

APPLICATION FOR ORDER (ENVIRONMENT AND RESOURCES)

VCAT reference number (Office use only):

P

ABOUT THIS FORM

VCAT can make orders if legislation gives us the power. Use this form if you are applying for an order to resolve a dispute, for a declaration, for an enforcement action or wish to refer a matter to VCAT for determination under one of the following Acts of Parliament:

- Catchment and Land Protection Act 1994
- Climate Change Act 2017
- Conservation, Forests and Lands Act 1987
- Environment Protection Acts 1970 and 2017
- Flora and Fauna Guarantee Act 1988
- Mineral Resources (Sustainable Development) Act 1990
- Petroleum Act 1998
- Plant Biosecurity Act 2010
- Water Act 1989 (all sections except section 19)

Do not use this form if you are seeking a review of a decision made under one of these Acts. To apply for a review, use our **Application form for a review of a decision (Environment and resources)**. Go to www.vcat.vic.gov.au/environmentreviewform.

WHICH ACT ARE YOU APPLYING UNDER?

1. Select the Act you are applying under:

- | | |
|--|---|
| <input type="checkbox"/> Catchment and Land Protection Act 1994 | <input type="checkbox"/> Flora and Fauna Guarantee Act 1988 |
| <input type="checkbox"/> Climate Change Act 2017 | <input type="checkbox"/> Mineral Resources (Sustainable Development) Act 1990 |
| <input type="checkbox"/> Conservation, Forests and Lands Act 1987 | <input type="checkbox"/> Petroleum Act 1998 |
| <input type="checkbox"/> Environment Protection Acts 1970 and 2017 | <input type="checkbox"/> Plant Biosecurity Act 2010 |
| | <input type="checkbox"/> Water Act 1989 |

2. What section number of the Act are you applying under?

3. Has there been a previous application made to VCAT related to this matter?

- Yes No

VCAT reference number (if known)

WHO IS MAKING THIS APPLICATION?

4. Who is the applicant?

The applicant is the person making this application. Provide the full name of the individual, body corporate, company or authority.

5. Do you wish to be identified as a person of Aboriginal and/or Torres Strait Islander descent?

Yes No

6. What is your address?

This will be the address VCAT uses to correspond with you. It must be an address in Victoria. If you have a representative, we will send all our notices to your representative's address instead.

Street address

Suburb State Postcode

Phone number

Email

IS SOMEONE REPRESENTING YOU?

If you nominate a representative, we will send all our correspondences to your representative's address instead of your address. It must be an address in Victoria.

7. Is someone representing you?

Yes No – skip to Question 9

8. Details of your representative:

Organisation name (if applicable)

Full name of representative

Street address

Suburb State Postcode

Phone number

Email

WHO ARE YOU MAKING AN APPLICATION AGAINST?

The person or organisation you are making an application against is the respondent. There may be more than one respondent you are seeking a VCAT order about.

Respondent 1

9. Full name of the individual, body corporate, company or authority:

10. What is the respondent's address?

Street address

Suburb State Postcode

Phone number

Email

11. Is the respondent represented by a lawyer or other representative?

- Yes No, skip to Question 14 Don't know, skip to Question 14

12. Name of the respondent's representative

13. Address of the representative

All correspondence will be sent to the representative's address.

Street address

Suburb State Postcode

Phone number

Email

Respondent 2

14. Is there another respondent you are making your application against?

- Yes No, skip to Question 20 Don't know, skip to Question 20

15. Full name of the individual, body corporate, company or authority:

16. What is the second respondent's address?

Street address

Suburb State Postcode

Phone number

Email

17. Is the second respondent represented by a lawyer or other representative?

- Yes No, skip to Question 20 Don't know, skip to Question 20

18. Name of the respondent's representative:

19. Address of the representative

All correspondence will be sent to the representative's address.

Street address

Suburb State Postcode

Phone number

Email

If there are other respondents, include an attachment with their details.

OTHER INTERESTED PARTIES

20. Is there another person or organisation who may have an interest or wish to be heard concerning your application?

21. Full name of the individual, body corporate, company or authority:

22. What is the interested party's address?

Street address

Suburb State Postcode

Phone number

Email

23. Is the interested party represented by a lawyer or other representative?

Yes

No, skip to Question 26

Don't know, skip to Question 26

24. Name of the interested party's representative:

25. Address of the representative

All correspondence will be sent to the representative's address.

Street address

Suburb State Postcode

Phone number

Email

26. State their interest in your application.

If there are other interested parties, include an attachment with their details.

ORDER YOU ARE SEEKING

State precisely what you want VCAT to do so the respondent/s understand what you want VCAT to do and we know how urgent your application is. Orders you can seek are limited by the relevant Act of Parliament. If you are using this form as an application for a declaration, state the declaration/s you seek.

27. State the order/s you are seeking:

If you need more space, attach a document setting out the orders you want.

28. Address of the land related to this application (if applicable):

REASONS FOR YOUR APPLICATION

Enter a short statement providing the reasons you are making this application. This is called your statement of grounds. For some types of applications, the basis for making your application is limited by the relevant Act of Parliament. Refer to the Act to ensure your grounds for applying are relevant.

29. State your reasons for applying.

If you need more space, attach a document setting out your reasons.

