## Review of Determination

**Review of Development Application or Section 96 Modification under Section 82A, 82B or 96AB 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 96 Modification. When completing this form, please place a cross in the boxes ✗ and fill out the white sections as appropriate. **To minimise delay in receiving a decision about your application, please ensure you submit all relevant information.** Once Council has assessed your application, you will receive a notice of the determination.

### Type of review being applied for (see Section 6):

- [ ] **Section 82A**: Review of Determination of Development Application
- [ ] **Section 82B**: Review of Rejection of Development Application
- [ ] **Section 96AB**: Review of Determination of Section 96 Modification

Please note that this application will only be received between the hours of 8.30am and 4.00pm on working days. Any applications received after this time will be processed the following working day. Payments for applications left with Council after 4pm must be by cheque only.

Is the review for:  
- An Application determination? ☐  
- A Development Consent condition? ☐

### 1. Details of the applicant (please see the note under item 5 on this form regarding the applicant for this request for review)

- **Mr** ☐, **Ms** ☐, **Mrs** ☐, **Dr** ☐, **Other** ☐  
- **First Name**: 
- **Family Name**: 
- **Unit / Street No.**:  
- **Street Name**: 
- **Suburb or town**:  
- **State**:  
- **Postcode**:  
- **Contact telephone**:  
- **Fax**:  
- **Mobile**:  
- **Email**: 

### 2. Identify the land

- **Unit / Street No.**:  
- **Street Name**:  
- **Suburb or Town**:  
- **Postcode**:  
- **Lot No.**:  
- **DP No.**: 

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**OFFICE USE ONLY**

- **RA/RB/RM No.**: 
- **DA/MA No.**: 
- **Receipt No.**: 
- **Date Received**: 

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3. **Which decision is to be reviewed**

   Describe the proposed development.

   ____________________________________________________________
   ____________________________________________________________
   ____________________________________________________________

   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. **Declaration by applicant** (Please note that the applicant for this request for review must be the same as the applicant for the original application that you are seeking to review)

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

   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 Integrated 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 82B 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.

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

Section 96AB Review of Determination of Section 96 Modification
Where Council has refused your application for a Section 96 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 96 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 96 Modification was for Designated Development or Integrated 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 96AB 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.

More Information
If you are unsure about review requirements please enquire at Councils Customer Service Centre or by telephone on 02 97100333.
7. Owners/Applicants Declaration of Affiliations

In order for Council to ensure the highest integrity in the Development Application process, property owners and development applicants are requested to declare all affiliations or associations they had with Councillor/s or Council staff over the past two (2) years.

General Declaration
You should declare all affiliations or associations with Councillor/s or Council staff which may lead a reasonable person to believe that a Councillor or staff member may not be able to deal with your application in an impartial manner. This includes all affiliations or association with a Councillor/s or member/s of staff where you:

- are a Council employee
- have a friendship, personal or family relationship;
- have a shared membership in a club, political party or organisation;
- have business dealings with a Councillor/s or member/s of staff outside their official Council role; or
- have provided a gift, benefit, loan, payment or hospitality.

Name of Councillor or Staff | Nature of Affiliation or Association
-------------------------------|--------------------------------------------------
____________________________ | ________________________________________________
____________________________ | ________________________________________________
____________________________ | ________________________________________________
____________________________ | ________________________________________________
____________________________ | ________________________________________________

Lobbying
If you have business dealings with or if you lobby Council, please abide by Council’s Statement of Business Ethics & Code of Conduct for Lobbyists which outline Council's expectations for managing those relationships.

Political Donations or Gifts
If you have made a political donation or a gift within 2-years of the date of this application, you must comply with Section 147 of the Environmental Planning & Assessment Act 1979. This requires the disclosure of political donations and gifts made by the applicants or persons with a financial interest in this application. The information about political donations that must be disclosed is the same as that required by the Election Funding Authority. You must disclose: the name of the person to whom each donation/gift was made; the date, name, address of the person making the donation/gift; and the amount or value of that donation/gift where accumulative value is $1,000 or more.

The Act requires that this information is posted and publicly available on Council’s website.

Indicate Donation or Gift | Name of Party or Person for whose benefit the Donation/ Gift was made | Date and Value of Donation/ Gift/ Benefit/ Hospitality
--------------------------|---------------------------------------------------------------------|----------------------------------------
__________________________________________ | ____________________________________________ | ________________________________
__________________________________________ | ____________________________________________ | ________________________________
__________________________________________ | ____________________________________________ | ________________________________
__________________________________________ | ____________________________________________ | ________________________________
__________________________________________ | ____________________________________________ | ________________________________

By signing below, I/ We certify that the above declaration & details below are accurate at the time of signing.

Name of Person/ s making the Declaration

Residential Address of Person or Registered/ Official address of Entity

Name of Entity & ABN
(If donation/ gift not by an individual)

ABN

Signature/s

Date

For additional information contact the Customer Service Centre for Sutherland Shire Council on 9710 0333 and ask for “Political Donations & Gift Disclosure Requirements” or go to www.sutherlandshire.nsw.gov.au under Council & The Shire/Policies & Forms/Development Applications/Political Donations.