

Planning and Environment List Administrative Division

Application for Review by a Permit Applicant or Permit Holder under section 77, 79 or 80 of the *Planning and Environment Act 1987*

Making an application

Information that must accompany your application form

- Statement of Grounds, if a separate sheet is necessary
- Copy of the relevant notice of refusal, permit or notice of decision to grant or amend a permit (sections 77 & 80)
- Calculation of elapsed days (section 79 only). See *VCAT website Calculating elapsed days in failure applications*.
- Copy of the permit to be amended in its current form and in its proposed form (where application is to amend an existing permit)
- 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 not less than A3 size.
- Copy of any council report about your permit application (if available)
- Copy of Cultural Heritage Management Plan and approval (if relevant)

You must also provide information about the zone, overlays or other planning controls that affect your land and the reasons why a planning permit is required under the planning scheme. You may need to obtain this information from the responsible authority if you do not know the details.

If your application is incomplete and you do not include all the material and information required, plus payment of the fee, your application may be rejected or struck out.

What will happen after you lodge your application for review?

After you lodge your application for review, the Tribunal will allocate a hearing date to hear the application. The Tribunal will issue an initiating order setting out the hearing date 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. A hearing date will not be allocated until your application is complete.

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 Tribunal relies on the accuracy of the information you provide with your application to calculate the length of time required for the hearing. If you believe the time allocated is insufficient or too much, please advise the Tribunal in writing when you return the statement of service that will be sent to you with the initiating order.

**Planning and Environment List
Administrative Division
Section 77, 79 or 80**

VCAT Reference Number (Office Use Only) P /

Cost of the Development

The estimated cost of this development is:

Select what your matter relates to?

- Single dwelling
 Multi dwelling or non-dwelling

The cost of development will normally be the cost specified in the permit application.

Name of Applicant(s)

If the name below 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: e.g. XYZ Co. Pty Ltd.

Full Name

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

- Yes No

Address and contact details of Applicant(s)

All correspondence will be sent to the applicant(s) at this address or email, unless the 'Details of Representative' section is completed, in which case all correspondence will be sent to the representative address or email. Complete only one section. DO NOT COMPLETE BOTH SECTIONS. Address for service must be a Victorian address – VCAT Rules 2008 Order 4.08.

Address for service

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Business phone	<input type="text"/>	After hours phone	<input type="text"/>
Mobile	<input type="text"/>	Fax number	<input type="text"/>
Email	<input type="text"/>		

Details of Representative

Name/Firm
Reference Number/ Contact person

Address for service

<input type="text" value="PO Box 2195, Hawthorn 3122"/>

Business phone	<input type="text" value="9882 4471"/>	After hours phone	<input type="text"/>
Mobile	<input type="text" value="0408 458 830"/>	Fax number	<input type="text"/>
Email	<input type="text" value="rachael@oneillconsulting.net.au"/>		

Statutory basis of the application

You must attach a copy of the responsible authority's decision (except for an application under section 79) No more than one box may be ticked. If your application does not fall under the following sections, do not use this form.

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:

Information about the land to which this application and the permit applies

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

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

Address or description of the land

80 Severn Street, Box Hill North

Responsible Authority

City of Whitehorse

Details of the permit application

Permit application number WH/2018/1138

Insert brief description of proposal

Construction of nine, three storey dwellings and removal of vegetation

Is the permit application an application to amend an existing permit? If yes, you need to insert the existing permit number and attach copies of the permit in its current and proposed form.

