General form of application to the Planning and Environment List

Making an application

Information that must accompany your application

- Details of the Act and the section of the Act under which the application is made
- Copy of the decision by the responsible authority or other relevant authority (where relevant)
- Statement of Grounds, if a separate sheet is necessary
- The names and addresses of each joint applicant in decipherable form, and their signature, if this is a joint application

If the application relates to a dispute about a proposal to amend a plan or document, clearly identified copies of the original and proposed plan or document must be attached to the application. The proposed changes must be clearly identified on the proposed plan or document and a schedule listing the proposed changes must also be attached.

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?

After you lodge your application, the Tribunal may allocate a hearing date to hear the application or may allocate a date for a practice day hearing to consider the application and its future conduct. The Tribunal will issue an initiating order setting out the date for the hearing or the 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. A 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.

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 as soon as possible after receiving the initiating order.
Name of Applicant(s)

Full Name: Brimbank City Council

Is this a joint application? Please tick only one box
☐ No
☐ Yes  (If yes, refer to Planning and Environment List Guidelines for Making Joint Applications available on the VCAT website)

If this is a joint application, you must attach the names and addresses of each joint applicant in decipherable form, and their signature. Each joint applicant must be entitled to make the application. If you are applying for a fee waiver, all joint applicants must be eligible.

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

Business phone
Mobile
Email

Details of Representative

Name/Firm: Russell Kennedy
Reference Number/ Contact person: Stefan Fiedler (121407-00570)

Address for service
Level 12, 469 La Trobe Street, Melbourne, Victoria 3000

Business phone: 9609 1672
Mobile: 0437 734 742
Email: sfiedler@rk.com.au

Statutory basis of application

Specify the Act and the section under which the application is made.

Act: Environment Protection Act 1970
Section: s 33B
### Details of other parties

#### Who made the decision you want reviewed?
List the name of the responsible authority or other relevant decision-making authority responsible for the decision or who has failed to make a decision (when the application is to review failure)

<table>
<thead>
<tr>
<th>Responsible authority</th>
<th>Environment Protection Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relevant authority</td>
<td></td>
</tr>
</tbody>
</table>

#### Who is the order to be made against?
List the names and addresses of the persons or firms to be subject to the order. Attach a separate list if necessary.

- **Respondent 1** – name: Landfill Operations Pty Ltd
  - Address: Level 4, 441 St Kilda Road, Melbourne, Victoria 3004
- **Respondent 2** – name: Landfill Operations Pty Ltd
  - Address: Level 4, 441 St Kilda Road, Melbourne, Victoria 3004
- **Respondent 3** – name: Landfill Operations Pty Ltd
  - Address: Level 4, 441 St Kilda Road, Melbourne, Victoria 3004

#### Are there any other persons who may have an interest or wish to be heard in respect of the application?
Attach a separate list if necessary.

- **Person 1** – name: Landfill Operations Pty Ltd
  - Address: Level 4, 441 St Kilda Road, Melbourne, Victoria 3004
- **Person 2** – name: Landfill Operations Pty Ltd
  - Address: Level 4, 441 St Kilda Road, Melbourne, Victoria 3004
- **Person 3** – name: Landfill Operations Pty Ltd
  - Address: Level 4, 441 St Kilda Road, Melbourne, Victoria 3004

### Information about the land to which this application 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:

- 1100-1152 Christies Road, Ravenhall and 408-546 Hopkins Road, Truganina

Note – the Hopkins Road land formed part of works approval application 1002191, although this land is excluded from works approval 138994.

### Details of the proposal

#### Application number, if known or relevant

#### Description of what is proposed

Construction of a landfill for the deposit of solid inert waste, putrescible waste, pneumatic tyres shredded into pieces (<250mm) and contaminated soil (N121 - Category C).
What other factors are relevant to the application?
Set out details of any planning permit, licence, works approval, section 173 agreement or the like to which the application relates or which are related to the proposal, any related VCAT proceeding or decision, or any other relevant factor. Attach a separate list if necessary.

Planning Permit Application PA2016/5118 called in by Minister for Planning and referred to a Panel under Part 8 of the Planning and Environment Act 1987. At the time of filing this application the Minister for Planning had not released the Panel’s report to the submitters.

Facts relied on (Statement of Grounds)
Set out a short statement of the grounds you rely on to support your application. Attach a separate sheet if necessary.

Please see Annexure “A”.

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

- Copy of the disputed decision (where relevant) Ref. No. Works Approval 138994
- Copies of related reports Ref. No. Assessment Report 1002191
- Copies of related correspondence Ref. No.
- Statement of Grounds, if a separate sheet is necessary Ref. No. Annexure “A”
- The names and addresses of each joint applicant in decipherable form, and their signature, if this is a joint application Ref. No.
- Other attachments (if relevant)
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: 1 Hours 0 Minutes

Number of witnesses: TBC  Expertise: Waste Policy

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) Stefan Fiedler

Date 18 April 2017
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 9628 9777.

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 | $ 1171.00 |

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 only pay by credit card.

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

**Are you applying for fee relief?**

- [ ] No – complete Fee payment section
- [x] Yes – complete Fee relief form and attach it to this application form

**Payment by Credit Card**

If paying by credit card, fill in the details here.

- [ ] Visa
- [x] MasterCard

**Choose the fee level:**

- [ ] Standard
- [x] Corporate
- [ ] Concession

Fee Amount Charged: **($) 1171.00**

Name on Card

Card Number

Expiry date

Signature
ANNEXURE “A”

STATEMENT OF GROUNDS

1. If the works are completed in accordance with Works Approval 138994 the use of the works will result in:
   1.1 a discharge, emission or deposit of waste to the environment; or
   1.2 the disposal or handling of waste; or
   1.3 the disposal of substances that are a potential danger to the environment;

   which will unreasonably and adversely affect the interests, whether wholly or partly of Brimbank City Council.

2. If the works are completed in accordance with Works Approval 138994 the use of the works will result in:
   2.1 a discharge, emission or deposit of waste to the environment; or
   2.2 the disposal or handling of waste; or
   2.3 the disposal of substances that are a potential danger to the environment;

   that will be inconsistent with:
   2.4 Industrial Waste Management Policy (Prescribed Industrial Waste);
   2.5 Waste Management Policy (Siting, Design and Management of Landfills);
   2.6 State Environment Protection Policy (Groundwaters of Victoria);
   2.7 State Environment Protection Policy (Prevention and Management of Contamination of Land); and
   2.8 State Environment Protection Policy (Air Quality Management).

3. If the works are completed in accordance with Works Approval 138994 the use of the works will result in:
   3.1 a discharge, emission or deposit of waste to the environment; or
   3.2 the disposal or handling of waste; or
   3.3 the disposal of substances that are a potential danger to the environment;

   would cause pollution or an environmental hazard.