

# Planning Report

Tract



## Planning Permit Application

24 Churchill Road, Newhaven

Prepared for National Vietnam Veterans Museum

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# Overview

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### Background

Applicant / Owner	National Vietnam Veterans Museum (NVVM)
Address	24 Churchill Road, Newhaven
Lot Description	Lot 1 on PS729804

### Relevant Planning Provisions

Municipal Planning Strategy	Clause 02.03-4 – Natural Resource Management, Agriculture Clause 02.03-5 – Built Environment and Heritage Clause 02.03-7 – Economic Development, Agriculture and Tourism Clause 02.03-9 – Infrastructure, Stormwater Management
Planning Policy Framework	Clause 12 – Environmental and Landscape Values Clause 13 – Environmental Risks and Amenity Clause 14 – Natural Resource Management Clause 15 – Built Environment and Heritage Clause 17 – Economic Development Clause 18 – Transport Clause 19 – Infrastructure
Zone	Farming Zone
Overlays	N/A
Particular Provisions	Clause 52.05 - Signs Clause 52.06 – Car Parking Clause 52.17 – Native Vegetation Clause 52.34 – Bicycle Facilities Clause 52.29 – Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road Clause 53.22 – Significant Economic Development Clause 62.02 – General Exemptions
Strategic Planning Documents	Bass Coast Unlocking Rural Tourism (BURT) Strategy, January 2023 Bass Coast Distinctive Areas and Landscapes Draft Statement of Planning Policy and Draft Landscape Planning Controls, 2022 Assessment of Agricultural Land Capability in Melbourne’s Green Wedge and Peri-urban Areas, 2018 Plan Melbourne 2017-2050, 2017 Phillip Island and San Remo Visitor Economy Strategy 2035, 2016 Gippsland Regional Growth Plan, 2014 Bass Coast Rural Land Use Strategy Part 1 (2013) and Part 2 (2014)

**Permit Application Details**

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Description of Proposal	Use and development of the land for a Museum and Restaurant (Café), the removal of native vegetation, the construction and display of business identification signage, and the creation of access to a TRZ2 road.
Permit Requirements	<p><b>Clause 35.07-1</b> – Use of the land for ‘Museum’ and ‘Restaurant’ (Café).</p> <p><b>Clause 35.07-4</b> – Construct or carry out works associated with a Section 2 Use. Construct a building within 100m the Transport Zone 2.</p> <p><b>Clause 52.17-1</b> – Remove, destroy or lop native vegetation.</p> <p><b>Clause 52.05-2</b> – Construct or display a sign.</p> <p><b>Clause 52.29-2</b> – Land adjacent to the Principal Road Network.</p>

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# Quality Assurance

## Planning Report

Planning Permit Application  
24 Churchill Road, Newhaven

Project Number

319-0168-00-P-04-RP01

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## Revisions

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Issue	Date	Description	Prepared By	Reviewed By	Project Principal
00	23/03/2021	Planning Application Report	AD	MZ	KM
01	01/02/2024	Planning Application Report (submission to DTP)	HL	MZ	KM
02	18/03/2024	Amendment to reflect removal of one flag pole	MZ	MZ	MZ

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# 1 Introduction

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## 1.1 Purpose

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This report has been prepared by Tract Consultants Pty Ltd upon the instruction of **National Vietnam Veterans Museum (NVVM)** in support for a planning permit application for the establishment of a Museum and a Restaurant (café) at 24 Churchill Road, Newhaven ('the Site').

This application is being lodged under Clause 53.22 – Significant Economic Development and triggers a planning permit under the following provisions of the *Bass Coast Planning Scheme*.

- **Clause 35.07-1** – Use of the land for 'Museum' and 'Restaurant' (Café).
- **Clause 35.07-4** – Construct or carry out works associated with a Section 2 Use.  
Construct a building within 100m the Transport Zone 2
- **Clause 52.17-1** – Remove, destroy or lop native vegetation.
- **Clause 52.05-2** – Construct or display a sign.
- **Clause 52.29-2** – Create access to a road in a Transport Zone 2.

This report has considered the following documents:

- The Bass Coast Planning Scheme.
- Bass Coast Unlocking Rural Tourism Strategy, January 2023.
- Bass Coast Distinctive Areas and Landscapes Draft Statement of Planning Policy and Proposed Planning Controls, March 2022.
- Assessment of Agricultural Land Capability in Melbourne's Green Wedge and Peri-urban Areas, 2018.
- Phillip Island and San Remo Visitor Economy Strategy 2035, 2016.
- Plan Melbourne 2017-2050, 2017.
- Gippsland Regional Growth Plan, 2014.
- Bass Coast Rural Land Use Strategy Part 1 (2013) and Part 2 (2014).
- San Remo, Newhaven & Cape Woolamai Structure Plan, 2010.

The project team assembled by NVVM comprises:

- **Architectus** – Project Architects.
- **Tract** – Town Planning and Landscape Architecture.
- **Nature Advisory** – Flora and Fauna Consultants.
- **Extent** – Cultural Heritage Advisors.
- **Hip vs Hype** – ESD Consultants.
- **Traffix** – Traffic Engineers.
- **One Mile Grid** – Waste Engineers.
- **TTW** – Civil Engineers.
- **Phillips Agribusiness** – Agricultural Consultant.
- **XWB Consulting** – Bushfire Consultant.

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## 1.2 The National Vietnam Veterans Museum

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The National Vietnam Veterans Museum (NVVM) is Australia's only museum dedicated to preserving and sharing the experiences of Vietnam War veterans and the legacy of the war. The current collection at 25 Veterans Drive in Phillip Island houses artefacts, memorabilia and exhibits collected over 30 years from returned servicemen and their families. The museum originally started as a travelling collection that toured by bus. It was then housed in an interim garage in San Remo before establishing in its current site in Cape Woolamai. In addition to display areas and a small café/retail offering, the current site provides substantial areas for the conservation and restoration of vehicles, aircraft and exhibits undertaken by volunteers.

Recognising the limitations of the current site and facilities, in 2019 the NVVM purchased the new site at 24 Churchill Road, located directly opposite the current museum. This is an important community project that will broaden the scope of visitor facilities on Phillip Island whilst providing an important role in preserving the diverse and culturally important collection of the NVVM.

The Site presents an excellent strategic location to facilitate the relocation and expansion of the NVVM which is currently located to the south-west of the Site at 25 Veterans Dr, Newhaven. The NVVM is home to a huge collection of artefacts, with only 10% able to be displayed within the current premises. The proposed relocation and expansion will enable the display of a larger proportion of the collection and provide space for temporary exhibits whilst continuing to pay tribute to the veterans of the Vietnam conflict.

Similar to the existing premises, new building is proposed to include a publicly accessible café<sup>1</sup> and will include multipurpose areas to accommodate special events and educational activities from time to time. It will be set within landscaped surrounds including constructed wetlands and walking trails which will also be open to the public.

## 1.3 Application History

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### 1.3.1 Original Permit Application (No. 210094)

On 23 March 2023, the initial permit application (No. 210094) for the proposed use and development was formally lodged with Council, who ultimately supported the proposal.

Council's Notice of Decision to Grant a Planning Permit for the use and development of the subject land for a place of assembly (Museum) and restaurant (café), the removal of native vegetation, the construction and display of business identification signage, and the creation of access to a Transport Road Zone 2 (TRZ2) at the Site was appealed by neighbouring objectors at VCAT under Section 82 of the *Planning and Environment Act 1987 (Vic)*.

The objectors/applicants were Patricia Hosking (a neighbouring landowner to the north of the Site) and Van Diemens Land Investments Pty Ltd (a neighbouring flower farm business immediately east of the Site).

The VCAT hearing - *Hosking v Bass Coast SC [2023] VCAT 523* – was held in February 2023, with Members Peter Gaschk and Christopher Harty ultimately setting aside the decision of Council and resolving that no permit should be granted.

