ORDER

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL
LAND AND ENVIRONMENT DIVISION

Proceeding no:
P878/2026
Permit application no:
MPS/2015/5/B

APPLICANT	Munir Shaya
RESPONSIBLE AUTHORITY	Merri-bek City Council
REFERRAL AUTHORITY	Melbourne Water Corporation
SUBJECT LAND:	234 Lygon Street BRUNSWICK EAST VIC 3057
ORDERS MADE BY:	Christopher Harty, Member
HOW ORDERS MADE:	In office
DATE ORDERS MADE:	14 October 2026

This document contains important information about your case. It includes instructions about what you need to do and may set time limits that need to be followed.

Orders

Hearings

1. This application is scheduled for a compulsory conference and a hearing as detailed below.

   If there is any change to these details, we will notify you.

Compulsory Conference:	
Date and time	4 January 2027 2:00 PM - 5:00 PM
Conduct	In Person
Place	VCAT Melbourne, 308 La Trobe Street, MELBOURNE VIC 3000

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Standard Cases Hearing:	
Date and time	30 March 2027 10:00 AM - 4:30 PM
Conduct	In Person
Place	VCAT Melbourne, 308 La Trobe Street, MELBOURNE VIC 3000

Details of the location of the compulsory conference and the hearing will be published on our website, under 'Upcoming Hearings' on the afternoon of the day prior to the hearing – www.vcat.vic.gov.au/upcoming-hearings

What the applicant must do

2. By **30 October 2026** the applicant must give the following documents to the responsible authority:

   (a) a copy of the application and all attachments; and

   (b) any other material given to us; and

   (c) a copy of this order.

3. By **17 November 2026** the applicant must give notice of the application in accordance with the directions set out in Appendix A and the information received from the responsible authority in response to Order 5.

4. By **8 December 2026** the applicant must give to us:

   (a) a completed statement of notice; and

   (b) a list of names and addresses of all persons and authorities who were notified; and

   (c) a sample of the letter sent with the documents; and

   (d) all other information required by the statement of notice.

   If a statement of notice is not given to us by **8 December 2026**, this application may be struck out. No reminder will be sent.

What the responsible authority must do

5. By **10 November 2026**, the responsible authority must give the following to the applicant and to us:

   (a) the names and addresses of all relevant referral authorities;

(b) the names and addresses of all persons it considers may have a material interest in the outcome of this application to amend a permit who should be given notice of the application; and

(c) details of any other form of notice which should be given (such as the display of a sign on the land and/or publication of notice in the newspaper).

6. By **17 November 2026** the responsible authority must make available for inspection at its main office and display on its website a complete copy of the application and all attachments.

7. By **17 November 2026** the responsible authority must give the information required by Practice Note **PNPE2 – Information from Decision Makers** (**PNPE2**) to us, unless this material has already been given in another related proceeding. The responsible authority must give a copy of the completed table of PNPE2 to the applicant. The attachments do not need to be given to the applicant.

Statement of grounds

8. If you want to become a party and take part in this proceeding, you must complete a statement of grounds online at www.vcat.vic.gov.au/respondplanning and give a copy to the responsible authority and the applicant by **8 December 2026**.

   (Note: you must also pay a fee. Information regarding fees is available at www.vcat.vic.gov.au/fees. A fee does not apply to referral authorities.)

What all parties must do

Compulsory conference

9. All parties must attend the compulsory conference either in person or by a representative who has permission to settle the proceeding on their behalf.

   (Note: See more information in Appendix B of this order).

10. No later than **10 business days** before the compulsory conference the applicant must give all parties a copy of any amended plans it wants to discuss or rely upon at the compulsory conference.

11. No later than **5 business days** before the compulsory conference the responsible authority must give to us and all parties a copy of draft permit conditions that may be discussed at the compulsory conference. A copy of the conditions must be brought to the compulsory conference in electronic Microsoft Word format.

12. Any document to be relied on for the compulsory conference that is provided to us must be clearly marked '**For compulsory conference**'.

Hearing

13. No later than **5 business days** before the hearing, the parties must provide an electronic copy of their submissions and associated material (such as supporting documentation, case law and photographs) to us and all parties. Our copy must be sent to admin@courts.vic.gov.au.

14. All expert evidence must be filed and served in accordance with the our Note PNVCAT2 Expert Evidence.

Requests for procedural orders

15. Any request for procedural orders must be made to us in writing and a copy must be given to all parties.

Fees

Fees payable by the applicant

16. Applicants are required to pay fee for compulsory conferences, preliminary hearings or final hearings. Applicants may also be required to pay a fee for any interim hearing (including directions hearings and practice day hearings) and mediations.

17. If you are required to pay a fee, registry will contact you with the details of the payment due. All payments must be made before the scheduled date.

