



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 Postcode
 Daytime Phone Mobile
 Email Fax
 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:

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Signature: Signature:

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

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

Position: Position:

CONSENT

DA Number Complying Development Certificate No.

Date of Determination

REVIEW

Attach additional information if required to support your application.

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NOTE

For information on your eligibility to use Section 82A for a review of your notice please see below.

Environmental Planning and Assessment Act 1979**82A Review of determination**

- (1) If the consent authority is a council, an applicant may request the council to review a determination of the applicant's application, other than:
 - (a) a determination to issue or refuse to issue a complying development certificate, or
 - (b) a determination in respect of designated development, or
 - (c) a determination in respect of integrated development, or
 - (d) a determination made by the council under section 116E in respect of an application by the Crown.
- (2) A request for a review may be made at any time, subject to subsection (2A).
- (2A) A determination cannot be reviewed:
 - (a) after the time limited for the making of an appeal under section 97 expires, if no such appeal is made against the determination, or
 - (b) after an appeal under section 97 against the determination is disposed of by the Court, if such an appeal is made against the determination.
- (3) The prescribed fee must be paid in connection with a request for a review.
- (3A) In requesting a review, the applicant may make amendments to the development described in the original application, subject to subsection (4) (c).
- (4) The council may review the determination if:
 - (a) it has notified the request for review in accordance with:
 - (i) the regulations, if the regulations so require, or
 - (ii) a development control plan, if the council has made a development control plan that requires the notification or advertising of requests for the review of its determinations, and
 - (b) it has considered any submissions made concerning the request for review within any period prescribed by the regulations or provided by the development control plan, as the case may be, and
 - (c) in the event that the applicant has made amendments to the development described in the original application, the consent authority is satisfied that the development, as amended, is substantially the same development as the development described in the original application.
- (4A) As a consequence of its review, the council may confirm or change the determination.
- (5) The decision whether or not to review the determination must not be made by the person who made the determination unless that person was the council, but is to be made by a person who is qualified under subsection (6) to make the review.
- (6) If the council reviews the determination, the review must be made by:
 - (a) if the determination was made by a delegate of the council—the council or another delegate of the council who is not subordinate to the delegate who made the determination, or
 - (b) if the determination was made by the council—the council.
- (7) The council must give notice of the result of the review to the applicant as soon as practicable after the review.
- (8) If on the review the council grants development consent, or varies the conditions of a development consent, the council must endorse on the notice the date from which the consent, or the consent as varied, operates.
- (9) If on a review the council changes a determination, the changed determination replaces the earlier determination as from the date of the review.
- (10) If on a review the council grants development consent, or varies the conditions of a development consent, the council is entitled, with the consent of the applicant and without prejudice to costs, to have an appeal made under section 97 in respect of its determination withdrawn at any time prior to the determination of that appeal.
- (11) A decision on a review may not be further reviewed under this section.