

# Assessment Officer Report

PA2403350 –  
162-168 Bulleen Road, Bulleen



Officer Assessment Report  
Development Approvals & Design

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## Contents

<b>Executive Summary</b>	<b>3</b>
<b>Proposal</b>	<b>5</b>
<b>Application Process</b>	<b>5</b>
<b>Proposal Summary</b>	<b>5</b>
<b>Subject Site and Surrounds</b>	<b>11</b>
Site Description	11
Site Surrounds	14
North East Link Project	15
<b>Planning Provisions</b>	<b>17</b>
Municipal Planning Strategy	17
Planning Policy Framework	17
<b>Zoning and Overlays</b>	<b>17</b>
Applicable Zone	17
Special Use Zone – Schedule 1 (Private Education Centres, Golf Courses And Sports Grounds)	17
Applicable Overlays	18
Environmental Significance Overlay – Schedule 3 (Buffer Conservation Areas Supporting Sites of Biological Significance)	18
Land Subject to Inundation Overlay	18
Other Overlays	18
<b>Particular and General Provisions</b>	<b>18</b>
Clause 53.18 – Stormwater Management in Urban Development	18
Clause 53.19 – Non-Government Schools	18
<b>Areas of Cultural Heritage Sensitivity</b>	<b>18</b>
<b>Referrals and Notice</b>	<b>20</b>
Referrals	20
Melbourne Water	20
Manningham City Council	21
North East Link Project (NELP)	21
Notice	22
<b>Assessment</b>	<b>23</b>
Key Considerations	23
Strategic Direction and Land Use	23
Built Form	24




Amenity Impacts	25
Landscaping	25
Flood Mitigation	26
Sustainability	27
Environmentally Sustainable Design (ESD)	27
Water Sensitive Urban Design (WSUD)	27
Other Matters	27
Recommended conditions by Manningham City Council and North East Link Project	27
Cultural Heritage	28
<b>Recommendation</b>	<b>29</b>
Prepared by:	30
Reviewed / Approved by:	30

# Executive Summary



Key Information	Details		
Application No:	PA2403350		
Received:	19 November 2024		
Statutory Days:	25 days		
Applicant:	Trinity Grammar School c/- Urbis Pty Ltd		
Planning Scheme:	Manningham		
Land Address:	162-168 Bulleen Road, Bulleen		
Proposal:	Buildings and works to construct a new sports pavilion		
Development Value:	\$19,500,000		
Why is the Minister responsible?	<p>In accordance with Clause 72.01 of the Manningham Planning Scheme, the Minister for Planning is the responsible authority in relation to the development of land for a:</p> <ul style="list-style-type: none"> <li>Primary school or secondary school, or education centre that is ancillary to, carried out in conjunction with, and on the same land or contiguous land in the same ownership as, a primary school or secondary school, if any of the following apply: <ul style="list-style-type: none"> <li>There is no existing primary school or secondary school on the land.</li> <li>The estimated cost of development is \$3 million or greater.</li> </ul> </li> </ul>		
Why is a permit required?	Clause	Control	Trigger
Zone:	Clause 37.01	Special Use Zone – Schedule 1 (Private Education Centres, Golf Courses and Sports Grounds)	Construct a building or construct or carry out works
Overlays:	Clause 42.01	Environmental Significance Overlay – Schedules 2 (Sites of Biological Significance) and 3 (Buffer Conservation Areas Supporting Sites of Biological Significance)	Construct a building or construct or carry out works <i>*Schedule 2 applies to part of the site but not the location of the proposed works subject to this application</i>
	Clause 43.02	Design and Development Overlay – Schedule 15 (North East Link Project – Tunnel Protection Area 2)	<i>*Applies to part of the site but not the location of the proposed works subject to this application</i>
	Clause 44.04	Land Subject to Inundation Overlay	Construct a building or construct or carry out works
	Clause 45.12	Special Control Overlay – Schedule 12 (North East Link Project Incorporated Document, December 2019 (amended September 2023))	<i>*Applies to part of the site but not the location of the proposed works subject to this application</i>
Particular Provisions:	Clause 53.18	Stormwater Management in Urban Development	<p>Pursuant to Clause 53.18-3, an application to construct a building or construct or carry out works:</p> <ul style="list-style-type: none"> <li>Must meet all of the objectives of Clauses 53.18-5 and 53.18-6.</li> <li>Should meet all of the standards of Clauses 53.18-5 and 53.18-6.</li> </ul>
	Clause 53.19	Non-Government Schools	<i>This clause applies to an application under any provision of this scheme, other than a VicSmart application, to</i>



*use or develop land for a primary school, secondary school, or education centre that is ancillary to, carried out in conjunction with, and on the same land or contiguous land in the same ownership as, a primary school or secondary school.*

<b>Cultural Heritage:</b>	Part of the site is within an area of Aboriginal Cultural Heritage Sensitivity, but not the location of the proposed works that are the subject of this application.
<b>Total Site Area:</b>	242,362.18 m <sup>2</sup>
<b>Gross Floor Area:</b>	1,213 m <sup>2</sup> (enclosed) 728 m <sup>2</sup> (unenclosed)
<b>Height:</b>	Two (2) storeys 11.55 metres to the top of the roof (measured from the oval level of 12.9m AHD) 24.45m AHD to the top of the roof
<b>Referral Authorities:</b>	Manningham City Council – s52(1)(b) notice Melbourne Water – s55 (determining referral authority)
<b>Public Notice:</b>	Notice of the application under section 52 of the Act was not given to adjoining owners / occupiers given the location of the proposed sports pavilion, which is a more than 60 metres from the rear boundary of adjoining residential properties to the north and it replaces an existing sports pavilion, was not considered to cause any material detriment.
<b>Delegates List:</b>	Not required



## Application Process

1. In accordance with Clause 72.01 of the Manningham Planning Scheme, the Minister for Planning is the responsible authority for matters under Divisions 1, 1A, 2 and 3 of Part 4 of the Act, 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 use and development of land for a:

*Primary school or secondary school, secondary school, or education centre that is ancillary to, carried out in conjunction with, and on the same land or contiguous land in the same ownership as, a primary school or secondary school, if any of the following apply:*

- *There is no existing primary school or secondary school on the land.*
  - *The estimated cost of development is \$3 million or greater.*
2. Clause 53.19 applies to this application as the application proposes works with an estimated cost of development more than \$3 million.
  3. The key milestones in the application process were as follows:

Milestone	Date
Pre-application meeting (DTP & applicant)	8 August 2024
Application lodgement	19 November 2024
Further information requested	4 December 2024
Further information received	19 December 2024
Decision Plans	Plans TP00 – TP14 prepared by McIldowie Partners, titled 'Just Pavilion – Bulleen' with cover page dated 11 December 2024 – Revision TP3.
Other Assessment Documents	Urban Context Report prepared by McIldowie Partners and dated October 2024; Sustainability Management Plan prepared by BRT Consulting and dated 12 November 2024; Landscape Plans prepared by T.C.L. and dated December 2024; Tree Inventory prepared by ArborPlan and dated 23 May 2024; Flood Risk Management Plan prepared by Hydrology and Risk Consulting and dated February 2024; and Flood Risk Report prepared by Hydrology and Risk Consulting and dated 25 October 2024.

