

# 55. ECO-INFO

## DCP 2005 CHAPTER 14: TREE MANAGEMENT

### Review of Refused Applications

July 2006

#### OVERVIEW

Chapter 14 – Tree Management provides a framework for the protection of native vegetation within Wyong Shire and sets out Council's requirements for tree management and removal.

Development Applications (DAs) for Tree Works have the same provisions for review as other DAs under s82A of the Environmental Planning & Assessment Act (1979). This means that an applicant may request Council to review an application which has been refused by Council, or the conditions of a consent.

Amendments to Chapter 14 (which became effective on July 17 2006) now include the process and information requirements for a review of a determination to be undertaken.

#### WHEN MAY I APPLY FOR A s82A REVIEW?

The applicant who submitted the Tree Application may request a s82A review to be undertaken within 12 months of the determination of the original application. After such time, a determined application will not be reconsidered by Council.

#### WHAT MUST BE SUBMITTED IN A s82A REVIEW?

In order to process the application in as timely manner as possible, the following information must be submitted for a review to be undertaken:

- a. A letter requesting the review of Council's decision (Council provides a form for this purpose), detailing additional

information and reasons why Council's decision should be altered;

- b. The provision of satisfactory supporting evidence by an expert in the grounds for refusal, for example, a Consulting Arborist or Structural Engineer;
- c. A quote for the cost of the tree removal; and
- d. The payment of the appropriate fee as identified in Council's Management Plan.

The s82A review fee is based on the quote for the works to be undertaken. This fee is prescribed by the Environmental Planning & Assessment Regulation (2000). For works up to \$5000.00, the application fee is \$55.00. For works greater than \$5000.00, Council's Customer Service Centre should be consulted prior to lodging a review request.

#### HOW WILL THE REVIEW BE UNDERTAKEN?

The submission of the s82A request does not guarantee that the proposed tree works will be approved.

The original application and additional information will be reviewed on the merits of the proposal therefore the original determination may be upheld.

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This summary of amendments is provided for the assistance of applicants and is by no means exhaustive. Applicants are advised to consult DCP 2005 and Chapter 14 (and any referenced documents contained within the Chapter), in full prior to undertaking any work or lodging any development application. Further enquires can be directed to Council's Customer Service Centre on 4350 5555.

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