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Principal: Dominic Scally  
Our Ref: DHS:JY:210060

31 March 2021

The Senior Registrar  
Planning and Environment List  
Victorian Civil and Administrative Tribunal  
55 King Street  
MELBOURNE VIC 3000

***By email only: VCAT - [admin@vcat.vic.gov.au](mailto:admin@vcat.vic.gov.au)***

Dear Sir/Madam,

**Planning Permit No. GE/DP-330027/2019**  
**380 Hawthorn Road, Caulfield South VIC 3162**

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We act for Olithorn Pty Ltd, the registered proprietor of the land at 380 Hawthorn Road, Caulfield South and the permit holder of Planning Permit No. GE/DP-330027/2019.

Please find **enclosed** for filing:

1. Application pursuant to Section 87A of the *Planning and Environment Act 1987 (Vic)* for inclusion in the Tribunal's Short Cases List; and
2. A credit card payment slip in the sum of \$3302.60 in support of the requisite filing fee.

A full copy of the Application can be accessed from the link below:

[https://besthooper.sharepoint.com/:f/s/Planning/Ek-Uo8\\_WX9xHlqf2TrwlwQgBbTldZ81odAuGWI1C8B6gjA?e=cLW74x](https://besthooper.sharepoint.com/:f/s/Planning/Ek-Uo8_WX9xHlqf2TrwlwQgBbTldZ81odAuGWI1C8B6gjA?e=cLW74x)

Please advise our office if the Tribunal would like a hard copy of the Application and we will arrange for this to be provided as soon as we are able to.

Yours faithfully

**BEST HOOPER**



**Dominic Scally**  
Principal

*Enc.*

# APPLICATION BY A PERMIT HOLDER TO CANCEL OR AMEND A PERMIT

VCAT reference number (Office use only):

P

## WHAT YOU CAN APPLY FOR

If you are a permit holder, owner or occupier of land, or someone entitled to use or develop land, you can apply to cancel or amend a permit under section 87 or 87A of the *Planning and Environment Act 1987*.

An application to amend a permit can only be made under section 87A if the permit, or a previously amended permit, was issued at VCAT's direction.

## 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](mailto: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. What do you want VCAT to do?

- Amend a permit
- Cancel a permit

### 2. Which section of the *Planning and Environment Act 1987* are you applying under?

- Section 87A of the Act
- Section 87 of the Act

## WHO IS MAKING THIS APPLICATION?

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

### 4. I am:

- The owner of the land
- An occupier of the land
- A person entitled to use or develop the land

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

- Yes
- No

## 6. 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	<input type="text"/>				
Suburb/Town	<input type="text"/>	State	<input type="text" value="VIC"/>	Postcode	<input type="text"/>
Phone number	<input type="text"/>				
Email	<input type="text"/>				

## 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.

### 7. Is someone representing you?

Yes       No – skip to Question 9

### 8. Details of your representative:

Organisation name (if applicable)	<input type="text"/>				
Full name of representative	<input type="text"/>				
Street address	<input type="text"/>				
Suburb	<input type="text"/>	State	<input type="text"/>	Postcode	<input type="text"/>
Phone number	<input type="text"/>				
Email	<input type="text"/>				

## ABOUT THE PERMIT TO BE AMENDED OR CANCELLED

### 9. Address of the land the permit relates to:

### 10. Permit number:

### 11. Date permit issued and, if relevant, previously amended (DD/MM/YYYY):

### 12. Name of responsible authority:

### 13. If relevant, the 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:

**14. Was the permit, or previously amended permit, issued at the direction of VCAT?**

- Yes       No – skip to Question 16

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

**16. When does the permit expire?**

**17. Do you want to cancel the permit as a condition in another permit?**

- Yes       No

**18. What is the development's estimated cost (s87A applications only)?**

The estimated cost determines the application fee you must pay. For more details, go to [www.vcat.vic.gov.au/fees](http://www.vcat.vic.gov.au/fees).

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**19. If you are applying under section 87 of the *Planning and Environment Act 1987*, 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  
 any material change in circumstances  
 any failure to give notice  
 any failure to comply with section 55, 61(2) or 62(1) of the Act

**20. Why do you want the permit cancelled or amended?**

**21. Give the name and address of other persons who may have an interest in the outcome of this application:**

If you need more space, attach another document.

## HEARING ARRANGEMENTS

You can ask to have your case heard in the Major Cases List (section 87A only) 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.

For more information about the Major Cases List or Short Cases List, go to <https://www.vcat.vic.gov.au/planning>.

**21. Are you applying for any of the following?**

- Major Cases List (section 87A only)
- Short Cases List
- Practice day hearing or preliminary hearing – explain why:

**22. 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**

**23. 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

**24. How many expert witnesses will you call?**

**25. 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.

**26. 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 permit that contains a condition requiring the cancellation or amendment of the permit, 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
- 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
- Copy of the VCAT decision relating to the permit, 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](http://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](http://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](http://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](mailto: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](http://www.vcat.vic.gov.au/privacy).