

APPLICATION BY A PERMIT APPLICANT FOR A REVIEW OF A PLANNING DECISION

VCAT reference number (Office use only):

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WHAT YOU CAN APPLY FOR

As a permit applicant, you can apply to have VCAT review a decision by a responsible authority (usually a council) about your planning permit.

Under the *Planning and Environment Act 1987*, you can apply for a review of the following:

- Refusal to grant a permit or amend a permit (section 77)
- Failure to grant a permit within the prescribed time (section 79)
- Conditions in a Notice of Decision, permit or amended permit (section 80)

You must apply for a review within the time limit. For more information about time limits, go to www.vcat.vic.gov.au/permitapplicant.

If you are applying outside the time limit, you can ask VCAT for a time extension to make your application. You will need to explain why you did not apply within the timeframes. VCAT may not grant a time extension.

To apply for a review due to a failure to grant a permit within the time prescribed in the Act, you must also complete an Elapsed Days form. Go to www.vcat.vic.gov.au/elapseddays.

NEED HELP WITH YOUR APPLICATION?

If you have any questions about completing this form, contact our Customer Service team:

- email admin@vcat.vic.gov.au
- call 1300 01 8228 (1300 01 VCAT) between 9 am and 4.30 pm Monday to Friday
- go to the Victorian Civil and Administrative Tribunal, Ground Floor, 55 King Street, Melbourne VIC 3000. We are open Monday to Friday from 8.30 am to 4.30 pm.

DECISION TO BE REVIEWED

1. What decision do you want VCAT to review?

- Refusal to grant a permit or amend a permit
- Failure to grant a permit or amended permit within the prescribed time – skip to Question 3
- Conditions in a Notice of Decision, permit or amended permit

2. When did the responsible authority make its decision?

Date (DD/MM/YYYY)

3. Are you applying within the time limit?

- Yes – skip to Question 5
- No

4. Explain why you are making the application outside of the time limits?

If you need more space, attach a document setting out your reasons. Attach the responsible authority's written consent, if you have obtained it.

WHO IS MAKING THIS APPLICATION?

5. Full name of the individual, body corporate, company or authority making this application:

6. Are you the person named as the permit applicant on the permit application form?

Yes, skip to Question 8 No

7. Explain your interest in the land.

This will help VCAT decide whether to amend the name of the permit applicant. Please attach relevant documents, such as a copy of the title.

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

Yes No

9. 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.

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 APPLICATION FOR A PERMIT OR AMENDED PERMIT

12. Name of responsible authority:

13. Permit application number:

14. Address of the land related to the permit application:

15. Is this a VicSmart application?

Yes No

16. What is the development's estimated cost?

This is usually the cost specified in the permit application. The estimated cost determines the application fee you must pay. For more details, go to www.vcat.vic.gov.au/planningfees.

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17. What is the permit application for?

Single dwelling Multiple dwellings Other

18. Give a brief description of the proposal:

19. Was the permit application advertised?

Yes No – skip to Question 21

20. How many objections were lodged?

21. Do any third party notice exemptions apply to the permit application?

Yes No – skip to Question 23

22. List the relevant planning scheme clauses for the exemptions?

23. If the permit application is about amending a permit, has the permit expired?

- Yes No

REASONS FOR THE APPLICATION

Complete this section **unless** it is about a failure to grant a permit within the prescribed time (section 79). If you are applying about the conditions in a Notice of Decision, permit or amended permit (section 80), state all conditions you want reviewed and your reasons for wanting each reviewed.

24. State your reasons for applying:

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

HEARING ARRANGEMENTS

You can request to have your case heard in the Major Cases List and/or Short Cases List. You can also ask for a practice day hearing or preliminary hearing. We will decide if it is appropriate to grant your request.

The Major Cases List fast tracks some cases. It means your case is resolved quicker, but you will need to pay an application fee and an additional fee to enter the Major Cases List. To check fees, go to www.vcat.vic.gov.au/planningfees.

25. Are you applying for any of the following?

- Major Cases List
 Short Cases List
 Practice day hearing or preliminary hearing – explain why you want this below:

26. 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.

PRESENTING YOUR CASE

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

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

hours minutes

28. How many expert witnesses will you call?

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

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

HEARING ASSISTANCE

We offer a range of support services for people with disability, language difficulties and to help with accessibility. Let us know of your needs so we can make arrangements for the hearing.

31. Does anyone mentioned in this application need special assistance at the hearing?

Help accessing the venue (e.g. wheelchair access)

Interpreter required

Language:

Assisted communication (e.g. assistive listening device or hearing loop)

Attend the hearing by phone or video link

Other

Provide more detail about who needs the forms of assistance you have indicated and why.

ATTACH THESE DOCUMENTS TO YOUR APPLICATION

You must attach the following:

- Copy of the decision to be reviewed (except in section 79 applications)
- Copy of the permit application form and certificate of title
- Copy of the permit, if relevant
- Copy of any officer's report assessing the permit application, if relevant
- Copy of the permit application or decision plans
- Copy of the VicPlan Planning Property Report that details the planning controls that apply to the land (such as zoning and overlays) and whether the land is in an area of Aboriginal Cultural Heritage Sensitivity or is identified as being bushfire prone
- If a cultural heritage management plan (CHMP) under the *Aboriginal Heritage Act 2006* is required, attach the approved CHMP
- If a cultural heritage management plan (CHMP) under the *Aboriginal Heritage Act 2006* is not required, 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
- Completed Elapsed Days form – for section 79 applications

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.

By email

Email admin@vcat.vic.gov.au

By post

Send to:

The Registrar
Planning and Environment Division
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.