

# APPLICATION FOR REVIEW TO THE MAJOR CASES LIST BY A PERMIT APPLICANT OR PERMIT HOLDER UNDER SECTION 77, 79 OR 80 OF THE PLANNING AND ENVIRONMENT ACT 1987

## APPLICATIONS IN THE MAJOR CASES LIST

The Major Cases List is a sub-list of the Planning and Environment List that has been established to expedite the resolution of applications. Fees in the Major Cases List are higher and it operates on a user-pays fee basis so that its operation does not materially disadvantage the finalisation of other applications in the Planning and Environment List.

An application to the Tribunal is eligible for inclusion in the Major Cases List if the proceeding is in respect of a use or development of any kind irrespective of the cost of development.

Once an application has been included in the Major Cases List, the permit applicant or permit holder cannot seek the removal of the proceeding from the Major Cases List or 'opt out' of the List.

After you lodge your application for review, the Tribunal will issue an initiating order setting out dates for the hearing, compulsory conference and practice day hearing, and giving directions about steps that you and other parties to the proceeding must comply with. The initiating order will set dates by which each step must be completed.

**If you fail to comply with the Tribunal's initiating order by the dates specified in the order, your application may be struck out without further notice.** If you are unable to comply with any aspect of the initiating order, you must apply to the Tribunal in writing for an extension of time. You cannot change dates without an order by the Tribunal.

**If you intend to apply to amend the plans which form part of the permit application, you may only do this in accordance with VCAT's Practice Note PNPE9 – Amendment of Plans and Applications after you have given notice of your application for review as directed by the Tribunal.**

The fees for applications in the Major Cases List are prescribed under the *Victorian Civil and Administrative Tribunal (Fees) Regulations 2016* (Fees Regulations). The fees are also set out on the Tribunal's website.

A daily hearing fee is payable under the Fees Regulations for each day or part day of a hearing in the Major Cases List. This includes a preliminary hearing or an accompanied site inspection forming part of a hearing, but does not include a practice day hearing, or compulsory conference.

## COST OF THE DEVELOPMENT

VCAT reference number (Office Use Only)  /

### 1. What is the estimated cost of development?

This will normally be the cost specified in the permit application.

Cost of development \$

## DETAILS OF APPLICANT(S)

2. Applicant's full name

If the name above is not identical to the name on the permit application lodged with the responsible authority, you will require leave of the Tribunal to amend the name of the permit applicant to accord with the name below. Include the complete name if the applicant is a company: eg. XYZ Cp. Pty Ltd.

### 3. Do you require leave of the Tribunal to amend the name of the permit applicant?

Yes  No

#### 4. Applicant's address

All correspondence will be sent to the applicant(s) at this address, unless the 'Details of Representative' section is completed, in which case all correspondence will be sent to the representative address or email.

Address for service	<input type="text"/>				
Suburb	<input type="text"/>	State	<input type="text"/>	Postcode	<input type="text"/>
Name of contact person	<input type="text"/>				
Business contact number	<input type="text"/>	Mobile number	<input type="text"/>		
After hours contact number	<input type="text"/>	Fax	<input type="text"/>		
Email	<input type="text"/>				

### DETAILS OF REPRESENTATIVE

#### 5. Firm or representative's details

Name or firm	<input type="text"/>				
Reference number or contact person	<input type="text"/>				
Address for service	<input type="text"/>				
Suburb	<input type="text"/>	State	<input type="text"/>	Postcode	<input type="text"/>
Name of contact person	<input type="text"/>				
Business contact number	<input type="text"/>	Mobile number	<input type="text"/>		
After hours contact number	<input type="text"/>	Fax	<input type="text"/>		
Email	<input type="text"/>				

### STATUTORY BASIS OF THE APPLICATION

#### 6. What are you requesting VCAT to review?

- Refusal to grant a planning permit or an amendment to a planning permit under section 77 *Planning and Environment Act 1987*
- Failure to grant a permit within the prescribed time under section 79 *Planning and Environment Act 1987*
- Conditions in a permit under section 80 *Planning and Environment Act 1987*.

List disputed conditions below:

### LAND INFORMATION

#### 7. Address or description of the land to which this application and permit applies

If there is no conventional address (street number, street and locality) insert a land description:

- Certificate of Title volume and folio;
- Lot of lodged plan number;
- Crown allotment; or
- Section number/ township/ parish.

Address of land

Suburb  State  Postcode

Responsible Authority

## PERMIT APPLICATION DETAILS

8. Permit application number

9. Proposal

10. Is the permit application an application to amend an existing permit?

No, skip to Question 13  Yes

11. Existing permit number

12. You are required to provide the below documents:

Copies of the permit in its current and proposed form

Please provide the following information and material about the permit application to assist the Tribunal to process your application as expeditiously as possible.

13. You are required to provide:

- a copy of the permit application
- all supporting material submitted to the responsible authority
- latest set of plans which currently form part of the application  
(plans must be in A3 size or larger)

14. What is the name of the relevant planning scheme, the zone and any overlay or other control applying to the subject land?