The Tribunal's decision turned on several matters related to strategic alignment, built form response and impacts to landscape character. A comprehensive response to these matters is provided in Section 6 of this report.

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<sup>1</sup> The café will be accessible to patrons who are not visitors to the Museum, with no entry fee charged to access the café.

### 1.3.2 Office of the Victorian Government Architect (OVGA) Design Review

Subsequent to the preparation of this revised application under Clause 53.22 (Significant Economic Development) of the Victoria Planning Provisions, the proposal has been the subject of a Victorian Design Review Panel (VDRP) held over several workshops with the Client, project team, DTP and Council, and a site visit in October 2023.

The OVGA were specifically requested to consider how the proposal could appropriately evolve in acknowledgement of VCAT's key concerns relating to 'Design / Built Form' and 'Landscape Character'. All other issues, including Land Use / Policy and Agricultural Productivity, were excluded from the VDRP review.

In summary, the VDRP unanimously supported the proposal to locate the new NVVM on this unique site and recognised the significant community benefit that the new museum would provide.

Whilst the VDRP acknowledged VCAT's concerns relating to built form and landscape, they proposed that an appropriate outcome could be achieved without requiring a fundamental change to the key design principles. The panel established several recommendations to encourage a more integrated landscape and architectural response, and a more sensitive development in this distinctive rural setting.

Further details of the recommendations and key issues discussed are included in the VDRP Report dated 1 November 2023, with a response to the Report at Section 7.2.3.

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## 2 Site & Surrounds

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### 2.1 The Site

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The Site is located at 24 Churchill Road, Newhaven and is currently vacant, with the exception of a hay shed within the south-eastern portion. The land is used infrequently for grazing (cattle agistment).

The property is irregular in shape and has a total area of approximately 40.11 hectares (including a 347.5 metre frontage to Churchill Road, and a southern interface to Phillip Island Road of approximately 905.5m).

The Site benefits from three vehicular access points, with the primary (formal) access is provided from Phillip Island Road and two (informal) points of access are available from Churchill Road. The Phillip Island Road crossover is located approximately 170m from the eastern boundary of the Site adjacent to a minor utility installation (a Telstra exchange). The two accessways to Site from Churchill Road are via gates, with the first entry located approximately 106m from the northern boundary of the Site (north-west corner) and second entry towards the Phillip Island Road and Churchill Road intersection (south-west corner).

Six water bodies are contained within the Site, five of which are smaller sized dams and depressions dispersed across the property and one which is a larger constructed waterbody situated centrally within the northern part of the Site.

Vegetation on the Site comprises improved pasture grass, established fence line windrow plantings and areas of native grass and swamp scrub vegetation. Mature trees and shrubs align the site's western, southern and eastern boundaries with two internal linear formations along fence lines within the western half of the site. The eastern portion of the Site (where the building is proposed) is relatively free of vegetation, apart from a line of trees and shrubs of approximately 120m offset from the eastern boundary of the Site by some 100m.

An assessment of native vegetation on the site has been undertaken by Nature Advisory and found that the site includes 17 patches of native vegetation totalling approximately 2.7 hectares. These areas comprises degraded examples of Estuarine Swamp Scrub, Plains Grassy Woodland and a modified example of estuarine wetland. Patches of coastal saltmarsh were also present near the northern boundary. No 'scattered trees' or 'large trees' were recorded within the site.



Figure 1: View of Site from centre of Phillip Island Road / Woolamai Beach Road roundabout (looking north)  
Figure 2: View of Site from south east corner of Site (boundary with 1 Samuel Amess Drive) looking north-west



Figure 3: View of Site from corner of Phillip Island Road and Telstra Exchange (looking north-west)

Figure 4: View of Site from south-west corner (Phillip Island Road / Churchill Road), looking north-east.

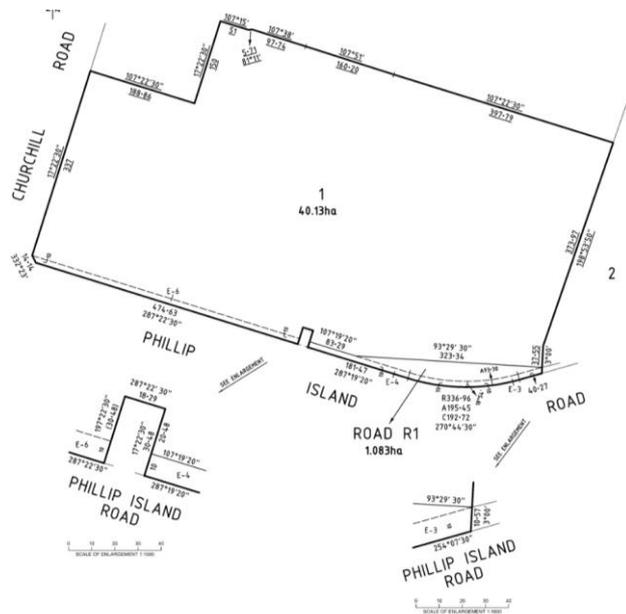
## 2.2 Certificate of Title

The Site is comprised of one parcel of land recognised as Lot 1 on Plan of Subdivision 729804T on Certificate of Title Volume 11179 Folio 277.

The plan of subdivision shows three encumbering easements, E-3, E-4 and E-6, along the Site's southern interface with Phillip Island Road. E-3 and E-4 each exist for the purposes of sewage and drainage to the benefit of the Westernport Water Board. These easements have now been absorbed into the Phillip Island Road Reserve.

E-6 remains within the Site and is 10 metres in width. It also serves for purposes associated with sewage, to the benefit of the Westernport Water Board.

The Plan of Subdivision shows adjoins an area of approximately 1.08 hectares which is also attributed to Road R1 and is vested to the Roads Corporation. The land formerly formed part of the Site and was acquired via compulsory processes for the purpose of this road and was vested on 14 September 2017.



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Figure 5: Title Boundaries (extract from Certificate of Title).

## 2.3 Site Surrounds

The Site's interfaces are as follows:

- **North – 40, 50 & 100 Churchill Road** – three rural residential allotments of approximately 2.86Ha, 12.95Ha and 47.67Ha, respectively. Each of the three parcels of land are occupied by an existing dwelling and associated landscaping, with much of the land vacant for farming purposes. Land further north of the Site is used for farming purposes.
- **East – 1 Samuel Amess Drive** – agricultural land of approximately 22.57Ha for the Phillip Island Flower Farm, 'Maxiflora'. Built form on the land includes two large greenhouses (approx. 10,000sqm each) and a large administration building (approx. 1,000sqm), setback approximately 55m from Phillip Island Road. Whilst the Site is sparsely vegetated, there is thick vegetation lining the Phillip Island Road boundary.

Further east is the entry to Churchill Island / the Churchill Island Farm and Café, Panny's World of Chocolate, the Phillip Island Visitor Information Centre and Blue Gum Nursery.

- **South – Phillip Island Road** – a tourist highway which branches off the Bass Highway (at the township of Anderson) to provide access on and off the Island. The recently constructed three-way roundabout adjoining the Site's southern boundary provides access to Newhaven to the east, Cape Woolamai to the south, and Surf Beach to the west. The Phillip Island pedestrian/cycle path which is located within the Phillip Island Road reserve and is separated from the carriageway by a strip of established vegetation which provides a buffer from vehicular traffic.

On the opposite side of Phillip Island Road is:

- The existing NVVM site.
- The Phillip Island Heliport, with this land identified as the "Phillip Island Airport Investigation Area" at Clause 21.09-5 (Low Growth Settlements – Cape Woolamai).
- Retail uses within the Cape Woolamai commercial precinct
- The Cape Woolamai township.
- **West – Churchill Road** – a 6m wide, no through road of two-way traffic. Churchill Road intersects with Phillip Island Road, running in a north-east to south-west direction and provides access to residential properties on Rennison Road and a number of rural properties on Churchill Road.

Further west of the Site is land zoned and used for farming purposes.