4. The subject of this report is the decision plans (as described above).

## Proposal Summary

5. The application proposes to demolish the existing two storey sports pavilion (no permit required) and replace it with a new two storey sports pavilion to support the continuing operation of Trinity Grammar's Marles Playing Fields.



6. The applicant describes the guiding principles of the proposal as follows:

- *Improve student and staff safety by enhanced flood risk mitigation of the existing sports facility.*
- *Provide optimum functional capacity for all users. Embody an innovative design that accommodates the current and future needs of all Trinity sporting codes.*
- *Employ ESD strategies to include the use of natural light, ventilation, and transparency to provide a visual connection with the natural landscape while also incorporating principles of the broader urban context.*
- *Have a landmark quality that acknowledges the relationship with the broader sporting precinct and has a clear architectural aesthetic that is identifiable to visitors.*
- *Be a focal point for the School community providing a diversity of social, health and well-being benefits incorporating universal design principles to maximise accessibility and use by all members of the community.*

7. Minor landscaping works are proposed to allow for a connection to the existing concrete paving north of the pavilion.

8. Key details of the proposal are as follows:

Element	Proposal
<b>Total Pavilion Space (enclosed)</b>	1,213 m <sup>2</sup>
<b>Total Pavilion Space (unenclosed)</b>	728 m <sup>2</sup>
<b>Area</b>	<ul style="list-style-type: none"> <li>• Ground Floor:               <ul style="list-style-type: none"> <li>○ 619 m<sup>2</sup> (enclosed)</li> <li>○ 400 m<sup>2</sup> (unenclosed)</li> </ul> </li> <li>• First Floor:               <ul style="list-style-type: none"> <li>○ 594 m<sup>2</sup> (enclosed)</li> <li>○ 328 m<sup>2</sup> (unenclosed)</li> </ul> </li> </ul>
<b>Stadium Seating</b>	<ul style="list-style-type: none"> <li>• Located to the east and west of the pavilion to allow for viewing of Hudson Oval and Daley Oval.</li> <li>• Open terrace-style seating to allow for water flow into and out of void space</li> </ul>
<b>Facilities</b>	<ul style="list-style-type: none"> <li>• Change rooms:               <ul style="list-style-type: none"> <li>○ Two dedicated tennis change rooms (12.1 m<sup>2</sup>)</li> <li>○ Two Home change rooms (45 m<sup>2</sup> – 45.7 m<sup>2</sup>)</li> <li>○ Two Away change rooms (44.4 m<sup>2</sup> – 45 m<sup>2</sup>)</li> <li>○ One umpire change rooms (24.3 m<sup>2</sup>)</li> </ul> </li> <li>• First Aid (13.2 m<sup>2</sup>)</li> <li>• Amenities:               <ul style="list-style-type: none"> <li>○ Wash closets and amenities associated with changing rooms and first aid.</li> <li>○ Warm-up room (68.9 m<sup>2</sup>)</li> <li>○ Briefing room (29 m<sup>2</sup>)</li> <li>○ Treatment Rooms (7.4 m<sup>2</sup>)</li> </ul> </li> <li>• Storage:               <ul style="list-style-type: none"> <li>○ Two storage cages (17.3 m<sup>2</sup>)</li> <li>○ Four storage room areas (4.3 m<sup>2</sup> – 16.4 m<sup>2</sup>)</li> <li>○ Four bag drop spaces (12.6 m<sup>2</sup>)</li> <li>○ Bicycle store (15.8 m<sup>2</sup>)</li> </ul> </li> <li>• Kiosk (28.8 m<sup>2</sup>)</li> <li>• Scorers rooms (7.9 m<sup>2</sup>)</li> <li>• Board room (55 m<sup>2</sup>)</li> <li>• Kitchen (52.1 m<sup>2</sup>)</li> <li>• Bar (14.6 m<sup>2</sup>)</li> <li>• Workroom (22.8 m<sup>2</sup>)</li> <li>• Team social area (243.1 m<sup>2</sup>)</li> <li>• Media boxes (18.7 m<sup>2</sup>)</li> <li>• Terraces:               <ul style="list-style-type: none"> <li>○ North Terrace: 50.8 m<sup>2</sup></li> </ul> </li> </ul>

- Hudson Balcony: 110.4 m<sup>2</sup>
- Daley Balcony: 103.6 m<sup>2</sup>
- South Terrace: 43.2 m<sup>2</sup>

9. The applicant has provided the following concept images of the proposed sports pavilion:



*Figure 1: Concept image of proposed sports pavilion (Source: Application)*





*Figure 2: Concept image of proposed sports pavilion (Source: Application)*



*Figure 3: Concept image of proposed sports pavilion (Source: Application)*





# Subject Site and Surrounds



## Site Description

11. The subject site is known as the Trinity Grammar School Marles Playing Fields in Bulleen. The site includes dedicated football, tennis, soccer, rugby, hockey, cricket and archery facilities.
12. The site is irregular in shape and has one road frontage along Bulleen Road to the west (465.38 metres). The site has a total area of approximately 24.25 hectares.
13. The site is located at 162-168 Bulleen Road and is formally described as Lot 2 on Plan of Subdivision 200520V, Volume 09630 Folio 788. A number of sewerage and drainage easements affect the broader site, but not the part of the land to which the pavilion is proposed to be located.
14. The existing sports pavilion is located in the central northern part of the site, delineated in the below figure in red.

