

# Review of Determination

Environmental Planning & Assessment Act 1979 - Section 82A

**Notes:**

1. The application for review must be within 6 months of the date that the applicant received notice of the determination of the development application. An application for review lodged after this time cannot be considered.
2. This application cannot be made if the original application was complying, integrated or designed development or determined by the Land and Environment Court or a regional planning panel.

**Privacy and personal information protection Notice:** The personal information provided is collected for the purpose of processing this application. The development Application lodged by you or information contained therein may be provided to members of the public in accordance with the provisions of the Government Information (Public Access) Act 2009. Supply of personal information is legally required and failure to supply could cause delay in your application.

OFFICE USE ONLY	
App No:	<input type="text"/>
Date:	<input type="text"/>
Receipt:	<input type="text"/>
Fee:	<input type="text"/>
CSO:	<input type="text"/>

## APPLICANT

**NOTE:** Only the applicant for the original development application may make this application.

Title  Name  Surname

Company  ABN

Postal Address  Postcode

Phone  Mobile  Work

Email  Fax

Do you consent to Council emailing you all documentation relating to the subject application(s) including notice of determination, plans and all other related correspondence? By ticking yes, you consent to no hard copy paper based documentation being provided to you.  Yes  No

By signing below, I advise that the application form is completed and the information (e.g. Number and type of plans, etc) required by Council is attached.

Signature \_\_\_\_\_ Date

## SITE DETAILS

Address  Suburb

Legal Description (LOT & DP)

## CONSENT TO BE REVIEWED

Application Number  Date of issue of consent

Provide details of reason for review and details of any proposed modifications to the original application

## CONSENT OF ALL OWNER(S) OF THE SUBJECT PROPERTY

As the owner(s) of the property(s) to which this application relates, I/we consent to this application being made and also given authority for Council officers to enter the site to carry out inspections in relation to this application.

Name  Signature \_\_\_\_\_

Company and position (if applic.)

Name  Signature \_\_\_\_\_

Company and position (if applic.)

Name  Signature \_\_\_\_\_

Company and position (if applic.)

ASIC register search provided for company ownership providing proof of company officers (visit <http://asic.gov.au>)

### Notes:

- If there is more than one landowner, every owner must sign.
- For company ownership, the following company officers must sign and must be accompanied by ASIC register search providing proof of company officers (visit <http://asic.gov.au>):
  - a) two (2) directors of the company; or
  - b) a director and a company secretary of the company; or
  - c) for a proprietary company that has a sole director who is also the sole company secretary – that director.
- Owners Corporation (Strata plan) – refer to requirements detailed on Pages 12 & 13 of DA guide.
- Refer to requirements detailed on Pages 12 & 13 of the DA guide for other forms of ownership or where the site is in the process of changing hands or has changed hands in the past six months.
- If the proposed works affect a joint wall or fence, consent of both property owners is required.

## Section 82A– Environmental Planning & Assessment Act 1979

- (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 Division 4 in respect of an application by the Crown.
- (2) A council must, on a request made in accordance with this section, conduct a review.
- (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) (Repealed)
- (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) (Repealed)
- (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)–(9) (Repealed)
- (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) (Repealed)
- (12) This section does not apply where a regional panel exercises a council's functions as the consent authority.