

Statement Of Grounds - How To



622-642 “aka Moonlight Receptions” Nicholson Street, North Fitzroy

VCAT case number is P2394/2018

Statement Of Grounds Due in by : 4pm on 23rd Jan 2019

Why put in a Statement of Grounds - I put in an Objection ?

VCAT does not look at the council objections.

VCAT only considers submissions from individuals, community groups and companies, who submit Statement Of Grounds.

VCAT considers everyone who does not submit a Statement of Grounds, whether or not they originally objected, as **not opposing** the development.

Only Individuals, groups and companies, who submit Statement Of Grounds, will have their evidence considered, can speak at the hearing if they wish, and will be kept informed at each step of the VCAT process, including notification of changes to the plans.

This is a step by step guide to filling in and submitting a VCAT Statement of Grounds. It is aimed as making it as straightforward as possible, for residents and businesses, be able to put before VCAT the impact the proposed development will have on them.

What happens if I don't ?

Just like objections to council, numbers matter. The adjacent neighbours, highlighting the impact on them, matters most. Without immediately affected residents and/or businesses submitting their Statement of Grounds to VCAT, the council's position, in representing its people, is weakened and diminished.

Remember nearby neighbours who do not object are regarded as not opposing the development.

You do not have to appear at VCAT, you can write as short and sweet a *Reasons for Objecting* section as you like. There is no fuss

Community groups, and people from the wider neighbourhood who submit, highlight the wider impact, triggered by the development, beyond the immediate site, as well support for their neighbours. This is very valuable, but most effective as wider support for the strong opposition from the nearby residents and businesses.

Before you begin

Get a copy of the form to fill in :-)

You can download the form to fill in direct from VCAT :

PDF : This one can be filled in a web browser.

https://www.vcat.vic.gov.au/sites/default/files/resources/statement-of-grounds-form_1.pdf

Microsoft Word : For this who prefer to use Word

<https://www.vcat.vic.gov.au/sites/default/files/resources/statement-of-grounds.doc>

If you prefer to fill your forms in using a pen, if you put in an objection, you should have received a paper copy of the form in the post, at the back of the VCAT papers.

It is ok to submit a scanned copy of the completed paper form via email.

Filling in the Form

Case Details

CASE DETAILS	
Date that statement of grounds must be received by VCAT This is on the notice you received or the sign at the site.	23rd January 2019
VCAT reference number	P2394/2018
Site address	622-642 Nicholson Street, Fitzroy North, VIC 3068

Your Details

If you can include an email address. VCAT is faster and more reliable via email.

Your Participation In Hearings

YOUR PARTICIPATION IN HEARINGS	
<input checked="" type="checkbox"/> I intend to appear and present a submission at the hearing.	Fees apply.
<input type="checkbox"/> I do not intend to participate in the hearing, but want VCAT to consider my statement of grounds.	No fee applies.
If you do not intend to participate in the hearing, you will not be a party to the proceeding. VCAT considers your statement of grounds in any contested hearing but will not send you further correspondence.	

Tick the **top box** if you want to be **kept informed**, get a copy of any new plans submitted, and can contribute at the hearing. You will **pay a fee**.

Tick the **bottom box** if you just want to let VCAT know why you oppose this development but **no further involvement**. VCAT will consider your reasons. You will have no further input to proceedings, even if the plans change. You will **not pay a fee**.

PFN recommends paying the fee. It is only \$20.20. Paying the fee keeps you informed, particularly useful when the plans change. You can still choose to stop taking part at any point, but paying to keep the right to have your say when plans change is a good idea.

Presenting at the Hearing

PRESENTING AT THE HEARING	
If you intend to present at the hearing, tell us:	
Time required to present your complete case at the hearing (submissions plus witnesses)	
Number of expert witnesses I intend to call (if any)	
Witness area/s of expertise	
For information about witnesses and evidence, visit vcat.vic.gov.au and see Practice Note PNVCAT2 – Expert Evidence.	

You don't have to complete any of the 'Presenting at the Hearing' boxes, unless you want to present a case (e.g. for 5 or 10 or 30 minutes) or call witnesses (e.g. an expert in heritage, etc) and you know roughly how long you will need. You can change your mind on this, and decide closer to the hearing if you will present and for how long.

