

Assessment Officer Report

Permit No PA2403054 119 Durham Road,
Sunshine:
Vietnamese Museum Australia



Officer Assessment Report
Development Approvals & Design



Department
of Transport
and Planning

OFFICIAL



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Executive Summary



Key Information	Details																
Application No:	PA2403054																
Received:	12 July 2024																
Statutory Days:	44																
Applicant:	Vietnamese Museum Australia Ltd c/- Tract Consultants Pty Ltd																
Planning Scheme:	Brimbank																
Land Address:	119 Durham Road, Sunshine																
Proposal:	Use and development of the land for a place of assembly (museum and function centre) with associated food and drink premises, reduction to the car parking requirement, and signage.																
Development Value:	\$17.155m																
Why is the Minister responsible?	<p>Clause 72.01-1:</p> <p><i>Minister for Planning is the responsible authority for matters under Divisions 1, 1A, 2 and 3 of Part 4 of the Act, and endorsement of, approval of or being satisfied with 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:</i></p> <ul style="list-style-type: none">• ...• <i>Use or development to which clause 53.22 applies.</i> <p>Minister confirmation was provided on 28 March 2024 that application is eligible to apply under Category 3 of Clause 53.23-1.</p>																
Why is a permit required?	<table border="1"><thead><tr><th>Clause</th><th>Control</th><th>Trigger</th></tr></thead><tbody><tr><td>Zone:</td><td>Clause 37.08 Activity Centre Zone (ACZ1)</td><td>Use of land for place of assembly (museum and function centre) Construct a building or construct or carry out works</td></tr><tr><td rowspan="2">Overlays:</td><td>Clause 45.06 Development Contributions Plan Overlay Schedule 1 (DCPO1)</td><td>Construct a building or construct or carry out works</td></tr><tr><td>Clause 45.09 Parking Overlay Schedule 1 (PO1)</td><td>Reduction to the car parking requirements</td></tr><tr><td rowspan="2">Particular Provisions:</td><td>Clause 52.05 Signs</td><td>Floodlit business identification sign</td></tr><tr><td>Clause 52.06 Car Parking</td><td>Reduction to the car parking requirements</td></tr></tbody></table>	Clause	Control	Trigger	Zone:	Clause 37.08 Activity Centre Zone (ACZ1)	Use of land for place of assembly (museum and function centre) Construct a building or construct or carry out works	Overlays:	Clause 45.06 Development Contributions Plan Overlay Schedule 1 (DCPO1)	Construct a building or construct or carry out works	Clause 45.09 Parking Overlay Schedule 1 (PO1)	Reduction to the car parking requirements	Particular Provisions:	Clause 52.05 Signs	Floodlit business identification sign	Clause 52.06 Car Parking	Reduction to the car parking requirements
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	Clause 52.06 Car Parking	Reduction to the car parking requirements															
Cultural Heritage:	The site is not within an area of aboriginal cultural heritage sensitivity.																
Total Site Area:	1,384.62m ²																
Gross Floor Area:	7,806m ²																
Height:	3 storeys excluding plant 15m excluding plant																
Land Uses:	Place of assembly (museum and function centre) with ancillary food and drink premises (café)																
Parking:	<table border="1"><thead><tr><th>Cars</th><th>Bicycles</th></tr></thead><tbody><tr><td>6</td><td>8</td></tr></tbody></table>	Cars	Bicycles	6	8												
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Referral Authorities:	Head, Transport for Victoria (s55 – determining)
Public Notice:	Notice of the application under Clause 37.08-8 (ACZ) is exempt as the building is compliant with the preferred building height as specified in clause 5 of Schedule 1 to the ACZ. Notice under Clauses 52.05 (Signs) and 52.06 (Car parking) not required to be given.
Delegation	Approval to determine under delegation received on 8 January 2024 .



Application Process

1. The application was confirmed as significant and eligible for the planning pathway under Category 2 of Clause 53.22 – Significant Economic Development.
2. The proposed use, being place of assembly, is listed under Table 2 of Clause 53.22 and has an estimated cost of development of \$17.155m, over the \$10m threshold.
3. The applicant has also provided confirmation that the project will be partly funded by the State of Victoria and the Australian Government.
4. The key milestones in the application process were as follows:

Development Facilitation Program	Details
Enquiry lodgement	22 March 2024
Pre-application consideration of eligibility for Clause 53.23	Confirmed by Minister for Planning 28 March 2024

Application process	Details
Application lodgement	12 July 2024
Further information requested	9 August 2024
Further information received	3 December 2024

Decision Plans and Documents	<ul style="list-style-type: none">• Plans prepared by Konzepte known as TP001 – TP050, dated 5 June 2024; TP100, TP101 and TP111 – TP400 dated 21 August 2024; and TP102 and TP110 dated 1 November 2024.• Traffic Impact Assessment (TIA) prepared by Ratio, dated 28 November 2024.• Arboricultural Assessment and Report prepared by Tree Logic, dated 17 September 2024.• Landscape Concept Report prepared by Tract, dated 26 September 2024.• Planning Report prepared by Tract, dated 17 July 2024• Sustainable Design Assessment (SDA) prepared by Eco Results, dated 1 July 2024• Waste Management Plan (WMP), prepared by Ratio, dated 5 July 2024• Green Travel Plan prepared by Ratio, dated 26 June 2024
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5. The subject of this report is the decision plans and documents (as described above).

Proposal Summary

6. The proposal involves use and development of the land for a three storey place of assembly including museum, function centre, and food and drink premises (café), to accommodate a Vietnamese Museum.
7. Specifically, the following is proposed:
 - Three storey / 15m tall building finished with custom shaped metal cladding in bronze and 'red earth' colours.
 - Main foyer and reception accessed from Durham Road and a new forecourt within the site.
 - Vehicle access via the rear laneway with loading and car parking to the rear/south of the proposed building.
 - Six car parking and two bike parking spaces for staff use to the rear/south of the proposed building.



