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11 September 2024

Danielle Foster
Department of Transport and Planning
L8/8 Nicholson Street
East Melbourne VIC 3002

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Dear Danielle,

20 RIVER BOULEVARD, RICHMOND – PA2402884 – SECTION 72 AMENDMENT APPLICATION

Urbis Ltd acts on behalf of Game4Padel (the 'applicant') in relation to the site at 20 River Boulevard, Richmond (the 'site'). We write in relation to Planning Permit Application PA2402884, which allows for:

- *Use the land for an outdoor recreation facility.*
- *Construct a building or construct or carry out works.*

We have been engaged to prepare and submit this Section 72 Amendment Application, which seeks amendments to the endorsed plans (to allow for an increase in the number of courts), permit preamble and conditions of permit (relating to patrons and the hours of operation).

We formally submit this planning permit amendment application under Section 72 of the *Planning and Environment Act 1987*.

Please find the following documentation enclosed to support this application:

- Certificate of Title
- Amended Architectural Plans prepared by Urbis, dated 5 September 2024

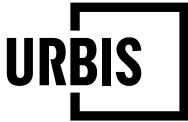
Similarly with the original approval, following the gazettal of Planning Scheme Amendment C307yara on 18 April 2024, use and development of the site is now assessed against the *Victoria Gardens Comprehensive Development Plan* (April 2024) (the 'Plan') pursuant to Clause 37.02-1 of the Yarra Planning Scheme. The site is contained within 'Precinct 3' of the Plan.

This letter outlines the proposed amendment to the endorsed plans and planning permit, and its compliance against relevant elements of the *Victoria Gardens Comprehensive Development Plan* (April 2024). As outlined below, we submit that the amendment to the layout and planning permit constitutes an appropriate response to the principles, objectives and requirements of the Plan. Further, there are no elements of the amendment which are not generally in accordance with the Plan. Given the modest scale of the changes and works, the majority of guidelines are not relevant.

We submit that in accordance with Clause 2.0 and 4.0 of the Comprehensive Development Plan - Schedule 1, the proposal is generally in accordance with the *Victoria Gardens Comprehensive Development Plan*. We note the following:

Clause 2.0 Use of Land

20 River Boulevard, Richmond – PA2402884



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- Use of land must be generally in accordance with the Victoria Gardens Comprehensive Development Plan 2022.
- Any requirement of the Victoria Gardens Comprehensive Development Plan 2022 must be met.

Clause 4.0 Buildings and Works

- A permit for buildings and works must be generally in accordance with the Victoria Gardens Comprehensive Development Plan 2022.
- Any requirement in the Victoria Gardens Comprehensive Development Plan 2022 must be met.

Accordingly, the proposed amendments are 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 as the land use and buildings and works are generally in accordance with the Victoria Gardens Comprehensive Development Plan 2022.

1. PROPOSED AMENDMENTS TO THE PLANNING PERMIT & ENDORSED DOCUMENTATION

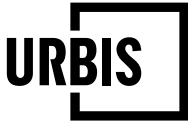
Generally, the changes relate to an increase in the number of courts, minor built form changes, and consequential amendment to the permit preamble and conditions relating to the hours of operation, patron & staff numbers, and the inclusion of signage.

The proposed amendments to the Permit, and pursuant to Condition 2 of the Permit, the proposed changes to the Endorsed Site Layout Plan are outlined below.

1.1. REVISED PERMIT PREAMBLE & CONDITION WORDING AND RATIONALE

We outline proposed draft working of revised Permit Preamble and Conditions, below, as well as each Condition response, for Council's consideration. Revisions or additions are depicted in red text for Council's consideration.

Permit Preamble		Response
52.05-11	Construct or put up for display a business identification sign.	We seek to include a permeable business identification sign along the outside of the proposed permanent fencing. The sign will be 1 metre high and run for the length of the fencing (Figure 2). The signage will help the public identify the use of the business. See section 2.14 of this letter for further justification.
Condition		Response
Hours of operation 3. The use may only operate between: <ul style="list-style-type: none"> • 9:00am to 12:00pm and 4:00pm to 9:30pm 8:00am to 10:00pm on weekdays, and • 9am to 6pm 8am to 8pm on weekends. The responsible authority may consent in writing to vary this requirement.		We seek to extend the hours of operation as per our client's request. The proposed hours of operation generally fill in the afternoon hours, and result in a slight increase in the morning by 1 hour, from 9am to 8am, and a later closing time of 10pm during the week and 8pm on weekends. This will represent typical hours of operation for businesses including the nearby



