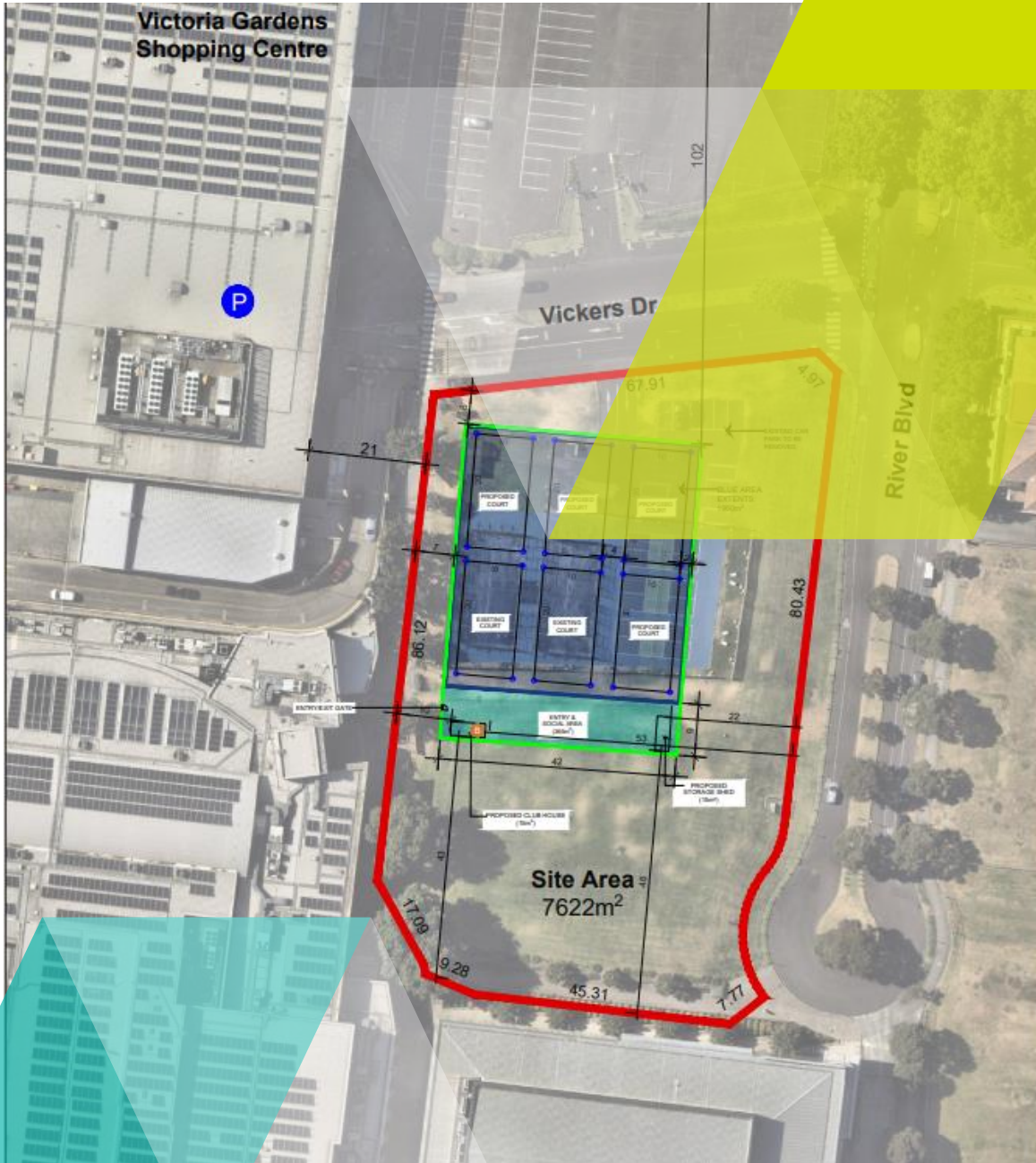


20 River Boulevard, Richmond s72 Amendment Officer Report

PA2402884-1



Section 72 Amendment Officer Assessment Report Development Assessment

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Executive Summary



Key Information	Details								
Original Permit No:	PA2402884								
Application No.	PA2402884-1								
Permit Allows:	Use and development of the land as an outdoor recreation facility								
Land Address:	20 River Boulevard, Richmond								
Amendment Received:	12 September 2024								
Statutory Days:	1								
Applicant:	Game2padel c/- Urbis Ltd								
Planning Scheme:	Yarra								
Proposal Summary:	<p><u>S72 Proposed Amendments</u></p> <ul style="list-style-type: none">• Increase in the total number of padel courts from 5 to 6.<ul style="list-style-type: none">◦ Relocation of the existing two (2) padel courts to the south.◦ Construction of four (4) new padel courts.• Entry and social area relocated to the south.• Car parking reduction from 12 to 0 car parking spaces.• Construction of a 3m high perimeter chain mesh fence.• Proposed club house and storage shed will each be 15sqm (dimensions: 6.1m by 2.4m). The club house will be where customers can book and pay to play on the courts and hire padel equipment that will be stored in the shed.• Installation of 16 light poles at a maximum height of 6m.• Addition of one (1) bicycle parking space located in the clubhouse.• Amend condition 3 in relation to hours of operation.• Amend condition 4 in relation to patron and staff numbers.								
Development Value:	Approved value: \$75,000 Amended value: \$400,000								
Total Site Area:	7,621.91 m ²								
Why is the Minister responsible?	<p>In accordance with the schedule to Clause 72.01 of the Planning Scheme, the Minister for Planning is the responsible authority for this application because:</p> <ul style="list-style-type: none">• The Minister for Planning is the responsible authority for matters under Divisions 1, 1A, 2, 3 and 5 of Part 4 and Division 2 of Part 9 of the Planning and