18. For more information, see our website www.vcat.vic.gov.au/fees

Fees payable by other parties

19. Other parties may be required to pay a fee for any interim hearing (including directions hearings, practice day hearings, and preliminary hearings) if it is scheduled as a result of a request or application made by them.

20. If you are required to pay a fee, registry will contact you with the details of the payment due. All payments must be made before the scheduled date.

21. For more information, see our website www.vcat.vic.gov.au/fees.

Christopher Harty

Member

Help and support

Information for all parties is available on our website www.vcat.vic.gov.au

For information about what happens after you make your application, visit www.vcat.vic.gov.au/afterapplyplanning

For information about responding to an application visit www.vcat.vic.gov.au/respondplanning

If you are not able to access the website, contact us on 1300 01 8228 Monday to Friday 9.00am to 4.30pm to request a paper copy.

To find out about our support services such as interpreters, disability support and security, visit www.vcat.vic.gov.au/support

APPENDIX A

How must the applicant give notice of this application?

This order requires the applicant to give notice of the application. Notice must be given to the following persons:

- the owner and occupier of the subject land,
- any persons who may have a material interest in the outcome of the application who are named in the application,
- any additional persons identified by the responsible authority in response to order 5,
- all relevant referral authorities.

The notice must comprise the following

  - a copy of the application (the attachments do not need to be given),
  - a copy of these orders,
  - a description of the proposed changes to the permit, including details of the changes from the previous plans,
  - a letter that must:
    - explain that an application to amend a permit has been made to the VCAT,
    - advise that a complete copy of the application, including amended plans, can be inspected at the main office of the responsible authority and on the responsible authority's website
    - advise that a copy of the amended plans and/or other attachments can be obtained by request from the applicant
    - specify the date in order 8 as the date by which any statement of grounds form must be given to VCAT, to the responsible authority and to the applicant,
    - advise that they must provide a completed statement of grounds form in order to take part in the proceeding,
    - specify the date and time scheduled for the hearing
    - if applicable, include a statement identifying those matters within the application for which there is no right of review under s 82 of the *Planning and Environment Act 1987* (Vic).
- If the responsible authority has advised that a sign must be displayed on the land, this must be done by the date specified in order 3. You must use the sign provided by VCAT and it must be completed to include all the required information. You must maintain the sign in good order and condition for not less than 14 days from the day it is put up on the land.
- If the responsible authority has advised that notice of the application must be published in a newspaper, this must be done within 7 days of the date specified in Order 3.

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The sign displayed on the land and the notice published in the newspaper must:

- Explain that if a person wants to take part in this proceeding, they must complete a statement of grounds form (available at www.vcat.vic.gov.au/respondplanning) and specify that the completed statement of grounds form must be given to VCAT, to the responsible authority and to the applicant by the date specified in Order 8.
- Specify the date and time of the hearing as specified in Order 1.
- If applicable, set out those matters within the permit application for which there is no right of review under s 82 of the *Planning and Environment Act 1987* (Vic).

Dispute about notice

If the applicant disagrees with the responsible authority about the extent of notice to be given, or the responsible authority fails to give the information by the date specified in Order 5, the applicant may request an urgent practice day hearing to resolve the dispute.

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APPENDIX B

COMPULSORY CONFERENCE INFORMATION SHEET

What is a compulsory conference?

A compulsory conference is a private meeting between the parties to the proceeding.

With the assistance of a VCAT member the parties can explore options to reach an agreement on all or some of the matters in dispute. The parties should come with an open mind and flexibility in considering options that could resolve the case.

Unless all parties agree, evidence of anything said or done in the course of a compulsory conference (including any document provided to us for the purpose of the compulsory conference) is not admissible in any hearing before VCAT in the proceeding.

More information about compulsory conferences is available on our website at www.vcat.vic.gov.au and in **Practice Note PNVCAT4 – Alternative Dispute Resolution (ADR).**

Requirement to attend compulsory conference

If you are a party, you **must** attend the compulsory conference in person or by a representative who has written permission to settle the proceeding on your behalf. If you do not attend, the matter may be resolved in your absence and you may be struck out as a party. If all the parties present at the compulsory conference agree, we may make final orders or make other orders that may affect you in an adverse way.

We may make any of the following orders under the *Victorian Civil and Administrative Tribunal Act 1998* (Vic):

- If you are the applicant, your application may be dismissed or struck out.
- If you are not the applicant, you may be struck out as a party. This means that you can take no further part in the proceeding, including the hearing.
- The matter may also be settled, for example, by approving the proposal with or without changes.

- You may be ordered to pay the costs of the other parties in certain circumstances.

Who may attend a compulsory conference?

Only parties to the proceeding may attend a compulsory conference.