- Six bike spaces for visitors in the forecourt to Durham Road.

Museum

- The museum is proposed to operate 9am – 5pm, seven days per week.
- The museum to have a maximum of 10 staff on site at any time and a maximum patron capacity of 450.

Function Centre

- Proposed to operate 6pm to 11pm.
- Proposed to have a maximum of 15 staff on site (including catering and serving staff, DJ, photographer etc.) and maximum patrons capacity of 250.
- Maximum of 10 functions per month.

Food & Drink Premises (café)

- Open to the public via Durham Road.
- Will operate 9am – 5pm, seven days per week.
- Maximum of two staff on site at any time.
- Permit not required for food and drink premises land use.

Signage

- A double sided, floodlit business identification sign with a 3.6m² panel structure and signs on each face measuring 1.34m².

8. The applicant has provided the following concept images of the proposal:



Figure 1 east view



Figure 2 north west view



Figure 3 south east view from Pollard Gardens



Figure 4 south west view



Site Description

9. The site is located on the south side of Durham Road in Sunshine.
10. The site is rectangular in shape with a frontage to Durham Road of 25.77m, a depth of 38.8m and an overall area of approximately 1,000m².
11. The site is currently owned by Brimbank City Council (the council) and used for the purpose of at-grade open air public car parking. There are a number of planted trees throughout the car park.
12. The site sits centrally in the broader existing council car park. The east and west portions of the existing car park are intended to be separately redeveloped by the council in the future as a new plaza and reconfigured car park respectively.
13. The land is formally described as Lot 2 on Plan of Subdivision 922859P and is not affected by easements or restrictions.

Site Surrounds

14. The site is located approximately 11.8km west of the Melbourne central business district (CBD) and is part of the Sunshine Metropolitan Activity Centre (SMAC) with access to nearby public transport, community, cultural and retail facilities.
15. Nearby services and amenities, parks and retail areas include:
 - R T Pollard Gardens directly to the south (10m).
 - City Place (115m), a commercial street with fine grain shops and street parking.
 - Hampshire Road (200m), Sunshine's 'main street' with well-established retail services.
 - Sunshine Railway Station (235m).
 - Brimbank Community and Civic Centre (600m)
 - Sunshine Plaza (720m).
 - The site is located within the Principal Public Transport Network (PPTN) with walking access to Bus Routes – 471 (Williamstown – Sunshine Station via Newport & Altona Gate SC); 427 (Sunshine Station – Sunshine West via Forrest St); 426 (Caroline Springs – Sunshine Station); 456 (Sunshine Station – Melton via Caroline Springs); and 420 (Sunshine Station – Watergardens Station via Deer Park).

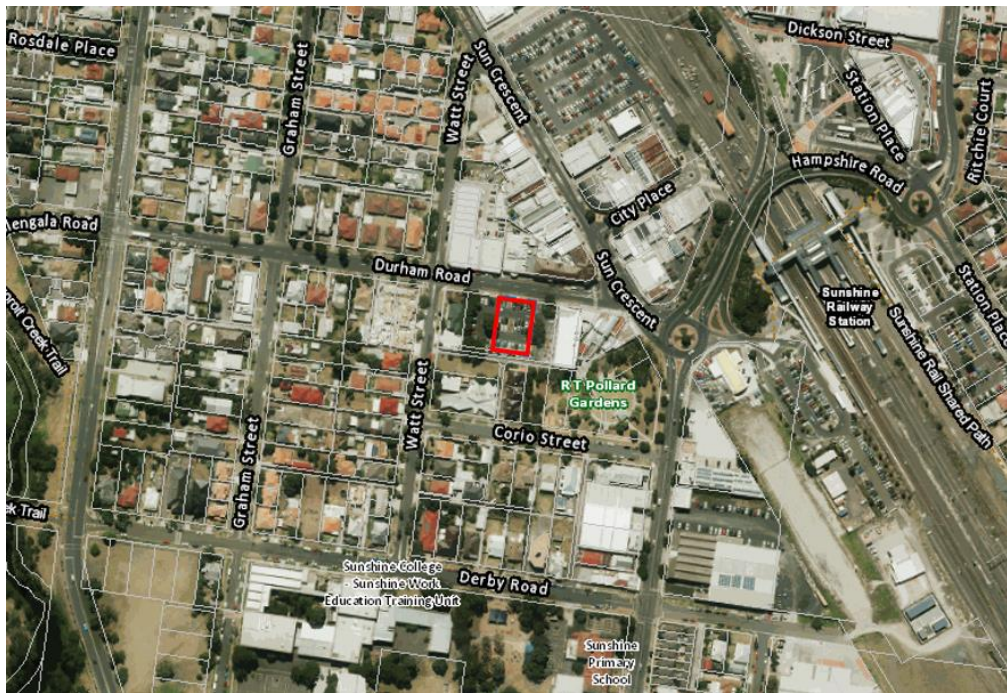


Figure 5 Aerial view subject site

16. Surrounding development comprises a mixture of commercial, civic and community uses with buildings generally of low scale, ranging between one and five storeys in height.
17. The immediate interfaces of the site are described as follows:
 - **North:** Durham Road – a 20m wide road with bus stops on both sides and parallel car parking. Immediately opposite, across Durham Road is a licensed venue, the Hotel Derrimut, at 132 Durham Road.
 - **South:** is the rear unnamed laneway, approximately 4m wide running east-west directly adjacent to the subject site, connecting Watt Street and RT Pollard Gardens. On the south side of the laneway is:
 - 10 Watt Street, a vacant lot.
 - 8 Watt Street, a place of worship.
 - 8 Corio Street, which comprises three double storey townhouses. The rear (northern) townhouse at 8 Corio Street has a balcony facing the subject site.
 - **East:** council car park and 117 Durham Road, a five-storey apartment building with a café at ground level.
 - **West:** council car park and 127 Durham Road, a single-story heritage building currently used as a medical clinic.