Environment Act 1987 and matters required by a permit or the scheme to be endorsed, approved or done to the satisfaction of the responsible authority, in relation to the land within Schedule 1 to Clause 37.02 of the Comprehensive Development Zone (Victoria Gardens Comprehensive Development Plan 2022), save for and excluding the land in Lots 1, 2, 3 and 4 on PS 415801 (located east of River Boulevard within the 'Existing Barkers Road Bridge Precinct'), and Lot 6A & 7B on PS608608, and Lot 5 on PS 415801 (located east of River Boulevard within the 'River Boulevard Precinct'). <p>S72 amendments are covered by Part 4 of the Act.</p>								
Planning Controls:	<table><tbody><tr><td>Clause 37.02</td><td>Comprehensive Development Zone – Schedule 1</td></tr><tr><td>Clause 45.06</td><td>Development Contributions Plan Overlay – Schedule 1</td></tr><tr><td>Clause 45.03</td><td>Environmental Audit Overlay</td></tr><tr><td>Clause 45.09</td><td>Parking Overlay – Precinct 2 Schedule</td></tr></tbody></table>	Clause 37.02	Comprehensive Development Zone – Schedule 1	Clause 45.06	Development Contributions Plan Overlay – Schedule 1	Clause 45.03	Environmental Audit Overlay	Clause 45.09	Parking Overlay – Precinct 2 Schedule
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Clause 45.06	Development Contributions Plan Overlay – Schedule 1								
Clause 45.03	Environmental Audit Overlay								
Clause 45.09	Parking Overlay – Precinct 2 Schedule								



Planning History A planning permit was issued on 17 June 2024 for the use and development of the land as an outdoor recreation facility. The development plans were endorsed with issuance of the permit.

Referral Authorities: N/A

Notice of original s72 amendment application. Yarra City Council
1 objection from local resident received as of 10 November 2024.
Note s57A amendment application does not require notice: 1 submission from Yarra City Council received as of 11 February 2025.

Delegates List: Delegation not required for this application, as confirmed by Director, Development Assessment on 11 February 2025.

