

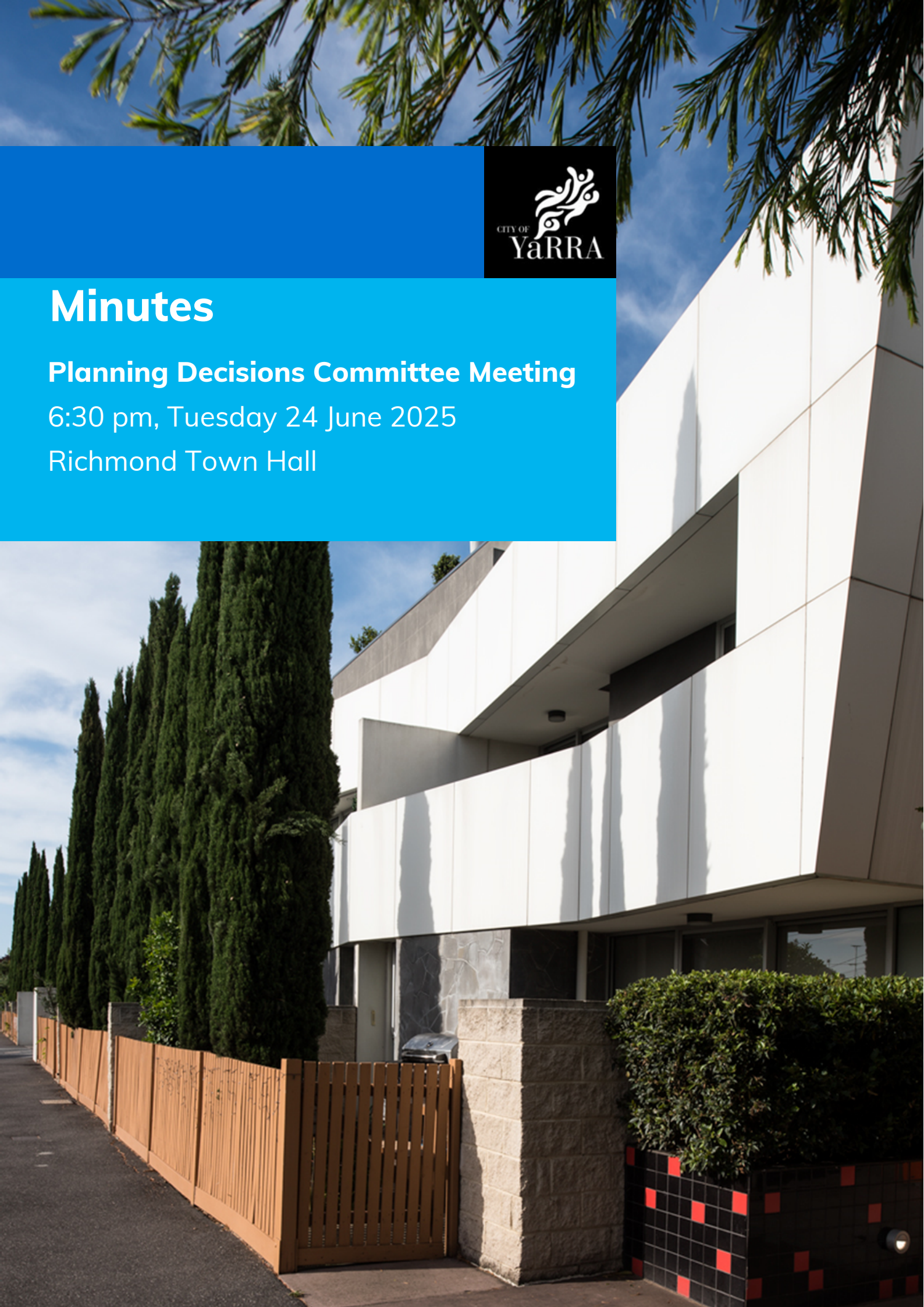


Minutes

Planning Decisions Committee Meeting

6:30 pm, Tuesday 24 June 2025

Richmond Town Hall



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1. Acknowledgement of Country

“Yarra City Council acknowledges the Wurundjeri Woi Wurrung people as the Traditional Owners and true sovereigns of the land now known as Yarra.