PRESENTING YOUR CASE

We usually schedule a practice day hearing (a type of procedural hearing) to determine how your application might proceed before the final hearing. This may include estimating how long the hearing may take, witnesses that might be called and other procedure matters.

To assist with managing your case, you need to tell us how much time you will need to present your entire case at a hearing. This includes time for any experts or other witnesses you will rely on to give evidence and be cross examined. Practice Note PNVCAT2 explains the role of expert witnesses, go to www.vcat.vic.gov.au/expertevidence.

30. How much time will you need to present your entire case at a hearing?

Estimate the time you need to present, including time needed by any expert witnesses you will call.

hours minutes

31. How many expert witnesses will you call?

32. List the areas of expertise for your expert witnesses.

33. State any procedural matters you wish to raise at a practice day hearing, if any:

34. Do you want a compulsory conference?

Yes No

35. If you want VCAT to determine a specific question of law, state the precise question/s of law.

35. If you want VCAT to determine a specific question of law, state the precise question/s of law (continued).

HEARING ASSISTANCE

If you are concerned about being in the same room as someone who will attend the hearing, we can make special arrangements to ensure your safety.

We can also arrange to have an interpreter for anyone who needs to attend the hearing or assist people with disability (eg. hearing loops).

These special arrangements are free.

36. Does anyone attending the hearing need an interpreter?

Yes No Don't know

If yes, tell us who needs an interpreter and in what language:

37. Does anyone attending the hearing require any other type of special assistance?

E.g. Hearing loop, wheelchair access, additional arrangements for personal safety.

Yes No Don't know

If yes, tell us who needs any other type of special assistance and what they require:

38. Tell us if there is anything else you want us to consider when we arrange a hearing.

For example, provide details of any related VCAT cases or ask for the hearing to take place at a specific VCAT venue.

SUPPORTING DOCUMENTS

You are not required to include any supporting documents with your application. But you may wish to attach copies of documents that provide any relevant background. We will tell you if we require any other documents later.

ACKNOWLEDGEMENT

By completing this application, I understand and acknowledge that:

- To the best of my knowledge, all information provided in this application is true and correct.
- It is an offence under section 136 of the *Victorian Civil and Administrative Tribunal Act 1998* to knowingly give false or misleading information to VCAT.

Full name of person completing this form:

Date of acknowledgement (DD/MM/YYYY):

ABOUT VCAT FEES

VCAT fees are charged according to three levels:

- **corporate fees** for businesses and companies with a turnover of more than \$200,000 in the previous financial year, corporate entities and government agencies
- **standard fees** for individuals, not-for-profit organisations, and small businesses and companies with a turnover of less than \$200,000 in the previous financial year. Companies must provide a statutory declaration to support this claim
- **concession fees** for people who hold the Australian Government Health Care Card. You must provide a copy of your card with your application. We do not accept Pensioner Concession Cards or Department of Veteran Affairs health cards.



To find out if you need to pay an application fee and how much it costs, go to www.vcat.vic.gov.au/fees.

FEE RELIEF

We can reduce or not charge (waive) a VCAT fee in certain circumstances.

Some people are automatically entitled to a full fee waiver. You can also apply for fee relief if paying the fee would cause you financial hardship. For more information about fee relief, go to www.vcat.vic.gov.au/feerelief.

Are you applying for fee relief?

- No, go to **Fee payment** section
- Yes, complete a **Fee relief form** and attach it to this application form

FEE PAYMENT

Complete this section unless you are applying for fee relief, no fee is payable or you wish to pay using another method. For other payment options, see www.vcat.vic.gov.au/howtopay.

Choose the fee level: Standard Corporate Concession

Fee amount charged

\$

Card details

Cards accepted: VISA MasterCard

Cardholder name:

Card number:

Card expiry (mm/yy):

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REMOVE THIS PAGE WHEN SENDING A COPY OF THIS APPLICATION TO OTHER PEOPLE

SUBMITTING THIS APPLICATION

If you have supplied your credit card details, send your completed form to us by post or give it to us in person.

If you have not provided your credit card details on this form, you can submit your application to us by email, post or in person.

To protect yourself, do not send credit card details over email.

Keep a copy of this application for your records.

By email

Email admin@vcat.vic.gov.au

By post

Send to:

The Registrar
Planning and Environment List
Victorian Civil and Administrative Tribunal
GPO Box 5408 Melbourne VIC 3001

In person

Go to:

Victorian Civil and Administrative Tribunal
Ground Floor, 55 King Street, Melbourne VIC 3000
Office hours: 8.30am to 4.30pm Monday to Friday (except public holidays)

WHAT HAPPENS NEXT

After we receive your application and open a VCAT case, we will send you and all other parties an order setting out what happens next, including dates to come to VCAT. The order will tell you the venue, time and date you must go to VCAT.

The order will also have your VCAT reference number. The number starts with 'P' and ends with the year the application was lodged (eg. P1/2020). Quote the reference number in all correspondences and documents about your case.

Contact us if you do not hear from us within two weeks of submitting your application.

PRIVACY INFORMATION

For a copy of VCAT's privacy statement, go to www.vcat.vic.gov.au/privacy.

NEED HELP WITH YOUR APPLICATION?

If you have any questions about completing this form, contact us:

- email admin@vcat.vic.gov.au
- call 1300 01 8228 (1300 01 VCAT) between 9 am and 4.30 pm Monday to Friday.