Recommendation: The amendments to the permit are recommended for approval.



1. Planning Permit PA2402884 was issued on 17 June 2024 for the use and development of the land as an outdoor recreation facility.
2. The Development Plans were endorsed upon the issuance of the permit.
3. A mandatory Cultural Heritage Management Plan (CHMP) is not required for this amendment application. The site is partially located within an area of Cultural Heritage Sensitivity. The originally assessed application notes that the permit applicant has confirmed that 10 and 20 River Boulevard have been subject to significant ground disturbance and as such, the proposed development does not trigger the need for a Cultural Heritage Management Plan under the Aboriginal Heritage Act 2006. Council confirmed this in their delegate report dated 30 May 2018 for the subject site.

This amendment application relies on the prior determination that a CHMP is not required, as addressed in the original permit assessment.

4. The key milestones in the application process were as follows:

Milestone	Date
Application lodgement	12 September 2024
Further information requested	1 October 2024
Further information received	10 December 2024
Section 50 application lodged	10 December 2024
Section 57a application lodged	03 March 2025
Decision Plans	Plan (Site Plan) prepared by Urbis, Revision E, dated 04 March 2025 (1 sheet)
Other Assessment Documents	Cover Letter, prepared by Urbis, dated 11 September 2024. RFI Response Letter (1 st Response), prepared Urbis, dated 15 October 2024. RFI Response Letter (2 nd Response) and Section 50 Amendment Letter, prepared by Urbis, dated 10 December 2024.

5. The subject of this report is the decision plans (as described above).
6. Initially, the s72 amendment application introduced a new permit trigger for business identification signs under Clause 52.05-11 of the Yarra Planning Scheme. However, the applicant has lodged a section 57A amendment under the *Planning and Environment Act 1987* to remove the business identification signs component from the amendment application.
7. The applicant has indicated that a separate permit application will be submitted for the business identification signs.



8. The following information summarises the request for an amendment to the permit under section 72 of the *Planning and Environment Act 1987* which states:

S. 72 Application for amendment of permit

(1) A person who is entitled to use or develop land in accordance with a permit may apply to the responsible authority for an amendment to the permit.

9. The applicant seeks amendments to the approved development and conditions under Planning Permit PA2402884 as follows:

Changes to Plans

- Increase in the total number of padel courts from 5 to 6.
 - Relocation of the existing two (2) padel courts to the south.
 - Construction of four (4) new padel courts.
- Entry and social area relocated to the south.
- Car parking reduction from 12 to 0 car parking spaces.
- Construction of a 3m high perimeter chain mesh fence.
- Installation of 16 light poles at a maximum height of 6m.
- Addition of one (1) bicycle parking space for employee located in the clubhouse.
- Proposed club house and storage shed will each be 15sqm (dimensions: 6.1m by 2.4m). The club house will be where customers can book and pay to play on the courts and hire padel equipment that will be stored in the shed.

Changes to Conditions

- Amend condition 3 in relation to increasing the hours of operation.
- Amend condition 4 in relation to increasing the patron and staff numbers.

10. Specifically, the proposed changes to permit conditions under this application are summarised in the table below:

Condition No.	Current Wording	Type of Change	Proposed Wording
3 – Hours of Operation	<p>The use may only operate between:</p> <ul style="list-style-type: none"> • 9:00am to 12:00pm and 4:00pm to 9:30pm on weekdays, and • 9am to 6pm on weekends. <p>The responsible authority may consent in writing to vary this requirement.</p>	Alteration	<p>The use may only operate between:</p> <ul style="list-style-type: none"> • 8am to 10pm on weekdays, and • 8am to 9pm on weekends. <p>The responsible authority may consent in writing to vary this requirement.</p>
4 – Patron Numbers	<p>At any time no more than 20 patrons and 2 staff may be present on the land. The responsible authority may consent in writing to vary this requirement.</p>	Alteration	<p>At any time no more than 48 patrons and 4 staff may be present on the land. The responsible authority may consent in writing to vary this requirement.</p>

11. The figures below illustrate the approved and proposed layout of the outdoor recreation facility (pickleball courts). Figure 3 illustrates the elevations of the courts, as well as proposed fencing and light poles.