We acknowledge their creator spirit Bunjil, their ancestors and their Elders.

We acknowledge the strength and resilience of the Wurundjeri Woi Wurrung, who have never ceded sovereignty and retain their strong connections to family, clan and country despite the impacts of European invasion.

We also acknowledge the significant contributions made by other Aboriginal and Torres Strait Islander people to life in Yarra.

We pay our respects to Elders from all nations here today—and to their Elders past, present and future.”

2. Attendance, apologies and requests for leave of absence

Attendance

Councillors:

- Cr Sophie Wade Chair
- Cr Evangeline Aston
- Cr Andrew Davies
- Cr Kenneth Gomez
- Cr Sharon Harrison

Absent

- Cr Edward Crossland Parental Leave

Apology

- Cr Stephen Jolly Mayor
- Cr Sarah McKenzie Deputy Mayor
- Cr Meca Ho

Council staff:

- Mary Osman General Manager City Sustainability and Strategy
- Kathryn Pound Manager Statutory Planning
- Louie Chen Coordinator Statutory Planning

Governance

- Phil De Losa Manager Governance and Integrity
- Patrick O’Gorman Senior Governance Coordinator
- Mel Nikou Governance Officer

COUNCIL RESOLUTION (PROCEDURAL)

Moved: Councillor Davies

Seconded: Councillor Harrison

That a Councillor be appointed as Chair for the Planning Decisions Committee Meeting on Tuesday 24 June 2025.

CALL FOR A DIVISION

For: Councillor Aston, Councillor Davies, Councillor Gomez, Councillor Harrison and Councillor Wade

Against: Nil

CARRIED UNANIMOUSLY

Councillor Harrison nominated Councillor Wade as Chair.

There being no other nominations, Councillor Wade was elected Chair.

Councillor Wade assumed the Chair.

3. Declarations of Conflict of Interest

Cr Aston, Cr Davies, Cr Gomez, Cr Harrison and Cr Wade declared that they had familiarised themselves with the matters being presented to this meeting and that they do not have a conflict of interest.

4. Confirmation of Minutes

COUNCIL RESOLUTION

Moved: Councillor Harrison

Seconded: Councillor Davies

That the minutes of the Planning Decisions Committee held on Tuesday 27 May 2025 be confirmed.

CALL FOR A DIVISION

For: Councillor Aston, Councillor Davies, Councillor Gomez, Councillor Harrison and Councillor Wade

Against: Nil

CARRIED UNANIMOUSLY

5. Planning Committee Reports

5.1. – 98 Nicholson Street, Abbotsford

| | |
|-------------------|---|
| Author | Audrey Mueller-Schmuki – Senior Statutory Planner |
| Authoriser | General Manager City Sustainability and Strategy |

Officer Recommendation

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN25/0031 at 98 Nicholson Street, Abbotsford for:

| Control | Clause | Matter for which the permit has been granted |
|-------------------|----------|--|
| Industrial 3 Zone | 33.03-1 | To use land for 'restricted recreation facility' (gymnasium) |
| Signage | 52.05-12 | Construct and display business identification signage (including internally illuminated) |

subject to the following conditions:

- Before the use or 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 this permit. The plans must be drawn to scale with dimensions, and must be generally in accordance with the decision plans prepared by Archispectrum dated 17 February 2025, but modified to show:
 - The number (5) of the proposed bicycle parking spaces (staff and visitors);
 - An additional five (5) bicycle parking spaces;
 - All bicycle parking spaces in accordance with AS2890.3 (2015);
 - A notation that the front access ramp does not form part of this planning permit application;
 - The west facing glazing to the bin room to remain closed at all times (except for bin transfer into the site);
 - The west elevation updated to show:
 - The front roller door (to the bin storage) open; and
 - Location of the bin mesh screen, consistent with the proposed ground floor plan.
- The use as well as the location and details of the signs including the supporting structures, as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

