

**VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL**

**ADMINISTRATIVE DIVISION**

**PLANNING AND ENVIRONMENT LIST**

VCAT REFERENCE NO. P1001/2017  
PLANNING APPLICATION NO. 2013/005499

**APPLICANT** BoTree Property Group Pty Ltd  
**RESPONSIBLE AUTHORITY** Minister for Planning  
**SUBJECT LAND** 6-78 Buckhurst Street  
SOUTH MELBOURNE VIC 3205  
**WHERE HELD** Melbourne  
**BEFORE** Nicholas Hadjigeorgiou, Member  
**HEARING TYPE** Compulsory conference  
**DATE OF HEARING** 19 June 2017  
**DATE OF ORDER** 26 June 2017

**ORDER**

- 1 The Tribunal orders the time for the commencement and completion of permit 2013/005499 is extended and condition 44 of the permit is amended to read:-
  - 44 In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances applies:
    - The development is not started by 1 September 2020.
    - The development is not completed by 1 September 2027.
    - The use does not start within two years of completion of each stage of the development.

In accordance with section 69 of the *Planning and Environment Act 1987*, the Responsible Authority may extend the permit if a request is made in writing before the permit expires, or within six months afterwards. The Responsible Authority may extend the time for completion of the development if a request is made in writing within 12 months after the permit expires and the development started lawfully before the permit expired.
- 2 The hearing scheduled to commence on 10 July 2017 for 3 days is vacated.

Nicholas Hadjigeorgiou  
**Member**

## **APPEARANCES:**

For Applicant	Ms Tamara Brezzi, solicitor, Norton Rose Fulbright
For Responsible Authority	Ms Sarah Porritt, Barrister, instructed by Ms Kerrie Diamantopoulos, senior solicitor DELWP Legal services, and

## **REASONS**

- 1 This order is made at the request of the parties and with their consent as an outcome of a compulsory conference.
- 2 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 permit or amended permit is appropriate having regard to the matters it is required to consider under section 60 of the Act, including the balanced application of the strategies and policies of the relevant planning scheme and is otherwise in conformity with the provisions of the planning scheme and the *Planning and Environment Act* 1987;
  - the proposed orders will not result in any change to the proposed use or development which would materially affect any person other than the parties to the proceeding.
- 3 Based on the information available to the Tribunal, I consider it is appropriate to make these orders.

**Nicholas Hadjigeorgiou**  
**Member**