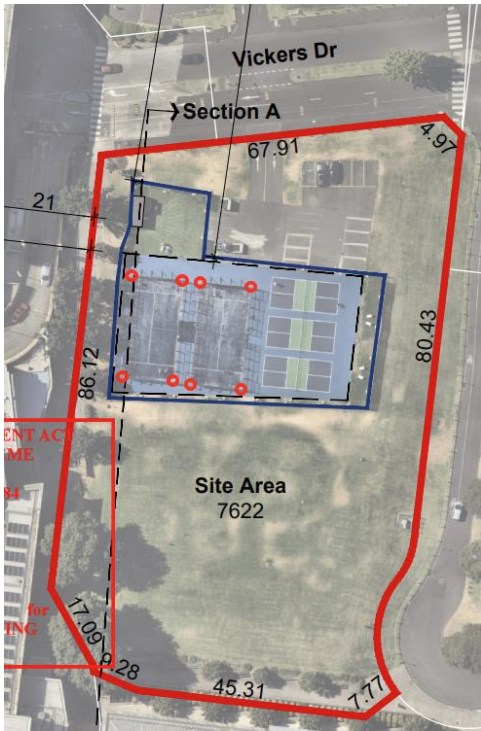


Figure 1 - Endorsed Site Plan under PA2402884

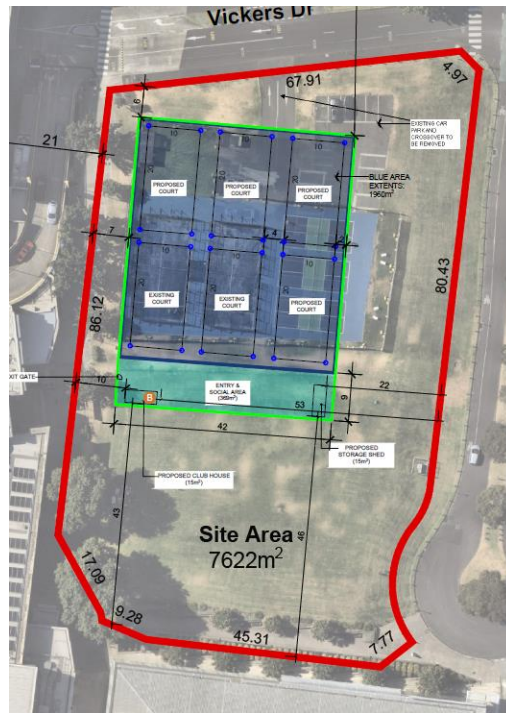
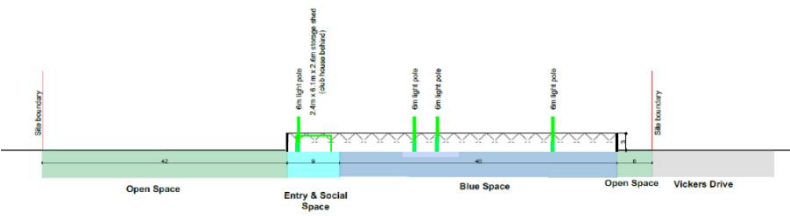
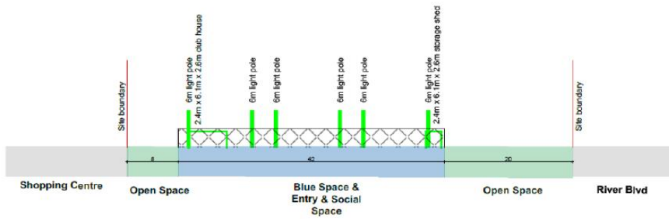