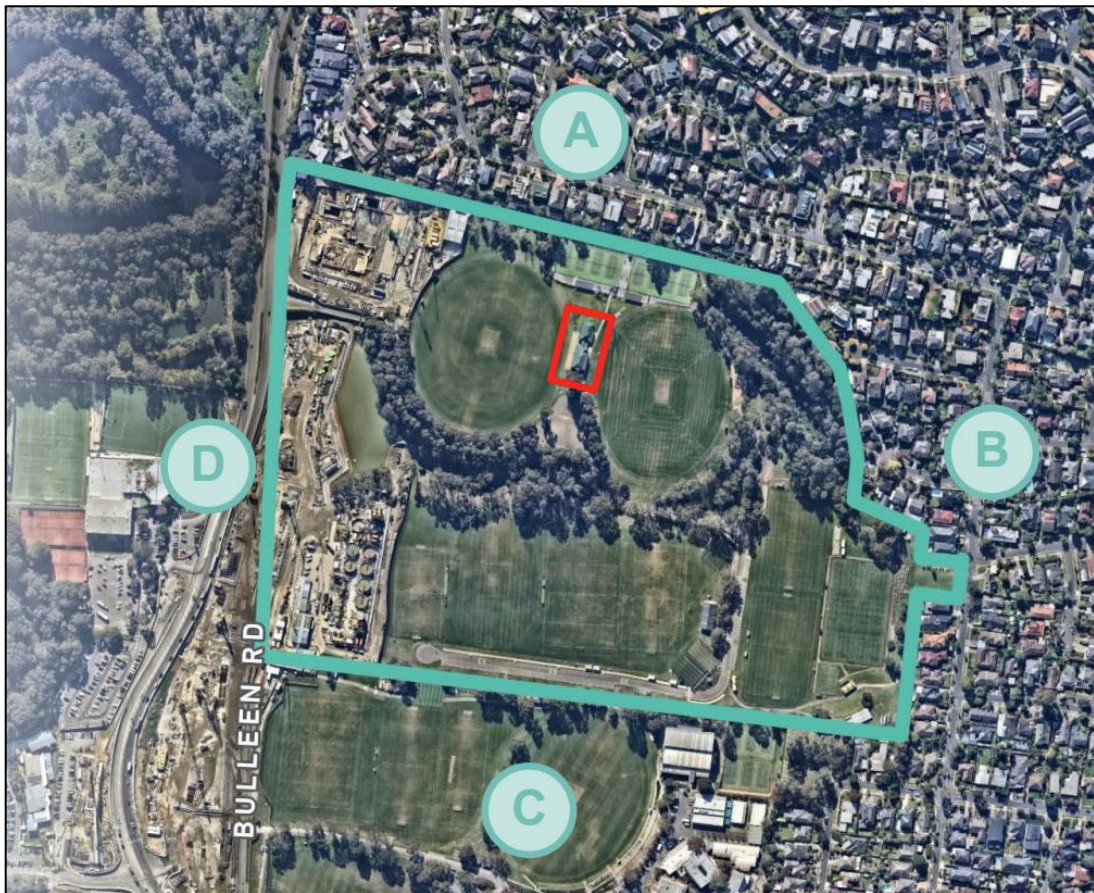


Figure 7: Aerial plan of subject site (Source: Application)

15. The pavilion is surrounded by the Daley Oval to the west, the Hudson Oval to the east, the tennis courts to the north and a car park to the south.



Figure 8: Existing conditions (Source: Application)



Figure 9: Existing conditions (Source: Application)



Figure 10: Existing conditions (Source: Application)

16. The site also contains two dams, located through the central portion of the site and a third wetland.
17. Vehicle access to the site is via Bulleen Road, extending along the northern boundary of the larger dam and through the central portion of the site, before turning south towards the southern boundary.
18. The entire Bulleen Road frontage, including part of the dam and part of the sporting fields, is currently used for construction purposes for the North East Link Project (NELP).



Figure 11: View of the subject site looking east (Source: Trinity Grammar School website)

## Site Surrounds

19. The site is situated within the suburb of Bulleen, approximately 13 km north-east of the Melbourne CBD, which is characterised mainly by residential uses and significant parkland areas adjoining the Yarra River.
20. Development surrounding the site can be described as follows:
  - To the **north** of the proposed works are two areas containing a number of tennis courts associated with the school grounds. To the north of the tennis courts is an area occupied by several trees that act as a buffer to the residential properties that front Rocklea Road. The residential properties include private open space to the rear of the properties, which abut the subject site.
  - To the **south** of the proposed works are sporting ovals associated with the school grounds (Hughes Field). To the south of the ovals is Marcellin College and its several sporting ovals and sporting centres. Adjacent to the eastern portion of the southern boundary is Stanley Reserve and a residential property, that both front Stanley Street.
  - To the **east** of the proposed works is the No. 2 oval associated with the school grounds. To the east of the oval are residential properties that front Valley View Court, Springbank Court and Barak Street. The residential properties include private open space to the rear of the properties, which abut the subject site.
  - To the **west** of the proposed works in the No. 1 oval associated with the school grounds. To the west of the oval is the NELP construction site (within the school's property). The NELP construction site provides a temporary buffer between the school's playing fields and Bulleen Road. When the NELP is completed, the property's boundary will return to abutting Bulleen Road. Bulleen Road is an arterial road, providing a north-south connection through Bulleen. Two lanes of traffic are provided in both directions. On the east side of Bulleen Road is Bulleen Park, the Yarra River, Yarra Flats, Bolin Bolin Billabong and the Veneto Club.

## North East Link Project

21. The North East Link Project (NELP) is a new freeway connection between the M80 Ring Road and an upgraded Eastern Freeway, completing a missing link in Melbourne's metropolitan ring road. The project includes a new grade separated interchange at the Bulleen Road / Thompsons Road intersection to connect with the Eastern Freeway, as shown below.

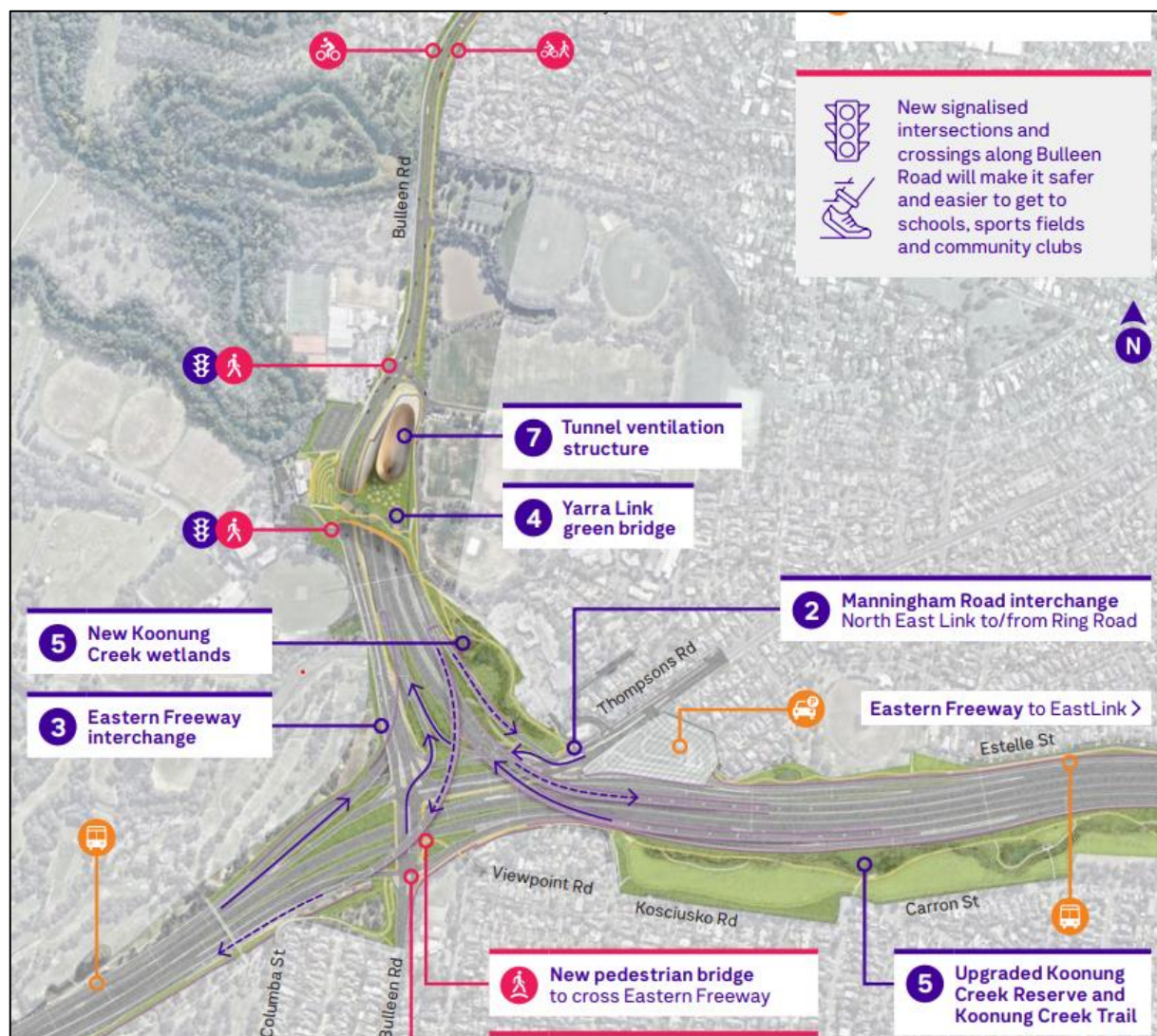
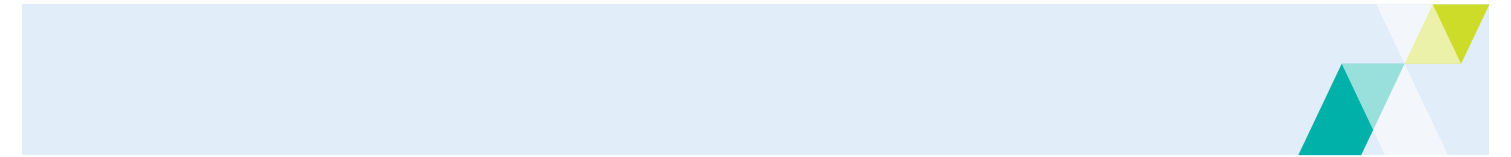