Municipal Planning Strategy

18. The following objectives and strategies of the Municipal Planning Strategy are relevant to the proposal:

Clause	Description
02.01	Context
02.02	Vision
02.03-1	Settlement
02.03-3	Environmental risks and amenity
02.03-4	Built environment and heritage
02.03-6	Economic Development
02.03-7	Transport
02.03-8	Infrastructure
02.04	Strategic framework plans

Planning Policy Framework

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

Clause 11	Settlement
11.01-1R	Settlement – Metropolitan Melbourne
11.03-1S	Activity centres
11.03-1R	Activity centres - Metropolitan Melbourne
11.03-1L-01	Activity Centres – Brimbank
11.03-1L-02	Metropolitan and Major Activity Centres – Brimbank
Clause 13	Environmental Risks and Amenity
13.05-1S	Noise management
13.05-1L	Noise abatement - Brimbank
13.06-1S	Air quality management
13.07-1S	Land use compatibility
Clause 15	Built Environment and Heritage
15.01-1S	Urban design
15.01-1R	Urban design - Metropolitan Melbourne
15.01-1L	Urban design - Brimbank
15.01-2S	Building design
15.01-2L-01	Building design - Brimbank
15.01-2L-02	Environmentally Sustainable Development
15.01-5S	Neighbourhood character



15.01-5L	Neighbourhood character - Brimbank
Clause 17	Economic Development
17.01-1S	Diversified economy
17.04-1S	Facilitating Tourism
17.05-1R	Tourism in Metropolitan Melbourne
Clause 18	Transport
18.01-1S	Land use and transport integration
18.01-3S	Sustainable and safe transport
18.01-3R	Sustainable and safe transport – Metropolitan Melbourne
18.02-2S	Cycling
18.02-3S	Public transport
18.02-3R	Principal Public Transport Network
18.02-4S	Roads
Clause 19	Infrastructure
19.01-1S	Energy supply
19.01-2R	Renewable energy – Metropolitan Melbourne
19.03-2S	Cultural facilities
19.02-3R	Cultural facilities - Metropolitan Melbourne
19.02-3L	Cultural facilities - Brimbank
19.02-4S	Social and cultural infrastructure
19.02-4L	Social and cultural infrastructure - Brimbank
19.03-3S	Integrated water management
19.03-3L	Integrated water management - Brimbank

Zoning, Overlays and Provisions

Activity Centre Zone (ACZ1)

20. Schedule 1 to the ACZ relates to the Sunshine Town Centre. Clause 3.0 of the ACZ1 specifies that a permit is required to use the land for a place of assembly.
21. A permit is not required for a food and drink premises.
22. Pursuant to Clause 37.08-5 (Buildings and Works) a permit is required to construct a building or construct or carry out works.

23. Pursuant to Clause 9.0 of the ACZ1, advertising sign requirements are at clause 52.05. The subject land (Core Commercial Area) is in Category 1.

Development Contributions Plan Overlay Schedule 1 (DCPO1)

24. Pursuant to Clause 45.06-1 a permit granted must:
- Be consistent with the provisions of the relevant development contributions plan.
 - Include any conditions required to give effect to any contributions or levies imposed, conditions or requirements set out in Schedule 1 to this overlay.
25. The development contributions plan applies to all new development within the Sunshine Town Centre Structure Plan area.

Parking Overlay and Clause 52.06 Car Parking

26. Clause 45.09-3 specifies that a schedule to the Parking Overlay (PO) sets out permit requirements and exemptions. This overlay operates in conjunction with Clause 52.06.
27. Clause 2.0 of Schedule 1 to the PO does not specify a parking rate for place of assembly. Accordingly, the applicable parking rate in Column B of Table 1 of Clause 52.06-5 applies.
28. Clause 52.06 specifies a rate of 0.3 spaces to each patron permitted, resulting in a requirement for 123 car parking spaces in relation to the museum element of the proposal and 60 spaces in relation to the function centre aspect of the proposal. The hours of the museum and the function centre are not proposed to overlap. As such a total of 123 car spaces is required.
29. The proposal includes a total of six car parking spaces on site for staff. Accordingly, a permit is required to reduce the car parking requirement.

Clause 52.05 Signs

30. Pursuant to Clause 52.05-11, a permit is required for a floodlit sign.

Clause 52.34 Bicycle Facilities

31. Pursuant to Clause 52.34-2 a permit may be granted to vary, reduce or waive any requirement of Clause 52.34-5 (Required bicycle facilities) and Clause 52.34-6 (Design of bicycle spaces).
32. The proposal generates a requirement for one staff and three visitor bicycle spaces. The proposal provides eight spaces. As such, a permit is not required under Clause 52.34.

Clause 53.18 Stormwater Management in Urban Development

33. 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.

Clause 53.22 Significant Economic Development

34. Clause 53.22 seeks to facilitate projects that will make a significant contribution to Victoria's economy and provide substantial public benefit, including jobs for Victorians.
35. The development has been confirmed as eligible under Category 2 of Clause 53.22 of the Brimbank Planning Scheme as part of the Development Facilitation process.
36. Pursuant to Clause 53.22-4 an application under any provision of this planning scheme is exempt from the decision requirements of sections 64(1), (2) and (3), and the review rights of sections 82(1) of the Act.

