

Section 72 Amendment
National Vietnam Veterans Museum, Phillip Island
PA2402805
24 Churchill Road, Newhaven, VIC, 3952



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*Officer Assessment Report
Development Assessment*

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Executive Summary



Key Information	Details		
Application No:	PA2402805		
Amendment Received:	3 April 2025		
Statutory Days:	56 days		
Applicant:	National Vietnam Veterans Museum Ltd. c/- Tract		
Planning Scheme:	Bass Coast Shire Council		
Land Address:	24 Churchill Road, Newhaven, VIC, 3952 (Lot 1 on PS729804T, Vol 11179, Fol 277)		
Permit allows:	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 (TRZ2).		
S72 proposal summary:	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		
Development Value:	\$37 million		
Why is the Minister responsible?	In accordance with the schedule to Clause 72.01 of the Planning Scheme, the Minister for Planning is the responsible Authority for this application because it is a use and development to which Clause 53.22 (Significant Economic Development) applies.		
Why is a permit required?	Clause	Control	Trigger
Zone:	Clause 37.04-1	Farming Zone (FZ)	Use of the land for the purpose of a museum (place of assembly) 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 TRZ2.
Particular Provisions:	Clause 52.05-14	Signs	Display of a business identification sign.
	Clause 52.17-1	Native Vegetation	Remove, destroy or lop native vegetation (0.207 hectares).
	Clause 52.29	Land adjacent to the Principal Road Network	Create access to a road in a Transport Zone 2 (TRZ2).
Background Information:	A planning permit was granted on 7 June 2024 for the Use and development of the land for a museum and restaurant. Conditions 3 and 5 were discharged on 19 November 2024.		
Referral Authorities:	Bass Coast Shire Council (Informal)		
Recommendation:	The amendments to the permit are recommended for approval and the staged architectural and landscaping plan are recommended to be endorsed.		



Application Process

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

Milestone	Date
Pre-application meeting	6 February 2025
Application lodgement	3 April 2025
Decision Plans	Plans prepared by Architectus, titled National Vietnam Veterans Museum, dated 26 March 2025
Other Key Assessment Documents	The following documents advertised with the application: <ul style="list-style-type: none">• Cover letter prepared by Tract Consulting dated 2 April 2025;• Landscape Schematic Design prepared by Tract and dated March 2025;

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

Proposal Summary

3. The proposal can be summarised as follows:

Key Information	Details
S72 Proposal Summary:	<p>Amend permit conditions to enable staged development delivery, with no changes to the permit preamble and minimal modifications to existing condition numbering.</p> <p>The proposed staging aligns Stage 1 works with initial government funding requirements, allowing NVVM to demonstrate cost alignment with the funding package.</p> <p>Stage 1 Delivery:</p> <ul style="list-style-type: none">• Core building exhibition space construction;• Internal access road provision;• Partial car park development;• Essential drainage infrastructure;• Key publicly visible landscape works; and• Eastern boundary landscape buffer planting. <p>Stage 2 Delivery:</p> <ul style="list-style-type: none">• Remaining development components;• Anticipated commencement within two years of Stage 1 completion. <p>The proposed condition amendments discussed below facilitate the staged use and development.</p>

4. The applicant has provided the following staging plan of the proposal:

Proposed Condition Changes

5. The applicant has proposed the following amendments to the planning permit conditions:

Condition	Original Wording	Updated Wording
3	<p>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:</p> <p>a. – j.</p>	<p>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:</p> <p>a. – j.</p> <p>k. Architectural plans clearly delineating Stage 1 and Stage 2 works.</p>
5	<p>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:</p> <p>a. – m.</p>	<p>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:</p> <p>a.– m.</p> <p>n. Details of the proposed staging of the landscaping plan, including any visual screening planting proposed to be included as part of Stage 1.</p>
6	<p>Before the use starts, the landscaping shown on the landscape plan approved under Condition 5 of this permit must be carried out and completed to the satisfaction of the responsible authority. The responsible authority may consent in writing to vary this requirement.</p>	<p>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.</p> <p>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.</p>
14	<p>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:</p> <p>a. – m.</p>	<p>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:</p> <p>a. – m.</p> <p>n. Include details of the staging works.</p>
18	<p>At any time no more than 200 patrons may be present on the land.</p>	<p>At any time:</p> <p>(a) Following the completion of Stage 1, no more than 140 patrons may be present on the land.</p> <p>(b) Following the completion of Stage 2, no more than 200 patrons may be present on the land.</p>



