

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

To:	Matthew Edmonds , Development Assessment Manager
From:	Thomas Burns, Planner
Date:	19 June 2020
Application Number:	REV2020/0020
Address:	Lot 58 DP 17177 , 28 Elvina Avenue AVALON BEACH NSW 2107
Review of Application:	Review of Rejection of DA2020/0554 for alterations and additions to a dwelling house

Development Application

Development Application **DA2020/0554** was rejected by Council on 2 June 2020 pursuant to Clause 51 of Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000) on the basis that the application failed to provide the following:

- A Boundary Identification Survey (less than 12 months old) prepared and signed by a Registered Surveyor, in accordance with Council's lodgement requirements.

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 (EP&A 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 EP&A Act 1979 and Section 123H of the EP&A Regulation 2000, 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.)	The application was received on 10 June 2020.	Yes
Persons who may conduct review The review of a determination or decision made by a	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>delegate of a council is to be 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>		
<p>Has supporting information been provided to explain the applicant's request for review of Council's decision?</p>	<p>The applicant has lodged a topographical survey prepared and signed by a Registered Surveyor. The initial survey was not signed by a Registered Surveyor. The topographical survey identifies the levels of the natural topography and the location and heights of built and natural features within the site. It is noted that the proposed works on the site are not in close proximity to the property boundaries. Flexibility should be afforded under these circumstances as the nature of the works do not warrant a Boundary Identification Survey. Should the assessment conclude that a Boundary Identification Survey is required then this can be addressed by conditional approval, should Council support the Development Application.</p> <p>Based on the above, the supporting information is satisfactory.</p>	<p>Yes</p>

Conclusion

It is considered that the review is consistent with the provisions of Section 8.3 of the EP&A Act 1979 and therefore it is recommended that:

- Council proceed with the assessment of Development Application **DA2020/0554**.

Recommendation

That Council, as the consent authority, proceed with the assessment of Development Application **DA2020/0554** for alterations and additions to a dwelling house.

Signed



A handwritten signature in black ink, appearing to read "Thomas Burns".

Thomas Burns, Planner

A handwritten signature in black ink, appearing to read "Matthew Edmonds".

Matthew Edmonds, Development Assessment Manager