Referrals

37. The application was referred to the following groups:

Organisation	Response and date received
Head, Transport for Victoria (Section 55 Referral – Determining)	No objection, subject to conditions 11 December 2024
Brimbank City Council	No objection, subject to conditions 6 December 2024

Transport for Victoria

38. Transport for Victoria (TfV) notes that access for the museum will be via Watt Street and the council will address future Durham Road changes, including relocation of bus infrastructure as part of the wider works. TfV will continue to require the protection of bus infrastructure and operations along this route during the construction process.
39. TfV does not object if the permit is subject to the conditions relating to no disruption to bus operations or bus stop infrastructure on Durham Road without the prior written consent of the Head, TfV. These conditions will be included on the permit.

Brimbank City Council Comments

40. The council advised that it has no objection to the proposal subject to conditions.
41. A full suite of draft permit conditions has been provided by the council. Key conditions relate to:
- Caps on Hours of operation patrons, number of functions per year
 - Acoustic report
 - Noise and amenity plan/patron management plan
 - Confirmation of '2 way access' of the rear laneway
 - Bus parking plan
 - ESD initiatives
 - Tree Protection Management Plan
 - Construction Environmental Management Plan
 - Development contributions.

Office of the Victorian Government Architect (OVGA)

42. The OVGA provided advice as part of the Development Facilitation process on an earlier version of the proposed design, advising that the project is an appropriate addition to the local area and the architectural design is generally supported. Further resolution was recommended for the south and west elevations (to address blank walls), as well as services and landscaping to the street frontage. Key OVGA comments are summarised as follows:
- The project appears to be appropriate for the location and neighbourhood, the architectural design approach, materials and detailing are generally appropriate and supported.
 - Greater design consideration is required for boundary walls and the south façade. The design needs to be read as a holistic object rather than having two active facades and two blank facades.
 - The lack of articulation to the blank western façade requires further design consideration. Consider moving the building east to allow for the precast 'waves' to north and east facades to be applied along the west. Consider landscape opportunities to the west carpark interface to improve and soften this boundary condition.



- The driveway / carpark on the west could be more sensitively 'designed in' to the site response.
- Services need to be better incorporated, either into the building or integrated into an alternative design solution clearly separated from the building.
- Further development of the landscape design is encouraged.
- The open, interconnecting stairs at the entrance are strongly supported.
- Consider how soft and hard landscape to carpark, plaza, and street frontage can minimise heat island effect, resolve WSUD, and expand the building's concept to the public realm, making it more 'public' in line with its use.

43. Following the OVGA advice and prior to lodgement of the planning permit application, the design was revised generally as follows:

- The western and southern elevations revised to incorporate the wave patterns similar to the northern and eastern elevations to provide articulation and visual interest whilst protecting the future development potential of the adjoining car park.
- The front setback has been reconfigured to introduce additional landscaping and screening of services.
- A landscape report has been prepared and shows soft and hard landscape to the eastern plaza and northern street frontage.



Figure 6 Comparison of OVGA considered design and revised proposal

Notice

44. The application as it relates to land use and buildings and works is exempt from notice under the ACZ1.

45. The application as it relates to car parking reduction and signage is not exempt from notice. It is noted that, if not for the signage permit trigger, the car parking reduction would be exempt from notice as discussed further below.

ACZ1

46. An application under Clauses 37.08-2 (table of uses), 37.08-5 (buildings and works) or 37.08-6 (design and development) 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 Act unless the schedule to the ACZ specifies otherwise.
47. An application that complies with the preferred building height as specified in Clause 5 of the ACZ1 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 Act.
48. The proposed height of 3 storeys / 15m complies with the 8-9 storey /30m preferred maximum height specified for the site at Clause 5.3 of the ACZ1.

Clause 52.06 – Car Parking

49. Pursuant to Clause 52.06-4, an application to reduce the parking requirement (under Clause 52.06-3) 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 Act if, in respect of all other permissions sought, 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 Act.

Clause 52.05 – Signs

50. An application under Clause 52.05 is not exempt from notice.

Clause 53.22 – Significant Economic Development

51. Pursuant to Clause 53.22-4 an application under any provision of this planning scheme is exempt from the decision requirements of sections 64(1), (2) and (3), and the review rights of sections 82(1) of the Act.
52. Notice of the application was not considered to be required given:
- The built form does not exceed the preferred building height specified in the ACZ1.
 - The use and development is exempt from notice under the ACZ1.
 - The car parking reduction would be exempt from notice if not for the proposed sign.
 - The proposed sign is not considered to cause detriment given it is a reasonable size, is located at ground level, faces into the commercial area within the ACZ1 (rather than residentially zoned land), is appropriate to its commercial context, and is located a sufficient distance from neighbouring residential properties.



Strategic Direction and Land Use

53. The Planning Policy Framework encourages appropriate land use and development which enhances the built environment, supports economic growth, meets the community expectations on retail and commercial provision, delivers diversity in housing supply to meet existing and future needs, and integrates transport and infrastructure planning.
54. Sunshine is identified in Plan Melbourne as a metropolitan activity centre which is a place of state significance that will be the focus for investment and growth. Metropolitan activity centres are to provide a diverse range of jobs, activities and housing for regional catchments that are well served by public transport.
55. The proposal will support the role of Sunshine as a Metropolitan Activity Centre and Brimbank's highest order activity centre, delivering new social infrastructure to meet the needs of the community (Clauses 02.03-1 and 02.03-8).
56. The proposal will contribute investment and growth in the SMAC, close to public transport and compatible use and development (Clause 11.01-1S, 11.03-1S, 11.03-1R, 13.06-1S, 13.07-1S, 17.01-1S, 18.01-1S, 18.02-3S, 18.02-3R).
57. The activity centre will benefit through increased activation, community facilities, connection to transport, and increased choices in services, employment and social interaction (Clause 11.03-1S and 11.03-1R).
58. The proposal meets the purpose of the ACZ1 to provide for a mixture of uses and the intensive development of the activity centre as a focus for business, shopping, working, housing, leisure, transport and community facilities.
59. The proposal responds to and Clause 15.01-2S which encourage attractive, safe, high amenity neighbourhoods that have a strong sense of identity and new building design outcomes that positively contribute to strategic and cultural context.
60. The proposed building has a distinct design to demarcate the museum land use. This will support policy objectives for creation of well-designed places that are memorable, distinctive and liveable and support the growth and development of Melbourne's cultural precincts (Clause 15.01-1R).
61. The proposed forecourt to the north-east of the building will provide for connections to future adjoining open space and enable visual and physical connections (Clauses 11.03-1L-01 and 15.01-1L).
62. The reduced on-site car parking provision supports objectives to enhance sustainable personal and public transport use, and protect air quality (Clauses 11.03-1L-01, 13.06-1S and 18.02-1S).
63. The bicycle and end of trip facilities will facilitate walking and cycling and will discourage use of private motor vehicles (Clauses 15.01-4S, 18.01-3S, 18.01-3R, 18.02-2S).
64. The building will incorporate environmentally sustainable design measures with a sustainable management plan provided (Clauses 02.03-3 and 15.01-2L-02).

