

VCAT – VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL
PLANNING & ENVIRONMENT LIST

• Victorian Civil and Administrative Tribunal Act 1998

• Planning and Environment Act 1987

Office Use Only
No.

APPLICATION FOR REVIEW
Please read the notes on the back of this form

A. DETAILS OF APPLICANT

Name	
Address for service	Telephone No. Bus.
Post Code	Home:

(If a number of people lodge a joint Application for Review, the name and address of a person to whom notices are to be sent should be clearly indicated. *If no indication is given, notice will be sent to ONE of those people*) See also back of form for more information for joint application.

B. INTEREST OF APPLICANT IN PERMIT APPLICATION

(e.g. applicant, objector, owner of land, occupier of land)

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C. DETAILS OF LAND AND TITLE PARTICULARS

(title particulars are not required if a street number and name is supplied)

Permit Application No.

No.	Street	Locality	Municipality
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Crown Allotment No.	Section	Crown Township or Parish	Lot No.	Lodged Plan No.	Title Volume	Title Folio
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D: USE OR DEVELOPMENT FOR WHICH A PERMIT WAS SOUGHT

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**** If Application for Review is lodged by permit applicant/developer please indicate if cost of the development is valued at:**

Under \$5 million \$5 million or more

If appropriate please attach a copy of the decision you are seeking to review.

E: THIS APPLICATION IS AGAINST - PLEASE NOTE: A FEE IS APPLICABLE WITH EVERY APPLICATION LODGED WITH THE TRIBUNAL UNLESS A REQUEST TO HAVE THE FEE WAIVED IS LODGED (REFER TO BACK OF FORM)

(PLEASE TICK ONLY ONE BOX)

a decision to grant a permit under section 82 of the Planning and Environment Act 1987

a decision to refuse permit under section 77 of the Planning and Environment Act 1987

conditions in a permit issued under section 80 of the Planning and Environment Act 1987

a requirement to give notice of an application for a permit under section 78(a) of the Planning and Environment Act 1987

a requirement by the responsible authority for more information under section 78(b) of the Planning and Environment Act 1987

a decision of the responsible authority refusing to extend time under section 81(a) of the Planning and Environment Act 1987

a failure of the responsible authority to extend time under section 81(b) of the Planning and Environment Act 1987

a failure to grant a permit within the time prescribed time under *section 79 of the Planning and Environment Act 1987

F. Grounds of Application (required in all applications except application against failure to grant a permit under *section 79 of the Planning and Environment Act 1987)

You may attach to the Application for Review any amplification of the application which you believe desirable.

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Date

.....
Signature of Applicant

NOTES REGARDING LODGEMENT OF APPLICATIONS

APPLICATIONS FOR REVIEW BY OBJECTORS TO A NOTICE OF DECISION TO GRANT A PERMIT.

A person who lodged with the responsible authority an objection in writing to the grant of a permit may lodge an Application for Review against a decision of the responsible authority to grant a permit. Any other person who is affected by the decision but did not object to the responsible authority, may apply for leave to lodge an application for review pursuant to Section 82B of the *Planning and Environment Act 1987* against the decision of the responsible authority to grant a permit provided that a written objection to the grant of a permit was received by the responsible authority. These applications must be lodged within 21 days after the responsible authority has given notice of its decision.

A joint Application for Review may be lodged with the Tribunal. A list of the joint objectors names, addresses and signatures or written authorisation must be attached. Otherwise the Tribunal will not consider a joint application. Please nominate a person and their address for service to receive correspondence on behalf of the joint application. **See below about the filing fee.

A PERMIT APPLICANT MAY LODGE ONE OF THE FOLLOWING APPLICATIONS FOR REVIEW WITHIN THE TIME SPECIFIED:

- (a) Refusal to grant a permit within 60 days after the decision of the Responsible Authority
- (b) Conditions in a planning permit or notice of decision to grant a permit within 60 days after the decision of the Responsible Authority. If a notice of decision to grant a permit is issued the 60 days commences from that date.
- (c) Requirement by the Responsible Authority to give notice of the application for a permit within 30 days after that requirement.
- (d) Requirement by the Responsible Authority for more information within 60 days after that requirement.
- (e) Refusal to extend time within which any development or use is to be started or any development completed must be lodged within 60 days after the decision.
- (f) Failure to extend time within which any development or use is to be started or any development completed must be lodged within one month after the request for extension is made, within 60 days after expiry of the one month period.
- (g) Failure to grant a permit within the prescribed time may be lodged if after 60 days the Responsible Authority has failed to determine the permit application. Please refer to the Planning and Environment Regulations 1988 for further information.

A FILING FEE IS APPLICABLE FOR LODGMENT OF APPLICATIONS TO THE TRIBUNAL

\$269.60 for Applications under Section 77, 78(a), 78(b), 80, 81(a), 82 & 82B of the Planning and Environment Act 1987.
\$32.50 for Applications under Section 79 and 81(b) the Planning and Environment Act 1987 .
\$1080.50 for Applications by the Permit Applicant if the development is valued at \$5,000,000 or more (except if the application is made under sections 39(1), 79, 81(b), 82, 82B, 87, 89, 93, 114, 120, 121,123, 149, 149A, 149B or 184).

Cheques or money orders should be made payable to the Victorian Civil and Administrative Tribunal.

Section 132 of the Victorian Civil and Administrative Tribunal Act 1998 grants the Principal Registrar, or any Registrar, the discretion to waive any fee payable under the Act if the Principal Registrar considers that the payment of the fee would cause the person responsible for its payment financial hardship. It should be noted that the Principal Registrar has sole discretion in this matter and that there is no avenue of appeal other than to the Supreme Court.

The following criteria is a guideline to be followed when requesting that a fee be waived and must be provided prior to the Principal Register's consideration of the request. The applicant must:

- (a) Be the holder of a current government benefit Card and provide a copy; and
- (b) Provide a statutory declaration setting out the following:
 - The applicant's current net income (weekly or monthly); and
 - A statement within the statutory declaration as to what effect the payment of the fee will have on the applicant's financial situation (ie will the payment result in the applicant suffering financial hardship?)

Please note: **If a joint Application for Review is lodged and you wish to apply for waiver of the filing fee, all persons named in the application must comply with the above criteria. If any person named in the joint application cannot meet the above requirements then the filing fee of \$269.60 must be paid.

MEDIATION

The Tribunal offers Mediation as an alternative to the normal hearing process. If you believe your application would be suitable for mediation or would like more information please contact the Registry on the number below to request a brochure or visit the VCAT web site www.vcat.vic.gov.au.

For further information please contact the Planning List of the Victorian Civil and Administrative Tribunal on (03) 9628-9777.