APPLICATION FOR REVIEW OF A DEVELOPMENT DETERMINATION

This form is to be used to apply for a review of a Development Determination that has been made under the Environmental Planning and Assessment Act 1979.

PROPERTY DETAILS

Lot/Section/DP Numbers can be found on the Certificate of Title or the Rates Notice for the land.

Assessment No. .......... Lot No/s ............. Section ................. DP No/s ........................................

Property No............. Street/Road Name................................................................................................

Property Name............................... Town/Locality............................... Postcode ................................

APPLICANT DETAILS

Name/s ........................................................................................................................................

Postal Address ................................................................................................................................

Town/Locality ....................................................................................................................................

Daytime Phone .................................................................................................................................

Email ..............................................................................................................................................

Signature/s .........................................................................................................................................

Date .................................................................................................................................................

OWNERS CONSENT

• If more than one owner, every owner must sign.
• If you are signing on the owner’s behalf as their legal representative, please state your legal authority (eg Power of Attorney, Executor, Trustee) ............................................................ and attach evidence of this authority.
• If the property is within a strata plan, the consent of the Owners Corporation is required under seal.
• If the owner is a Company – all Directors must sign.

Full Name:.......................................................... Full Name: ..........................................................

Postal Address:.................................................. Postal Address: ..................................................

.....................................................................................................................................................

Signature: ........................................................ Signature: ............................................................

Date: ____ / ____ / ____ Date: ____ / ____ / ____

If signing on behalf of a Company, please indicate your position within the Company.

Position: .................................................................................................................................

CONSENT

DA Number ........................................................ Complying Development Certificate No. .........................

Date of Determination ...........................................

REVIEW

Attach additional information if required to support your application.
NOTE
For information on your eligibility to use Section 8.2 Reviews for a review of your notice please see below.

Environmental Planning and Assessment Act 1979

8.2 Determinations and decisions subject to review (cf previous ss 82A (1), 82B (1))

(1) The following determinations or decisions of a consent authority under Part 4 are subject to review under this Division:

(a) the determination of an application for development consent by a council, by a local planning panel, by a Sydney district or regional planning panel or by any person acting as delegate of the Minister (other than the Independent Planning Commission or the Planning Secretary),

(b) the determination of an application for the modification of a development consent by a council, by a local planning panel, by a Sydney district or regional planning panel or by any person acting as delegate of the Minister (other than the Independent Planning Commission or the Planning Secretary),

(c) the decision of a council to reject and not determine an application for development consent.

(2) However, a determination or decision in connection with an application relating to the following is not subject to review under this Division:

(a) a complying development certificate,

(b) designated development.

(3) A determination or decision reviewed under this Division is not subject to further review under this Division.

8.3 Application for and conduct of review (cf previous ss 82A (2)–(4) (6), 82B (2)–(4))

(1) An applicant for development consent may request a consent authority to review a determination or decision made by the consent authority. The consent authority is to review the determination or decision if duly requested to do so under this Division.

(2) A determination or decision cannot be reviewed under this Division:

(a) after the period within which any appeal may be made to the Court has expired if no appeal was made, or

(b) after the Court has disposed of an appeal against the determination or decision.

(3) In requesting a review, the applicant may amend the proposed development the subject of the original application for development consent or for modification of development consent. The consent authority may review the matter having regard to the amended development, but only if it is satisfied that it is substantially the same development.

(4) 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.

(5) The review of a determination or decision made by a local planning panel is also to be conducted by the panel.

(6) The review of a determination or decision made by a council is to be conducted by the council and not by a delegate of the council.

(7) The review of a determination or decision made by a Sydney district or regional planning panel is also to be conducted by the panel.

(8) The review of a determination or decision made by the Independent Planning Commission is also to be conducted by the Commission.

(9) The review of a determination or decision made by a delegate of the Minister (other than the Independent Planning Commission) is to be conducted by the Independent Planning Commission or by another delegate of the Minister who is not subordinate to the delegate who made the determination or decision.

8.4 Outcome of review (cf previous ss 82A (4A), 82B (5))

After conducting its review of a determination or decision, the consent authority may confirm or change the determination or decision.

8.5 Miscellaneous provisions relating to reviews (cf previous ss 82A (10), 82C, 82D)

(1) The regulations may make provision for or with respect to reviews under this Division, including:

(a) specifying the person or body with whom applications for reviews are to be lodged and by whom applications for reviews and the results of reviews are to be notified, and

(b) setting the period within which reviews must be finalised, and

(c) declaring that a failure to finalise a review within that time is taken to be a confirmation of the determination or decision subject to review.

(2) The functions of a consent authority in relation to a matter subject to review under this Division are the same as the functions in connection with the original application or determination.

(3) If a decision to reject an application for development consent is changed on review, the application is taken to have been lodged on the date the decision is made on the review.

(4) If a determination is changed on review, the changed determination replaces the earlier determination on the date the decision made on the review is registered on the NSW planning portal.

(5) Notice of a decision on a review to grant or vary development consent is to specify the date from which the consent (or the consent as varied) operates.

(6) A decision after the conduct of a review is taken for all purposes to be the decision of the consent authority.

(7) If on a review of a determination the consent authority grants development consent or varies the conditions of a development consent, the consent authority is entitled (with the consent of the applicant and without prejudice to costs) to have an appeal against the determination made by the applicant to the Court under this Part withdrawn at any time prior to the determination of that appeal.