Figure 6: Phillip Island Heliport, opposite the south west of the Site



Figure 7: Existing NVVM site, opposite the south west of the Site

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## 2.4 Site Context

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The Site is located on Phillip Island, one of Victoria's most visited tourist destinations, and is located within proximity to existing tourist attractions on the Island such as the Phillip Island Chocolate Factory and Visitor Information Centre.

The Site's frontage to Phillip Island Road makes it an easily accessible location for visitors to the Island. It is also well-served by bus and bike links, including:

- **Bike Trails** – Phillip Island Bike Path.
- **Bus Routes** (Cape Woolamai/Phillip Island Road stop located 30m to the south) – 3992 (Cowes to Wonthaggi via San Remo & Anderson); 3923 (Cowes to Fountain Gate via San Remo & Pakenham); and V/Line bus service which operates from Dandenong Railway Station.

Phillip Island Road is an east-west vehicle thoroughfare which has been identified by Regional Roads Victoria (RRV) as a strategically important link in the arterial road network connecting south-east Melbourne to Phillip Island, branching off Bass Highway a key transport corridor to Melbourne and south-east Gippsland.

The area accommodates a broad mix of land uses, including:

- Agricultural - Maxiflora Flower Farm, surrounding farmland.
- Tourism - Panny's World of Chocolate, Churchill Island Farm, the existing NNVM, Phillip Island Heliport, and the Visitor Information Centre).
- Retail and services – Located within the Cape Woolamai commercial area; and,
- Residential – Located within the Cape Woolamai township.

In this context, the Site provides an appropriate location for the clustering of tourism activities for convenience during visits to the Island.

Refer to Figure 9 – Context Plan.

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Figure 8: Aerial Plan

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Drawing Title \_\_\_\_\_ Project Name \_\_\_\_\_

## Context Map

NVVM - 24 Churchill Road, Phillip Island

Drawing No. \_\_\_\_\_ Revision \_\_\_\_\_ Date \_\_\_\_\_ Drawn \_\_\_\_\_ Checked \_\_\_\_\_ Project Principal \_\_\_\_\_ Scale \_\_\_\_\_

319-0168-00-P-04-DR01 00 07.12.2020 EA KM KM 0 0.5 1 1.5km 

Figure 9: Context Plan

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## 3 Proposal

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This Section of the report should be read in conjunction with the Town Planning Report and Architectural Plans prepared by Architectus.

### 3.1 Overview and Design Response

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The proposal seeks planning approval for the relocation and establishment of a new purpose-built and expanded museum for the NVVM. It will attract a broad range of visitors; from returned servicemen and their families, school groups, passing visitor from interstate and abroad, and the local community. It incorporates expansive exhibition spaces to house larger exhibits within the NVVM's collection and also includes spaces for education, collaboration, and discussion. The NVVM seeks to provide a place to bring the community together whilst paying tribute to the experience of the veterans of the Vietnam War.

Currently, the NVVM Collection has approximately 40,000 items, with 10% of this established as the permanent exhibit. The remaining items feature on six-month rotations. Accordingly, the expansion of the NVVM will permit a larger portion of the historical artifacts to be on permanent display and will facilitate the permanent display of larger artefacts including full-size aircraft.

The building comprises three core functional spaces; visitor services, exhibition space and support spaces. This will include the main museum exhibition rooms, conservation area, general administration and service areas, museum shop, restaurant (café), and community and educational facilities.



Figure 10: Render of proposed building viewed from south west, with Phillip Island/Woolamai Beach Road roundabout visible in background (extract from Architectus Schematic Design Report)



Figure 11: Render of proposed building viewed from the south (extract from Architectus Schematic Design Report)

The building adopts a well-articulated, environmentally sustainable design. It is embedded in its landscape setting through its integrated landscape-driven design approach including a green roof a green canopy over the entry and a series of landscaped spaces surrounding the main building.

Consideration of the site's landscape setting was a key driver in the design and siting of the building. The integrated landscape and architectural approach incorporates the following design strategies to reduce the visibility of the Museum from Philip Island Road and minimise impacts on the rural vista in this part of the Island:

- The careful siting of the building at the foot of a small rise.
- A low-slung architectural form.
- A sculpted roof form incorporating a green roof and other integrated landscape elements.

The construction of berms that minimise the visual impact of the building from the public realm, but allow the building to be revealed upon entry into the Site.

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## 3.2 Site Layout and Built Form

The proposed development provides a high-quality built form outcome which is sympathetic to the surrounding natural environment whilst providing an appropriate design response that enhances and respects the existing rural character. The building will be situated within the south-eastern portion of the Site, with much of the remaining land within the north-east portion of the Site to be landscaped and the western portion of the Site to remain available for agricultural use.

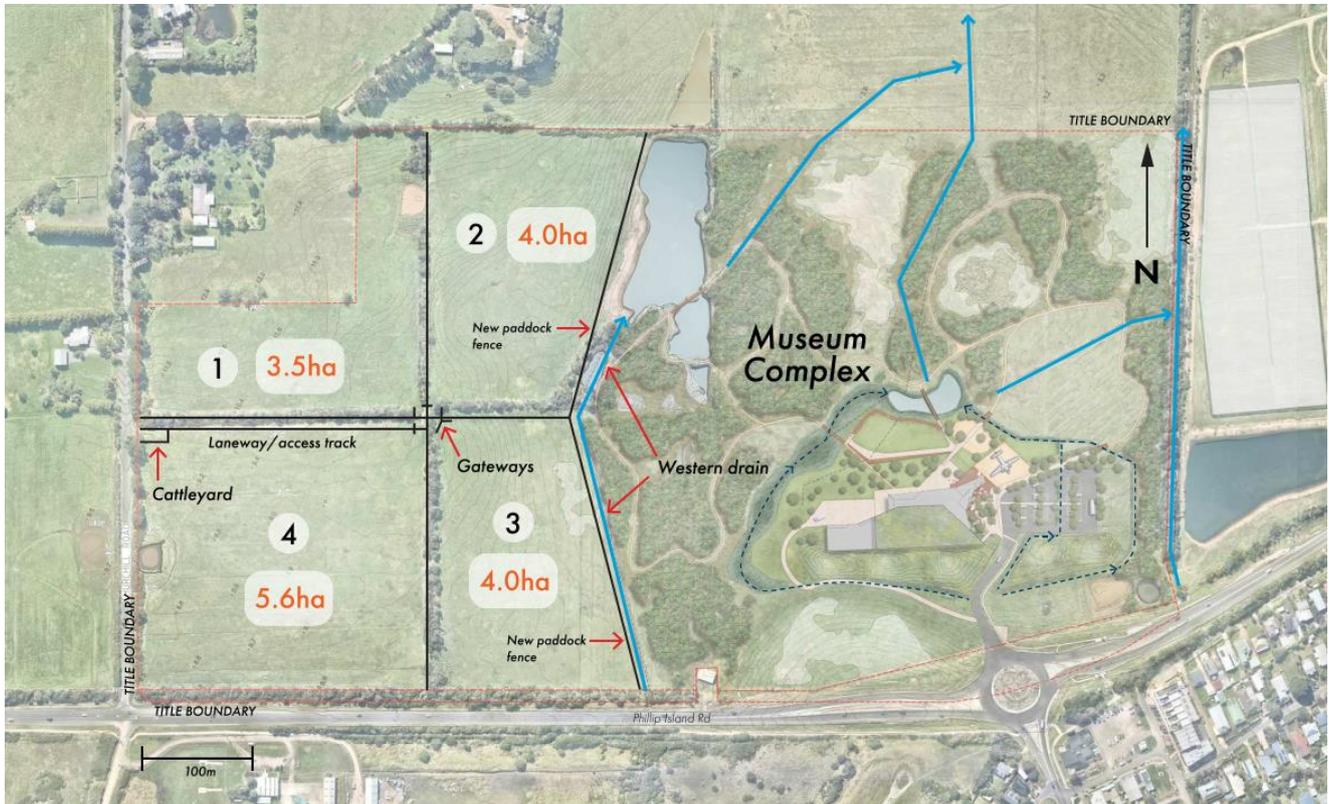


Figure 12 - Proposed Overall Site Plan (blue arrows show existing surface drains)

The building does not require the removal of any trees, however it will require the removal of patch of native vegetation comprising Plains Grassy Woodland (0.207 hectares).