ACZ1

65. The proposed place of assembly (museum and function centre) and associated food & drink premises are aligned with the purpose of the ACZ to encourage a mixture of uses and the intensive development of the activity centre as a focus for business, shopping, working, housing, leisure, transport and community facilities.
66. The proposal aligns with the intent of the ACZ1 for the Sunshine town centre to concentrate retail, community and entertainment uses within the Main Street Precinct, particularly around the Sunshine Railway Station.
67. The proposal responds to the objectives, requirements and guidelines for Precinct 3 – South Village of the ACZ1 as per the table below.



ACZ1 Requirement (Precinct 3 – South Village)	Proposal
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5.3-2 Precinct objectives

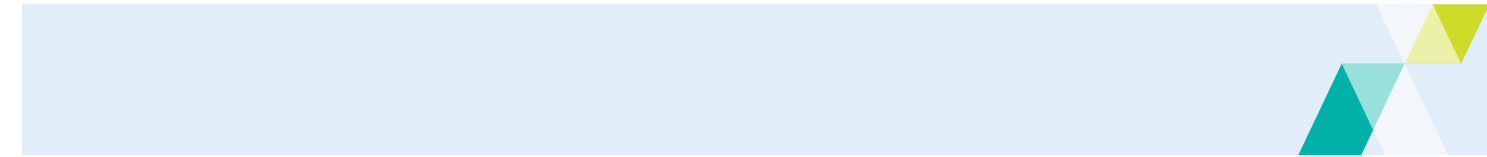
Use	<p><i>To reinforce Sun Crescent and City Place as the Village centre.</i></p> <p><i>To provide for a range of residential and commercial uses that capitalise on the proximity to Sunshine Railway Station.</i></p> <p><i>To extend the street network within the precinct.</i></p>	<p>The proposal will add to the activity and variety of uses in the area around Sun Crescent and City Place.</p> <p>The proposal will bring people to the centre and capitalise on the proximity of the railway station. The reduction to car parking provision will help to emphasise sustainable transport including train travel.</p>
Development	<p><i>To enhance the existing traditional (early 20th Century) retail character of Sun Crescent and City Place.</i></p> <p><i>To encourage the conservation and enhancement of the heritage character of Sun Crescent and City Place.</i></p> <p><i>To enhance the southern entry to the Sunshine Town Centre along Hampshire Road.</i></p>	<p>The subject site is not affected by a Heritage Overlay and will not diminish the southern entry to the centre nor the traditional retail character of Sun Crescent and City Place.</p>

5.3-3 Precinct requirements

Use	<p><i>Residential uses should be located above ground floor level.</i></p>	<p>Not applicable.</p>
Development	<p><i>The development of the former industrial and rail corridor land declared surplus to the east of Hampshire Road, and south-west of the railway corridor, should include:</i></p> <ul style="list-style-type: none"><i>An extension of Sun Crescent from the intersection with Hampshire Road through to Stanford Street.</i><i>The creation of a fine-grain movement and access network and block pattern.</i>	

5.3-4 Precinct guidelines

Use	<p><i>The extension of the Village commercial area through increased local retail, service and entertainment uses along Hampshire Road to Derby Road is encouraged.</i></p> <p><i>Uses that promote or support pedestrian activity, activate street frontages and promote a village feel are encouraged, particularly in locations close to the Sunshine Railway Station. This may include:</i></p> <ul style="list-style-type: none"><i>Local convenience retail uses.</i><i>Restaurants and cafes.</i><i>Uses that operate in the evening.</i> <p><i>Community and cultural uses, such as art studios, theatres and galleries, are encouraged.</i></p> <p><i>The transition of existing industrial areas to commercial or residential uses is encouraged.</i></p>	<p>The proposal will provide a unique cultural use.</p> <p>The land use will draw people to and promote pedestrian activity in the centre.</p> <p>The proposed forecourt adjacent to the street frontage and reduced car parking provision which will also encourage pedestrian activity.</p>
Development	<p><i>Development that enhances the existing character of the precinct through well-articulated, human-scaled, built form is encouraged.</i></p>	<p>The proposed development will provide institutional architecture whilst responding to the scale of the precinct and achieving human scale using a defined foyer entry and pedestrian forecourt.</p>

