

PLANNING PERMIT

Permit No.:	PA2402805
Planning scheme:	Bass Coast Planning Scheme
Responsible authority:	Minister for Planning
ADDRESS OF THE LAND:	24 Churchill Road, Newhaven, VIC, 3952 (Lot 1 on PS729804T, Volume 11179, Folio 277)

THE PERMIT ALLOWS:

Planning scheme clause No.	Description of what is allowed
	Use and development of the land for a museum and restaurant, associated buildings and works, removal of native vegetation, construction and display of business identification signage, and the creation of access to a road in a Transport Zone Schedule 2.
Clause 37.04-1	Use of the land for the purpose of a museum and restaurant.
Clause 37.04-4	Construct a building or construct or carry out works associated with a Section 2 use. Construction of a building setback less than 100 m from a Transport Zone 2.
Clause 52.05-14	Display of a business identification sign.
Clause 52.17-1	Remove, destroy or lop native vegetation.
Clause 52.29-2	Create access to a road in a Transport Zone 2.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Compliance with documents approved under this permit

1. At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the responsible authority.

Commencement

2. This permit will operate from the issued date of this permit.

Date issued: 7 June 2024 **Signature for the responsible authority:**

Hannah Scott

Amended Plans

3. Before the use and development commences, excluding demolition, bulk excavation and site preparation works, amended plans must be submitted to and approved by the Responsible Authority in consultation with the Bass Coast Shire Council. The plans must be generally in accordance with the plans prepared by Architectus, titled 'National Vietnam Veterans Museum' and advertised with the application, but modified to show:
 - a. A detailed lighting plan that is in accordance with the recommendations detailed in the Flora and Fauna Assessment prepared by Nature Advisory dated December 2023 and the requirements of Condition 25.
 - b. The specific location of the 16 bicycle parking spaces.
 - c. Details of bicycle signage in accordance with Clause 52.34-17 of the Bass Coast Planning Scheme.
 - d. All window shading devices, as claimed in the Sustainability Management Plan (SMP) endorsed by Condition 26.
 - e. A 15 kL minimum rainwater tank and an annotation stating that it will collect water from the conservation area roof.
 - f. The walking trails, boardwalk network and events lawn all setback at least:
 - i. 50 m from the eastern property boundary
 - ii. 100 m from the northern property boundary
 - g. An annotation showing the façade of the building setback at least 31 m from the proposed swamp paperbark woodland vegetation, in accordance with the recommendations of the Bushfire Assessment prepared by XWB Consulting dated 19 December 2023.
 - h. A minimum 2.0 m high fence along the eastern property boundary of the subject site where it abuts 1 Samuel Amess Drive. The fence must be constructed within the title boundaries of the subject site.
 - i. A 10 m wide native vegetation landscaping buffer along the eastern property boundary of the subject site where it abuts 1 Samuel Amess Drive. The vegetation buffer must be wholly located within the title boundaries of the subject site.
 - j. Specific details of the green roof, including whether it is to be accessible to visitors, the location and details of safety fencing and irrigation and drainage infrastructure.
 - k. Architectural plans clearly delineating Stage 1 and Stage 2 works.

Layout not altered

4. The use and development as shown on the endorsed plans and documents must not be altered (unless the Bass Coast Planning Scheme specifies that a permit is not required) without the prior written consent of the responsible authority.

Landscape Plan

5. Before the use and development starts, excluding demolition, bulk excavation and site preparation works, a landscape plan must be approved and endorsed by the responsible authority in consultation with Bass Coast Shire Council. The landscape plan must be prepared to the satisfaction of the responsible authority, be drawn to scale with dimensions, be generally in accordance with the Landscape Schematic Design prepared by Tract and dated January 2024, and must include the following:

