

# A Request to Review a Determination

Under Environmental Planning and Assessment Act 1979



## This form

Use this form to apply for a review under the *Environmental Planning and Assessment Act* of determination made by the City of Newcastle (CN). The review processes available are:

1. Section 8.2 (1) (a) Review of a determination. CN must be satisfied that the development is substantially the same development described in the original application. You are advised that when you seek a review under Section 8.2 the whole determination is open for review. If you are dissatisfied with an element of a determination, such as a condition(s) of consent; it is recommended the most appropriate option is to lodge an application to modify the consent under the Environmental Planning and Assessment Act.
2. Section 8.2 (1) (b) Review of a determination of an application for the modification of a development consent.
3. Section 8.2 (1) (c) Review of the rejection of an application. These reviews must be made no later than 14 days after CN has issued its written notice advising the applicant of its decision to reject the application.

With the exception of an application to review the rejection of an application, Reviews:

- Are not available for Complying Development, Designated Development and Development by the Crown or.
- **Must be determined within 6 months of the date of determination of the original application. It is recommended that application be lodged as soon as possible to enable an assessment and determination within the required time frames. Update:** The EP&A Act has been amended to extend the period for appeals to be made, from 6 months to 12 months, where the decision being reviewed occurred between 25 March 2020 and 25 March 2022, or occurred during the 6 month period immediately before 25 March 2020.

Failure to complete all relevant sections or provide sufficient information/detail in your application may result in your application being returned or its assessment delayed. **All information must be legible and all payments must be made on lodgement of the application, otherwise your application will not be accepted.**

## Part 1: Applicant and site details

### 1. Your name, address and details

All correspondence will be sent to the email address provided unless 'care of' email address is specified.

Name or company .....

ABN (required if company).....

Postal address.....

Suburb.....Postcode.....

Phone .....

E-mail .....

Contact person (if company).....

Leave blank if not required

Will your correspondence be 'care of' another company?

Yes

No

Care of name or company.....

ABN (required if company)..... Contact person .....

Postal Address.....

Phone.....E-mail .....

**2. Location and title description of the property**

This information is available on rates notices.

Unit No .....House No .....Street.....

Locality.....

Lot(s).....Section.....

Deposited Plan(s) ..... Strata plan.....

Other.....

**3. Who owns the land?**

Give the name of every owner and their postal address. (It is not to be marked 'Care Of' the company submitting the application') If insufficient space is available please attach a separate list.

**Name 1**.....

Address.....Postcode.....

Phone.....

**Name 2**.....

Address.....Postcode.....

Phone.....

**Part 2: Review details**

**4. Details of determination to be reviewed?**

See [A guide to Estimating Costs of Works](#)

Development Application No. ....

Date determination issued: .....

Description of the development

.....

Cost of development (inc GST)\$.....

Consider the [guide](#) to calculate the costs of works. Use the table below to derive an accurate and genuine cost of works. If there is insufficient space on the form, please attach a separate sheet, detailing how the cost was calculated.

Type of development	Area	Costs as per guide	Total
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
<b>Total Cost of Works</b>			\$

**The Capital Investment Value (CIV)** of a project includes all costs necessary to establish and operate the project, including the design and construction of buildings, structures, associated infrastructure and fixed or mobile plant and equipment (but excluding land costs and GST). **This is not required to be completed if the CIV is less than \$5,000,000.**

Capital Investment Value (if relevant) \$.....

<p><b>5. What was the decision of the application you are seeking to have reviewed?</b> Tick only one box</p>	<p><input type="checkbox"/> Approved</p> <p><input type="checkbox"/> Refused</p> <p><input type="checkbox"/> Rejected</p>
<p><b>6. What type of Review are you seeking?</b> Tick only one box</p>	<p><input type="checkbox"/> Section 8.2(1)(a) - Review of a determination</p> <p><input type="checkbox"/> Section 8.2 (1) (b) - Review of a modification</p> <p><input type="checkbox"/> Section 8.2 (1) (c) - Review of rejection of an application</p>
<p><b>7. What are you seeking to have Reviewed?</b> Tick only one box</p>	<p><input type="checkbox"/> Determination</p> <p><input type="checkbox"/> Conditions</p> <p><input type="checkbox"/> Determination &amp; Conditions</p>
<p><b>8. Documents required</b></p> <p>Documents are only required where:</p> <p>a) Amendments are proposed as part of the review process. *All changes are to be highlighted on all plans and elevations and discussed in the amended Statement of Environmental Impacts,</p> <p>b) In the case of electronic plans, where CN has not been supplied previously with an electronic copy of the documents.</p>	<p><input type="checkbox"/> Amended plans, elevations and site plan</p> <p><input type="checkbox"/> Notification plan* (A4) – where required</p> <p><input type="checkbox"/> Amended Statement of Environmental Impacts*</p> <p><input type="checkbox"/> A pdf copy of the application form, all documents and plans contained in the application are to be copied onto a non-returnable CD or USB stick. The pdf copies should be prepared in accordance with the specification detailed in the document titled <a href="#">Plan Standards - Guidelines for Lodging Electronic Documents</a>.</p> <p><input type="checkbox"/> Other (please specify) .....</p> <p>Plan reference numbers</p> <p>.....</p> <p>.....</p> <p>Other document reference number</p> <p>.....</p>
<p><b>9. Review Request details –</b> Provide details of the information provide in support of your application for a review. If there is insufficient space please provide a separate submission and attach documentation that supports your request for a Review.</p>	<p>Include in this section the details of any changes that have made to the development</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>

**10. Details of previous interactions with CN Officers**

Have you spoken about this application with a CN Officer?