<p>23</p> <p>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 ...</p>	<p>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:</p>
<p>24</p> <p>Before the commencement of the use, the following works must be completed to the satisfaction of the Bass Coast Shire Council, including all necessary permits being obtained and inspections undertaken:</p>	<p>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:</p>
<p>42</p> <p>This permit will expire if.-</p> <ul style="list-style-type: none"> • The development is not commenced within three years of the date of this permit; • The development is not completed within five years of the date of this permit; or • The use is not commenced within five years of the date of this permit. 	<p>This permit will expire if any of the following occur:</p> <ul style="list-style-type: none"> • The development is not commenced within three years of the date of this permit; • The development Stage 1 is not completed within five years of the date of this permit; or • 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.

6. The proposed condition changes are considered acceptable and in alignment with the original permit for the following reasons:

- The proposed amendments to Conditions 3, 5, 14, and 23 appropriately incorporate staging requirements by mandating clear delineation of Stage 1 and Stage 2 works within architectural plans, landscape plans, construction environment management plans, and civil construction plans. These modifications ensure comprehensive documentation of the staged delivery approach while maintaining existing approval frameworks.
- Amendment to Condition 18 establishing interim patron limits of 140 persons for Stage 1 completion and 200 persons following Stage 2 completion provides appropriate operational parameters that align with the staged infrastructure delivery. This staggered approach ensures patron capacity corresponds with available facilities and site infrastructure at each development phase.
- The revised expiry provisions in Condition 42 establishes updated timeframes for staged delivery, extending Stage 2 completion to seven years while maintaining the five-year museum use commencement requirement. The updated timing provisions accommodate the staged funding and delivery model while providing sufficient flexibility for project implementation without compromising planning objectives.

Subject Site and Surrounds



Site Description

7. The site is located at 24 Churchill Road, Newhaven, on Phillip Island. It is formally recognised as Lot 1 on Plan of Subdivision 729804T, Vol 11179, Folio 277. It is located within Bass Council Shire Council.
8. The site has an area of approximately 40 hectares and is an irregular shaped corner lot with a frontage to Phillip Island Road of approximately 900 m and Churchill Road of approximately 400 m.
9. The existing site is primarily vacant agricultural land, though contains perimeter fencing, an outbuilding (hay shed), dams and vegetation (native, pasture grass and fence-line planted trees). The applicant has advised that the land is occasionally used for grazing (cattle agistment).
10. The site has three access points:
 - Primary access: Phillip Island Road
 - Secondary/informal access: Churchill Road x 2
11. The site contains three easements, all in favour of Westernport Water:
 - E-3: Sewerage and drainage
 - E-4: Sewerage and drainage
 - E-6: Sewage.
12. There are no restrictive covenants or section 173 agreements registered on the title.
13. The site is located with a Bushfire Prone Area and within an area of Aboriginal Cultural Heritage Sensitivity (CHS).
14. The site is located within the Farming Zone (FZ) and is not affected by any overlays.