The museum comprises a two-storey building with the main entryway arranged to front a central forecourt positioned between the building and the car park. Access to the museum will be directly from the roundabout through the creation of a fourth leg extending north into the Site.

### 3.2.1 Building Height and Setbacks

The proposed building has a maximum height of 12.93m.

Minimum setbacks from each boundary are as follows:

Boundary	Minimum Setback (Buildings)	Minimum Setback (Works)
North	314.25m	
East	158m	49.31m to overflow carpark
South (Phillip Island Road)	81.39m	38.22m to landscape berms
West (Churchill Road)	603.2m	

### 3.2.2 Building Layout

#### Ground Floor

On the ground floor, the main pedestrian entry will provide access to the foyer which links to the small retail area and the publicly-accessible café (including both internal and outdoor seating arrangement) within the north-eastern portion the building. The main exhibition area occupies much of the southern portion of the ground floor. Community and educational facilities (classroom/training/function room) are proposed within the northern portion of the building

An outdoor break-out space is proposed adjacent to the community facilities which opens out to a terrace lawn and provides outlook and access to the northern landscape zone and commemorative garden.

A range of other facilities such as the conservation room, archive storage room, office, library, plant room and associated amenities are proposed within the western portion of the building.

Other ground floor amenities include a cleaner's cupboard, first aid room, accessible toilet and change room facilities, parents' room, and female and male toilets and change rooms.

#### Level 1

Level 1 is primarily a mezzanine level overlooking the exhibition area and void above. It allows for eye-level views of roof-mounted exhibits (e.g. aircraft) and provides access to an outdoor viewing deck.

#### Roof Level

The roof level proposes a green roof within the central portion, and solar panels within the western portion of the roof. The roof is not accessible to the public.



Figure 13: View of Level 1 Mezzanine to exhibition area (extract from Architectus Schematic Design Report)

### 3.2.3 Materials and Finishes

A palette of muted brown hues has been adopted to ensure that the proposed form complements the natural features of the surrounding Site whilst remaining respectful and integrated with the surrounding landscape. This is further achieved through the green roof and the landscaped canopy entry.

The earthy tones, timber-like finishes and soft greening elements applied through the building have been selected to invoke a sense of connection with the Site's natural surrounds.

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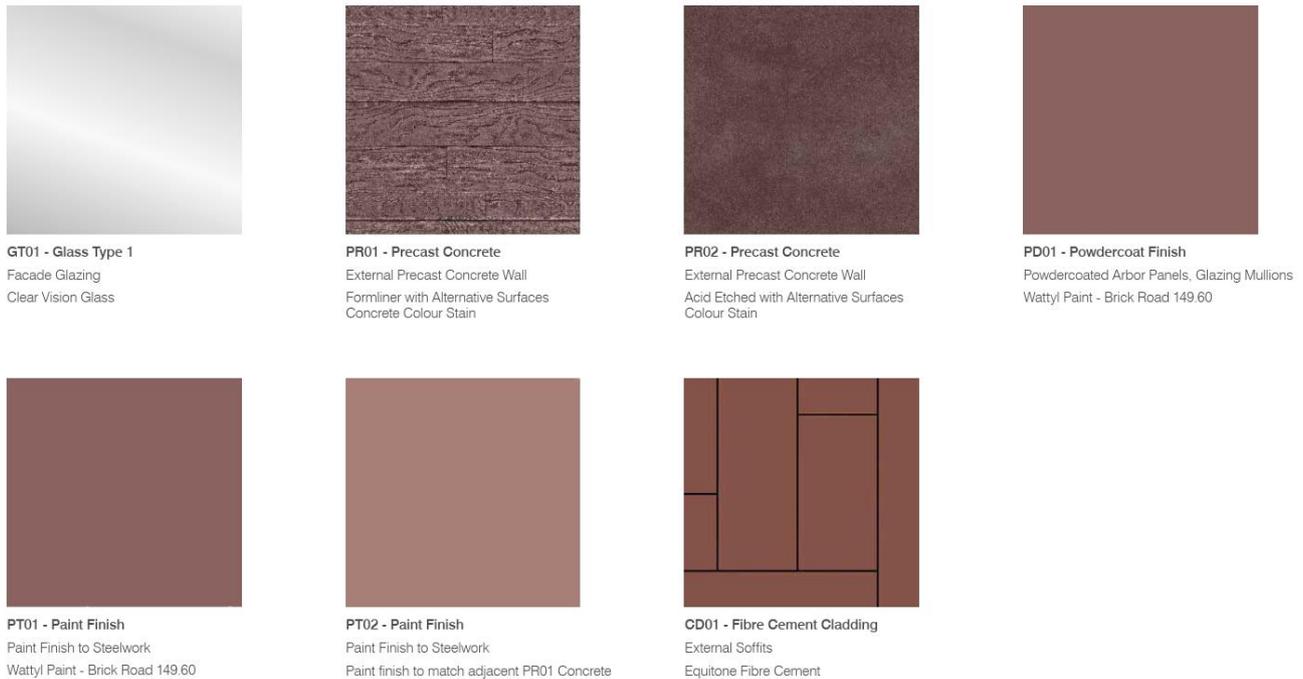


Figure 14: Materials Schedule (extract from Architectus Schematic Design Report)

## 3.3 Landscaping

The building is only part of the NVVM visitor experience. The broader setting will provide points of access, areas of activity, commemoration and locations for rest and retreat. Tract have prepared a landscape concept for the museum that aims to deliver a space that is responsive to the Island's ecotourism goals. Its layout is shaped by existing landscape features and a desire to ensure the Site remains connected visually and spatially with the coast and wider landscape of Newhaven. The landscape design provides a welcoming entry and arrival experience for visitors while offering contemplative space within the museum surrounds.

The key objectives of the landscape plan are to deliver a landscape outcome that:

- Works with the natural characteristics of the site and its environmental systems;
- Complements the building arrangement and functions;
- Will be attractive to visitors in all conditions;
- Provides adaptable spaces that can function in different modes of use and for different kinds of visitors.

The proposed landscaping has been specifically confined within the eastern portion of the Site and includes:

- A newly formed Swamp Paperbark Woodland area will include a boardwalk circuit for visitors to enjoy. This will be enabled via the preservation of the existing wetlands on the Site and for its integration and use as an asset for the NVVM through new planting of paperbark trees. It is intended that key vistas across the site be maintained through careful pruning and management of the vegetation once established.
- Two lawn areas (picnic/terrace lawn and event lawn), which are interconnected to accommodate recreational use and occasional events on the Site.
- A commemorative garden and Vietnamese cultural memorial.
- Integration of nature-based water sensitive urban design (WSUD) solutions, including swales and wetlands.
- Planting areas that incorporate species suited to the creation of 'mini ecosystems' created on the Site.
- Existing remnant vegetation areas with relatively higher value vegetation will be protected as conservation areas throughout the Site, integrated within the landscape berms and between the Swamp Paperbark Woodland areas.

The landscape areas will be publicly accessible, without the need to purchase a ticket for museum entry.

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Please refer to the enclosed Landscape Concept Plan prepared by Tract Consultants for further details.

## Landscape Berms

Landscape berms are proposed to the south of the proposed building and carpark to enmesh the buildings and works within the surrounding landscape.



Figure 15: Render of proposed building depicting the green canopy over the entry and a series of landscaped spaces surrounding the main building (extract from Architectus Schematic Design Report).

