VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

PLANNING AND ENVIRONMENT LIST

VCAT REFERENCE NO. P1125/2020
PERMIT NO. MPS/2015/5

APPLICANT	Munir Shaya
RESPONSIBLE AUTHORITY	Moreland City Council
RESPONDENTS	Glenda Lasslett
SUBJECT LAND	234 Lygon Street BRUNSWICK EAST VIC 3057
WHERE HELD	Melbourne
BEFORE	Nicholas Hadjigeorgiou, Member
HEARING TYPE	Compulsory conference
DATE OF HEARING	10 November 2020
DATE OF ORDER	8 December 2020

ORDER

Amend application

1 Pursuant to clause 64 of Schedule 1 of the *Victorian Civil and Administrative Tribunal Act 1998*, the permit application is amended by substituting for the permit application plans, the following plans filed with the Tribunal:

- Prepared by: Ridofi Architects
- Drawing numbers: Revision A
- Dated: 22/10/2020

2 In planning permit MPS/2015/5 dated 14/09/2015 an amended permit is granted and directed to be issued for the land at 234 Lygon Street Brunswick East. The amendments to the permit are as follows:

a) What the permit allows is amended to read:-

- The use and development of a six storey building containing a shop and dwellings and a reduction in the car parking requirement

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b) Conditions of the permit are amended to read:-

- Modify condition 1 to read:

  Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the planning permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans prepared by Ridolfi Architects, revision A, dated 22/10/2020 (as discussed at the VCAT compulsory conference on 10 November 2020) but modified to show:

- Insert new condition 1(s) to read:

  A minimum setback of 7 metres from the rear (east) property boundary at the fifth floor. The balcony on the fifth floor may encroach into the setback, but not the roof over the balcony.

- Insert new condition 1(t) to read:

  Changes to the layout of Apartment 11 as a result of condition 1(s).

- Insert new condition 1(u) to read:

  At fifth floor, a minimum setback of 1 metre from the side (north) property boundary for the kitchen, a minimum setback of 1.5 metres from the southern boundary for the living room, and a minimum setback of 6 metres from the front (west) boundary for the living room.

- Insert new condition 1(v) to read:

  Increase in the number of solar roof panels in accordance with the ESD management plan required condition 7.

- Modify condition 7 to read:

  7. Prior to the commencement of development, a suitably qualified environmental engineer or equivalent must prepare an environmentally sustainable development (ESD) management plan to the satisfaction of the Responsible Authority. The recommendations of the plan must be incorporated into the design and layout of the development and must be implemented to the satisfaction of the Responsible Authority prior to the occupation of the development. The plan must include, but not be limited to the following:

     1. Building and site energy management.

2. Integrated water management – water conservation and reuse (potable, non potable and storm water) water sensitive urban design.
3. Construction materials selection.
4. Initiatives to reduce waste.
5. Integrated Travel Plans – (outlining the various modes of transport).
6. Construction waste management – (demolition and construction phase).
7. Compliance with sustainability performance standards.
8. Best practice principles and innovation.
9. Responsibilities for implementation monitoring and maintenance.
10. The roof plan to maximises solar PV panels.
11. The apartment to have an average NatHERS score of 7.0 stars and a minimum of 6.0 stars.

The ESD management plan should:

- Identify the relevant strategic or other documented sustainability targets or performance standards.
- Document the means by which the appropriate target or performance standard will be achieved.
- Demonstrate that the design elements, technologies and operational practices that compromise the ESD management plan can be maintained over time.

- All other conditions are retained.

3 The hearing scheduled to commence on 16 February 2020 for one day is vacated.

4 No order as to costs.

Nicholas Hadjigeorgiou
Member

REMARKS

1 This matter involves an application pursuant to section 87A of the *Planning and Environment Act 1987* seeking consent to amend an existing permit issued by the Moreland City Council MPS/2015/5.

2 Shortly after the compulsory conference, the parties reached agreement and request orders by consent. The parties request that the Tribunal direct the grant of a amended Permit subject to conditions.

3 This order is made at the request of the parties and with their consent as an outcome of a compulsory conference.

4 The Tribunal regards the consent of the responsible authority to be a confirmation to the Tribunal that:

- the responsible authority is of the opinion that the amended permit is appropriate having regard to the matters it is required to consider under section 60 of the *Planning and Environment Act 1987* (**Act**), including the balanced application of the strategies and policies of the Moreland Planning Scheme (**Planning Scheme**) and is otherwise in conformity with the provisions of the Planning Scheme and the Act;
- the proposed orders will not result in any change to the proposed use/development which would materially affect any person other than the parties to the proceeding.

5 Based on the information available to the Tribunal, I consider it is appropriate to give effect to the settlement reached by the parties pursuant to section 93(1) of the *Victorian Civil and Administrative Tribunal Act 1998*.

Nicholas Hadjigeorgiou

Member