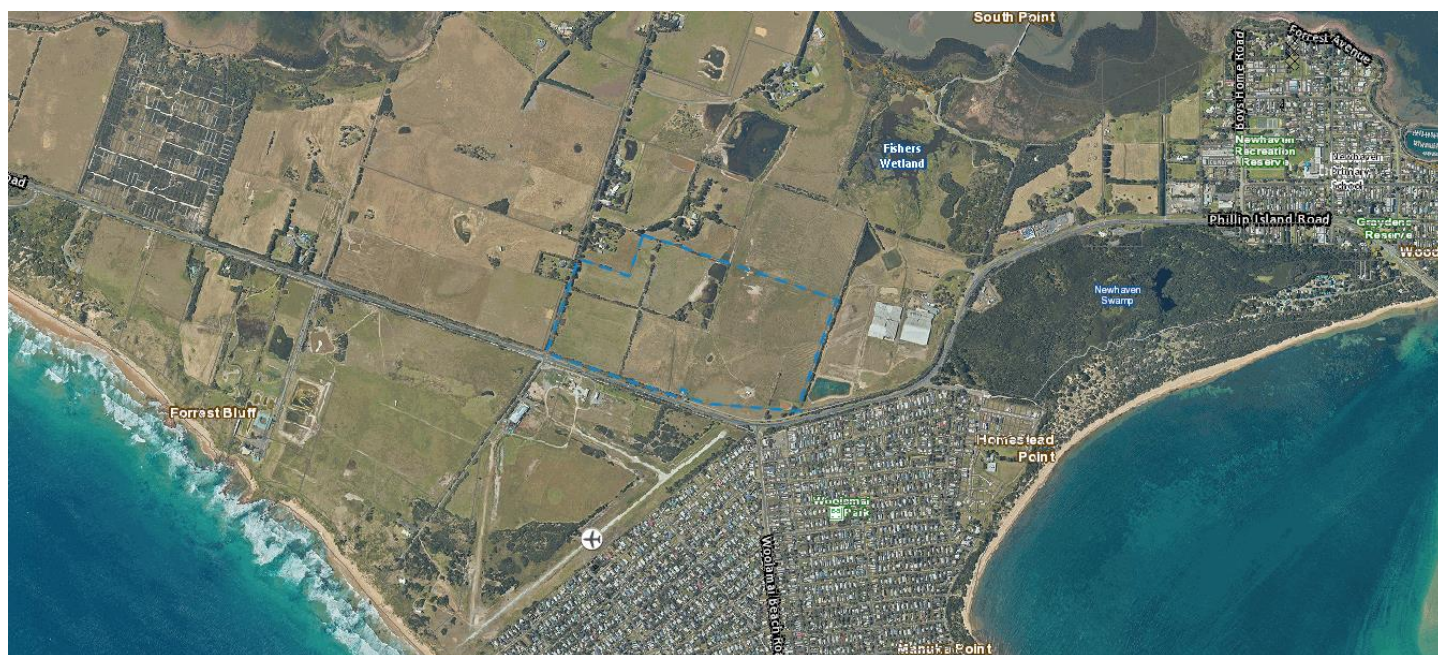


Figure 4: Aerial overview of the subject site and surrounds.

