

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

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| <b>To:</b>                    | Matthew Edmonds , Development Assessment Manager                                             |
| <b>From:</b>                  | Claire Ryan, Planner                                                                         |
| <b>Date:</b>                  | 19 July 2019                                                                                 |
| <b>Application Number:</b>    | REV2019/0043                                                                                 |
| <b>Address:</b>               | Lot 4 DP 82179 , 22 Stuart Street MANLY NSW 2095                                             |
| <b>Review of Application:</b> | Review of Rejection of DA2019/0661 for Demolition works and construction of a boarding house |

### Development Application

Development Application No. DA2019/0661 was rejected by Council on 3 July 2019 pursuant to Clause 51 of EP&A Regulation 2000 on the basis that the Application failed to provide a survey plan. The letter to the Applicant also identified that the application failed to provide an acoustic report, though rejection is not warranted on that basis.

### 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 82B Requirement                                                                                                                                                                                                                                       | Comments                                                                                                                 | Compliance |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|------------|
| Has the Section 8.3 review application been lodged within 14 days of the date the DA was rejected?<br><br>(Note: A Section 8.3 review request cannot be made after this time.)                                                                                | Application was received on 15 July 2019.                                                                                | Yes        |
| Persons who may conduct review<br><br>The review of a determination or decision made by a delegate of a council is to be conducted:<br><br>(a) by the council (unless the determination or decision may be made only by a local planning panel or delegate of | 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 |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|------------|
| the council), or<br><br>(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?                                 | A suitable survey plan has been provided. | 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. DA2019/0661 for demolition works and construction of a boarding house.

Signed




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Claire Ryan, Planner




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Matthew Edmonds, Development Assessment Manager