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	Shopping Centre, in addition to allowing for greater access to the courts that will continue to enhance the area through more community connection.
<p>Patron Numbers</p> <p>4. At any time no more than 48 20 patrons and 4 2 staff may be present on the land. The responsible authority may consent in writing to vary this requirement.</p>	<p>We seek to increase the number of patrons and staff as a result in the increase in court numbers. This increase also ensures that any overflow between sessions is captured. Compared to other land uses, and the general number of visitors to the Shopping Centre this is negligible, particularly in this inner urban environment.</p> <p>The proposed additional padel courts will allow for greater capacity of patrons, and therefore more staff will need to be present on site.</p>

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1.2. REVISION TO ENDORSED DOCUMENTATION

This section 72 amendment application seeks to amend the endorsed plans for 20 River Boulevard, Richmond as per Condition 2 in Planning Permit No. PA2402884. The layout is to be amended with the inclusion of a total of four (4) new padel courts and the construction of a permanent perimeter fence to replace the previous fencing. We note that the area associated with the overall land use will generally be similar, and only slightly larger than the original permit.

Please refer to the enclosed Amended Site Layout Plan prepared by Urbis for more details. Below is a summary of all the proposed amendments and works to the endorsed plans/layout.

- Construction of four (4) new padel courts to the north and east of the site.
 - Dimensions are 10 x 20 metres for each court.
 - Most south eastern padel court will replace the existing 3 pickleball courts.
- Relocation of the existing two (2) padel courts to the south approximately 7 metres.
- The entry and social area are to be relocated to the south of the site.
 - Proposed storage shed (4sqm) (2 x 2 metres) and the proposed club house (14sqm) (2.4 x 6 metres) also relocated to the west of the new entry and social area.
- Construction of a permanent perimeter fence around the padel courts and entry and social area.
 - Black PVC chain mesh sports fence – 3 metres high.
 - Business Signage 1 metre high on the external façade of the fence.
- Construction of sixteen (16) new 6-metre-high light poles on each corner of the four (4) new padel courts.

- Removal of car park and any unused concrete/asphalt that extends beyond the perimeter fence, will be replaced with grass.

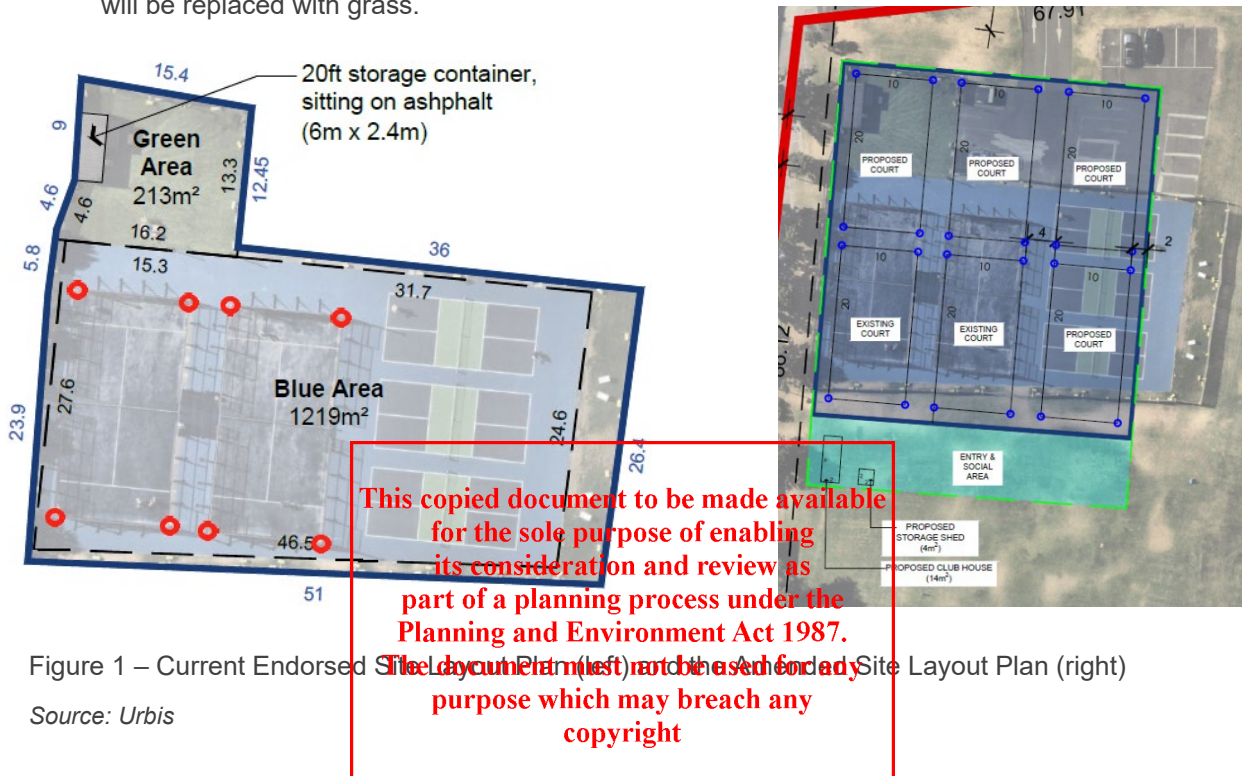


Figure 1 – Current Endorsed Site Plan (left) and the Amended Site Layout Plan (right)