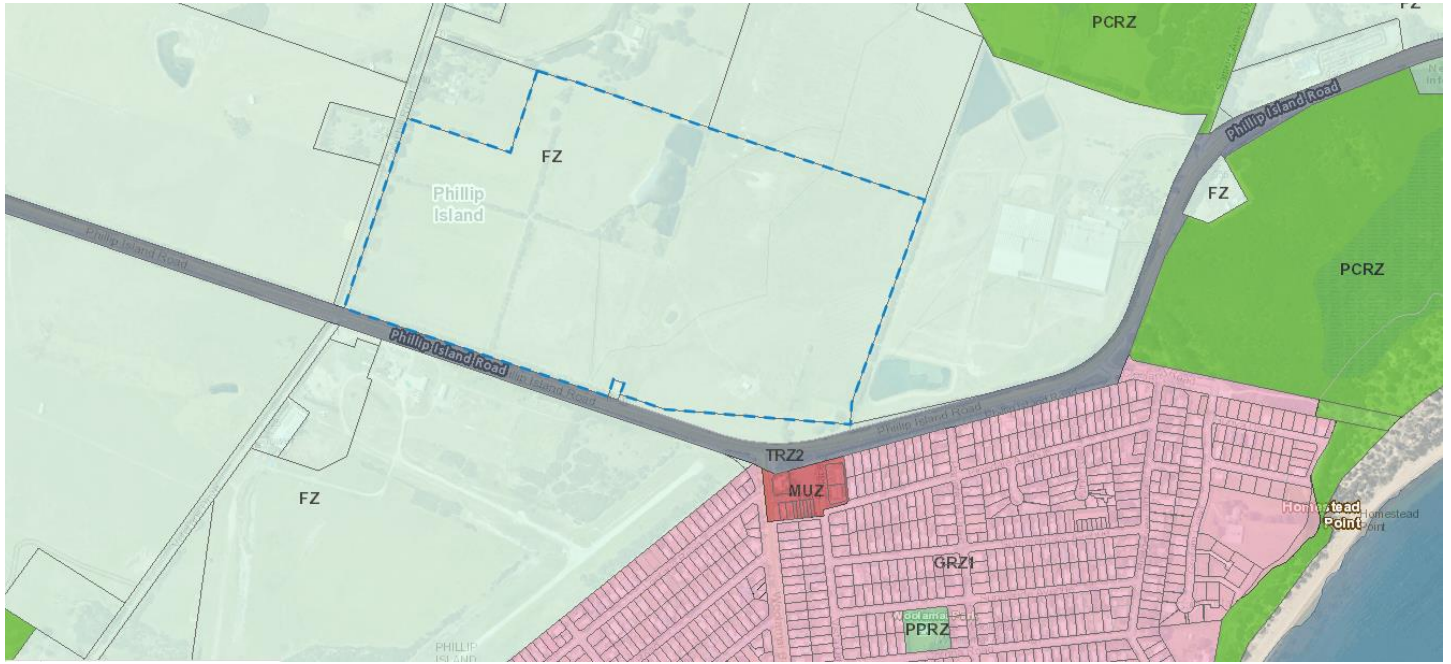


Figure 5: Planning zone map.



Figure 6: View of the site from the Phillip Island Road roundabout, looking north (Source: Application documents).

Site Surrounds

15. The site is located on Phillip Island and adjoins the township of Newhaven.
16. To the north, the surrounding development consists mainly of agricultural land.



17. To the south is the Newhaven / Cape Woolamai residential area, located within the General Residential Zone (GRZ1) and a Mixed Use Zone supporting local retail services.
18. Development surrounding the site can be described as follows:
 - **North:** Adjoining the land to the north is 40, 50 and 100 Churchill Road comprising three rural residential lots of approximately 2.8, 12.95 and 47.67 hectares respectively. 100 Churchill Road includes a dwelling and is used for agricultural purposes. Land further north is also agricultural.
 - **South:** Immediately south of the site is Phillip Island Road. A pedestrian/cycle path is located in the road reserve. On the southern site of Phillip Island Road is the existing National Vietnam Veterans Museum and the Phillip Island Heliport, both located on the land identified as the Phillip Island Airport Investigation Area. Retail uses within the Cape Woolamai commercial precinct are located between Phillip Island Road and Vista Place. Further south is the Cape Woolamai township.
 - **East:** The adjoining land to the east at 1 Samuel Amess Drive is used and developed for production horticulture flower growing (Maxiflora). Flowers are propagated in greenhouses and open fields. This lot has an area of approximately 22 hectares and contains fencing, greenhouses, outbuildings, stores, offices and water infrastructure. Further east of the site is the Phillip Island Chocolate Factory, Banksia Park Estate (hotel) and the Phillip Island Visitor Information Centre, all located off Phillip Island Road.
 - **West:** Adjoining the land to the immediate west is Churchill Road and further west is land used for agricultural purposes.



Figure 7: Site context map (Source: Application documents).