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68. The museum and food and drink premises will operate from 9am to 5pm daily which is considered generally consistent with commercial activities in an activity centre.
69. The function centre would operate from 6pm to 11pm, ensuring its hours do not overlap with that of the museum. A maximum of 10 functions per month are proposed. The hours and limited functions will limit the potential impact on more sensitive uses in the vicinity of the subject site.
70. Potential amenity impacts related to noise, traffic and general operation of the proposed use can be appropriately managed through permit conditions.
71. The council has recommended permit conditions requiring limits on hours, patrons and functions as follows:
- *The Place of Assembly (Museum) use may operate only between the hours of 9am to 5pm Mondays to Sundays without the written consent of Brimbank City Council.*
 - *The Place of Assembly (Function Centre) use may operate only between the hours of 6pm and 11pm Mondays to Sundays without the written consent of Brimbank City Council.*
 - *Not more than 410 patrons may be present on the Place of Assembly (Museum) premises at any one time without the written consent of Brimbank City Council.*
 - *Not more than 200 patrons may be present on the Place of Assembly (Function Centre) premises at any one time without the written consent of Brimbank City Council.*
 - *Not more than 120 functions per calendar year may occur for The Place of Assembly (Function centre) in association with conditions 15 and 17 of this planning permit.*

Buildings and Works

Height and Setbacks

72. The overall building height of 15m is considered generally acceptable having regard to the 8-9 storey (30m) preferred height under the ACZ1.
73. The building is setback 0m from the west side boundary which interfaces with a council car park. The council car park is expected to be reconstructed with new pedestrian path and retained existing tree adjacent to the proposal.
74. The proposed building angles away from the east interface with a minimum setback of 2m at the southern end of the building increasing to 7.4m and the northern end. This allows for the proposed landscaped public forecourt on the site which will integrate with a future council plaza to the east.
75. The rear of the building (excluding the ground level bin storage) is setback 6.2m from the south boundary to provide for car parking and loading within the site. Combined with the rear laneway, this provides a 12.2m setback from the neighbouring southern properties.
76. The side and rear setbacks are considered acceptable given the location of the site within a metropolitan activity centre which has an evolving character moving toward higher density development. The proposal will not affect sensitive residential uses and will respond to the civic nature of east and west adjoining land.
77. The proposal provides for equitable development noting the intended future use and development of the adjoining council land to the east and west. The council report on *Consideration of the Proposed Sale of (part) Durham Road Car Park for the development of a Cultural Museum* (Brimbank Council Meeting No. 631 19 March 2024) (the Council Report) refers to the subject site sitting centrally within the existing Durham Road Car Park which provides the council with flexibility to explore the delivery of complementary works on the balance of the car park site including:
- A reconfigured car park and, a new car park entry from Durham Road and connection to the rear laneway.
 - A new park/plaza space at the eastern end of the existing Durham Road Car Park located adjacent to the proposed museum which would provide a connection between R T Pollard Gardens and be a 'Welcome Plaza' with public seating, lighting, vegetation and decking.

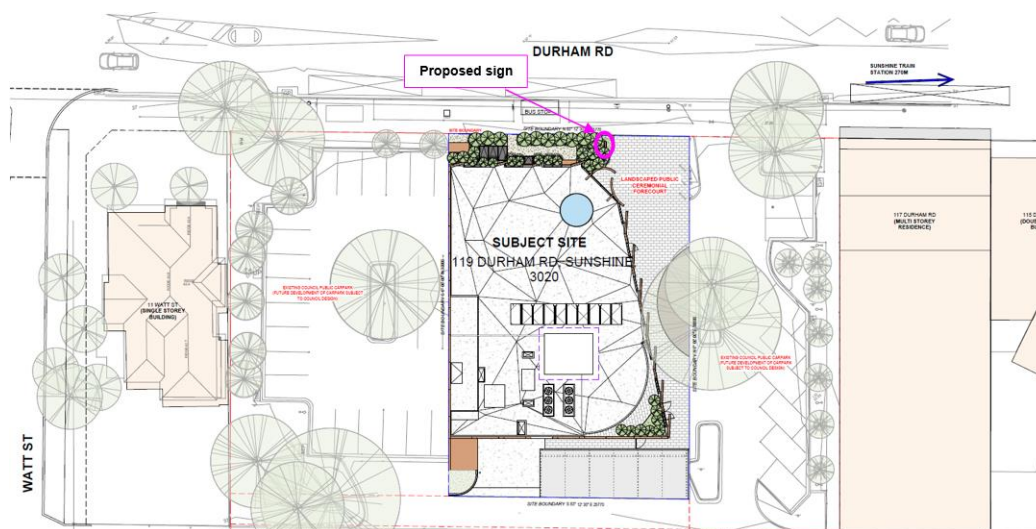
78. The submitted plans show that these works have been accounted for in the proposed design.
79. The ground level is setback a minimum of 3.32m from the Durham Road boundary which will allow for services and landscaping that will help to soften and screen services structures.

Design Detail

80. The proposed design is considered to reflect the public nature of the building.
81. Parapet panels around the building facade feature custom shapes and varied heights to achieve wave forms that are intended to symbolise the journey of the Vietnamese community in travelling to Australia.
82. The proposed materials and finishes with warm and red/copper tones are intended to signify the Australian red earth and landscape.
83. Clear glazing is limited to the north and eastern elevations to provide targeted activation to the Durham Road frontage and the proposed forecourt whilst balancing the need for solidity to manage light-sensitive artefacts and exhibition areas inside the building.
84. Building services have been thoughtfully designed noting the constraints of service authority requirements. The services are considered acceptable given:
 - Waste, loading and car parking areas are located at ground level to the rear of the building, away from streets and public spaces and ensure the pedestrian entry is the primary focus.
 - Electrical services are integrated into the building façade and fire booster cabinet materials match the building façade to provide a visually recessive finish.
 - Building plant is generally located on the roof which ensures appropriate concealment and incorporation with the overall building to ensure visual impacts are minimised.
85. Overall, the design detail including building services will provide a high quality outcome and positive pedestrian experience.

Signage

86. The proposed sign is a reasonable size, is located at ground level, faces the commercial area within the ACZ1 (rather than residentially zoned land), is appropriate to its commercial context, and is located a sufficient distance from neighbouring residential properties.
87. Permit conditions will ensure external uplighting does not cause adverse impacts.






