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.

WHAT DO YOU WANT VCAT TO DO?

1. What do you want VCAT to do?

Amend a permit

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

Section 87A(2)(a) of the Planning and Environment Act 1987 - Application by the owner or occupier of the land concerned to cancel or amend a permit issued at the direction of the Tribunal

WHO IS MAKING THIS APPLICATION?

If there is more than one applicant, you can add joint applicant/s at the bottom of this page.

3. Who is making this application?

An individual

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

Munir Shaya

5. Are you?

☒ Owner of the land

☐ Occupier of the land

☐ Person entitled to use or develop the land

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

No

7. 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: 55 Bournian Avenue

Suburb: Strathmore State: VIC Postcode: 3041

Phone number 0412846644

Email munir_shaya@hotmail.com

8. 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.

9. Is someone representing you? If No, skip to Question 11.

Yes

10. Details of your representative:

Organisation name (if applicable) Metropol Planning Solutions Pty Ltd

Full name of representative Michael Dunn

Street address PO Box 6081

Suburb Collingwood North State VIC Postcode 3066

Phone number 03 9882 3900

Email info@metropolplanning.com.au

ABOUT THE PERMIT TO BE AMENDED OR CANCELLED

11. Address of the land the permit relates to:

234 Lygon Street, Brunswick East

12. Permit number:

MPS/2015/5/B

13. Date the permit was issued:

14/09/2015

14. If relevant, date the permit was previously amended:

13/03/2026

15. Name of responsible authority:

Merri-bek City Council

16. 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:

Melbourne Water Corporation

17. Was the permit, or previously amended permit, issued at the direction of VCAT? If No, skip to Question 19.

Yes

18. If yes, what was the VCAT reference number and/or AUSTLII citation?

P2154/2015 (Ridolfi Architecture v Moreland CC [2016] VCAT 846) and P1125/2020

19. When does the permit expire?

14/09/2027

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

No

21. 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/planningfees.

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

$2,500,000.00

22. 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 *Planning and Environment Act 1987*

23. Why do you want the permit cancelled or amended?

To amend the plans endorsed under the planning permit to allow additional building height and reduced upper level setbacks (and other minor amendments detailed in the enclosed Planning Assessment Report), and to amend certain permit conditions

24. 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. You can add any attachments at the bottom of this form.

Name	Email	Address	Phone number

Name	Interest

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.

Find out more about the Major Cases List and Short Cases List.

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

☐ Major Cases List (section 87A only)
☐ Short Cases List (section 87A only)

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

If you selected practice day hearing or preliminary hearing, explain why you want this below:

27. 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

28. 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.

4.00 hours [ ] minutes

29. How many expert witnesses will you call?

0

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

N/A

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.

31. Does anyone attending the hearing need an interpreter?

Don't know

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

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

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

Don't know

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:	Lachlan Smith
Date of acknowledgement:	9/10/2026

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.

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

Keep a copy of these documents for your records.

Attachments to this application:

Title	File Name
	Title certificate.PDF
	Title plan.PDF
	Amended Planning Permit MPS-2015-5-B.pdf
	Tracked Changes Planning Permit.docx
	Endorsed Architectural Plans.pdf
	Amended Architectural Plans.pdf
	Sustainability Mgmt Plan.pdf
	Waste Mgmt Plan.pdf
	Planning Assessment Report.pdf
	DDA Report.pdf
	VicPlan Property Report - 234 Lygon St Brunswick East.pdf
	Ridolfi Architecture v Moreland CC [2016] VCAT 846.pdf
	P1125 2020 Final Order.pdf
	Ltr S87A Application Cover.pdf

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.

ABOUT VCAT FEES

For information on which fee category applies, visit our how to pay VCAT fees page at vcat.vic.gov.au/help-and-support/how-pay-vcat-fees

Which fee category are you applying for?

Standard

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 below. **If there is more than one applicant seeking a fee waiver or reduction, each applicant must fill out a separate form for your fee waiver application to be assessed.**

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 (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.

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.