Figure 2 - Proposed Site Plan under this application



SECTION A (EAST ELEVATION)



SECTION B (NORTH ELEVATION)

Figure 3 - Proposed Elevation Plans under this application

Subject Site and Surrounds

Site Description

12. The site is located within the River Boulevard Precinct (or Precinct 3) of the Victoria Gardens Development Plan (April, 2024) (the Development Plan). The River Boulevard Precinct is to the east of the shopping centre with an interface to Victoria Street and the Yarra River corridor. It is essentially separated into four parcels, being centrally divided by River Boulevard, with Vickers Drive creating an east-west connection. It includes:
- Nos. 10 (Lot 10) and 20 River Boulevard (Lot 9) which is currently used for a carpark at Lot 10 and padel tennis and pickleball courts with carparking spaces at Lot 9 (with a current development plan approval for a maximum 12 storey mixed use development).
 - Nos. 25-35 River Boulevard which is currently an undeveloped parcel of land (with a current development plan approval for a maximum 8 storey residential development).



Figure 5 - Diagram 3 - Victoria Gardens Development Plan (April 2024)

13. The site is located at 20 River Boulevard, Richmond which has a street frontage of 67.9m to Vickers Drive and 80.4m to River Boulevard, yielding a total site area of 7621.91sqm. Whilst the site was previously vacant and used for the purposes of car parking, it is noted that the original planning application sought retrospective approval for the use of the land for an outdoor recreation facility.



Figures 6 & 7 - Existing Site Conditions (Site Visit undertaken 16/12/2024)

14. The site is formally described as 9C on Plan of Subdivision 608608U. A powerline easement exists to the south of the site, which is not affected by this proposal. There are no other restrictions or covenants that affect the land.
15. Vehicle access to the site is currently facilitated in one (1) location along Vickers Drive along the northern boundary. A total of 12 car parking spaces is located on subject site.



Figure 8 - Subject site and immediate surrounds

Site Surrounds

21. The subject site is located within a largely mixed-use area, with the land sharing interfaces with residential, industrial and commercial land uses. In particular, the key interfaces of the subject site can be described as follows:

- To the **north** of the subject site, on the opposite of Victoria Street, are several commercial and residential properties located in the Commercial 1 Zone. The land situated directly opposite the shopping centre is predominantly occupied by commercial office type land uses, such as financial services, insurance brokers and biotechnology companies. There are a number of apartment buildings situated to the north-east of the subject site, which range up to approximately twelve storeys in height. It is important to note that the northern boundary of the overall Victoria Gardens Shopping Centre is located approximately 100m from the subject site.
- To the **east** of the subject site is River Boulevard and a mix of commercial and residential buildings. It is noted that the closest residential building is located approximately 50m from the subject site at 15 River Boulevard, Richmond.
- To the **south** of the site is the Fonterra Office and a mix of zoning including Mixed Use Zone (MUZ) and Public Use Zone – Health and Community (PUZ3).
- To the **west** of the site is Victoria Gardens Shopping Centre which has a number of retail stores. State and local strategic policies identify Victoria Street as a Major Activity Centre (MAC), the highest order of activity centres within City of Yarra's hierarchy.



Referrals

22. No referrals required for this amendment application under section 55 of the Act.

Notice

23. Initially, the section 72 amendment application included an additional trigger for business identifications signs under Clause 52.05-11, resulting in notice being sent only to Yarra City Council. An application for a sign is not exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act provided the sign is to be constructed or displayed on land that is not specified in the schedule to Clause 52.05-7.
24. As mentioned above, the applicant applied for a section 57A amendment under the *Planning and Environment Act 1987* to remove the proposed business identification signs on 03 March 2025. Therefore, this application does not need to be re-advertised, as the CDZ1 exempts it from the notice requirements of sections 52(1)(a), (b), and (d), the decision requirements of sections 64(1), (2), and (3), and the review rights outlined in section 82(1) of the *Planning and Environment Act 1987*.