15. Set out each specific provision under the planning scheme pursuant to which a permit is required

16. Is the proposal exempt from the notice requirements or review rights under the Planning and Environment Act 1987?

No, skip to Question 18  Yes

17. Specify by what provision in the planning scheme is the proposal exempt from the notice requirements or review rights under the Planning and Environment Act 1987.

18. Was notice of the current application given under relevant provisions of section 52 of the Planning and Environment Act 1987 by you or the responsible authority?

No  Yes

**19. In relation to Aboriginal Cultural Heritage and the need for a Cultural Heritage Management Plan (CHMP):**

**19a. Is the location of the proposed use and/or development on or partly on an area of Cultural Heritage sensitivity as defined under Divisions 3 or 4 of the *Aboriginal Heritage Regulations 2007*?**

- No  Yes

**19b. Is the proposed use and/or development of the land a high impact activity as defined under Division 5 of the *Aboriginal Heritage Regulations 2007*?**

- No  Yes

**19c. Is the activity exempt from a CHMP under Division 2 of the *Aboriginal Heritage Regulations 2007*?**

- No  Yes

**19d. Is the activity exempt from a CHMP because of significant ground disturbance?**

- No  Yes

**19e. If a CHMP is required, has CHMP been provided and approved? If so please provide a copy.**

- No  Yes

**19f. Are there any questions of law likely to arise?**

- No, skip to Question 20  Yes

**19g. If there are any question of law likely to arise, please provide details below.**

**REASONS FOR REVIEWING THE DECISIONS (STATEMENT OF GROUNDS)**

**A 'Statement of Grounds' is**

- a short but precise list of issues you wish to raise with VCAT, which contests the decision made by the responsible authority. The Planning and Environment Act 1987 and planning schemes define the issues VCAT can consider. VCAT must have heard to the matters set out in section 84B of the Planning and Environment Act 1987
- not required for an (failure to grant a permit within the prescribed time) application under section 79 of the Planning and Environment Act 1987.

**20. Set out a short statement of the grounds you rely on to support your application. Attach a separate sheet if necessary.**

## ATTACHMENTS

### 21. Attach the following documents to this application.

Tick and reference the attachments provided. Attach a separate schedule of attachments if necessary.

- Statement of Grounds, if a separate sheet is necessary

Reference number

- Copy of relevant notice of refusal, permit or notice of decision to grant or amend a permit (sections 77 & 80)

Reference number

- Calculation of elapsed days (section 79 only). See VCAT website ***Calculating elapsed days in failure applications.***

Reference number

- Copy of the permit to be amended in its current form and in its proposed form (where application is to amend an existing permit)

Reference number

- Copy of the permit application, all supporting material submitted to the responsible authority and the latest set of plans which currently form part of the application. Plans must be in A3 size or larger.

Reference number

- Copy of any council report about the permit application (if available)

Reference number

- Copy of Cultural Heritage Management Plan (if relevant)

Reference number

- Other attachments (if relevant) :

Other attachment 1

Reference number

Other attachment 2

Reference number

Other attachment 3

Reference number

## HEARING TIME AND COMPLEXITY

See VCAT's Practice Note PNVCAT2 – Expert Evidence for information about the obligations of expert witnesses and what must be included in the report of an expert witness.

### 22. Estimated time required to present your complete case

Estimate the time it will take you to present your complete case at the hearing (submissions plus witnesses) and the number of expert witnesses you intend to call, if any.

Time to make submissions and present evidence

hours

minutes

Number of witnesses

Expertise

## ACKNOWLEDGEMENT

By ticking this box, I 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.

Date of acknowledgement (dd/mm/yyyy)

**23. Category of person completing this application:**

- Applicant in person  Authorised representative

**24. Name of person completing this application**

## CHECKLIST

**25. Before you lodge this application, make sure that:**

- you have completed all details and responded to all questions
- all documents regarding fees (e.g. fee waiver documents, credit card form or cheque) are supplied with your application
- you have attached and properly referenced all of the attachments listed in this form.

## FEES

You must pay the relevant application fee at the same time you lodge this form. Fees may change each year. To find out about the current fee, visit the VCAT website [www.vcat.vic.gov.au](http://www.vcat.vic.gov.au) or call VCAT on 1300 01 8228.

**26. Application fee**

Fees can be paid via money order, cheque, cash or credit card.

Money orders and cheques are to be made payable to 'VCAT'. Cash payments will only be accepted if you are delivering this application in person to VCAT. Do not send cash in the mail. If faxing the application, you can also pay by credit card.

## PAYMENT BY CREDIT CARD

**27. If you wish to pay the fee by credit card, please fill in the details below.**

Fee amount

Cards Accepted: \*  Visa  Mastercard

Cardholder name

Card number

Card expiry

## LODGEMENT AND CONTACT INFORMATION

You can submit this application form to VCAT either by email, post, DX delivery, fax or by person.

### **By email**

Email to [admin@vcat.vic.gov.au](mailto:admin@vcat.vic.gov.au)

### **By fax**

Fax to 03 8684 1488

### **In person**

Deliver to :

The Principal Registrar  
Victorian Civil and Administrative Tribunal  
Planning and Environment List  
55 King Street  
Melbourne VIC 3000

### **By post**

Send this form to:

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