3. No more than 60 patrons are permitted on the land at any one time.
4. No more than 3 staff are permitted on the land at any one time.
5. The acoustic reports prepared by Acoustic Dynamics dated 13th March 2025 will be endorsed to form part of this permit. Prior to the commencement of the use, the provisions, recommendations and requirements of the endorsed Acoustic Reports must be implemented with. The provisions, recommendations and requirements of the endorsed Acoustic Reports must be complied with to the satisfaction of the Responsible Authority.
6. The provision of music on the land must be at a background level.

Waste Management

7. Before the use commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Waste Management Plan will be endorsed and form part of this permit. The amended Waste Management Plan must be generally in accordance with the submitted Waste Management Plan dated 9 April 2025, but modified to include:
 - (a) All three responses (dated 9th April 2025) combined into a single document;
 - (b) Waste generated from the business activities being collected via private collection; and
 - (c) Details of how electronic waste will be managed.
8. The provisions, recommendations and requirements of the endorsed Waste Management Plan, must be implemented and complied with to the satisfaction of the Responsible Authority.
9. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Plan of Management

10. Before the use commences, an amended Plan of Management to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Plan of Management report will be endorsed and will form part of this permit. The amended Plan of Management report must be generally in accordance with the submitted Plan of Management report dated 20 January 2025, but modified to include:
 - (a) Remove reference to New South Wales police;
 - (b) Correct date of the revised acoustic reports (13th March 2025);
 - (c) Deletion of point 7 (referencing car parking in the building) under the 'Gym rule' section; and
 - (d) The west facing glazing to the bin room to remain closed at all times (except for bin transfer into the site).
11. The provisions, recommendations and requirements of the endorsed Plan of Management, must be implemented and complied with to the satisfaction of the Responsible Authority.
12. The use must at all times comply with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated

Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021), as may be amended from time to time.

13. Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.
14. The amenity of the area must not be detrimentally affected by the use, including through:
 - (a) The transport of materials, goods or commodities to or from land;
 - (b) The appearance of any buildings, works or materials;
 - (c) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - (d) The presence of vermin,To the satisfaction of the Responsible Authority.

Signage

15. The signs must be constructed, displayed and maintained to the satisfaction of the Responsible Authority.
16. The internally illuminated business identification sign must be illuminated between 8am to 8pm only.
17. The sign must not include any flashing or intermittent light.
18. The illuminated LED entrance frame must be dimmed between 8pm to 8am (daily).
19. The signage component of this permit expires 15 years from the date of the permit.
20. On expiry of this permit, the approved sign and structures built specifically to support signage must be removed.

Expiry

21. This permit will expire if:
 - (a) The signs are not erected within two (2) years of the date of this permit; or
 - (b) The use is not commenced within two (2) years of the date of this permit; or
 - (c) The use is discontinued for a period of two (2) years.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or within twelve months afterwards for completion.

Notes

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5555 to confirm.

Use of Security Cameras must comply with section 7(1) of the Surveillance Devices Act 1999 (Vic) which outlines a permit holder's responsibility in relation to surveillance devices. Please ensure compliance with the relevant legislation at all times the security cameras are in use.

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5555 to confirm.

Public Submissions

The following people addressed the Committee:

Martin De Jager, Prestige Town Planning (Applicant);

Greg Cromie, Anytime Fitness (Applicant);

Carl McMahon, Anytime Abbotsford Pty Ltd (Applicant); and

Gordon Cooper.

COUNCIL RESOLUTION

Moved: Councillor Aston

Seconded: Councillor Gomez

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN25/0031 at 98 Nicholson Street, Abbotsford for:

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CALL FOR A DIVISION

For: Councillor Aston, Councillor Davies, Councillor Gomez, Councillor Harrison and Councillor Wade

Against: Nil

CARRIED UNANIMOUSLY

Conclusion

The meeting concluded at 7.00pm

Confirmed on Tuesday 22 July 2025

Mayor