Objection

25. One objection has been received to the original s72 amendment application from a resident (who also objected to the original application). Whilst not applicable to this current s57A amendment application, the objector's concerns have nonetheless been addressed in this assessment. The primary ground for objection relates to unreasonable/aggravated noise including the frequency, nature, characteristics. The objector cites the unreasonable noise from pickleball games as affecting them in these ways:
- Loss of productivity when working from home due to inability to concentrate.
 - Reduced enjoyment of living in the area.
 - Financial loss from paying for accommodation away from the courts for relief.
 - Potential decrease in property value.
26. This report considers noise impacts as detailed in the assessment section below. A response to the other matters raised in the objection is provided in the table below:

Objector Concern	DTP Officer Response
Loss of productivity and reduced enjoyment of living	The pickleball courts are considered to maintain sufficient setback of approx. 50m from the objector's residence. The noise impacts are considered to be acceptable. A full assessment of noise is provided in the section below.
Financial loss	Consideration of financial loss, property values and land devaluation are not included within the decision guidelines of the Scheme and cannot be considered within the assessment and determination of the project.
Property values	

27. There are no third-party appeal rights for a decision regarding this application, as the CDZ1 exempts it from the review rights outlined in section 82(1) of the *Planning and Environment Act 1987*.

Submission

28. Yarra City Council submission was received on 11 February 2025. Council does not object to the proposed amendments and did not provide any conditions or additional comments.



Planning Policy

29. None of the applicable policies under the Planning Policy Framework within the Yarra Planning Scheme have changed since the decision on the application and given the nature of the amendments these policies do not need to be re-examined. However, it is noted that the proposed amendments have resulted in changes to statutory planning controls as detailed below.

Statutory Planning Controls

30. The zoning controls remain the same since the decision for the application was made.
31. Overall, the proposed amendments are relatively minor and will not compromise the objectives of the zone, overlays and the permitted use and development.
32. The key considerations in assessing the acceptability of the proposed amendment are:
- Comprehensive Development Zone – Schedule 1
 - Amenity Impacts
 - Clauses 45.09 & 52.06 – Parking Overlay & Car Parking
 - Clause 52.34 - Bicycle Facilities

Comprehensive Development Zone – Schedule 1

33. Clauses 2.0 and 4.0 of the CDZ1 requires the use and development of the land must be generally in accordance with the Victoria Gardens Comprehensive Development Plan 2024 and any requirement of the Victoria Gardens Comprehensive Development Plan 2022 must be met.
34. The proposal amendments remain consistent with the purpose of the zone, as well as, the vision, overarching design principles, and design elements detailed in the Victoria Gardens Comprehensive Development Plan 2022, for the following reasons:
- The proposed amendments, which involve increasing the total number of padel courts from 5 to 6, increasing patron and staff numbers and extending hours of operation foster a further increase in recreational opportunities available in the precinct, thereby enhancing amenity.
 - The proposed amendment enhances the multi-purpose use of Victoria Gardens, offering greater access to recreation and social activities while improving land activation and passive surveillance.
 - The proposed amendment seeks to enhance the activation of the existing sports facility within the precinct, improving public access, increasing engagement with the surrounding street network, and ensuring pedestrian safety through the use of lighting and mesh fencing to enhance passive surveillance.
 - The proposed amendments include two new structures (a storage shed and a clubhouse). Both structures are minor in scale, with a floor area of 15sqm each and low-lying structures reaching a maximum height of 2.6m. These additions, along with the accompanying pole lights and fencing, are modest in scale compared to the surrounding built form within the precinct. With a generous setback of approx. 50m from the nearest residential building, the proposal does not compromise solar access, the amenity of the surrounding area, or views.
 - The proposal will not impact the Yarra River or views to the 'Skipping Girl' sign in Victoria Street.
 - The proposal seeks to remove 12 car parking spaces located on subject site, resulting in no on-site parking facilities. This car parking reduction is considered acceptable, as visitors can utilise the parking spaces at Victoria Gardens Shopping Centre. Additionally, the site is situated in an area with easy access to public transport, including trams stops, as well as cycling and walking paths.

