

APPLICATION FOR REVIEW (ENVIRONMENT AND RESOURCES)

VCAT reference number (Office use only):

P

ABOUT THIS FORM

VCAT can review a decision made by another authority if legislation gives us the power.

Use this form if you are applying for a review 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
- Melbourne Strategic Assessment (Environment Mitigation Levy) Act 2020
- Mineral Resources (Sustainable Development) Act 1990
- Petroleum Act 1998
- Plant Biosecurity Act 2010
- Water Act 1989 (all sections except section 19)

To apply for an order under one of these Acts where you are not seeking a review of a decision, use our **Application form for order (Environment and resources)**. Go to www.vcat.vic.gov.au/environmentorderform.

WHICH ACT ARE YOU SEEKING A REVIEW UNDER?

1. Select the Act you are applying under:

- | | |
|--|--|
| <input type="checkbox"/> Catchment and Land Protection Act 1994 | <input type="checkbox"/> Melbourne Strategic Assessment (Environment Mitigation Levy) Act 2020 |
| <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"/> Flora and Fauna Guarantee Act 1988 | <input type="checkbox"/> Water Act 1989 |

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

3. If you are applying for a review under the Environment Protection Act 2017, what is the item number you are applying under?

Refer to Table 1 in section 430 of the Environment Protection Act 2017.

4. 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?

5. Who is the applicant seeking a review of a decision?

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

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

Yes

No

7. 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

ARE YOU A THIRD-PARTY OBJECTING TO A DECISION?

The person who sought the licence, approval or permission from the relevant authority (decision-maker) can apply to VCAT to review the authority's decision.

Even if you were not this person, you may be able to object to the authority granting the licence, approval or permission. This person is sometimes known as a third-party objector.

You can apply for a review as a third-party objector if the legislation allows it. For example, under section 434 of the Environment Protection Act 2017.

8. Are you applying for a review of a decision as a third-party objector?

Yes

No – skip to Question 10

9. Provide details about the person who originally sought the licence, approval or permission.

Organisation name (if applicable)

Full name

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.

10. Is someone representing you?

Yes No – skip to Question 12

11. Details of your representative:

Organisation name (if applicable)

Full name of representative

Street address

Suburb State Postcode

Phone number

Email

ABOUT THE DECISION YOU WANT REVIEWED

12. Who made the decision?

The decision-maker is the person or body who made the decision you are seeking to review. It will usually be the organisation that made the decision (eg. a government organisation, agency or Minister) rather than the person within the organisation who signed the decision. If you are unsure about who this is, complete to the best of your ability and provide a copy of the written decision. VCAT will be able to clarify who the decision-maker is from the written decision you have attached to the application.

13. When was the decision made?

Provide at least one date in the following format: DD/MM/YYYY

Date the decision was made

Date you were formally notified of the decision

14. Are you applying within the time limit allowed under the Act?

You may need to apply within a certain time for VCAT to be able to hear your case. Refer to the Act you are applying under to find out if time limits apply. In some cases VCAT can extend the time limit and accept your application.

If you apply outside the time limit, complete and attach an Application form for an extension of time to commence a proceeding. Go to www.vcat.vic.gov.au/planningtimelimitrequest

Yes No – complete and attach an Application form for an extension of time to commence a proceeding.

15. What is the address of the land to which the decision applies?

Provide the street address and locality, if known. If there is no conventional street address, insert a title or land description.

16. Application number or reference number attached to the decision (if known):

17. Decision maker's contact person (if known):

18. What is the decision about?

Briefly describe the proposal to which this decision applies? For example, a refusal by the decision-maker to grant a specific licence.

If you need more space, attach a document outlining the decision you want reviewed.

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.

19. 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.

20. 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

21. How many expert witnesses will you call?

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

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

24. Do you want a compulsory conference?

Yes No

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

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.

26. 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:

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

Eg. 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:

28. 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 must attach the following:

- Copy of the decision you want reviewed
- Copy of documents that provide a background to the decision (eg. application form, supporting documents and plans, any officer's report assessing the application, related correspondences, etc.)
- If a cultural heritage management plan (CHMP) under the Aboriginal Heritage Act 2006 is required, attach the approved CHMP. If not, attach a certified preliminary Aboriginal heritage test or other statement of reasons about why a CHMP is not required. This may include a copy of a due diligence statement prepared by an Aboriginal heritage consultant.
- Details of other relevant regulatory controls that apply to the land, if relevant
- Application form for an extension of time to commence a proceeding (if applying outside the time limit)

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):

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.