## 3.4 Environmentally Sustainable Design

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The proposal incorporates the following environmentally sustainable design measures:

- Passive design (strategic orientation of windows, adjustable shading).
- Building Fabric (concrete structure, insulation, greening elements, glazing level)
- Energy (solar panels)
- Water (water sensitive urban design, rainwater tanks, specific planting)
- Transport (provision of a bike track to encourage cycling)
- Waste (minimal waste produced as possible)

## 3.5 Operational Details

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### 3.5.1 Museum

The Museum is proposed to operate 10am – 5pm, 7 days per week.

The use of land for a 'Place of assembly' (including *Museum*) is a discretionary use and requires a permit in the Farming Zone.

The Museum is designed to cater for 140 visitors and up to 30 staff/volunteers at any one time during day to day operations.

#### Museum Functions

The Museum will host occasional functions / events (e.g. fundraising, new exhibition launches and the like).

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These events will occur no more than once per month outside of standard Museum hours (6pm – 11pm) and will have a maximum capacity of 300 people.

## 3.5.2 Restaurant (Café)

The Restaurant (café) includes an outdoor seating area and will be open to the public (without the need to purchase an entry ticket to the Museum).

The use of land for a 'Food and drink premises' (including *Restaurant*) is a discretionary use and requires a permit in the Farming Zone.

- Trading hours are proposed to be from 10am – 5pm, 7 days per week.
- The café will accommodate up to 60 patrons and require a maximum of 5 staff on site at any time.

## 3.5.3 Maximum Patron and Staff Numbers

As outlined above, the Museum and Café are proposed to operate simultaneously. Accordingly, the combined maximum patron numbers on site during normal operations remains at 200 with the combined maximum staff number being 30.

## 3.6 Access, Parking and Waste Arrangements

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The main pedestrian and cycle entrance to the museum will be via a pathway that aligns the main vehicular access into the site and leads to the forecourt area.

Primary vehicular access to the development is proposed via Phillip Island Road; more specifically, via a fourth leg to the roundabout at Phillip Island Road and Woolamai Beach Road.

The carparking area includes:

- 62 car parking spaces (inclusive of four accessible car spaces).
- Two bus spaces.
- An overflow car park to accommodate a further 37 car spaces.
- Bus and DDA drop off areas adjacent to the entry forecourt.

A service road branches off from the main accessway provides access providing access to the rear of the museum (for waste collection, deliveries and the like).

### Bicycle Facilities

16 bicycle spaces are proposed within the entry forecourt (noting that this exceeds the statutory requirement of 8 spaces under Clause 52.34).

As noted above, a bike track is proposed to run along the west of the accessway, providing for safe and efficient bicycle access proximate to the Phillip Island Bike Path.

### Waste Management

Waste will be collected from the rear of the building with vehicle access afforded via a service road which branches off from the main accessway. A dedicated bin room is provided on the ground floor of the museum.

## 3.7 Signage and Flags

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A *Business identification sign* is proposed to the east of the site access.

The sign measures 3m high x 1m wide, with a display area of 2.5m high x 1m wide (2.5sqm).

In addition, three (2) flagpoles near the entrance of the Site for the flying of flags.

- Flagpoles are exempt from a permit in accordance with Clause 62.02 (General Exemptions – Building and works).

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## 4 Planning Policy

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The proposed development is subject to the provisions of the Bass Coast Planning Scheme.

The following planning permit triggers are relevant to this application:

- **Clause 35.07-1 (Farming Zone)** – a permit is required to use of the land for ‘Museum’ and ‘Restaurant’ (Café).
- **Clause 35.07-4 (Farming Zone)** – a permit is required for buildings and works associated with a Section 2 use, and to construct a building within 100m the Transport Zone 2.
- **Clause 52.17-1 (Native Vegetation)** – a permit is required to remove, destroy or lop native vegetation.
- **Clause 52.05-2 (Signs)** – a permit is required to construct or display a business identification sign.
- **Clause 52.29-2 – (Land Adjacent to the Principal Road Network)** – a permit is required to create access to a road in a Transport Zone 2.

To ensure planning schemes further the objectives of Planning in Victoria, planning authorities must take into account and give effect to the general principles and specific policies contained in Municipal Planning Strategy and the Planning Policy Framework (PPF).

### 4.1 Municipal Planning Strategy

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The MPS Clauses most relevant to the proposal include:

- **Clause 02.03-4 (Natural Resource Management; Agriculture)** sets out strategies to ‘support the retention of productive agricultural land by restricting development within agricultural areas’, and ‘support a mix of uses in the Farming Zone that supports agricultural activities and associated rural industries and facilitates the retention of productive agricultural land.’
- **Clause 02.03-5 (Built Environment and Heritage)** sets out strategies to ‘support building design that complements its setting’, and ‘support the role of landscape design as integral to any development.’ With regard to signs, Council seeks to ‘minimise the visual impact of signs on natural and built environments’.
- **Clause 02.03-7 (Economic Development; Agriculture and Tourism)** seeks to ‘protect the economic viability of rural areas’, and to ‘support tourism in rural areas provided it does not come at the expense of their landscape, amenity, liveability, environmental, social and agricultural values.’
- **Clause 02.03-9 (Infrastructure; Stormwater Management)** seeks to ‘protect the amenity and environmental, cultural and economic values of waters in the Shire.’

### 4.2 Planning Policy Framework

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The PPF Clauses most relevant to the proposal include:

#### Clause 11 – Settlement

**Clause 11** recognises that planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services. Specific sub-clauses relevant to the proposal include:

- **Clause 11.01-11-06 (Newhaven)** includes a strategic framework plan that identifies a portion of the Site as a ‘rural area/farmland’ directly adjacent to a land corridor of potential tourism activity on the north side of Phillip Island Road.

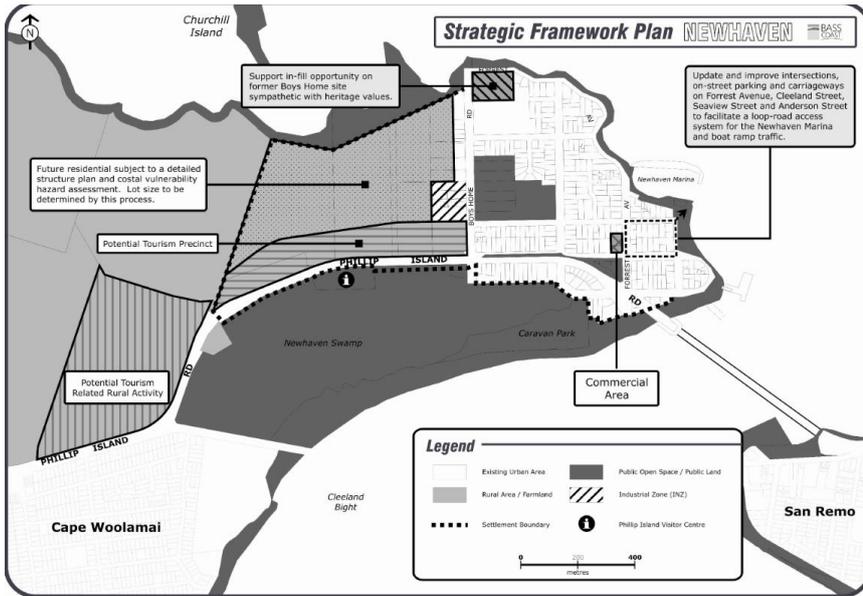


Figure 16 - Newhaven Strategic Framework Plan (Clause 11.01-11-06)

- Clause 11.01-11-16 (Cape Woolamai) includes a strategic framework plan that identifies a portion of the Site as a 'rural area/farmland' opposite the potential redevelopment airport precinct and the mixed use commercial area at the roundabout along Phillip Island Road.