Source: Urbis

2. ASSESSMENT

2.1. VISION (2.0)

The proposed amendment provides for greater recreational opportunity which supports the overall vibrancy and attractiveness of Precinct 3, which is envisioned to support a ‘*broad mix of uses retail, entertainment, service business, offices, and residential uses.*’ The proposed amendments offer additional opportunities for recreational activities, complementary to those already found along the Yarra River corridor and within the Victoria Gardens Shopping Centre.

The proposed amendment positively adds to the multi-purpose use of the Victoria Gardens area and will provide greater access to recreation and social activities for the nearby residents and in the surrounds. The proposed amendment will continue to provide improved activation and passive surveillance of the land. Employees of the nearby businesses will now have greater access to use the courts which will help create an inclusive and social atmosphere to Victoria Gardens.

2.2. OVERARCHING DESIGN PRINCIPLES (4.2)

The Plan’s ‘*Overarching design principles*’ provide high-level guidance on the future development of the precinct. Broadly, these principles seek to foster a vibrant mixed-use precinct, a strong sense of place and community, a high-quality public realm, and strong connectivity and walkability.

The proposed amendments to the design remain in accordance with these principles, through the provision of a unique recreational opportunity which promotes a vibrant, mixed-use precinct. A sense

of place and community is encouraged through the activation of a previously underutilised space, offering an additional opportunity for local residents to congregate and socialise.

The quality of the public realm is therefore strengthened, through the further development of an attractive, lively space in what was currently a vast, underutilised tract of otherwise well-located land.

2.3. PUBLIC REALM (4.3.1)

Seeking to build on the ‘*Overarching design principles*’, the principles established for ‘*public realm*’ promote a stronger role for the precinct’s public spaces – advocating for safe, connected, and comfortable design.

In accordance with these principles, the proposed amendments offer a viable opportunity for the continued provision of quality open space. Of note, the proposed amendments to the site, patron numbers and hours of operation foster a further increase in recreational opportunities available in the precinct – in turn enhancing amenity. The site takes advantages of uninterrupted solar access from the north, further improving the quality of the design.

The proposed works and amendments to the site layout and permit conditions will enhance this public space within the Victoria Gardens precinct to further grow the gathering space for the community to enjoy. Further, the enhanced activity generated by the use, in addition to additional proposed lighting, will foster an enhanced sense of safety for pedestrians and aid in passive surveillance.

The proposed amendments to the site layout and permit conditions will enhance this public space within the Victoria Gardens precinct to further grow the gathering space for the community to enjoy.

Further, the enhanced activity generated by the use, in addition to additional proposed lighting, will foster an enhanced sense of safety for pedestrians and aid in passive surveillance.

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2.4. BUILT FORM (4.3.2)

The proposed amendments do not prejudice the solar access or amenity of the surrounding area.

Further, it remains in accordance with the existing pattern of urban development, being modest in scale and located within an existing pocket of green open space.

Given the modest scale of built form, there continues to be no impacts to views to the surrounds, skyline or Yarra River.

2.5. RETAIL, COMMERCIAL AND MIXED LAND USE (4.3.3)

The proposed amendments are highly compliant with these principles as it will:

- Rejuvenate and create a vibrant mixed-use precinct and connected community.
- Increase commercial uses within the Victoria Gardens precinct to ensure high quality services are maintained for residents and workers.

2.6. DESIGN ELEMENTS 1 (5.1.1)

Given the modest scale of the amended works, the proposal will not adversely impact the surrounding streetscape and built form, nor will it impact the Yarra River and the “Skipping Girl”.

The proposed amendments are of a high-quality design, which positively contributes to the surrounds and the public realm. Given the modest scale of the amended works, the majority of guidelines are not relevant.

All Requirements are met under this section due to the scale of the proposed amendments and its location away from the Yarra River.

2.7. DESIGN ELEMENTS 2 (5.1.2)

Given the modest scale of the amended works, the proposed amendments will not adversely impact the surrounding streetscape and built form, nor will it impact the Yarra River and the “Skipping Girl”.

The proposed amendments are of a high-quality design, which positively contributes to the surrounds and the public realm. Given the modest scale of works, the majority of guidelines are not relevant.