Figure 12: NELP works (Source: NELP website)

22. Trinity Grammar School is located immediately east of Bulleen Road and the NELP tunnel that will connect to the Eastern Freeway. As part of the works, a new Yarra Link green bridge and a new Yarra River and Koonung Creek wetlands are to be constructed.
23. The Yarra Link green bridge will be a two-hectare green bridge over Bulleen Road that will link Koonung Creek Trail to Bulleen Park for the first time. The bridge will be planted with indigenous trees, grasses and shrubs. Pockets of open space will provide a bike and walking trail, fitness station and places to stop, rest and enjoy views of the Yarra River.
24. The new Yarra River and Koonung Creek wetlands will be created and connected with paths and trails including:



- 
- an expansive new 1,800 m<sup>2</sup> wetland along the Yarra River in Bulleen, re-establishing a significant cultural landscape for the Wurundjeri people and creating an Indigenous knowledge-sharing precinct for Melbourne;
  - new wetlands and paths along Koonung Creek in Bulleen; and
  - upgraded Koonung Creek Trail with BBQ area and rest stops at Koonung Creek Reserve in Balwyn North.



## Municipal Planning Strategy

26. The following objectives and strategies of the Municipal Strategic Statement of the scheme are relevant to the proposal:

Clause	Description
02.01	Context
02.02	Vision
02.03-1	Settlement
02.03-2	Environment and landscape values
02.03-3	Environmental risks and amenity
02.03-4	Built environment and heritage

## Planning Policy Framework

27. The following objectives and strategies of the Planning Policy Framework of the scheme are relevant to the proposal:

<b>Clause 11</b>	<b>Settlement</b>
11.01-1S	Settlement
11.01-1R	Settlement – Metropolitan Melbourne
11.01-1L-01	Settlement – Manningham
<b>Clause 12</b>	<b>Environmental and Landscape Values</b>
12.05-1S	Environmentally sensitive areas
12.05-2S	Landscapes
<b>Clause 13</b>	<b>Environmental Risks and Amenity</b>
13.03-1S	Floodplain management
<b>Clause 15</b>	<b>Built Environment and Heritage</b>
15.01-1S	Urban design
15.01-1R	Urban design – Metropolitan Melbourne
15.01-2S	Building design
15.01-2L-01	Environmentally sustainable development – Manningham
<b>Clause 19</b>	<b>Infrastructure</b>
19.02-2S	Education Facilities

## Zoning and Overlays

### Applicable Zone

#### Special Use Zone – Schedule 1 (Private Education Centres, Golf Courses And Sports Grounds)

28. Pursuant to Schedule 1 of the Special Use Zone, an education centre is a section 1 use, no permit required.
29. Pursuant to Clause 37.01-4 of the zone, a permit is required to construct a building or construct or carry out works unless the schedule to this zone specifies otherwise.



## Applicable Overlays

### Environmental Significance Overlay – Schedule 3 (Buffer Conservation Areas Supporting Sites of Biological Significance)

30. Pursuant to Clause 42.01-2, a permit is required to construct a building or construct or carry out works. This does not apply if a schedule to this overlay specifically states that a permit is not required.
31. It is noted that Schedule 2 (Sites of Biological Significance) affects the site, but does not cover that part of the site that is subject to this application.

### Land Subject to Inundation Overlay

32. Pursuant to Clause 44.04-2, a permit is required to construct a building or construct or carry out works.

## Other Overlays

33. The Environmental Significance Overlay – Schedule 2 (Sites of Biological Significance), Design and Development Overlay – Schedule 15 (North East Link Project - Tunnel Protection Area 2) and Specific Controls Overlay – Schedule 12 (North East Link Project Incorporated Document, December 2019 (amended September 2023)) apply to the greater site but not the location of the proposed works subject to this application. These overlays, therefore, do not form part of this assessment.

## Particular and General Provisions

### Clause 53.18 – Stormwater Management in Urban Development

34. Clause 53.18-1 applies to an application under a provision of a zone to subdivide land, construct a building or construct or carry out works.
35. Pursuant to Clause 53.18-3, an application to construct a building or construct or carry out works:
  - Must meet all of the objectives of Clauses 53.18-5 and 53.18-6.
  - Should meet all of the standards of Clauses 53.18-5 and 53.18-6.

An application must be accompanied by details of the proposed stormwater management system, including drainage works and retention, detention and discharges of stormwater to the drainage system.

### Clause 53.19 – Non-Government Schools

36. Clause 53.19 applies to an application to use or develop land for a primary school, secondary school, or education centre that is ancillary to, carried out in conjunction with, and on the same land or contiguous land in the same ownership as, a primary school or secondary school.
37. An application to which Clause 53.19 applies is exempt from the decision requirements of section 64(1), (2), and (3), and the review rights of section 82(1) of the Act.