A person is a 'party' to the proceeding if the person:

- lodged an objection to the planning application
- has given a completed Statement of Grounds form to us by the due date and paid the fee
- has indicated in their Statement of Grounds form that they intend to participate in the hearing

The following persons are NOT a party to a proceeding:

- a person who did not lodge an objection to the permit application
- a person who did not give their Statement of Grounds form by the due date and/or did not pay the fee
- a person who has indicated on their Statement of Grounds that they do not intend to participate in the hearing
- a person who is not entitled under the *Planning and Environment Act 1987* (Vic) to become a party.

If you are not a party to the proceeding but wish to be heard, you can attend at the start of the compulsory conference and ask us to join you as a party to the proceeding. You will need to explain why you should be joined as a party to the proceeding. Other parties will also be given the opportunity to tell us whether they agree or disagree about you being joined as a party. We will then make a decision to join you as a party or not.

If you are not joined as party, you cannot take any further part in the compulsory conference and we may make final orders or make other orders that may affect you in an adverse way.

A party who is struck out because they do not attend a compulsory conference cannot participate in any further compulsory conference or hearing.

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What happens if agreement is reached at the compulsory conference?

If the parties present at a compulsory conference reach agreement, we may make final orders to give effect to the agreement without a hearing being required. This can include allowing the proposal with or without changes.

What happens if agreement is not reached at the compulsory conference?

If parties present at the compulsory conference do not reach an agreement, a hearing date/s will be confirmed. Orders will be issued.

What happens if a partial agreement is reached at the compulsory conference?

If the parties reach agreement about some issues but not others, the hearing will proceed. If the parties present agree, we may make orders that limit the issues to be considered at the hearing or specifies issues that will not be able to be considered. We may also make further orders that restrict the ability of parties to raise any matters that were resolved at the compulsory conference.

What should you bring to the compulsory conference?

Parties should come to the compulsory conference with a summary of their issues and solutions. This could include possible changes that could be made to the proposal to address your concerns or the concerns of other parties. The attached 'Summary of Issues and Solutions for a Compulsory Conference' may be used. The applicant for the permit should bring an extra copy of any relevant plans including elevations.

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SUMMARY OF ISSUES AND SOLUTIONS FOR A COMPULSORY CONFERENCE

VCAT reference number	P878/2026
Applicant	Munir Shaya
Responsible authority	Merri-bek City Council
Your name	

It is suggested that each party identify key issues and potential solutions before the compulsory conference. This will help to clarify the key issues that the parties consider most important to them and possible solutions.

Most important issues in dispute from your perspective (including any legal matters) Use additional pages if required

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What potential solutions would you consider? Use additional pages if required

Signature:_____ Date:_____

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LAND AND ENVIRONMENT DIVISION

STATEMENT OF NOTICE

To be completed by or for the applicant

Subject Land	**234 Lygon Street** **BRUNSWICK EAST VIC 3057**	**Proceeding no:** P878/2026

I, ……..(Print full name)

of ……..(Print name of firm, if relevant)

……..(Print address)

……..

STATE to the Victorian Civil and Administrative Tribunal (VCAT) that:

1. On …… ***(date of service)*** I served on the responsible authority a hard copy and a copy in electronic PDF form of the application and all attachments and other material filed with the Tribunal and a copy of the initiating order.

2. ***(Only complete if applicable)*** I caused Notice of the Application to VCAT to be given by publishing the notice in the following newspapers.

Name of Newspaper	Date of Publication

I attach clippings of the notices published.

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3. ***(Only complete if applicable)*** On …… ***(date of erection)*** I caused Notice of the Application to VCAT to be given by erecting a sign on the subject land.

   Such notice was maintained in good condition on the land for not less than 14 days until it was removed on …… ***(date of removal)***

   I erected the following number of signs in the following locations:

Number of signs erected (total)	
Location of signs erected: Specify each street frontage or other location	

   I attach the following document ***(tick as applicable)***

   ☐ Original sign erected on the land

   ☐ True copy of the completed sign erected on the land

4. On …… ***(date of service)*** I served the following documents on each of the persons specified below by post*/by email*/in person*. ***(*delete whichever does not apply)***

   Documents served:

   - a copy of the application (excluding attachments) and any other relevant documents required to be served by VCAT's initiating order;
   - a copy of the VCAT initiating order;

   Persons served: ***(tick as appropriate)***

   ☐ any referral authorities

   ☐ those persons set out in the attached list I obtained from the relevant municipal council or other responsible authority

☐ any person directed by the VCAT

☐ any other person or authority

I attach copies of the following documents.

Documents attached: ***(tick as appropriate)***

☐ list of names and addresses of all persons or authorities served

☐ copy of sample cover letter sent with documents served

ALTERNATIVELY

5. There are no objectors or referral authorities to serve because:

☐ The responsible authority did not require notice to be given to anyone

☐ The application is exempt from third party notice and review rights

I understand that knowingly giving false or misleading information to VCAT may result in imprisonment or fine (s 136 of the *Victorian Civil and Administrative Tribunal Act 1998* (Vic)).

Signature

……..Date……
……..