- Yes, whom did you speak to? .....
- No

**Part 3: Owner's consent and applicant's declaration**

**11. Owner's consent**

Who signs the form?

- All owners of the subject property.
- If the owner is a company - a director, secretary or authorised delegate.
- If the property is strata titled and relates to the entire strata – the authorised delegate of the Owner's Corporation.
- If the property is strata titled and relates only to a single lot in the strata - all owner/s of the particular lot.
- If Crown land - an authorised officer of the relevant government authority must sign the application.

If signing on the owner's behalf as the owner's legal representative, you must state the nature of your legal authority and attach any available evidence (e.g. power of attorney, executor, trustee, company director).

**Owners consent**

As the owner/s, or legal representative of the owner of the land to which this application relates, I/we consent to this application. I/we also give consent for authorised CN officers to enter the land to carry out inspections.

**Name 1** .....

Signature .....

Company and legal authority (if applicable) .....

**Name 2** .....

Signature .....

Company and legal authority (if applicable) .....

**Name 3** .....

Signature .....

**Name 4** .....

Signature .....

**12. Probity**

Parties include owners, applicants, developers and companies.

Are parties with pecuniary or non-pecuniary interest:

- a) a staff member, councillor, contractor or related to someone who is a staff member, councillor, contractor of the City of Newcastle? or,
- b) a State or Federal Member of Parliament?

- Yes. If yes, state the relationship.....
- No

### 13. Political donations and gifts

The [Environmental Planning and Assessment Act](#) 1979 requires a person to disclose “reportable political donations and gifts made by any person with a financial interest” in the application within the period commencing two years before the application is made and ending when the application is determined.

The following information is to be included on the statement:

- (a) all reportable political donations made to any local Councillor of Council; and
- (b) all gifts made to any local Councillor or employee of that council

CN has prepared a [Political Donations and Gifts Disclosure Statement](#), incorporating explanatory information, which is available on CN’s [website](#) or at the Customer Contact Centre.

**Note: Failure to disclose relevant information, or make a false disclosure statement is an offence under the Act. The maximum penalty for the offence is currently \$22,000.**

#### Reportable political declaration

Have you, or are you aware of any person having a financial interest in the application, made a ‘reportable donation’ or ‘gift’ to a Councillor or CN employee within a two year period before the date of this application?

- Yes, the statement must be attached. All disclosure statements of reportable donations and gifts will be made publicly available on CN’s website.
- No, but in signing this application I undertake to disclose to CN in writing, within seven days, any reportable political donation or gift made after the lodgement of the application and prior to its determination).

#### 14. Applicant’s declaration

- I apply for consent to carry out the development described in this application.
- I declare that all the information given is true and correct.
- I declare that any electronic data has been named correctly and there are no security settings applied.
- I understand that if incomplete, the application may be delayed, rejected or returned.
- I understand that the information supplied on this form and any related document may be made available to the public\*
- I indemnify all persons using the development application and documents in accordance with the Environmental Planning and Assessment Act, 1979 against any claim or action in respect of breach of copyright.

Signature.....Date.....

Applicant's Signature.....

\* Under the Government Information (Public Access) Act 2009 (NSW) (GIPA Act), objections to the future disclosure of floorplans, after the application has been determined, may be lodged on the basis that there is an overriding public interest against disclosure.

## Protecting your privacy

The City of Newcastle (CN) is committed to protecting your privacy. We take reasonable steps to comply with relevant legislation and CN's Privacy Management Plan.

<b>Purpose of collection:</b>	To enable CN as the consent authority to assess your proposal
<b>Intended recipients:</b>	CN staff and other government agencies that may be required to assess the proposal
<b>Supply:</b>	The information is a statutory requirement related to the assessment of the application.
<b>Consequence of non-provision:</b>	Your application may not be accepted or processed due to a lack of information.
<b>Storage and Security:</b>	The City of Newcastle, 12 Stewart Avenue, Newcastle West NSW 2302 will store details of the application. Individuals can access the details of the application under the Government Information (Public Access) Act 2009.
<b>Access:</b>	Your information can be checked for accuracy by calling (02)4974 2000.

## How to lodge your application

Applications can be lodged:

### 1. By email meeting the following criteria:

- Enter the address of the property and the type of application (i.e. DA, Mod) in the subject line of the email.
- Documents are to be named in accordance with the document titled ["Plan Standards - Guidelines for Lodging Electronic Documents"](#).
- Emails are to be sent to [applications@ncc.nsw.gov.au](mailto:applications@ncc.nsw.gov.au)

More information is available on the information sheet titled "[How to submit an application via email](#)".

### 2. In person, at the Customer Contact Centre, located at 12 Stewart Avenue Newcastle West NSW 2302.

Call (02) 4974 2000 to book a lodgement appointment with the Duty Officer.

### 3. By mail:

The City of Newcastle  
PO Box 489  
Newcastle NSW 2300

## Fees

Fee estimates can be obtained by contacting CN on (02) 4974 2000.

Your application is not considered lodged until the required fees have been paid. If the application does not include payment we will contact you when payment is required. Payments need to be made within 24 hours of contact.

## Payment Methods

You can pay by cash, cheque, Credit Card or EFTPOS.

Please note a merchant fee is payable on all credit card transactions.

Cheques are to be made payable to the 'City of Newcastle'.

## Acknowledgement

We will acknowledge that we have received your application. You will receive a letter and receipt specifying the amount of fees paid, and the registered number of the application.

## How to contact us:

Phone: (02) 4974 2000

E-mail: [mail@ncc.nsw.gov.au](mailto:mail@ncc.nsw.gov.au)

In Person: 12 Stewart Avenue Newcastle West  
NSW 2302