2.8. DESIGN ELEMENTS 3 (5.1.3)

Given the modest scale of the amended works, the proposed amendments will not create any adverse wind or shadow impacts and will maintain solar access.

The proposed amendments are of a high-quality design, which positively contributes to the surrounds and the public realm. Given the modest scale of the amended works, the majority of guidelines are not relevant.

All Requirements are met under this section due to the scale of the proposal and its location away from the Yarra River.

2.9. DESIGN ELEMENT 4 (5.1.4)

The proposed amendments enhance the current streetscape, and will continue to provide a comfortable, human scale design which is to become increasingly important as larger developments in the precinct progress. The proposed amendments will avoid the lopping of any native vegetation – appropriately locating this type of development away from the sensitive Yarra River environs to the site's east.

2.10. DESIGN ELEMENTS 5 (5.1.5)

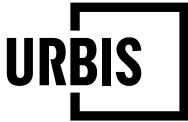
The proposed amendments will not adversely impact surrounding views and vistas.

Given the modest scale of the amended works and the location of works, the majority of guidelines are not relevant.

2.11. DESIGN ELEMENT 6 (5.1.6)

The proposed amendments remove the car parking spaces adjacent to the site. Plan Melbourne seeks to create 20-minute neighbourhoods, where people can access most of their everyday needs within a 20-minute walk from home with access to safe cycling and via public transport. The proposal facilitates this by locating recreational spaces within a Major Activity Centre where a number of services, employment opportunities and facilities are able to be accessed within short walking distance. Additionally, the site is within proximity to established residential areas which provides opportunities for future employees or patrons to have easy access to the site.

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2.12. DESIGN ELEMENT 7 (5.1.7)

The proposed amendments provide a strong response to the objectives and guidelines contained under '*Open space and Publicly Accessible Open Space*'. The proposed amendments on the existing network of active open space in the precinct, increasing the cumulative appeal and amenity of these areas. Crucially, this enhancement on the active open space occurs within a precinct earmarked for significant population growth.

Of note, the proposed fencing is permeable – creating a strong connection between the facility and the public realm; noting this also promotes a clear differentiation between public and private space. The proposal contributes to the diversity of open space in the precinct – catering to the diverse recreational preferences of future residents. The scale of the proposed amendments to the site layout continue to provide for better active recreation opportunities, appropriate within the context of a large-scale precinct redevelopment.

2.13. DESIGN ELEMENT 8 (5.1.8)

The proposed amendments provide for active surveillance of the public realm – contributing to an enhanced sense of security for passers-by. In essence, the proposed amendments will continue to provide a significant active frontage whilst in operation. The proposed amendments avoid any blank walls or surfaces, contributing to a sense of openness within the precinct.

2.14. DESIGN ELEMENT 9 (5.1.9)

The proposed business signage will be 1 metre high and permeable along the external side of the proposed permanent fencing. The proposed signage (Figure 2) complements the style, scale and character of the development. Additionally, the signage is only 1 metre high and permeable which means it will not impact view lines to the CBD, adversely impact the Yarra River environs and respects the historic "Skipping Girl" sign. The proposed signage is not freestanding and will be along the outside of the proposed permanent fencing. The proposed signage complements the surrounding environment and architecture.

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Figure 2 – Proposed 1-metre-high permeable business signage on fencing.

Source: Game4Padel

2.15. DESIGN ELEMENT 10 (5.1.10)

Given the modest scale of the amended works and the location of the proposed amendments, it will not impact any interface areas such as the Yarra River, heritage or sensitive land uses such as child care or aged care facilities.

2.16. DESIGN ELEMENT 11, 12 AND 13 (5.1.11-5.1.13)

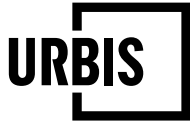
Not applicable to this application.

3. CONCLUSION

For the reasons outlined above, it is submitted the proposed amendments are generally in accordance with the relevant principles, objectives, and guidelines of the *Victoria Gardens Comprehensive Development Plan* (April 2024).

Crucially, no aspect of the proposed amendments are contrary to principles, objectives, or guidelines contained within the Plan and can be confirmed as being “generally in accordance” with the Plan. In summary, the proposal offers residents an invaluable recreational opportunity, positively contributing to the amenity, safety, and connectivity of the precinct. Accordingly, the proposed amendments are exempt from the notice requirements.

We trust the above appropriately addresses the relevant planning considerations and look forward to the favourable assessment of this application.



Should you have any questions in relation to the above, please do not hesitate to contact the undersigned.

Yours sincerely,

A handwritten signature in black ink, appearing to be "J. Chomley".

Jack Chomley
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