Referrals

19. No section 55 referrals were required for the application.
20. Notice of the application under section 52 of the Planning and Environment Act 1987 was not required, as the proposed amendment does not cause material detriment to the interests of surrounding landowners or occupiers. The application seeks amendments to permit conditions only, to enable the staged delivery of the already approved development, with no changes to the permit preamble and no changes to the approved built form, development footprint, height, massing or external design outcomes.
21. The proposed staging relates solely to the sequencing of works to align Stage 1 delivery with initial government funding requirements and to demonstrate cost alignment with the approved funding package. All works proposed under Stage 1 and Stage 2 fall within the scope of development already assessed and approved under the existing permit. The amended conditions facilitate the timing of delivery only and do not introduce any new uses, impacts, or changes to amenity, traffic, access, overlooking, overshadowing, or other planning considerations that would warrant further notification. On this basis, it was considered that notice would serve no practical planning purpose and was therefore not necessary.

Municipal Council comments

22. The application was referred to Bass Coast Shire Council informally to provide comments on the proposed staging.
23. The council provided the following comments, which were provided to the applicant and also assessed by DTP:

Council	Applicant	DTP
Landscaping		
The initial concerns regarding the planting palette appear to have been considered. It looks as though the <i>E. radiata</i> has been removed and the <i>E. viminalis</i> has been replaced with the coastal variety <i>E. viminalis</i> subsp. <i>pryoriana</i> . Overall, the application does not raise any further concerns.	N/A.	Noted. Landscape response supported.
Development Services		
The cover letter from Tract dated 2 April 2025 states that 'Stage 1 will deliver the... required drainage works'. It is unclear if the intention of the applicant is to deliver the full wetlands or if interim drainage infrastructure is proposed to meet the stormwater detention and treatment requirements of condition 23. The landscape plans submitted suggest the wetlands is deferred to Stage 2. However, it should be noted that stormwater detention and best practice quality treatment is still required with Stage 1.	We consider that the proposed amendment to Condition 23 (which would require that the stormwater strategy submitted for endorsement include details of staging) is sufficient to ensure that the drainage will be suitable for each stage of development. Council are the RA for endorsement of the drainage strategy so will have ultimate say as to what they consider is necessary at Stage 1.	The applicant's response to the council's concerns regarding the Stormwater Strategy is considered acceptable. The amendment of Condition 23 will ensure future stormwater strategies will have details on the staging of the development.
If the applicant does not intend on delivering the WSUD swales, wetlands and rainwater tank in Stage 1, Bass Coast Shire Council recommends that a new condition is added to the permit. The	We consider that the proposed amendment to Condition 23 (which would require that the stormwater strategy submitted for endorsement include details of staging) is sufficient	As above.



<p>condition should require an amended stormwater management strategy detailing the staged approach to stormwater management. This would need to detail the detention volume and stormwater quality treatment infrastructure required of the Stage 1 works, in the interim until the full wetlands and tanks constructed with Stage 2. Recommended condition listed below similar to below:</p> <p>Before the commencement of Stage 1 works, an amended stormwater management strategy (SWMS) must be prepared and submitted to the Responsible Authority. The SWMS must be consistent with the SWMS previously submitted (TTW Stormwater Management Strategy (Rev 08 22/01/2024)), but amended to show the staged approach to stormwater management. This is to include, but not limited to:</p> <p>a)computations and proposed infrastructure for the detention storage volume to be provided with each stage,</p> <p>b)stormwater quality treatment infrastructure proposed with each stage to ensure compliance with the Best Practice Environmental Management Guidelines for Urban Stormwater.</p>	<p>to ensure that the drainage will be suitable for each stage of development.</p> <p>Council are the RA for endorsement of the drainage strategy so will have ultimate say as to what they consider is necessary at Stage 1.</p>	
<p>Melbourne Water need to be consulted for any approvals of stormwater management as they are the drainage authority in this catchment. Suggest they need a referral if we are amending any permit conditions with regard to stormwater management.</p>	<p>There is no referral trigger under the controls (to be sent to Melbourne Water).</p> <p>As noted above, the only 'change' to the Stormwater Drainage Strategy condition is that the strategy reflect the staging of the development.</p>	<p>Noted. It is not considered necessary to consult Melbourne Water as the modifications are considered consistent and the drainage design will be delivered.</p>
<p>Hardstand area should be provided for bus parking with Stage 1 works and noted on the plans. This could be a gravel area within the 'overflow parking in Stage 1'. Understanding that this will be formalised with bus bays constructed in stage 2 works.</p>	<p>Agreed</p>	<p>Bus parking within the 'overflow parking in Stage 1' to be included and notated.</p>