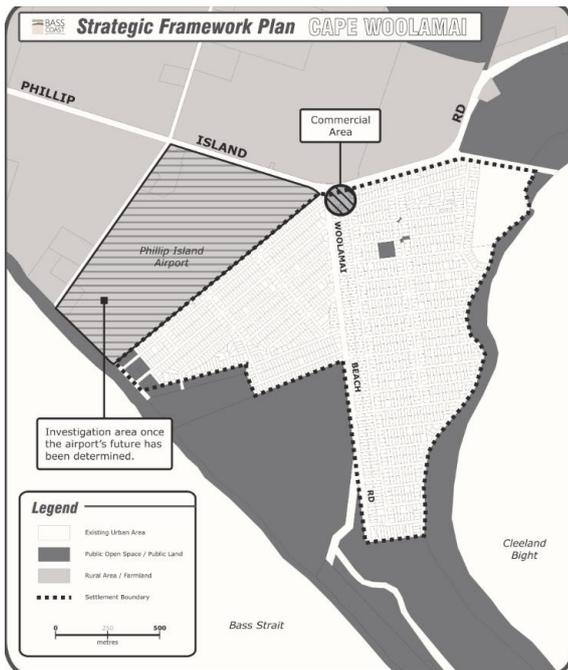


Figure 17 - Cape Woolamai Strategic Framework Plan (Clause 11.01-11-16)

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## Clause 12 – Environmental and Landscape Values

Clause 12 recognises that planning should help protect the health of ecological systems and the biodiversity they support by conserving areas with identified environmental and landscape values. Planning should also protect, restore and enhance sites and features of nature conservation, biodiversity, geological or landscape value. Specific sub-clauses relevant to the proposal include:

- **Clause 12.02-1S (Protection of the marine and coastal environment)** seeks *'to protect and enhance the marine and coastal environment.'*
- **Clause 12.05-2L-01 (Landscapes)** seeks *'to ensure development is subordinate and sympathetic to the natural, visual and environmental landscape character and significance of the area.'* The policy sets out several siting, design and infrastructure strategies relevant to the proposal.
- **Clause 12.05-2L-02 (Landscape character areas)** identifies the Site within the Phillip Island North Coast landscape character area which sets out strategies including *'to retain the open rolling rural landscape character with vegetation patterns associated with rural land uses (such as windbreaks and roadside vegetation) and the few scattered homesteads and tourism facilities set among landscaped grounds.'*

## Clause 13 – Environmental Risks and Amenity

Clause 13 recognises that planning should strengthen the resilience and safety of communities by adopting a best practice environmental management and risk management approach. Planning should also aim to avoid or minimise natural and human-made environmental hazards, environmental degradation and amenity conflicts. Specific sub-clauses relevant to the prospective sites and proposal include:

- **Clause 13.02-1S (Bushfire planning)** seeks *'to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.'* This policy applies to all land that is within a designated bushfire prone area (as is this Site), and states that bushfire risk should be considered when assessing planning applications for use and development for a 'Place of Assembly'.

## Clause 14 – Natural Resource Management

Clause 14 states that planning is to assist in the conservation and wise use of natural resources including energy, water, land, stone and minerals to support both environmental quality and sustainable development. Clause 14 makes special reference to the sustainable management of agricultural land. Specific sub-clauses relevant to the prospective sites and proposal include:

- **Clause 14.01-1S (Protection of agricultural land)** aims *'to protect the state's agricultural base by preserving productive farmland.'*
- **Clause 14.01-2L-01 (Sustainable agricultural land use)** include strategies to *'limit development in rural areas that is not associated with an agricultural land use.'*
- **Clause 14.01-2L-02 (Sustainable agricultural land use in the Farming Zone)** applies to all land within the FZ and seeks *'to identify and support a preferred mix of land uses', and 'to minimise conflict with existing agricultural land uses.'*

## Clause 15 – Built Environment and Heritage

Clause 15 seeks to ensure all land use and development appropriately responds to its surrounding landscape, character, valued built form and cultural contexts. As such, planning should protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value. Planning should also promote development that is environmentally sustainable. Specific sub-clauses relevant to the prospective sites and proposal include:

- **Clause 15.01-1L-01 (Urban design in Bass Coast)** includes strategies to *'ensure that view lines and vistas are protected and shared between the public and private realm.'*
- **Clause 15.01-1L-02 (Landscape design)** seeks to *'ensure development creates and maintains a high-quality landscape setting.'*
- **Clause 15.01-1L-03 (Signs)** seeks *'to minimise the visual impact of signage on natural and built environments.'*
- **Clause 15.01-6S (Design for rural areas)** seeks to ensure development respects valued areas of rural character by ensuring the siting, scale and appearance of development protects and enhances rural character. This Clause

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also seeks to protect the visual amenity of valued rural landscapes and character areas along township approaches and sensitive tourist routes by ensuring new development is sympathetically located.

## Clause 17 – Economic Development

Clause 17 seeks to foster a strong and innovative economy, where all sectors are critical to economic prosperity. Specifically, planning is to encourage growth by providing land, facilitating decisions and resolving land use conflicts so that each region may build on its strengths and achieve its economic potential. Specific sub-clauses relevant to the prospective sites and proposal include:

- **Clause 17.01-1S (Diversified economy)** seeks to strengthen and diversify the economy by facilitating growth in a range of employment sectors, including tourism, based on the emerging and existing strengths of each region.
- **Clause 17.04-1S (Facilitating tourism)** – aims to encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination. It is policy to promote tourism facilities that are compatible with and build on the assets and qualities of surrounding activities and attractions. Also, innovative tourism experiences and investment is encouraged.
- **Clause 17.04-1R (Tourism – Gippsland)** aims to facilitate tourism in Strategic Tourism Investment Areas (STIAs).
- **Clause 17.04-1L (Facilitating tourism)** includes location strategies to ‘discourage tourist or recreation-based development on high-quality or productive agricultural land and in areas of high environmental and landscape quality.’
- **Clause 17.04-2S (Coastal and maritime tourism and recreation)** encourages suitably located coastal, marine and maritime tourism recreational opportunities by ensuring development is of an appropriate scale, use and intensity relative to its location.

## Clause 18 – Transport

Clause 18 states that planning should ensure an integrated and sustainable transport system that provides access to social and economic opportunities, facilitates economic prosperity, contributes to environmental sustainability, coordinates reliable movements of people and goods, and is safe. Specific sub-clauses relevant to the prospective sites and proposal include:

- **Clause 18.01-1S (Land use and transport integration)** seeks ‘to facilitate access to social, cultural and economic opportunities by effectively integrating land use and transport.’
- **Clause 18.01-3L (Sustainable personal transport)** includes strategies to ‘provide pedestrians and cyclists with safe routes along coastal roads, in foreshore areas, between residential clusters, town centres and around popular recreational and tourist areas in accordance with the relevant Parks and Trails maps to this clause.’ The relevant Newhaven and Cape Woolamai parks and trails plans show existing and proposed paths to extend past the Site along Phillip Island Road to provide safe connections to Newhaven, Cape Woolamai and surrounds.
- **Clause 18.02-4L (Car parking)** includes strategies to ‘provide car parking facilities along the coastline close to recreation areas, access routes to the beach and scenic spots, in areas that do not degrade the quality of the natural environment and landscape significance of the area.’
- **Clause 18.02-7L (Phillip Island airfield)** seeks to ‘ensure that development close to the Phillip Island Airfield does not adversely impact on its operations.’

## Clause 19 – Infrastructure

Clause 19 states that planning is to recognise social needs by providing land for a range of accessible community resources, including education and cultural facilities.

- **Clause 19.02-3S (Cultural facilities)** seeks ‘to develop a strong cultural environment and increase access to arts, recreation and other cultural facilities.’
- **Clause 19.02-6L (Open space)** includes strategies to ‘provide recreational facilities for year-round activities (particularly for the winter months) that cater to the needs of the local population, non-permanent residents and tourists,’ and to ‘provide a range of types and sizes of open space, including large regional spaces for sports, intimate parks for social interaction and open space that offers off-leash exercise for dogs.’

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## 5 Planning Controls

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### 5.1 Zone

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The site is located within the Farming Zone (FZ). Refer to **Figure 17 – Zone Plan**.

The purpose of the FZ is:

- 'To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.'

#### Use

It is proposed to use the land for a 'Museum'.

