

APPLICATION BY A NON-PERMIT HOLDER TO CANCEL OR AMEND A PERMIT

VCAT reference number (Office use only): P

WHAT YOU CAN APPLY FOR

If you are **not** the permit holder, you can apply to cancel or amend a permit under sections 87 or 89 of the *Planning and Environment Act 1987*. A non-permit holder means you are not the owner or occupier of the land concerned or a person who is entitled to use or develop the land.

A responsible authority or referral authority can make this application.

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.

WHAT DO YOU WANT VCAT TO DO?

1. I want VCAT to:

- Amend a permit, including conditions or plans
- Cancel a permit

WHO IS MAKING THIS APPLICATION?

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

3. I am the:

- Responsible authority
- Referral authority
- Other, please specify:

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

- Yes
- No

5. 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/Town 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.

6. Is someone representing you?

Yes No – skip to Question 7

7. Details of your representative:

Organisation name (if applicable)

Full name of representative

Street address

Suburb State Postcode

Phone number

Email

ABOUT THE PERMIT TO BE AMENDED OR CANCELLED

8. Address of the land the permit relates to:

9. Permit number:

10. Date permit issued and, if relevant, previously amended:

11. Name of responsible authority:

12. Name of any referral authority that was required to be given a copy of the application for the permit or application to amend the permit (if relevant):

13. Was the permit (or amended permit) issued at the direction of VCAT?

Yes No – skip to Question 15

14. What was the VCAT reference number and/or AUSTLII citation?

15. When does the permit expire?

16. Do you want to cancel the permit?

- Yes No

BASIS OF YOUR APPLICATION TO CANCEL OR AMEND THE PERMIT

17. Did you lodge an objection to the issue of the permit?

- Yes No

18. Do you believe you should have been given notice of the permit application and were not given notice?

- Yes No - skip to Question 20

19. Why do you believe you should have been given notice?

20. Do you believe that you are adversely affected by any of the following?

- A material mis-statement or concealment of fact about the permit application
 Any substantial failure to comply with conditions of the permit
 Any material mistake in the grant of the permit
 Other, please specify:

21. When did you first become aware of the facts you rely on:

Date (DD/MM/YYYY):

22. What facts do you rely on and what orders do you want from VCAT?

If you need more space, attach another document.

23. Do you know the name of the owner and occupier/s of the land?

- Yes No - skip to Question 25

24. Please provide the names and addresses of the owners and occupiers of the land the permit relates to.

ORDER TO STOP DEVELOPMENT

25. Are you seeking an order to stop development (section 93 of the *Planning and Environment Act 1987*)?

An application to stop development should only be made when there is genuine urgency.

- Yes No – skip to Question 27

26. What development do you want stopped?

If you need more space, attach another document.

27. Why do you want to stop the development?

If you need more space, attach another document.

28. Are you prepared to give an undertaking as to damages?

If you apply for an order to stop development, you will usually be required to give an undertaking as to damages.

- Yes No

HEARING ARRANGEMENTS

Your application will be listed for a Practice Day Hearing.

You can request to have your case heard in the Short Cases List.

You can request a preliminary hearing to determine matters before a final hearing, such as a specific legal question.

29. Are you applying for any of the following?

- Short Cases List
 Preliminary hearing – explain why you want this below:

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

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

PRESENTING YOUR CASE

31. 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

32. How many expert witnesses will you call?

33. List the areas of expertise for your expert witnesses:

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.

34. 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 title to the land, of not more than 14 days old
- Copy of the permit and a tracked-changed version of amendments asked for, if relevant
- Copy of the current endorsed plans, if relevant
- Copy of the proposed amended plans highlighting changes proposed, if relevant
- 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
- Copy of the VCAT decision relating to the permit, if relevant
- Copy of your objection, if relevant

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 **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.