



SECTION 8.2 Review of determination checklist

Review of Development Application or Section 4.55 or 4.56 Modification under Division 8.2 of the *Environmental Planning and Assessment Act 1979*

- ✓ Use this form to apply for a Review of Council's determination of a Development Application or Section 4.55 or 4.56 Modification.

When completing this form, please place a cross in the boxes and fill out the space below as appropriate. **To minimise delay in receiving a decision about your application, please ensure you lodge all relevant information.**

Once Council has assessed your application, you will receive a notice of the determination.

1. Type of review being applied for (see section 6)

Section 8.2(1)(a) Review of determination of development application

Section 8.2(1)(b) Review of determination of Section 4.55 or 4.56 Modification

Section 8.2(1)(c) Review of rejection of development application

The review is for:

Application determination

A Development Consent condition

2. Details of applicant

(These details are to be of the person/s signing this application as applicant on page 2 of this form . Please see the note under Section 5 of this form about the required applicant's name.)

Mr Ms Mrs Dr Other _____

Given Name or Company Name

Family Name (or ACN)

3. Which decision is to be reviewed

Describe the development that is subject of the review.

What is the development application no.?

What is the determination date of the original application?

4. Reasons for requesting review of this decision

Please support your case as to why Council should review its decision. Please note that if there is insufficient information with this request for review, there will be a delay in processing it. The council officer dealing with your request for review may contact you for further information to support this request.

If preferred, attach a prepared statement with supporting factual material, diagrams etc.

5. Applicant's declaration

The applicant must sign the application. The applicant for this request for review must be the same as the applicant for the original application that you are seeking to review. This signature must be of the person/s nominated on page 1 of this form as applicant.

I hereby make the application as outlined and declare that all the information provided is true and correct.

I also understand that if the information is incomplete the application may be delayed or rejected, or more information may be requested. I acknowledge that if the information provided is misleading any approval granted may be void.

I accept that Council cannot be held liable for delays in processing arising out of inadequacies in the material submitted in support of this application.

Applicants Signature

Name

Date

.....

6. Information about different types of review

Section 82A Review of Determination of Development Application

Where Council has refused your development application or imposed conditions that you are not satisfied with, you may be able to apply for a Review of Determination. You must lodge this application within 6 months after the date of determination of the Development Application.

However, Council must also complete any such review within the 6 month period identified above. There can be no exceptions. This means that, if you are contemplating a review, you will need to allow enough time for Council to undertake public notification and other processes involved in the review. For more complicated applications Council's assessment can take several months. You should seek independent legal advice regarding this process.

You cannot make an application for review where the development application was for Designated Development or Complying Development (as defined in the Environmental Planning and Assessment Act), was lodged by the Crown, or was determined by the Land and Environment Court.

The fee payable for a review of determination under Section 82A is subject to the sliding scale prescribed by Clause 257 of the Environmental Planning Assessment Regulation.

Section 8.2(1)(b) Review of Determination of Section 4.55 or 4.56 Modification

Where Council has refused your application for a Section 4.55 or 4.56 Modification or imposed conditions that you are not satisfied with, you may be able to apply for a Review of Modification. You must lodge this application within 28 days after the date of determination of the Section 4.55 or 4.56 Modification Application. Council has a maximum of 6 months from the date of its original decision to make a decision on the review.

You cannot make an application for review where the Section 4.55 or 4.56 Modification was for Designated Development (as defined in the Environmental Planning and Assessment Act), was lodged by the Crown, or was determined by the Land and Environment Court.

The fee payable for a review of determination under Section 4.55 or 4.56 is subject to a fee of 50 percent of the fee that was payable in respect of the application that is subject of the review.

Section 8.2(1)(c) Review of Rejection of Development Application

Where Council has formally rejected your development application, and not determined it, you may be able to apply for a Review of Rejection. You must lodge this application within 14 days after Council gives written notice of its decision to reject the application. Council then has a maximum of 14 days to make a decision on the review.

You cannot make an application for review where the development application was for Designated Development or Complying Development (as defined in the Environmental Planning and Assessment Act) or was lodged by the Crown.

The fee payable for a review of rejection under Section 8.2(1)(c) is subject to the sliding scale prescribed by Clause 257A of the Environmental Planning Assessment Regulation.

More Information

If you are unsure about review requirements please enquire at Councils Customer Service Centre or by telephone on 02 97100333.