## Areas of Cultural Heritage Sensitivity

38. Part of the site is in 'an area of cultural heritage sensitivity' as defined under the *Aboriginal Heritage Regulations 2018*.
39. All of the proposed works are outside of the area identified as being of cultural heritage sensitivity (see figure below).

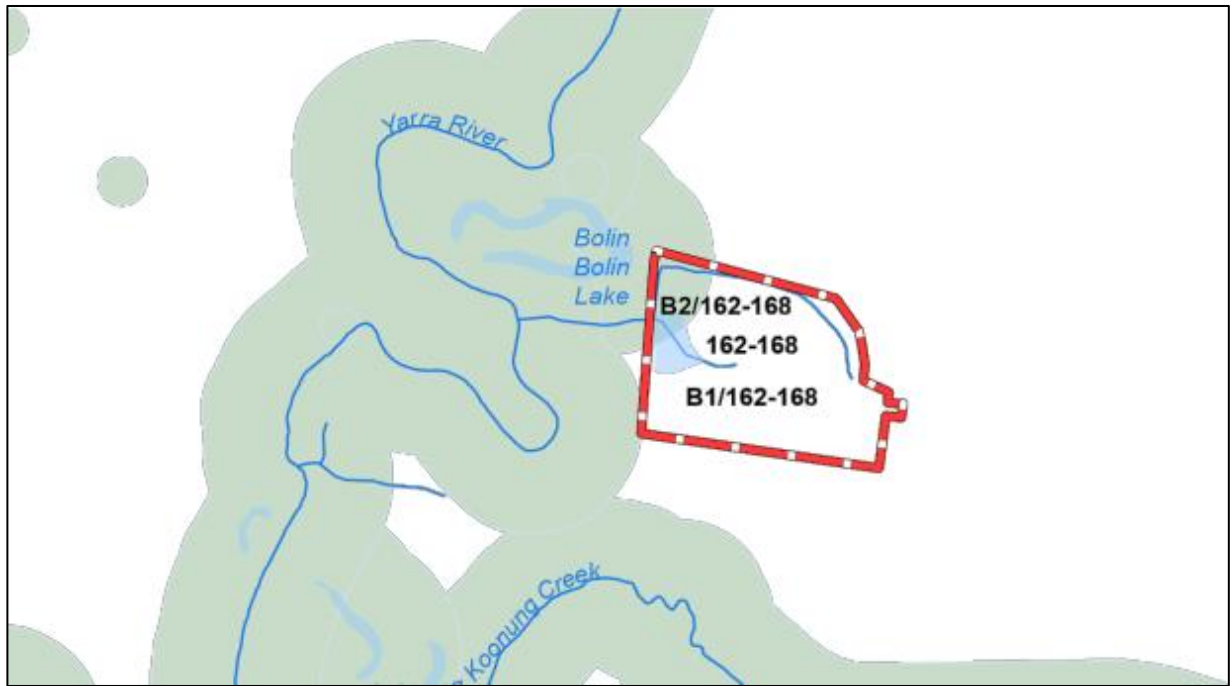


Figure 13: Areas of Cultural Heritage Sensitivity (Source: Planning property report)



## Referrals

40. The application was referred to the following groups:

Provision / Clause	Organisation	Response received
<b>Section 55 Referral – Determining</b>	Melbourne Water (Land Subject to Inundation Overlay)	19 December 2024
<b>Section 52 – Notice</b>	Manningham City Council	10 December 2024
<b>Informal Referral</b>	North East Link Project	20 December 2024

## Melbourne Water

41. On 19 December 2024, Melbourne Water advised that they do not object to the proposal, subject to the following conditions:

### Conditions

- The layout of the buildings and works as shown on the plans must not be altered without prior written consent from Melbourne Water.*
- Finished floor level of the main floor of the pavilion (first floor – Team Social area, Board Room, Kitchen, Lobby, Work Room, Media Boxes and amenity areas) must be constructed no lower than 18.82 metres to Australian Height Datum (AHD) which is 600mm above the applicable flood level at the location of 18.22 metres to AHD.*
- Ground floor level (Change Rooms and Amenity areas) set at 14.4 metres to AHD must be fitted with signage to indicate the potential flood risk.*
- Lift shown at ground floor level must be designed to have a default resting position at first floor. (First set at 18.22 metres to AHD).*
- The lift and its components must be designed and constructed to withstand inundation.*
- Imported fill must be kept to a minimum at the location and only be used for the sub floor areas of the building.*
- Any new fencing and any gates must be 50% open style of construction to allow for the passage of floodwaters/overland flows.*
- Proposed pavilion must be designed and constructed in accordance with the recommendations of the Floor Risk Management Report (FRMP) prepared by HARC, dated: February 2024.*
- Actions detailed in the Floor Risk Management Report (FRMP) must be continued to be followed for the life of the development.*

### Advice

#### Flood Level Information

Location of the proposed replacement pavilion is subject to flooding from the Yarra River in the 1% AEP storm event with an applicable flood level of 18.22 m AHD. Based on the submitted plan and existing surface levels at the location of the pavilion, the maximum 1% AEP flood depth at the location is up to 6.0 metres.

Melbourne Water however has considered the flood risk management plan prepared by HARC dated Feb 2024 attached to the application and accepted that this report has sufficiently addressed monitoring of the pavilion's operation in the event of a significant AEP flood.

## Manningham City Council

42. On 10 December 2024, the Manningham City Council (the council) provided the following advice regarding the application:

### Trees

*Based on the information, no trees are proposed to be removed.*

*The proposed development should not have a detrimental impact on the viability of the surrounding trees, provided the conditions surrounding Trees 101, 102, 103 and 104 will be generally maintained.*

*The proposed landscape plan includes a minimum of twelve (12) indigenous *Eucalyptus ovata* along with plantings of indigenous / Victorian Native shrubs and understory. The planting of such trees and shrubs is a positive response, particularly as it will enhance habitat corridors and ecological stepping stones.*

*Any planning permit should require the submission of a Tree Protection and Management Plan (TPMP) prepared by a suitable qualified Arborist, setting out how the trees to be retained will be protected during construction and which generally follows the layout of Section 5 of AS4970 'Protection of trees on development sites'. It should include:*

- a) A map of the ground floor development plan showing the TPZ and SRZ for all trees to be retained along with the location of protective fencing and/or areas where ground protection systems will be used.*
- b) Details of any proposed work within a TPZ and construction controls required to reduce the impacts to retained trees.*
- c) A statement advising any removal or pruning of Council owned trees must be undertaken by Council approved contractor.*
- d) An inspection timeframe (minimum frequency of every 3 months), with a compliance check list to be signed and dated by the developer's project arborist and project manager/foreperson.*

### Engineering Advice

*The whole of the land, including landscaped and paved areas must be graded and drained to the satisfaction of the responsible authority, to prevent ponding and to minimise overland flows onto adjoining properties.*

