Metropol Ref. 1412
9 October 2026

Principal Registrar
Land and Environment Division
Victorian Civil and Administrative Tribunal
308 La Trobe
Melbourne VIC 3000

Via Online Lodgement

Dear Principal Registrar,

Section 87A Amendment Application to Planning Permit MPS/2015/5/B – 234 Lygon Street, Brunswick East

Metropol Planning Solutions acts on behalf of Munir Shaya, owner of 234 Lygon Street, Brunswick East (the subject site).

On behalf of our client, we are pleased to submit this application to amend Planning Permit MPS/2015/5/B via Section 87A of the *Planning and Environment Act 1987* (the Act).

We note that Planning Permit MPS/2015/5 was issued by Merri-bek City Council (then Moreland City Council) on 14 September 2015. The permit was the subject of an application to the Tribunal under Section 80 of the Act in *Ridolfi Architecture v Moreland CC [2016] VCAT 846* (VCAT Ref: P2154/2015). Subsequent amendments to the permit have been granted on 10 December 2020 (via Section 87A of the Act, VCAT Ref: P1125/2020), 9 January 2023 and 13 March 2026 (both via Section 72).

Planning Permit MPS/2015/5/B currently allows for *'the use and development of a six storey building in the Special Building Overlay, containing a Shop and Dwellings, a reduction in the car parking requirement and a waiver of the loading and unloading of vehicles requirement, in accordance with the endorsed plans'*.

The proposed amendments to the design that form part of this application include the following:

- Reduction of the eastern and western setbacks at the third, fourth and fifth level
- Increase in building height from 20.46 metres to 23.34 metres through the introduction of a highly recessed sixth floor
- Increase in number of apartments from 11 to 13
- Deletion of the basement services level, with storage cages and bicycle parking relocated to the ground floor
- Reduction in floor area of the ground level commercial tenancy
- Introduction of additional landscaping through planter boxes provided on east and west facing balconies

Please refer to the enclosed Planning Assessment Report prepared by our office, which provides further details of the proposed changes (including requested changes to the permit preamble and permit conditions).

The design response is consistent with the outcomes sought for the site in the State, regional and local planning policies of the Merri-bek Planning Scheme.

The following documents form part of our application submission:

- Amended Architectural Drawings (Revision V) prepared by Eminent Design dated 18 August 2026
- Planning Assessment Report prepared by Metropol Planning Solutions

- Sustainability Management Plan prepared by Melbourne Sustainability Consultants
- Waste Management Plan prepared by Leigh Design
- Access Report prepared by Melbourne Sustainability Consultants
- Copies of Title and associated title plan (searched 8 October 2026)
- Copy of Planning Permit MPS/2015/5/B
- Tracked changes version of Planning Permit MPS/2015/5/B detailing requested amendments to the preamble and conditions
- Copy of currently endorsed Architectural Drawings (endorsed on 22 September 2026)
- Copy of Ridolfi Architecture v Moreland CC [2016] VCAT 846
- Copy of final order in VCAT matter P1125/2020
- VicPlan Property Report

Should you have any queries regarding this matter please do not hesitate to contact me on 9882 3900 or via email: michael@metropolplanning.com.au.

Yours sincerely,



Michael Dunn

Director

Enc: Refer Above list

cc: File