Clause 73.03 (Land Use Terms) confirms that 'Museum' is nested under 'Place of assembly', and provides the following definition:

*Land used to display archaeological, biological, cultural, geographical, geological, historical, scientific, or other like works or artefacts.*

Pursuant to Clause 35.07-1 a permit is required to use the for land 'Place of assembly (other than Amusement parlour, Carnival, Cinema based entertainment facility, Circus and Nightclub)'.

Furthermore, it is noted that there will be a 'Restaurant' (Café) on the ground floor which will require a permit, as it is categorised a Section 2 (discretionary) use.

Clause 73.03 (Land Use Terms) defines 'Restaurant' (Café) as:

*Land used to prepare and sell food and drink, for consumption on the premises. It may include:*

- a) Entertainment and dancing; and*
- b) The supply of liquor other than in association with the serving of meals, provided that tables and chairs are set out for at least 75% of patrons present on the premises at any one time.*

*It does not include the sale of packaged liquor.*

Accordingly, a permit is required for the use of the land for a 'Museum' and additionally for the use of the land for 'Restaurant' (Café).

#### Building and Works

Pursuant to Clause 35.07-4 a permit is required to construct a building or construct or carry out works for a Section 2 Use.

Pursuant to Schedule 1 of Clause 35.07-4 a permit is required to construct a building which is within 100 metres of a Transport Zone 2.

The proposed building will be setback a minimum of 81.39m from Phillip Island Road (TZ2). Therefore, a permit is required under this part of the clause.

Pursuant to Clause 35.07-4 a permit is required to construct or carry out earthworks specified in a schedule to the zone. The schedule to the zone does not specify any land to which this requirement applies. Therefore, a permit is not required for earthworks.

#### Signs

Clause 35.07-7 confirms that the FZ is a Category 4 area for signage.

## 5.2 Overlays

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The Site is not affected by any Overlays.

## 5.3 Particular Provisions

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### 5.3.1 Clause 52.05 – Signs

This Clause applies to the development of land for signs.

The purpose of Clause 52.05 is to:

- To regulate the development of land for signs and associated structures.
- To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character.
- To ensure signs do not contribute to excessive visual clutter or visual disorder.
- To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.

Pursuant to Clause 52.05-2, a permit is required to construct or display a sign in Section 2.

Pursuant to Clause 52.05-14, Category 4 signs are titled 'Sensitive Areas', of which the purpose is to '*provide for unobtrusive signs in areas requiring strong amenity control.*'

The table at Clause 52.05-14 confirms that a 'Business identification sign' is a Section 2 sign, provided that the total display area to each premises does not exceed 3sqm.

The proposal seeks to construct and display a Business identification sign with a display area of 2.5sqm.

Accordingly, a planning permit is required for the proposed signage.

### 5.3.2 Clause 52.06 – Car Parking

This Clause applies to a new use.

The purpose of Clause 52.06 is to:

- To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.
- To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.
- To support sustainable transport alternatives to the motor car.
- To promote the efficient use of car parking spaces through the consolidation of car parking facilities.
- To ensure that car parking does not adversely affect the amenity of the locality. To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

Pursuant to Clause 52.06-3 a permit is required to:

- Reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5.
- Provide some or all of the car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay on another site.

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Clause 52.06-5 sets out the following statutory car parking requirements:

Use	Clause 52.06 rate	Proposal	Requirement
Place of Assembly (incl. Museum)	0.3 / per patron	140 patrons	42 spaces
Restaurant	0.4 / per patron	60 patrons	24 spaces
<b>TOTAL</b>			<b>64 spaces</b>

A total of 99 car parking spaces, comprising of 62 car spaces within a formal arrangement (including 4 DDA car spaces) and 37 car spaces in an overflow car park, are proposed as part of this application; exceeding the statutory car parking requirements.

Accordingly, no permit is required under Clause 52.06-3.

A traffic engineering report has been prepared by Traffix Group and accompanies the application. It provides a detailed assessment of the car park design and traffic impacts.

### 5.3.3 Clause 52.17 – Native Vegetation

The purpose of Clause 52.17 is 'to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.' More specifically this is achieved by applying the three-step approach as stipulated within the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP).

Pursuant to Clause 52.17-1, a permit is required to remove, destroy or lop native vegetation, including dead native vegetation. It is proposed to remove an area of 0.207 hectares of Plains Grassy Woodland therefore a planning permit is required under this clause.

A Native Vegetation Assessment prepared by Nature Advisory forms part of the application material. The Assessment confirms that appropriate steps have been taken to avoid and minimise impacts to native vegetation in the current application, and that (given the Site's location and the amount of vegetation proposed for removal), the Guidelines<sup>2</sup> stipulate that the proposal is to be assessed under the *Basic* assessment pathway, and that this proposal does not trigger a referral to DELWP.

### 5.3.4 Clause 52.34 – Bicycle Facilities

The purpose of Clause 52.34 is:

- To encourage cycling as a mode of transport.
- To provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.

Pursuant to Clause 52.34-1, a new use must not commence until the required bicycle facilities and associated signage has been provided on the land.

As detailed in the submitted Traffic engineering assessment, the proposed development requires 8 bicycles spaces.

16 bicycle parking spaces are proposed proximate to the building entry, exceeding the statutory requirement. Therefore, no permit is required.

### 5.3.5 Clause 52.29 – Land Adjacent to the Principal Road Network

This Clause applies to land adjacent to a road in Transport Zone 2 (Phillip Island Road).

The purpose of Clause 52.29 is:

<sup>2</sup> Victoria's *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017)

- To ensure appropriate access to the Principal Road Network or land planned to form part of the Principal Road Network.
- To ensure appropriate subdivision of land adjacent to Principal Road Network or land planned to form part of the Principal Road Network.
- Pursuant to Clause 52.29-2 a permit is required to create or alter access to a road in TZ2

Pursuant to Clause 52.29-4, an application to create or alter access to a TZ2 road must be referred to the Head, Transport for Victoria (TFV) under Section 55 of the Act.

It is proposed to provide access via Phillip Island Road, which is designated a TZ2.

Accordingly, a permit is required under this clause and the application will be referred to TfV.

### **5.3.6 Clause 53.22 – Significant Economic Development**

The purpose of Clause 53.22 is:

- To prioritise and facilitate the planning, assessment and delivery of projects that will make a significant contribution to Victoria’s economy and provide substantial public benefit, including jobs for Victorians.
- To provide for the efficient and effective use of land and facilitate use and development with high quality urban design, architecture and landscape architecture.

Pursuant to Clause 53.22-1, the proposal for a Place of Assembly outside of metropolitan Melbourne with an estimated cost of development of at least \$5 million meets the conditions for a Category 1 application. A Category 1 application must have written advice from the Chief Executive Officer, Invest Victoria confirming the likely financial feasibility of the proposal.

Pursuant to Clause 53.22-3, an application must be accompanied by the following information, as appropriate:

- A quantity surveyor report prepared by a suitably qualified person specifying the estimated cost of the development. For a development that includes more than one use, the report should specify the estimated cost of development for each use.
- Written advice of the Chief Executive Officer, Invest Victoria.

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.

Pursuant to Clause 53.22-5, the relevant decision guidelines that the Minister for Planning must consider include:

- The purpose of the clause.
- The views of the Office of the Victorian Government Architect.

As confirmed by the QS Report submitted with the application, the estimated cost of development is \$48.614M.

The proposal was considered by the Office of the Victorian Government Architect (OVGA) in their report dated 1 November 2023 (see Section 1.1.2 of this report).

A response to the OVGA’s comments and a detailed assessment of the application under Clause 53.22 is included at Section 6.2 of this report.

### **5.3.7 Clause 62.02 - General Exemptions - Buildings and Works**

Clause 62.02 set out the exemptions from permit requirement in the Planning Scheme related to the construction of a building or the construction or carrying out works.

Pursuant to Clause 62.02-2, a flagpole is exempt from requiring a permit, noting that two flagpoles are proposed to the east of the Site entry.