- Yes No

Existing permit number

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

Provide a 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 not less than A3 size.	Attached
What is the name of the relevant planning scheme, the zone and any overlay or other control applying to the subject land?	Whitehorse Planning Scheme General Residential Zone, Schedule 1 Significant Landscape Overlay, Schedule 9
Is the proposal exempt from the notice requirements or review rights under the <i>Planning and Environment Act 1987</i> ? If so, specify by what provision in the planning scheme.	No
Was notice of the current application given under relevant provisions of section 52 of the <i>Planning and Environment Act 1987</i> by you or the responsible authority?	No
Were there any objections made that you are aware of and, if so, how many (approximately)?	Application was not advertised
In relation to Aboriginal Cultural Heritage and the need for a Cultural Heritage Management Plan (CHMP): (a) 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 <i>Aboriginal Heritage Regulations 2007</i> ? (b) Is the proposed use and / or development of the land a high impact activity as defined under Division 5 of the <i>Aboriginal Heritage Regulations 2007</i> ? (c) Is the activity exempt from a CHMP under Division 2 of the <i>Aboriginal Heritage Regulations 2007</i> ? (d) Is the activity exempt from a CHMP because of significant ground disturbance? (e) If a CHMP is required, has CHMP been provided and approved? If so please provide a copy.	No CHMP is required as the land is not identified as having Cultural Heritage sensitivity
Are there any questions of law likely to arise? If so, provide details.	No

Reasons for reviewing the decision (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 regard to the matters set out in section 84B of the Planning and Environment Act 1987.
- is not required for an application under section 79 of the Planning and Environment Act 1987 (failure to grant a permit within the prescribed time).

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

1. The proposed development complies with all relevant provisions of the Whitehorse Planning Scheme.
2. The proposed development is well articulated and responds to the existing and preferred neighbourhood character.
3. The proposal provides sufficient space to accommodate landscaping.
4. The proposed development will not give rise to adverse off-site amenity impacts.
5. The proposal is appropriately sited and does not constitute an overdevelopment of the site.

Attachments

Attach the following documents to this application. Tick and reference the attachments provided. Attach a separate schedule of attachments if necessary.

<input type="checkbox"/> Statement of Grounds, if a separate sheet is necessary	Ref. No.	
<input checked="" type="checkbox"/> Copy of the relevant notice of refusal, permit or notice of decision to grant or amend a permit (sections 77 & 80)	Ref. No.	'A'
<input type="checkbox"/> Calculation of elapsed days (section 79 only). See VCAT website <i>Calculating elapsed days in failure applications</i> .	Ref. No.	
<input type="checkbox"/> Copy of the permit to be amended in its current form and in its proposed form (where application is to amend an existing permit)	Ref. No.	
<input checked="" type="checkbox"/> 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 not less than A3 size.	Ref. No.	'B'
<input checked="" type="checkbox"/> Copy of any council report about the permit application (if available)	Ref. No.	'C'
<input type="checkbox"/> Copy of Cultural Heritage Management Plan and approval (if relevant)	Ref. No.	
Other attachments (if relevant)		
<input type="checkbox"/>	Ref. No.	
<input type="checkbox"/>	Ref. No.	

Hearing time and complexity

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 & present evidence: Hours Minutes

Number of witnesses: Expertise:

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.

Are you seeking a compulsory conference?

Yes No

A request for compulsory conference does not always mean that VCAT will schedule one. On the other hand, VCAT may schedule a compulsory conference even if parties do not request it.

Acknowledgement

I acknowledge that:

- To the best of my knowledge, all information provided in this application is true and correct and that no details relevant to the application have been left out.
- I approve the information that has been provided.
- 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.

Category of person completing this application:

Applicant in person Authorised Representative

Name of person completing this application (print)

Date

Checklist

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 or call VCAT on 1300 01 8228.

VCAT may waive the requirement to pay a fee in some instances. Details are available on the VCAT website. You should apply for a waiver at the same time that you lodge this form.

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 or emailing the application, you can only pay by credit card.

If you wish to pay the fee by credit card, please fill in the details on the next page.

Lodgement and Contact Information

Lodge this completed form, any attachments and the applicable fee by:

Email to:	admin@vcat.vic.gov.au
Mail to:	The Principal Registrar VCAT Planning and Environment List GPO Box 5408 MELBOURNE VIC 3001
DX delivery to:	The Principal Registrar VCAT Planning and Environment List DX 210576 MELBOURNE Victoria
Deliver in person during office hours to:	The Principal Registrar VCAT Planning and Environment List Ground floor, 55 King Street MELBOURNE VIC 3001 Office Hours: Monday to Friday from 8:30am to 4:30pm

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

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

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.

Visit vcat.gov.au for more information about fee relief