b>Review of Application:</b>	Review of Rejection of DA2019/0162 for alterations and additions to a dwelling house including swimming pool

### Development Application

Development Application No. DA2019/0162 was rejected by Council on 26 February 2019 pursuant to Clause 51 of EP&A Regulation 2000 on the basis that the Application failed to provide the following:

Inadequate swimming pool plans. Sections were not provided showing the pool volume and depth, in line with Council's lodgement requirements.

### Reasons for Review of Application

The applicant has lodged an application under the provision of 82B requesting a review of the rejection as well as submitted additional information to address the above concerns.

### SECTION 82B OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Under Section 82B 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 82B review:

Section 82B Requirement	Comments	Compliance
Does S82B apply to the development?		Yes
Has the S82B review application been lodged within 14 days of the date the DA was rejected?  (Note: A S82B review request cannot be made after this time.)	Application was received on 12 March 2019.	Yes
Persons who may conduct review  The review must 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 82B Requirement	Comments	Compliance
(a) if the decision was made by the council-by the council, or  (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.		
Has supporting information been provided to explain the applicant's request for review of Council's decision?	Plans have been provided.	Yes

### Conclusion

It is considered that the review is consistent with the provisions of section 82(B) of the EPA Act, 1979 and therefore it is recommended:

- 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 DA2019/0162.

### Signed



Georgia Quinn, Planner



Rodney Piggott, Development Assessment Manager