*The stormwater discharge from the development must be connected to the existing point of discharge or the existing drainage system within the site.*

*All rainwater tanks must be connected to the point of discharge for any overflow to the satisfaction of the Responsible Authority.*

43. The TPMP and the engineering advice should be included as conditions on any permit to issue.


## North East Link Project (NELP)

44. On 20 December 2024, NELP requested for the inclusion of the following conditions and note on any planning permit issued:

### **Permit Conditions:**

#### **Construction Management Plan (CMP)**

- 1. Before the development starts, a Construction Management Plan (CMP) must be submitted to and approved by the Responsible Authority. To receive approval from the Responsible Authority, the CMP must be prepared to the satisfaction and endorsement of the North East Link Program (NELP). When approved, the plan will form part of the permit.*



The CMP must include details of (but not be limited to) management proposals to minimise impacts to North East Link works and associated infrastructure during demolition and construction. The CMP must set out objectives and performance and monitoring requirements for:

- a. Public Safety, amenity and site security;
  - b. Operating hours, noise and vibration controls;
  - c. Air quality and dust management;
  - d. Stormwater and sediment control and tree protection;
  - e. Waste minimisation and litter prevention;
  - f. Traffic and parking management;
  - g. The demolition and construction program with a breakdown of activities and duration;
  - h. Measures to ensure that all works on the land will be carried out in accordance with the CMP.
2. The CMP approved under Condition [X] of this permit must be implemented and complied with at all times to the satisfaction of the Responsible Authority and NELP unless with the further written approval of the Responsible Authority and NELP.

**Permit Note:**

**North East Link Program (NELP)**

Should the development be constructed at the same time as the North East Link (in this area), communication between the permit holder and NELP (a division of the Victorian Infrastructure Delivery Authority) is critical to coordinate the logistics of access to both projects. Please contact NELP at [nelp-planning@northeastlink.vic.gov.au](mailto:nelp-planning@northeastlink.vic.gov.au) or 1800 105 105.

**Notice**

45. The application 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 *Planning and Environment Act 1987* pursuant to the following provisions:
- Special Use Zone – Schedule 1 (Private Education Centres, Golf Courses And Sports Grounds); and
  - Environmental Significance Overlay – Schedule 3 (Buffer Conservation Areas Supporting Sites of Biological Significance).
46. The application is 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 *Planning and Environment Act 1987* pursuant to the following provision:
- Land Subject to Inundation Overlay.
47. An application to which Clause 53.19 applies is exempt from the decision requirements of section 64(1), (2), and (3), and the review rights of section 82(1) of the Act. The application is not exempt from the notice requirements of section 52(1)(a), (b) and (d), of the Act.
48. Notice of the application under section 52 of the Act was not given to adjoining property owners / occupiers given the location of the proposed sports pavilion, which is a more than 60 metres from the rear boundary of adjoining residential properties to the north, was not considered to cause any material detriment.



## Key Considerations

50. The following are deemed the key considerations in assessing the acceptability of the proposal:

- Strategic Direction and Land Use
- Built Form
- Amenity Impacts
- Landscaping
- Flood Mitigation
- Sustainability

## Strategic Direction and Land Use

### Municipal Planning Strategy

51. The proposal responds appropriately to the site opportunities and constraints with the low scale form and appearance of the new sports pavilion, a design responsive to site flooding, coupled with the distance from the adjoining residential properties and Bulleen Road (Clause 02.03-4).
52. The proposal will ensure that the Buffer Conservation Area (Environmental Significance Overlay – Schedule 3) is preserved by conserving biodiversity and retaining native vegetation (Clause 02.03-2).
53. The proposal will deliver important upgrades to the school's sporting facilities and is scaled and sited to be respectful of the local character and amenity (Clause 13.07-1L). Vegetation impacts have been minimised, ensuring no removal of high value trees (Clause 15.01-5-01L).

### Planning Policy Framework

54. The proposal is supported by relevant state planning policies and will deliver improved facilities for an established education centre on the subject site.
55. The proposal will assist in the protection of the flood storage function of floodplains and waterways and floodplain areas of environmental significance (Clause 13.03-1S).
56. The proposal acknowledges its context and responds appropriately to its surrounds, with the design of the sports pavilion providing a contemporary and functional sporting facility for the school (Clause 15.01-1S, Clause 15.01-2S and Clause 19.02-2S).
57. The proposal will facilitate the operation of secondary schools to meet the future educational needs of the community (Clause 19-02-2S).

### Zone

58. The proposal is considered to appropriately respond to the purpose of the Special Use Zone, which includes:
- *To provide for land in private ownership to be used and developed as an education centre, golf course or sports ground.*
  - *To ensure that the development of these facilities takes place in an orderly and proper manner and does not cause a loss of amenity to the surrounding neighbourhood.*
59. The proposal relates to the existing use of the site for an education centre. The works include the demolition of the existing two storey sports pavilion (no permit required) and replacement with a new two storey sports pavilion to support the continuing operation of Trinity Grammar's Marles Playing Fields. The new pavilion will provide a



significantly improved sports facility for the school community. The innovative design will accommodate current and future needs of the school and employ ESD and flood risk mitigation strategies.

## Land Use

60. The proposed buildings and works are for an existing education centre and as such no permit is required for the use.

## Built Form

61. The existing sports pavilion is located 79.85 metres south of the southern boundary of the residential properties to the north. It is also located 97.02 metres south of the dwellings located to the north, at 38 and 38A Rocklea Road.

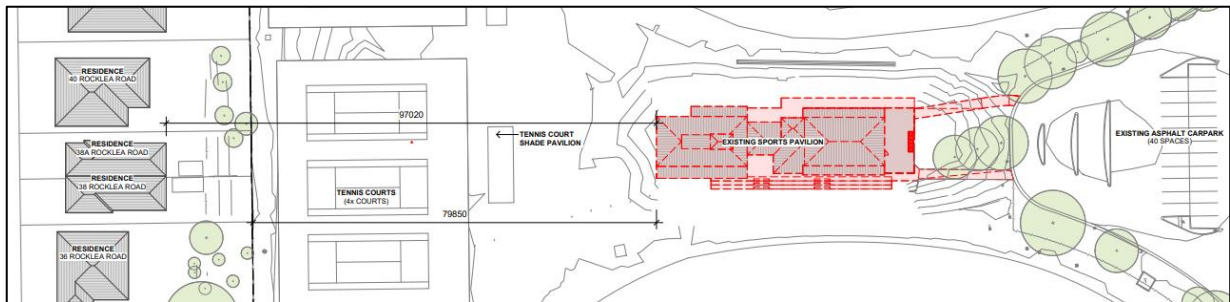


Figure 14: Existing sports pavilion location (Source: Application)