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- a. Canopy trees and soft planting to screen the car park from Phillip Island Road.
- b. The walking trails, boardwalk network and events lawn all setback at least:
 - i. 50 m from the eastern property boundary
 - ii. 100 m from the northern property boundary.
- c. A 15 kL minimum rainwater tank and an annotation stating that it will collect water from the conservation area roof.
- d. A 10 m wide native vegetation landscaping buffer along the eastern property boundary of the subject site where it abuts 1 Samuel Amess Drive. The vegetation buffer must be wholly located within the title boundaries of the subject site.
- e. Layout of landscaping and planting within all open areas of the subject land.
- f. A survey (including botanical names) of all existing vegetation to be retained and/or removed.
- g. Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.
- h. Details of surface finishes of pathways, driveways, the carpark and all hard surface areas.
- i. Specific details of the green roof, including whether it is to be accessible to visitors, the location and details of safety fencing and irrigation and drainage infrastructure.
- j. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. Priority should be given to species that are indigenous to Bass Coast Shire Council.
- k. Details of the water sensitive urban design initiatives claimed in the Sustainability Management Plan (SMP) endorsed by Condition 26.
- l. The extent of the cut, fill, mounds, embankments and retaining walls associated with the landscape treatment of the site.
- m. An annotation stating that an area of 22 m around the facades of the museum should be maintained in a minimal fuel condition in accordance with the recommendations of the Bushfire Assessment prepared by XWB Consulting dated 19 December 2023.
- n. Details of the proposed staging of the landscaping plan, including any visual screening planting proposed to be included as part of Stage 1.

Completion of Landscaping

6. The landscaping must be carried out and completed in accordance with the landscape plan approved under Condition 5 of this permit. The responsible authority may consent in writing to vary this requirement.
 - a. Before the museum use starts for Stage 1, the landscaping shown on the Stage 1 landscape plan must be installed to the satisfaction of the responsible authority, including any visual screening proposed.

Date issued: 7 June 2024 Signature for the responsible authority:



Landscaping Maintenance

7. At all times the landscaping shown on the landscape plan approved under Condition 5 of this permit must be maintained (including the replacement of any dead, diseased or damaged plants) to the satisfaction of the responsible authority.

Green Roof Maintenance Plan

8. Before the use and development starts, excluding demolition, bulk excavation and site preparation works, a Green Roof Maintenance Plan (GRMP) detailing the maintenance regime and management responsibilities of the Green Roof associated with the development must be submitted to and approved by the Responsible Authority, in consultation with Bass Coast Shire Council. When approved, the GRMP shall form a part of the endorsed plans of this permit.
9. The Green Roof must be maintained to the satisfaction of the Responsible Authority.
10. If plants within the Green Roof fail, they must be removed and replaced within three months of failure, to the satisfaction of the Responsible Authority.

Native Vegetation

11. To offset the removal of 0.207 hectares of native vegetation, as identified in Native Vegetation Removal Report 304-20201208-001, the permit holder must secure a native vegetation offset, in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017) as specified below:
 - a. A general offset of 0.039 general habitat units;
 - b. Located within the Port Phillip and Westernport Catchment Management Authority (CMA) or Bass Coast Shire Council; and,
 - c. With a minimum strategic biodiversity score of at least 0.216.

Offset evidence and timing

12. Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the responsible authority. This evidence is one or both of the following:
 - a. credit extract(s) allocated to the permit from the Native Vegetation Credit Register; and/or,
 - b. an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10 year management actions and ongoing management of the site.

A copy of the offset evidence must be endorsed by the responsible authority and will form part of this permit.

Monitoring and reporting for onsite offset implementation

13. In the event that a security agreement is entered into as per Condition 12, the applicant must provide the annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.