Amenity and Microclimate

Amenity Impacts

88. The subject site is within an activity centre where commercial uses are expected and where surrounding development includes a mix of commercial and residential uses. Accordingly, it is considered that there is an expectation of different amenity compared with a typical residential neighbourhood.
89. The proposal minimises amenity impacts through appropriate siting with generous setbacks from adjacent residential buildings. Car parking and loading are to the rear where the site is separated from the neighbouring dwellings by an existing laneway.
90. The proposal also minimises amenity impacts through the proposed hours of operations primarily during the daytime.
91. The building roof includes a circular skylight which will allow daylight to penetrate down to the floors below and provide good internal amenity.
92. Clause 13.05-1S (Noise management) seeks to assist the management of noise effects on sensitive land uses. It is noted the council has recommended a permit condition requiring an acoustic report.
93. It is considered that the siting and design of the building with separation from the residential development at 117 Durham Road and 8 Corio Street provides an appropriate balance of the purpose of the SMAC as a vibrant mixed use precinct with the strategies under Clause 13.05-1S without the need for an acoustic report.
94. The neighbouring residential properties are located within the ACZ1 and it is considered that there is an expectation for different noise levels compared with a typical residential suburb.
95. Permit conditions related to Environment Protection Authority noise policy will be included to ensure appropriate noise levels.

Overshadowing

96. The ACZ requires consideration of solar access to the building and on the public realm. The ACZ1 requires consideration of the extent of impact as a result of visual appearance, overshadowing or wind effects on the street, public realm, adjoining properties and the surrounding area.
97. The submitted shadow diagrams show that the proposal will not affect the Durham Road footpath. The shadow will impact the car park to the west, the southern laneway and the existing car park to the east. This car park is expected to be redeveloped into a pedestrian forecourt/plaza.

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98. Given that the concept of a potential eastern plaza was adopted by council in conjunction with consideration of the museum (as discussed in the Council Report), some overshadowing of this space is to be expected. The proposal will not affect the intention for the plaza, as outlined in the Council Report, to provide a connection between R T Pollard Gardens, the proposed museum and shopping strip on Duram Road and Sun Crescent and be a dedicated pedestrian space (i.e. closed to vehicles) that accommodates public seating, lighting, vegetation and tree planting.
 99. The proposal is considered to respond to the ACZ1 and result in an acceptable level of overshadowing with no impact to current public realm and acceptable impact to the future plaza on balance with the overall benefit of the proposal.

Wind

100. The proposal is not expected to result in unreasonable wind conditions given the relatively small scale of the building.

Landscaping

101. The submitted arborist report confirms that four trees are nominated for removal within the subject site (Trees 32, 33, 34 and 35 (*Melia azedarach* (White Cedar)) which are identified as of moderate quality, in fair condition and of relatively small size (3-4m high and 4-5m wide canopy).
102. Trees 15, 16, 17 and 31 are proximate to the site boundaries and proposed development. A permit condition will require tree protection measures.
103. Landscaping is to blend with the future adjoining plaza to the east, the future council car park to the west and the existing RT Pollard Gardens to the south.
104. Landscaping is also shown to the street setback and the level 2 roof garden. This will soften views to the building and the surrounding hardscape surfaces.
105. A detailed landscape plan will be required as a permit condition.

Car and Bicycle Parking, Traffic, Loading, and Other Services

Car Parking

106. The proposal generates a requirement for 123 car spaces associated with the museum and 60 spaces associated with the function centre. The hours of each are not proposed to overlap. As such, the proposal has a statutory requirement to provide a total of 123 car parking spaces
107. It is proposed to provide a total of six spaces at the rear of the site for staff of the development. Accordingly, a reduction of 117 car spaces is sought.
108. The proposed reduction of 43 car spaces is considered acceptable given the site is located within the SMAC, within the Principal Public Transport Network (PPTN) area, and has excellent access to alternative transport.
109. The TIA confirms that staff of the development will likely generate long-stay demand associated with the length of their shifts while visitors are likely to generate short-stay demand. As such, staff have been provided a total of 6 spaces on-site to cater for their long stay demands. Visitors travelling to/from site via a private motor vehicle will generate a consistent turnover of parking which will leave vacant spaces for other visitors.
110. The on-street parking supply within immediate vicinity of the subject site is restricted with the presence of 1/4P to 2P restrictions, 'No Stopping' areas and a 'Bus Zone' area that limit the opportunity to rely on public parking.
111. Parking surveys in the TIA demonstrate that there is existing capacity to accommodate short-term car parking within the area (minimum of 29 vacant car spaces based on surveys and excluding the loss of 59 car spaces within the existing council carpark).



112. The Council Report notes that parking impacts were considered as part of the sale of the subject site and considered review of:
- The existing supply, management and demand for public car parking in the area.
 - The impacts of the museum proposal and partial loss of the Durham Road Carpark on public parking availability.
 - Options for mitigating the potential impacts to public parking availability in the area.
113. The Council Report notes that the impact of the proposed museum and partial closure of the existing Durham Road carpark:
- Could readily be accommodated during the day within the car parking available close to the site.
 - During the evening, functions had the potential to use all available car parking within approximately 200m of the site (excluding 352 commuter car spaces available south of the rail line).
114. Overall, the proposed car parking is considered acceptable given the sites location within the SMAC and policy to encourage alternative transport use.

Bicycle Parking

115. The proposal will provide more than the required bicycle parking spaces which will facilitate bicycle use and partly compensate for the car parking reduction.

