

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

To:	Rodney Piggott , Development Assessment Manager
From:	Lashta Haidari, Planner
Date:	27 February 2020
Application Number:	REV2020/0005
Address:	Lot 1 DP 348277 , 3 Birdwood Avenue COLLAROY NSW 2097 Lot 2 DP 9667 , 3 Birdwood Avenue COLLAROY NSW 2097
Review of Application:	Review of Rejection of DA2020/0060 for construction of a retaining wall

Development Application

Development Application No.DA2020/0060 was rejected by Council on 4 February 2020 pursuant to Clause 51 of EP&A Regulation 2000 on the basis that the Application failed to provide the following:

- The application has failed to provide a Boundary Identification Survey (less than 12 months old) prepared and signed by a registered surveyor, in accordance with Council's lodgement requirements.
- The application has failed to provide a Section Plan cutting through the retaining wall.

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 19 February 2020, which is within the required 14 days.	Yes
Persons who may conduct review	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
The review of a determination or decision made by a delegate of a council is to be conducted: (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?	The applicant has provided a boundary survey, dated 13 November 2019, and the applicant has provided the required sectional plans.	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.DA2020/0060 for the construction of retaining wall.

Signed



Lashta Haidari, Planner



Rodney Piggott, Development Assessment Manager