Construction Environment Management Plan (CEMP)

14. Before the development or any site works (including demolition, preparatory works and excavation) start, a construction environment management plan (CEMP) must be approved and endorsed by the responsible authority in consultation with Bass Coast Shire Council. The construction environmental management plan must be prepared to the satisfaction of the responsible authority and must:
- a. Be prepared in accordance with the *Civil construction building and demolition guide, Publication 1834* (EPA, 2020) (EPA Guide).
 - b. Include the environmental risk assessment used to inform the preparation of the CEMP.
 - c. Address occupational health and safety, traffic management, environmental controls and cultural heritage protection measures.
 - d. Show the location of temporary laydown areas and materials storage.
 - e. Detail procedures to manage mud and debris on the surrounding road network which may occur during construction.
 - f. Show the location of all retained native vegetation on site and tree protection fencing to protect the vegetation during construction.
 - g. Adopt the form of the CEMP template included in the EPA guide and must address the following risks (as applicable):
 - i. noise and vibration
 - ii. erosion, sediment and dust
 - iii. contaminated land and groundwater
 - iv. chemicals
 - v. waste.
 - h. Detail the working hours schedule for construction, including start and finish times.
 - i. Include measures to ensure that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the storm water drainage system.
 - j. Include the relevant requirements of the Cultural Heritage Management Plan (CHMP) approved for the development, including the location of No-Go Zones.
 - k. Include a commitment to divert at least 90% of construction waste from landfill (via recycle or reuse).

- l. Require the developer/builder to have ISO14001 (Environmental Management Systems) certification.
- m. Detail the persons responsible for the implementation and compliance of each of the CEMP requirements, including details of a site contact / site manager.
- n. Include details of the staging works.

The CEMP will be endorsed to form part of the permit. The responsible authority may consent in writing to vary any details in the CEMP.

Hours of operation

General Use

- 15. The use allowed by this permit must only operate between 10 am and 5 pm.

Occasional Events

- 16. Despite the requirement of Condition 15, the use may operate until 11 pm a maximum of 12 times per year. The permit holder must keep a register of all events held between 5 pm and 11 pm. The register must be made available to Bass Coast Shire Council and/or the Minister for Planning upon request.

The responsible authority may consent in writing to vary the requirements of Conditions 15 and 16.

Delivery Times

- 17. Deliveries to and from the site (including waste collection) must only take place between 7:00 am and 6:00 pm. The responsible authority may consent in writing to vary these requirements.

Number of visitors and patrons

General Use

- 18. At any time
 - a. Following the completion of Stage 1, no more than 140 patrons may be present on the land.
 - b. Following the completion of Stage 2, no more than 200 patrons may be present on the land.

Occasional Events

- 19. Despite the requirement of Condition 18, up to 300 patrons are permitted on the land during the 'Occasional Events' allowed by Condition 16.

The responsible authority may consent in writing to vary the requirements of Conditions 18 and 19.

Number of Staff

20. At any time no more than 35 staff may be present on the land. The responsible authority may consent in writing to vary this requirement.

Waste Management

21. The use and development of the land must be carried out in accordance with the endorsed Waste Management Plan prepared by One Mile Grid dated 18 December 2023, unless with the written consent of the responsible authority.
22. All waste from the development must be collected by a private waste contractor within the property bounds.

Civil Construction Plans

23. Before the commencement of construction, excluding demolition, bulk excavation and site preparation works, detailed civil construction plans must be prepared to the satisfaction of the Bass Coast Shire Council for endorsement by the council. All construction plans submitted for approval must be consistent with this permit and must conform with the requirements of all relevant servicing and road authorities, including the Head, Transport for Victoria. The plans must be drawn to scale with dimensions and include details of any proposed staging works. An electronic copy (PDF) must be provided. The plans must show:
- a. Drainage of the subject land designed generally in accordance with the TTW Stormwater Management Strategy (Rev 08 22/01/2024). The drainage plan must be prepared in accordance with the requirements of the Infrastructure Design Manual (IDM) as amended and must provide for the following:
 - i. Levels or contours of the land (including relevant external catchments) and all hydraulic computations.
 - ii. How the land including all buildings, open space and paved areas will be drained for a 20% AEP storm event to the legal point of discharge.
 - iii. The provision of a drainage retardation system within the site and prior to the legal point of discharge. The stormwater retardation system must be designed to ensure that stormwater discharges arising from the proposed development of the land are restricted to pre-development flow rates for storm events up to and including the 1% AEP. The retardation system must be maintained during the maintenance period to the satisfaction of the Council.
 - iv. Provision of over-land surcharge routes for all storm events up to and including the 1% AEP. This must include cut-off drains and associated infrastructure for the safe and effective passage of stormwater flows arising from areas upstream of the subject land discharging into Bass Coast Shire Council's drainage system.
 - v. Maintain existing flow patterns / discharges to downstream neighbouring land to the north and to the east, to pre-developed flow rates.