Traffic

116. The submitted TIA confirms that:
- Traffic generated by staff will flow directly onto Watt Street, before accessing the surrounding road network. The projected peak traffic generation of three vehicle trips is equivalent to one vehicle movement every 20 minutes on average.
 - The traffic generated by visitors could be up to 62 trips per hour during the day and 30 trips per hour during the evenings. The projected peak traffic generation of 62 vehicle trips is equivalent to one vehicle movement every minute.
 - The additional three traffic movements in the peak hours and up to 62 vehicle trips during the museums peak hours are unlikely to make any material impact on the function of Durham Road, Watt Street and the surrounding road network.
 - The traffic generated above that of the on-site car parking will be spread across the offsite parking and on-street parking areas across the nearby precinct. This activity is expected to be readily catered for by the surrounding road network.
117. The laneway connecting the subject site to Watt Street is single width for a distance of 25.8m (between Watt Street and 123 Durham Road) with the remainder of the laneway 6.4m wide. This satisfies the condition that passing opportunities should be provided at least every 30 metres as per Australian Standard (AS) 2890.1.
118. The submitted TIA confirms that the total traffic generated by the proposed development combined with existing neighbouring properties will be in the order of 18 vehicles per peak hour period and, as such, would operate within its capacity of 30 vehicles during peak hour periods and would not warrant provision of a passing area as guided by Australian Standard (AS) 2890.1.
119. The existing 'No Entry' signs at the Watt Street end of the laneway would need to be removed for the proposal.
120. As per the Parking Management Strategy prepared by Traffix Group for the Council Report, coach buses delivering visitors to the proposed museum will access Corio Street adjacent to RT Pollard Gardens.
121. The TIA indicates that one bus group would attend at any given time, with either a morning or afternoon session, using a coach-sized vehicle. These buses can access Corio Street from either Durham Road or Watt Street, with



both intersections featuring mountable islands that can be traversed by buses. Given the low frequency of bus movements, this arrangement is considered appropriate.

122. To accommodate a coach-sized bus parked on the north side of Corio Street adjacent to RT Pollard Gardens, the TIA recommends installation of bus zone signage designating this area for bus parking. This would involve separate consideration by the council.
123. Figure 7 is taken from the TIA and illustrates the proposed location for the signage, allowing a bus to park, and alight passengers who would then walk through RT Pollard Gardens to access the museum's rear entrance via the existing pathway.




Figure 7 Bus arrangements

Loading

124. Clause 65.01 of the Planning Scheme states that the responsible authority must consider the adequacy of loading and unloading facilities.
125. Loading and unloading activities will primarily be related to the delivery of goods to the food and drink premises (café) and delivery of goods to the museum, using small vans and vehicles up to the size of a 6.4m long small rigid vehicle (SRV) for access via Watt Street and the rear laneway.
126. The swept path diagrams in the TIA demonstrate that loading can be undertaken with the nominated vehicles and respective access points.
127. All loading is recommended to occur outside of commuter peak periods to avoid potential conflicts with motorists accessing the car park and rear laneway as well as coinciding with bus access and access to the tenancies located east and south of the site.
128. It is considered that loading and unloading associated with the proposed museum can appropriately be accommodated within the loading bay and not coincide with the commuter peak periods.
129. It is recommended that a loading management plan be required as a condition of permit.

Waste

130. Waste collection will occur via a private contractor from the on-site loading area to the rear.
131. The WMP confirms that, due to the proximity of residential properties and to address noise policy, waste collection times will be limited to 7am – 6pm Monday to Friday excluding public holidays.

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132. Swept path diagrams are included in the WMP. However, these show an 8.8m long rear loader and are based on access through a future council car park to the west which has not been redeveloped and is not consistent with existing conditions.
 133. The TIA shows swept paths for a 6.4m long mini rear loader via the rear laneway connecting to Watt Street and demonstrate that this type of waste vehicle can access the proposed loading area and exit the site in a forward direction.
 134. Given the inconsistency between waste vehicles and collection route referred to in the WMP and TIA, a permit condition will require this be resolved.
 135. It is noted that the council have not sought any specific changes to the WMP.
 136. Subject to conditions, the waste management plan is considered acceptable.

Sustainability

Environmentally Sustainable Design (ESD) and Water Sensitive Urban Design (WSUD)

137. In accordance with Clause 15.01-2L-02, a sustainable design assessment (SDA) and green travel plan has been provided.
138. The submitted SDA includes the following key environmentally sustainable design (ESD) measures:
 - All-electric development.
 - A minimum 13.2kW solar photovoltaic system on the rooftop.
 - Water efficient fittings and fixtures.
 - 12kL rainwater tank and 102% STORM rating.
 - Passive shading design principles.
139. The council has recommended permit conditions requiring further detail and ESD measures. These conditions will be included on the permit.
140. The proposal responds to Clause 53.18 by:
 - Providing water sensitive urban design measures, in the form of a rainwater tank connected to toilet flushing, that meet the best practice.
 - Providing landscaping to contribute to cooling.
141. A permit condition will require the SDA to detail site management procedures to reduce the stormwater pollution during construction phase. The council has also recommended permit conditions requiring measures to ensure that, during the construction phase of the development, only clean rainwater shall be discharged to the stormwater drainage system.
142. Subject to conditions, the proposal provides an acceptable ESD outcome.

Development Contributions

143. Permit conditions will require Development Infrastructure Levy be paid to Brimbank City Council in accordance with the approved Sunshine Development Contributions Plan and the DCPO1.



144. The proposal is generally consistent with the relevant planning policies of the Brimbank Planning Scheme and will contribute to economic development and the provision of cultural and community facilities within the Sunshine Metropolitan Activity Centre.
145. It is recommended that Planning Permit No. PA2403054 for use and development for a place of assembly (museum and function centre), associated reduction in car parking, and a floodlit business identification sign at 119 Durham Road, Sunshine be issued subject to conditions.
146. It is recommended that the applicant, the council and objectors be notified of the above in writing.

Prepared by:

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.

[Redacted Signature]

Dated: 2 January 2025

Reviewed / Approved by:

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.

[Redacted Signature]

Dated: 10 January 2025