Patron Numbers

35. This amendment application seeks to increase the maximum number of patrons from 20 to 48 and staff from 2 to 4 on site at any time. This increase is considered appropriate due to the increase in court numbers from 5 to 6 and to accommodate overflow between sessions. The proposed additional padel court will allow for greater capacity of patrons, and therefore more staff will need to be present on site.
36. As a result of the proposed changes, Condition 4 (Patron Numbers) of Permit PA2402884 will be modified to read:

“At any time no more than 48 patrons and 4 staff may be present on the land. The responsible authority may consent in writing to vary this requirement.”



Hours of Operation

37. This application seeks amend Condition 3 to extend the approved hours of operation as detailed below.

Condition No.	Current Wording	Type of Change	Proposed Wording
3 – Hours of Operation	<p>The use may only operate between:</p> <ul style="list-style-type: none"> 9:00am to 12:00pm and 4:00pm to 9:30pm on weekdays, and 9am to 6pm on weekends. <p>The responsible authority may consent in writing to vary this requirement.</p>	Alteration	<p>The use may only operate between:</p> <ul style="list-style-type: none"> 8am to 10pm on weekdays, and 8am to 9pm on weekends. <p>The responsible authority may consent in writing to vary this requirement.</p>

38. The proposed amendments to the hours of operation will allow for greater activation of Victoria Gardens, in-line with the mixed-use nature of the Precinct and as encouraged by the Development Plan and the CDZ1.

39. The proposed hours of operation will not create any adverse off-site amenity impacts due to the following reasons:

- The proposed operating hours extend slightly from the standard business hours (varied between 9am-9pm, 7 days) associated with the Victorian Gardens Shopping Centre.
- The overall intent for the additional operating hours is to provide for greater recreational opportunity which supports the overall vibrancy and attractiveness of Precinct 3 of CDZ1, which is envisioned to support a ‘broad mix of uses retail, entertainment, service business, offices, and residential uses.’
- The extended operating hours will enhance public surveillance of the largely unused area of Victoria Gardens across the day and evening, thereby improving pedestrian safety.

40. Therefore, the proposed alterations to Condition 3 are considered acceptable in this context based on the reasons listed above.

Noise

41. Given the proposed changes to extend the hours of operation and that the proposal is located within the CDZ1 and the Victoria Street MAC, some level of noise is expected. Despite this, an appropriate balance is required to be struck to ensure that development can occur whilst also protecting the amenity of nearby residential dwellings. The proposal is considered to generate an acceptable level of noise given:

- There is 50m setback between the subject land and the nearest residential building.
- There are a number of existing noise generating land uses within the immediate area which contribute to noise levels, including the loading bay/car park access associated with the Victoria Gardens Shopping Centre and the River Boulevard/Victoria Street tram.
- The subject site does not have any immediate interface with dwellings in a residential zone with the nearest residential zone is approximately 250m to the west (General Residential Zone – Schedule 3).

42. As discussed above, the proposed amendments to the hours of operation are appropriate to ensure that the amenity of the neighbourhood is not unreasonably impacted through noise outside of standard hours noting that existing land uses surrounding the site have the following hours of operation:

- Victoria Gardens Shopping Centre –varied between 9am-9pm, 7 days
- Ikea Richmond – 10am-9pm (7pm on Sundays), 7days
- Fonterra Office – 8am-5pm (weekdays only).

Lighting

43. The proposed amendment includes external lighting including 16 light poles (previously assessed 8 light poles) with an overall height of 6m. All lights are directed towards the courts and the lights will be on during hours of operation and turned off at the close of business each night, which is considered appropriate to ensure the safety of patrons and staff exiting the premises.

44. The proposed lighting is typical for sports courts of this scale (e.g., Richmond High School Basketball Courts) and is consistent with the surrounding lighting in the precinct, which includes pole lighting associated with streetlights and the at-grade parking related to the shopping centre.