- vi. Compliance with the Best Practice Environmental Management Guidelines for Urban Stormwater including any quality treatments proposed in accordance with these Guidelines and the Bass Coast Planning Scheme.
- b. Vehicle and pedestrian access and car parking in accordance with IDM standards and to the satisfaction of the Council, including:
 - i. Engineering plans and specifications of the proposed works including all roads, intersections, traffic circulation, signage, footpaths and pedestrian linkages.
 - ii. Car parking areas and access ways onsite to be designed, constructed and sealed with an all-weather pavement. Overflow/excess parking can be unsealed.
 - iii. Concrete footpath connection from the site to the bus stop on Phillip Island Road.

When endorsed, a copy of the approved civil construction plans must be provided to the Minister for Planning.

Construction

24. Before the commencement of the use, the following works (in stages as approved) must be completed to the satisfaction of the Bass Coast Shire Council, including all necessary permits being obtained and inspections undertaken:
- a. All civil construction works, must be constructed in accordance with the civil design plans for the property as endorsed by the Council pursuant to this planning permit.
 - b. All drainage works in accordance with the endorsed civil plans.
 - c. Areas for vehicle access and car parking within the land must be constructed in accordance with the endorsed civil design plans.
 - d. All redundant infrastructure (including vehicle crossings) abutting the site shall be removed and the kerb, channel, nature strip and footpath shall be reinstated.

Control of Light Spill

25. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land and the local environment to the satisfaction of the responsible authority.

This must include:

- All lighting to be baffled and facing downwards;
- The avoidance of upward and horizontal lighting;
- No lighting on high poles. Lighting must be either at ground level or on poles at a maximum height of 1.2 m; and,
- Landscaping (such as wattles and trees) should be planted next to lighting where possible to protect them from view from above.

Sustainability Management Plan

26. The use and development of the land must be carried out in accordance with the endorsed Sustainability Management Plan and Addendum prepared by Hip V. Hype and dated 18 December 2023, unless with the prior written consent of the responsible authority.

Transport for Victoria Conditions

27. Only one point of access from the Phillip Island Road will be permitted for the development. This must be via a fourth leg to the existing Phillip Island and Woolamai Road roundabout.
28. The access must be designed in accordance with the Austroads Guidelines and to the satisfaction of the Head, Transport for Victoria.
29. As part of the construction of the fourth leg of the roundabout must provide for the following at no cost to the Head, Transport for Victoria:
- Any land set aside as Road must be labelled "ROAD" on the plan of subdivision.
 - All land to be vested as road or reserve, for which the Department of Transport and Planning is to be responsible, must be vested in the name of the Head, Transport for Victoria.
 - Any land to be set aside as Reserve for which the Department of Transport and Planning is to be responsible must be labelled "RESERVE FOR USE OF THE HEAD, TRANSPORT FOR VICTORIA" on plan of subdivision.
 - The original of any Certificate of Title issued by the Registrar of Titles from the plan of subdivision must be posted by registered mail to the Head, Transport for Victoria within one week of it having been received.
30. The fourth leg of the roundabout must be constructed at no cost and to the satisfaction of the Head, Transport for Victoria.
31. The intersection must be provided with V3 roadway lighting to the satisfaction of the Head, Transport for Victoria.
32. Prior to design plans beginning, the applicant's consultants must attend a pre-design meeting with the Department of Transport and Planning (Gippsland Region). Pre-design meeting requests must be submitted via email: nriw.eastern@transport.vic.gov.au.
33. Prior to works beginning on site, an Application for External Works – Functional Design Review, including Gippsland Regions Developer Funded Functional Layout Checklist for the proposed access from Phillip Island Road must be submitted and approved by the Head, Transport for Victoria.
34. Prior to works beginning in the road reserve, an Application for External Works – Detailed Design Review, including Gippsland Regions Developer Funded Detailed Design Checklist for the proposed access from Phillip Island Road must be submitted and approved by the Head, Transport for Victoria.
35. The existing Arterial Road Pavement and Surrounds must be upgraded to include the new access at no cost and to the satisfaction of the Head, Transport for Victoria. These works include, but are not limited to:

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- Pavement reconstruction
- Pavement Asphaltting / Re-Sealing
- Drainage Works
- Street Lighting
- Line Marking
- Signage.

36. Prior to the use of the development, the roadworks must be completed to the satisfaction of the Head, Transport for Victoria.
37. Prior to the use of the development, the existing gate in the fence next to the Telstra Asset abutting the Phillip Island Road must be removed and refenced, including the removal of the drainage pipe, drivable end walls and reinstatement of the table drain.
38. Prior to commencement of the earthworks on the site, a truck wheel-wash must be installed at the property boundary to enable all mud and other tyre borne debris from vehicles to be removed prior to exiting the land.
39. The truck wheel-wash must be maintained in good order during the construction phase of the development and may be removed at the end of the construction phase of the development.

Signs

40. The location and details of the sign, and any supporting structure, as shown on the endorsed plans, must not be altered without the written consent of the responsible authority.
41. The sign must not be animated or contain any flashing or intermittent light.

Expiry

42. This permit will expire if any of the following occur:
- The development is not commenced within three years of the date of this permit;
 - Stage 1 is not completed within five years of the date of this permit;
 - Stage 2 is not completed within seven years of the date of this permit;
 - The museum use is not commenced within five years of the date of this permit.
 - The restaurant use is not commenced within five years of the date of this permit.

In accordance with section 69 of the *Planning and Environment Act 1987*, the Responsible Authority may extend:

- The commencement date referred to if a request is made in writing before the permit expires or within six months afterwards.

Date issued: 7 June 2024 **Signature for the responsible authority:**



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- The completion date referred to if a request is made in writing within twelve months after the permit expires and the development started lawfully before the permit expired.

Useful Information:

(the following information does not form part of this permit)

- All works on the land must be carried out or constructed in accordance with the requirements of any approved CHMP or otherwise in accordance with the requirements of the *Aboriginal Heritage Act 2006* and *Aboriginal Heritage Regulations 2018*.
- The use of the land must comply with *EPA Publication 1826.4: Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues*.
- Separate consent for works within the road reserve and the specifications of these works is required under the *Road Management Act*. For the purposes of this application the works will include provision of:
 - Roundabout Fourth Leg
 - V3 Roadway Lighting
 - Drainage
 - Line marking
 - Signage



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IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The responsible authority has issued a permit.

(Note: This is not a permit granted under Division 5 or 6 of Part 4 of the **Planning and Environment Act 1987**.)

CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

The responsible authority may amend this permit under Division 1A of Part 4 of the **Planning and Environment Act 1987**.

WHEN DOES A PERMIT BEGIN?

A permit operates:

- from the date specified in the permit; or
- if no date is specified, from—
 - i. the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or
 - ii. the date on which it was issued, in any other case.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
 - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation, within five years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if—
 - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
 - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
 - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—
 - the use or development of any stage is to be taken to have started when the plan is certified; and
 - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT REVIEWS?

- The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.
- An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on the relevant form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- A copy of an application for review must also be served on the responsible authority.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

Date issued: 7 June 2024 **Signature for the responsible authority:**

Hannah Scott