Planning Policy

24. None of the applicable policies under the Planning Policy Framework or statutory planning controls within the scheme have changed since the decision on the application and given the nature of the amendments these policies do not need to be re-examined.
25. Distinctive Areas and Landscapes – Bass Coast DAL declaration was approved on 23 May 2025. The draft implementation document proposes a restructuring and expansion of existing SLOs and introduces new overlays to more accurately reflect the visual and environmental significance of key landscapes across Bass Coast. This redefinition introduces stricter design, siting, and vegetation clearance controls in certain areas. Implementation has not yet occurred.
26. The proposed staging is not affected.

Statutory Planning Controls

27. The zoning and overlay controls remain the same since the decision on the application was made.
28. The proposed amendments are relatively minor and will not compromise the objectives of the zone and overlays, and relevant provisions, and the permitted development.
29. The amended plans remain compliant with the requirements of the relevant conditions of the permit.

Car Parking

30. The proposed delivery of 34 formal car parking spaces and overflow area (minimum 20 spaces) in Stage 1 provides 54 total spaces, exceeding the statutory requirement of 42 spaces under Clause 52.06-5 for 140 museum patrons (0.3 spaces per patron). This provision ensures adequate parking capacity is available to support the initial museum operations prior to restaurant commencement.
31. The proposed amendment to Condition 18 appropriately links patron capacity with staged infrastructure delivery, restricting occupancy to 140 patrons during Stage 1 (museum only) and increasing to 200 patrons following Stage 2 completion when restaurant operations commence. This approach ensures patron numbers remain consistent with available car parking provision at each development phase.
32. The total development car parking provision of 90 spaces (60 formal, 30 overflow, 2 bus bays) exceeds the combined statutory requirement of 66 spaces for the full 200-patron capacity (140 museum + 60 restaurant patrons), providing a surplus of 24 spaces above minimum requirements and ensuring adequate provision for peak operational periods across both development stages.

Amended Plans

33. Changes are proposed to the plans and assessed as follows:

Change	Assessment
Staging of the development into two stages;	Stage 1 will deliver the core building exhibition space, internal access road, part of the car park, required drainage works, key publicly visible landscape works and landscape buffer planting to the eastern boundary. The balance of the development would be delivered in Stage 2, with it anticipated that Stage 2 would commence within two years of completion of Stage 1.



	<p>Staging enables the project to align with available government funding packages, reducing financial risk and ensuring project viability. This approach allows for the demonstration of cost alignment with initial funding amounts before proceeding to subsequent phases, providing greater certainty for both the permit holder and funding bodies.</p> <p>The proposed staging ensures infrastructure and services are delivered in a logical sequence that matches operational requirements.</p>
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Recommendation



34. The proposal is generally consistent with the relevant planning policies of the Bass Coast Planning Scheme and will contribute to the provision of a significant tourism facility on Phillip Island.
35. The proposal is generally supported by the Bass Coast Shire Council.
36. It is recommended that:
 - Endorsement of the Architectural Plans prepared by Architectus, titled National Vietnam Veterans Museum, dated 26 March 2025
 - Endorsement of the Landscape Schematic Design prepared by Tract and dated March 2025;
 - Conditions 3, 5, 6, 14, 18, 23, 24 and 48 are amended to reflect the proposed staging.
37. It is recommended that the permit applicant and the council be notified of the above in writing.



Prepared by: [REDACTED]

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.

Name:	[REDACTED]	Signed:	[REDACTED]
Title:	[REDACTED]		
Phone:	[REDACTED]	Dated:	[REDACTED]

Approved by: **Bart Gane**

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

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Name:	[REDACTED]	Signed:	[REDACTED]
Title:	[REDACTED]		
Phone:	[REDACTED]	Dated:	[REDACTED]