45. Furthermore, the original permit includes a condition (Condition 6) to ensure that the proposed lighting does not adversely affect the amenity of nearby residents.



Clauses 45.09 & 52.06 – Parking Overlay & Car Parking

46. The site is affected by Clause 45.09 – Parking Overlay – Precinct 2. Clause 3.0 to the PO2 states that for uses not listed in Table 1 below, the rate in Column B of Table 1 in Clause 52.06-2 applies as a maximum rate. Given outdoor recreation facility is not listed in PO2, car parking has been considered in accordance with Clause 52.06 below.
47. Pursuant to Clause 52.06-6, where a use of land is not specified in Table 1 or where a car parking requirement is not specified for the use in another provision of the planning scheme or in a schedule to the Parking Overlay, before a new use commences or the floor area or site area of an existing use is increased, car parking spaces must be provided to the satisfaction of the responsible authority. Given outdoor recreation is not a use listed in 52.06-6, car parking must be provided to the satisfaction of the responsible authority.
48. This amendment application seeks to remove all 12 on-site car parking spaces to accommodate a reconfiguration and an additional padel court on site. A reduction of zero (0) car parking space is considered acceptable due to the following reasons:
- There are ample car parking spaces available in the Victoria Gardens Shopping Centre which are accessible via a short walk to the site.
 - The site is very well located to take advantage of access to sustainable transport alternatives, such as nearby public transport services, cycling, walking and rideshare/taxis. In regard to the public transport network, the site is located within the PPTN, with sufficient access to public transport options including approx. 200m from the 109 tram on Victoria Street and approx. 1.7km from Richmond Station. Further, the site is approx. 200m from the Yarra Main Bicycle Trail.
 - Planning policy generally seeks to reduce the dependence on private motor vehicles, supporting the introduction of sustainable transport alternatives.
 - The Victoria Gardens Comprehensive Development Plan encourages shared provision of car parking spaces between neighbouring uses where possible to minimise areas of parking.
49. Given the site's location and accessibility via alternative modes of transport, the provision of zero (0) car parking is considered appropriate based on the reasons mentioned above. This arrangement is considered sufficient to support the demand, noting that a maximum of 52 patrons/staff would be permitted at the site at any one time.
50. Additionally, a plan notation has been included on the site plan indicating that the car parking area and vehicle crossover will be removed, as access is no longer required.

Clause 52.34 – Bicycle Facilities

51. Pursuant to Clause 52.34-1, a new use must not commence, or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.
52. The use of the land for outdoor recreation facility is nested under the broader minor sports and recreation land use. Clause 53.34 requires the following bicycle parking:

Use	Employee/Resident	Visitor/Shopper/Student
Minor sports and recreation facility	1 per 4 employees	1 to each 200 sq m of net floor area
Statutory requirement:	4 employees = 1	0 net floor area = 0

53. This amendment application includes the provision of one (1) bicycle parking space to be utilised by employees only. The bicycle parking area is situated within the proposed clubhouse as detailed on the site plan.
54. The statutory requirement for bicycle parking rate has been met.



55. The Delegate for the Minister of Planning:

- Grant Amended Planning Permit No. PA240288-1 under section 72 to allowing 'Use and development of the land as an outdoor recreation facility', subject to amended conditions. The amendments include alteration to conditions 3 and 4.
- Electronically endorses the amended development plan of Amended Planning Permit PA240288-1, as detailed below:
 - Plans prepared by Urbis:
 - Site Plan, Rev E, dated 04 March 2025.
- It is recommended that the following plan, prepared by Urbis, is superseded:
 - Site Plan, Rev B, dated 12 April 2024 (Sheet 1).
 - Aerial Imagery of Subject Site, sourced from NearMap (Sheet 2).

56. It is recommended that the following people be notified of the above in writing:

- Permit applicant
- Objector
- Yarra City Council

