

APPLICATION BY A PERMIT APPLICANT FOR A REVIEW OF A PLANNING DECISION

VCAT reference number (Office use only): P

WHAT YOU CAN APPLY FOR

As a permit applicant, you can apply to have VCAT review a decision by a responsible authority (usually a council) about your planning permit.

Under the *Planning and Environment Act 1987*, you can apply for a review of the following:

- Refusal to grant a permit or amend a permit (section 77)
- Failure to grant a permit within the prescribed time (section 79)
- Conditions in a Notice of Decision, permit or amended permit (section 80)

You must apply for a review within the time limit. For more information about time limits, go to www.vcat.vic.gov.au/permitapplicant.

If you are applying outside the time limit, you can ask VCAT for a time extension to make your application. You will need to explain why you did not apply within the timeframes. VCAT may not grant a time extension.

To apply for a review due to a failure to grant a permit within the time prescribed in the Act, you must also complete an Elapsed Days form. Go to www.vcat.vic.gov.au/elapseddays.

DECISION TO BE REVIEWED

1. What decision do you want VCAT to review?

Section 80(1) of the Planning and Environment Act 1987 - Application to review permit condition

If a failure to grant a permit or amended permit within the prescribed time - skip to Question 3.

2. When did the responsible authority make its decision?

Date: 10/12/2024

3. Are you applying within the time limit? If Yes, skip to Question 5.

Yes

4. If no, explain why you are making the application outside of the time limits.

WHO IS MAKING THIS APPLICATION?

5. Who is making this application?

A company

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

Axolotl Pty Ltd

7. Are you the person named as the permit applicant on the permit application form? If Yes, skip to Question 9.

No

8. Explain your interest in the land.

This will help VCAT decide whether to amend the name of the permit applicant. Please attach relevant documents, such as a copy of the title. You can do so at the bottom of this form.

Owner of the land - see certificate of title in folder 1(A) of application materials. The individual named in the application form is a director of the relevant owner company

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

No

10. 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 PO Box 3204

Suburb Prahran East

State VIC

Postcode 3181

Phone number 0418 300 413

Email eminney@besthooper.com.au

11. Is this a joint application?

No

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.

12. Is someone representing you? If No, skip to Question 14.

Yes

13. Details of your representative:

Organisation name (if applicable) Best Hooper Lawyers

Full name of representative Eliza Minney

Street address	Level 12, 10 Queen Street		
Suburb	Melbourne	State	VIC
		Postcode	3000
Phone number	96910205		
Email	eminney@besthooper.com.au		

ABOUT THE APPLICATION FOR A PERMIT OR AMENDED PERMIT

14. Name of responsible authority:

Glen Eira City Council

15. Permit application number:

GE/DP-36420/2023

16. Address of the land related to the permit application:

139 - 141 Hawthorn Road Caulfield North

17. Is this a VicSmart application?

No

18. What is the development's estimated cost?

This is usually the cost specified in the permit application. The estimated cost determines the application fee you must pay. For more details, go to www.vcat.vic.gov.au/planningfees.

Enter the cost in dollars. Do not include commas (,), nor the dollar sign (\$).

\$5,500,000.00

19. What is the permit application for?

Other

20. Give a brief description of the proposal.

Construction of a three storey residential apartment building, a front fence exceeding 1.5m in height (to Halstead St) and alteration to access in a Transport Zone 2 (Hawthorn Rd).

21. Was the permit application advertised? If No, skip to Question 23.

Yes

22. How many objections were lodged?

32

23. Do any third party notice exemptions apply to the permit application? If No, skip to Question 25.

No

24. List the relevant planning scheme clauses for the exemptions?

25. If the permit application is about amending a permit, has the permit expired?

REASONS FOR THE APPLICATION

Complete this section **unless** it is about a failure to grant a permit within the prescribed time (section 79). If you are applying about the conditions in a Notice of Decision, permit or amended permit (section 80), state all conditions you want reviewed and your reasons for wanting each reviewed.

26. State your reasons for applying.

Condition 1(p) of Council's notice of decision (extracted below) is unreasonable, without planning justification or basis and should be deleted.

HEARING ARRANGEMENTS

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

The Major Cases List fast tracks some cases. It means your case is resolved quicker, but you will need to pay an application fee and an additional fee to enter the Major Cases List. To check fees, go to www.vcat.vic.gov.au/planningfees.

27. Are you applying for any of the following? If you select Short Cases List, skip to Question 29.

Major Cases List

No

Short Cases List

No

28. Are you applying for a practice day hearing or preliminary hearing?

None

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

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

PRESENTING YOUR CASE

30. 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

31. How many expert witnesses will you call?

32. List the areas of expertise for your expert witnesses.

33. If you want VCAT to determine a specific question of law, state the precise question/s of law.

HEARING ASSISTANCE

If you are concerned about being in the same room as someone who will attend the hearing, we can make special arrangements to ensure your safety.

We can also arrange to have an interpreter for anyone who needs to attend the hearing or assist people with disability (eg. hearing loops).

These special arrangements are free.

34. Does anyone attending the hearing need an interpreter?

If yes, tell us who needs an interpreter and in what language:

35. Does anyone attending the hearing require any other type of special assistance?

E.g. Hearing loop, wheelchair access, additional arrangements for personal safety.

If yes, tell us who needs any other type of special assistance and what they require:

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:

Bethanie La Terra

Date of acknowledgement:

22/01/2025

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.

Which fee category are you applying for?

Corporate

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.

If you are applying for fee relief, complete the [Fee Relief form](#) and attach it to this application. You can do so at the bottom of this form.

Are you applying for fee relief?

No

WHAT HAPPENS NEXT

If you have provided your email address, you will shortly receive an email from us with instructions about next steps including how to make payment (if applicable). If you have not provided an email address and payment is required, VCAT will contact you by telephone about making payment.

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 (e.g. 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.

ATTACH THESE DOCUMENTS TO YOUR APPLICATION

You must attach the following:

- Copy of the decision to be reviewed (except in section 79 applications)
- Copy of the permit application form and certificate of title
- Copy of the permit, if relevant
- Copy of any officer's report assessing the permit application, if relevant
- Copy of the permit application or decision plans
- 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
- Completed Elapsed Days form – for section 79 applications

In addition to the above, please attach any other documents in support of your application.

Attachments to this application:

Title	File Name

Large files

For any file larger than 128MB a sharing link is required.

Please list (by line) the name of each file that is bigger than 128MB followed by the hyperlink.

https://besthooper.sharepoint.com/:f:/s/Planning/Erqbxh70Qw1ElfzHeRIqbjEBzZrvyWCf9kdxjrjT0EoDnQ?e=0w443C

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.

PRIVACY INFORMATION

For a copy of VCAT's privacy statement, go to www.vcat.vic.gov.au/privacy.