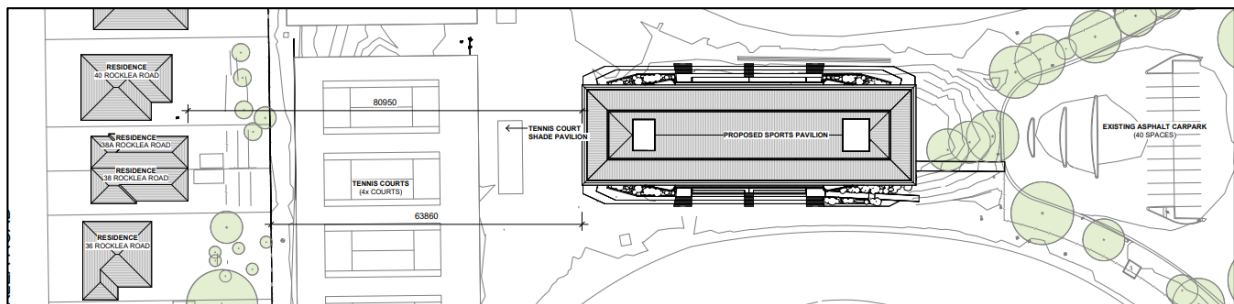


Figure 15: Proposed sports pavilion location (Source: Application)

62. The proposed sports pavilion is located 63.86 metres south of the southern boundary of the residential properties to the north. It is also located 80.95 metres south of the dwellings located to the north, at 38 and 38A Rocklea Road.
63. In addition to the decrease in setback from the northern title boundary, the proposed footprint is also proposed to increase, albeit generally located within the same footprint (as shown above). The new sports pavilion will provide improved facilities for staff, students and school visitors.
64. Given the requirements associated with flooding, the ground floor comprises the changerooms, toilets, warm up rooms and first aid facilities. The first floor will comprise more longer-term uses that need to be protected from flooding, such as office and function spaces for students, staff and school visitors.
65. Seating has been incorporated on both sides of the pavilion to allow for equal viewing opportunities to the Hudson and Daley Ovals and to the neighbouring tennis court facilities. Further to this, the building has been located to allow for the retention of existing landscaping, with additional landscaping to be provided adjacent to the pavilion structure. The proposal also seeks to retain connections to the existing car park facility and improve the connection to the tennis courts.
66. The overall height of the building is 11.55 metres, measured from the oval level of 12.9 m AHD. The is considered acceptable in this central site location, noting that it will also appear lower from the adjoining residential properties, given the slope in the land (see figure below).

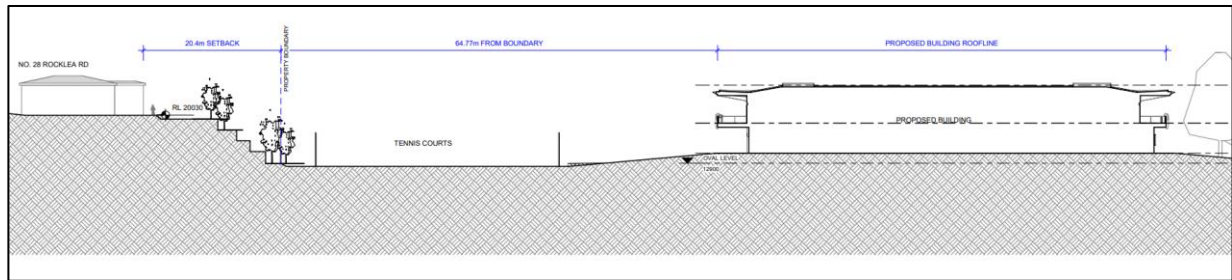


Figure 16: Section through the new pavilion and the adjoining residential property to the north (Source: Application)

67. The proposed contemporary design of the pavilion is an appropriate response that will not unreasonably detract or dominate the surrounding area. The pavilion is well articulated through the use of materials and finishes that will achieve a high level of visual interest. Materials include concrete, timber panelling and metal throughout the building to ensure a robust and durable design and flooding response.



Figure 17: Proposed west elevation (Source: Application)

68. The proposal incorporates new pathways to and around the pavilion, including to the car park and tennis courts. These pathways will provide DDA access to and around the pavilion, maximising accessibility and use by all users.

## Amenity Impacts

69. The proposed sports pavilion will be located a significant distance (minimum 80 metres) from adjacent residential properties. Given the location, it is considered that there will be limited impact on the closest residential properties to the north. In addition, the existing landscaping and tennis courts located along the common boundary already provide a suitable buffer between the residential properties and the sports pavilion.

## Landscaping

70. No vegetation is proposed to be removed to allow for the proposed sports pavilion. The existing trees and garden beds in proximity to the pavilion will be retained.
71. The proposal seeks to introduce new garden beds with tree planting and terrace planting adjacent to the building, as shown below.

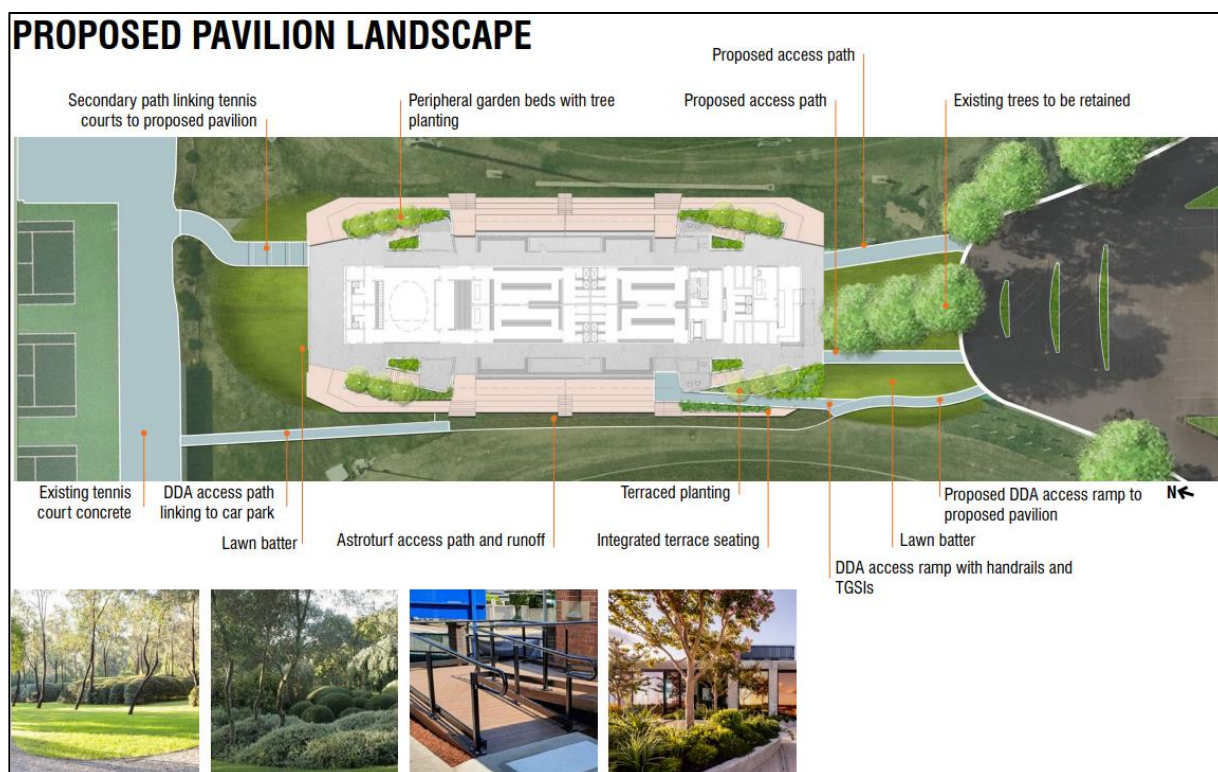


Figure 18: Proposed landscaping (Source: Application)