Who is making this statement ?

WHO IS MAKING THIS STATEMENT?
This statement of grounds is lodged by or on behalf of:
Objector/s
<input checked="" type="checkbox"/> A person who objected to the original application to the council
<input type="checkbox"/> A person who did not object to the original application to the council but now wants to object
<input type="checkbox"/> A person responding to an application to amend plans or make other changes to an existing application
<input type="checkbox"/> A person responding to a notice by a permit holder to amend a permit

You must tick one the the top two boxes:

Tick the **top box** if you **did lodge** an **objection** with the City of Yarra.

Tick the **second box** if you **did not lodge** an **objection** with the City of Yarra

Joint Statement of Grounds

Leave it blank unless this Statement of Grounds represents a group of people. This guide does not include hints for doing this - try asking the VCAT help line.

Your Statement of Grounds

This section is compulsory. This is where you say your reasons for objecting to the development details in the submitted plans - in your own words.

If you have already written an objection to Council:

You can put your original objection into the form and re-submit it (if emailing, scan any extra pages as part of the form), OR

Summarise/update/replace your previous objection points and put them in the box provided.

You can start again. Your reasons for objection do not have to be the same as the objection/s you lodged with the council

If you did not lodge an objection with Council complete this section with the grounds (reasons) for your objection included in the box or in an attached file.

At the end of your reasons you may wish to add at the end something like "I reserve the right to add to or change my reasons for objection." This keeps your options open.

Example Only - (using your own words is more relevant and more powerful.)

This application should be refused on the following grounds :

- + *Neighbourhood character and heritage. The height and bulk of the proposed development, does not match the neighbourhood character. It will dominate the adjoining heritage properties, and highly visible from the heritage overlay areas.*

- + *Amenity. This site is a mixed use zone with hundreds of residential neighbours in the apartments surrounding. This building will impose to an excessive degree on residents additional shadowing, loss of sky, and a loss of openness in their private open space.*

- + *Safety and Traffic Issues. The introduction of significant additional heavy and light truck movements into a no-thru-road laneway shared by pedestrians, bicycles, and cars creates additional safety hazards, traffic congestion and noise.*

I reserve the right to add to or change my reasons for objection.

Certification and Acknowledgement

Last thing before sending in the form - fill in the certification and acknowledgement sections. Self explanatory, we hope.

Fee Relief - hopefully self explanatory.

Fees Payment

(<https://www.vcat.vic.gov.au/resources/planning-and-environment-fees>)

Individuals: \$20.20

Corporations: \$28.90

Only credit card payment appears to be available, as VCAT has not provided any details about paying by cheque or Electronic Funds Transfer.

Serve a copy to VCAT, City of Yarra, and the developer's lawyers

Send a copy including all pages to VCAT

One copy of **all 5 pages**, including the credit card authorisation page, and additional documents, if any, you are submitting with your objection, should be sent to **VCAT**.

If you **are** paying the Fee - remember to fill in the credit card fee payment page.

If you **are not** paying the Fee - do not fill in the credit card fee payment page, leave it blank.

VCAT via **Email** send to : admin@vcat.vic.gov.au

OR via **Post** send to : Victorian Civil and Administrative Tribunal
GPO Box 5408, Melbourne Vic 3001

OR in person hand in : VCAT service counter, ground floor, at 55 King Street Melbourne.

Send a copy excluding the payment page, to Yarra planning and the developers lawyers.

Send **only pages 1 to 4**, (exclude the credit card payment page) and any additional documents.

City of Yarra via Email send to : planningadmin@yarracity.vic.gov.au

OR via Post send to : Yarra City Council Planning Dept
P.O. Box 168, Richmond 3121

Rigby Cooke via **Email** send to : randerson@rigbycooke.com.au

OR via Post send to : Rhodie Anderson
Rigby Cooke Lawyers
GPO Box 4767, Melbourne VIC 3001

Once you have sent your copy to each of VCAT, the City of Yarra planning department, and the Developer's lawyers - you are officially a **party** to the case a VCAT.

Why the word used to describe people, groups and organisations who have put in a submission, a **party** to the case at VCAT - I have no idea :-)