72. The council has reviewed the Landscape Plan prepared by T.C.L. and dated December 2024 and has advised that the planting of 12 indigenous Swamp Gum trees along with plantings of indigenous / Victorian Native shrubs and understory is a positive response. The new planting will enhance habitat corridors and ecological stepping stones.
73. The Landscape Plan should be endorsed with the architectural plans.
74. The council has also recommended a condition be included on any permit to issue requiring the submission and approval of a Tree Protection and Management Plan setting out how the existing trees to be retained will be protected during construction. This condition is considered reasonable and should be included on any permit to issue.

## Flood Mitigation

75. The land is affected by the Land Subject to Inundation Overlay (LSIO) associated with the Yarra River. The LSIO identifies flood prone land affected by the 1% Annual Exceedance Probability (AEP) flood event. The application is supported by a Flood Risk Report (dated 25 October 2024) and a Flood Risk Management Plan (dated February 2024) prepared by Hydrology and Risk Consulting (HARC).
76. The Flood Risk Report discusses existing and residual flood risk at the site and those elements of the design response that aim to reduce those risks. Overall, the report notes that the proposed pavilion will improve existing site conditions for all floodplain management objectives. There will be an overall reduction in existing flood risk at the site in an environment where the residual risk is effectively and demonstrably well managed through the Flood Risk Management Plan and there will be long warning lead times on floods that may impact the pavilion.
77. The finished floor level of the ground level will be 14.4m AHD, which is 10% above the 10% AEP flood level and 350mm above the existing pavilion.
78. The Flood Risk Management Plan provides guidance on the management of flood risk at the site in order to reduce flood related damage and risk to life due to flooding from the Yarra River and Koonung Creek.



79. The application was referred to Melbourne Water, as required by the planning scheme pursuant to the Land Subject to Inundation Overlay. Melbourne Water has recommended a number of conditions be included on any permit to issue relating to finished floor levels, design of the lifts, imported fill kept to a minimum, design of fencing and that the pavilion be designed and constructed in accordance with the recommendations of the Flood Risk Management Plan. These conditions are considered reasonable and should be included on any permit to issue.

## Sustainability

### Environmentally Sustainable Design (ESD)

80. Pursuant to Clause 15.01-2L-01 (Environmentally Sustainable Development – Manningham), a Sustainability Management Plan (including an assessment using BESS / Green star, STORM / MUSIC or other methods) and a Green Travel Plan for a non-residential building with a gross floor area of more than 1000 square metres.
81. The application is supported by a Sustainable Management Plan (SMP) prepared by BRT Consulting and dated 12 November 2024. The SMP states that the proposal has the potential to achieve a BESS score of 55%, which is considered best practice. The sports pavilion will incorporate a well-insulated and sealed building construction, along with energy-efficient heating and cooling systems and LED lighting and seeks to provide an energy-efficient response. A 5,000 litre rainwater tank (located under ground level to the south of the pavilion) will be provided for connection to toilets and irrigation to achieve the best practice performance objectives. The proposal also seeks to install multiple 30KW solar PV systems will be installed to the roof.
82. The SMP also includes a Green Travel Plan, which includes a summary of proposed onsite initiatives and existing / external offsite services to encourage end users to use sustainable transport options, including:
- *Encouraging mass transport options including public transport;*
  - *Reducing car dependency and in turn CO2 emissions;*
  - *Highlighting non-emissions transport options including bicycle paths and walking paths; and*
  - *Manage car-parking facilities to encourage the use of electric vehicles.*

### Water Sensitive Urban Design (WSUD)

83. The SMP submitted with the application includes a response to Clauses 15.01-2L-01 and 53.18 (Stormwater Management in Urban Design) of the planning scheme. The plan includes an assessment using MUSIC modelling, demonstrating the following results:
- Flow – 1.7% Reduction
  - Suspended Solids (kg/yr) – 80.1% Reduction
  - Total Phosphorus (kg/yr) – 70.6% Reduction
  - Total Nitrogen (kg/yr) – 58% Reduction
  - Gross Pollutants (kg/yr) – 100% Reduction
84. A 5,000 litre rainwater tank (located under ground level to the south of the pavilion) will be provided for connection to toilets and irrigation to achieve the above best practice performance objectives.

## Other Matters

### Recommended conditions by Manningham City Council and North East Link Project

85. In addition to the requirement for a Tree Protection and Management Plan, the council has also recommended engineering conditions related to grading and draining of the site to prevent ponding and minimise overland flows,



stormwater water discharge connection and connection of rainwater tanks. These are considered reasonable and should be included on any permit to issue.

86. The North East Link Project (NELP) have recommended conditions requiring the submission and approval of a Construction Management Plan and a note regarding coordination of logistics to ensure access to both projects is provided. The applicant has reviewed these conditions and note and does not have any objection. These conditions and note are considered reasonable and should be included on any permit to issue.

### **Cultural Heritage**

87. Part of the site is within 'an area of cultural heritage sensitivity' as defined under the *Aboriginal Heritage Regulations 2018*. However, the proposed works are outside of the area identified as being of cultural heritage sensitivity. Hence, an assessment against the regulations is not required.



88. The proposal is generally consistent with the relevant planning policies of the Manningham Planning Scheme and will provide an improved sports pavilion for an existing education centre. The built form is an appropriate response to the site's context and will not adversely impact adjacent residential properties.
89. The proposal is generally supported, subject to conditions, by Melbourne Water, the council and NELP and their conditions and notes have been incorporated in the permit.
90. It is recommended that Planning Permit No. PA2403350 for buildings and works to construct a new sports pavilion at 162-168 Bulleen Road, Bulleen, be issued subject to conditions.
91. It is recommended that the applicant, Melbourne Water, the council and NELP be notified of the above in writing.



**Prepared by:**

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I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

- No Conflict**
- Conflict and have therefore undertaken the following actions:
  - Completed the **Statutory Planning Services declaration of Conflict/Interest form.**
  - Attached the Statutory Planning Services declaration of Conflict/Interest form on to the hardcopy file.
  - Attached the Statutory Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.

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Name:

Title:

Signed: \_\_\_\_\_

Phone:

Dated: \_\_\_\_\_

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**Reviewed / Approved by:**

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Phone:

Dated: \_\_\_\_\_