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## 5.4 Other Planning Considerations

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### 5.4.1 Area of Cultural Heritage Sensitivity

As portion of the Site is within an area of Cultural Heritage Sensitivity.

A Cultural Heritage Management Plan was approved for the original proposal. The approved CHMP remains applicable to the proposed development, noting:

- The development remains consistent with the Activity Description which forms the basis of the approved CHMP.
- The works remain clear of the 'CHMP no go area'.
- The works remain within the area subject to testing, with the overall development footprint reduced compared to the plans at the time the CHMP was undertaken.

## 4. Activity description

The sponsor is proposing construction of the National Vietnam Veterans Museum within the activity area. The proposed activity includes building the structure for the museum and associated facilities, as well as landscaping and a car park with an entrance off Phillip Island Road. The proposed concept plan for the activity area is shown in Figure 3 and will include:

- a potential cut/fill borrow zone in the western part of the activity area;
- construction of a berm in the eastern part of the activity area, and construction of a museum building and associated buildings;
- a main entrance roadway off the Phillip Island Road roundabout, with a service road turning west off this road;
- construction of dams and a new wetland zone in the central part of the activity area;
- construction of footpaths with new plantings; and
- associated utilities, drainage, roadways, paths, car parking, buildings, and landscaping.

This activity is limited to the construction of the new National Vietnam Veterans Museum and associated works.

The proposed construction will require excavation and ground works involving heavy machinery, which will impact the current and former land surfaces in parts of the activity area. While the location and general nature of the proposed ground impacts are known, the exact depth of these impacts is currently not. Therefore, for the purposes of this CHMP, the depth of impact for the proposed works is assumed to impact on all soil profiles that have the potential to contain Aboriginal cultural heritage. The proposed activity is therefore likely to disturb or destroy Aboriginal sites or artefacts located within the activity area in the areas of impact.

All parts of this activity are limited to the activity area shown in Figure 3. No works associated with the activity will take place outside of this activity area.

The proposed development is defined as a *high-impact, large-sized activity*, in accordance with the *Aboriginal Heritage Regulations 2018*.

Figure 18 – Activity Description – Extract from Page 26 of Approved CHMP

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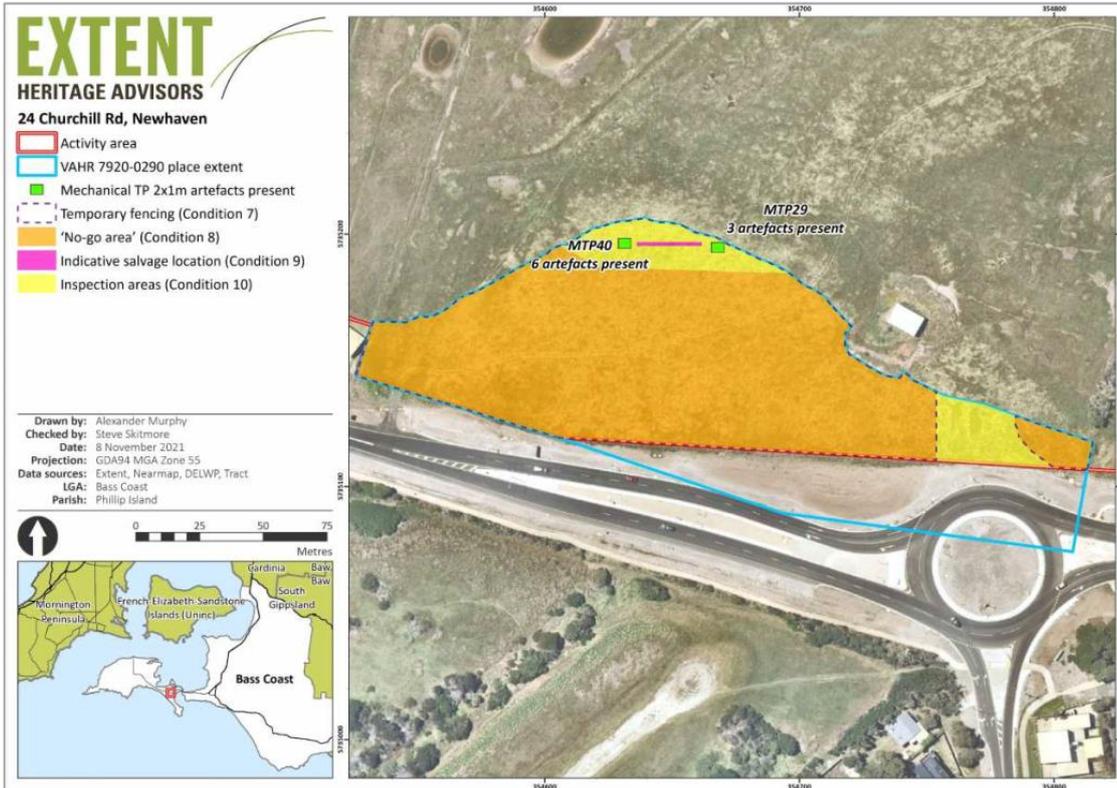


Figure 19 – CHMP 'no-no area' – Extract from Page 10 of Approved CHMP

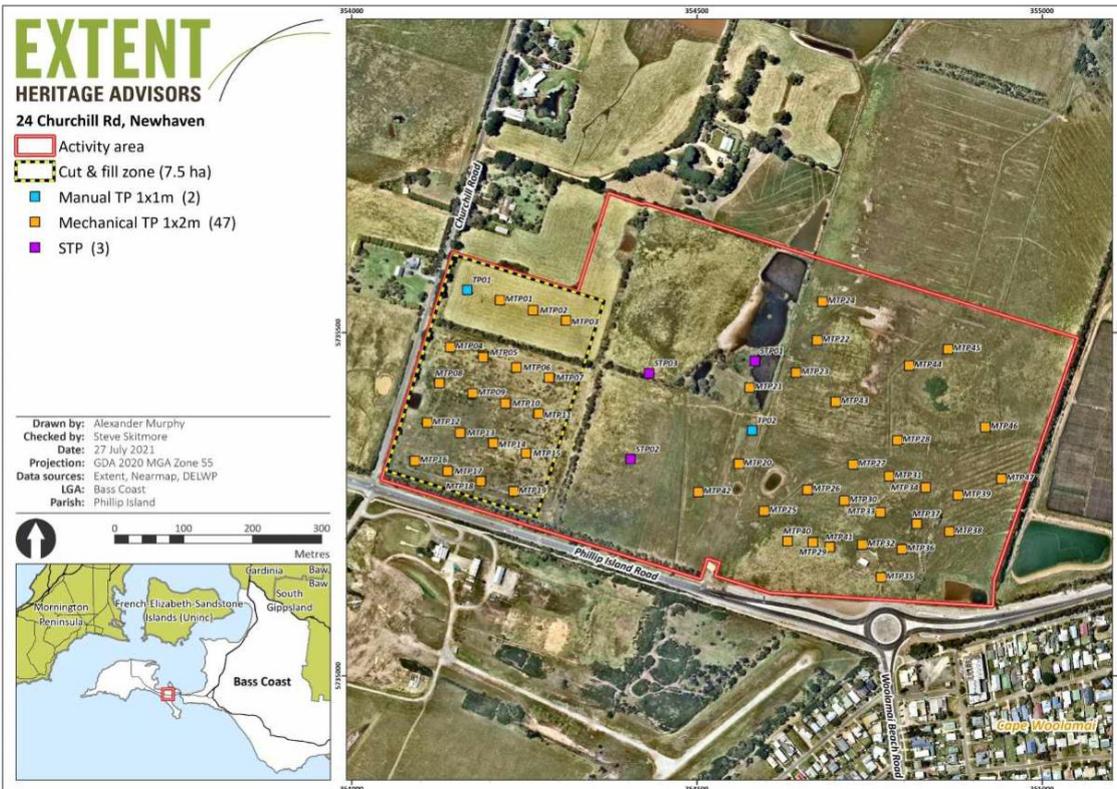
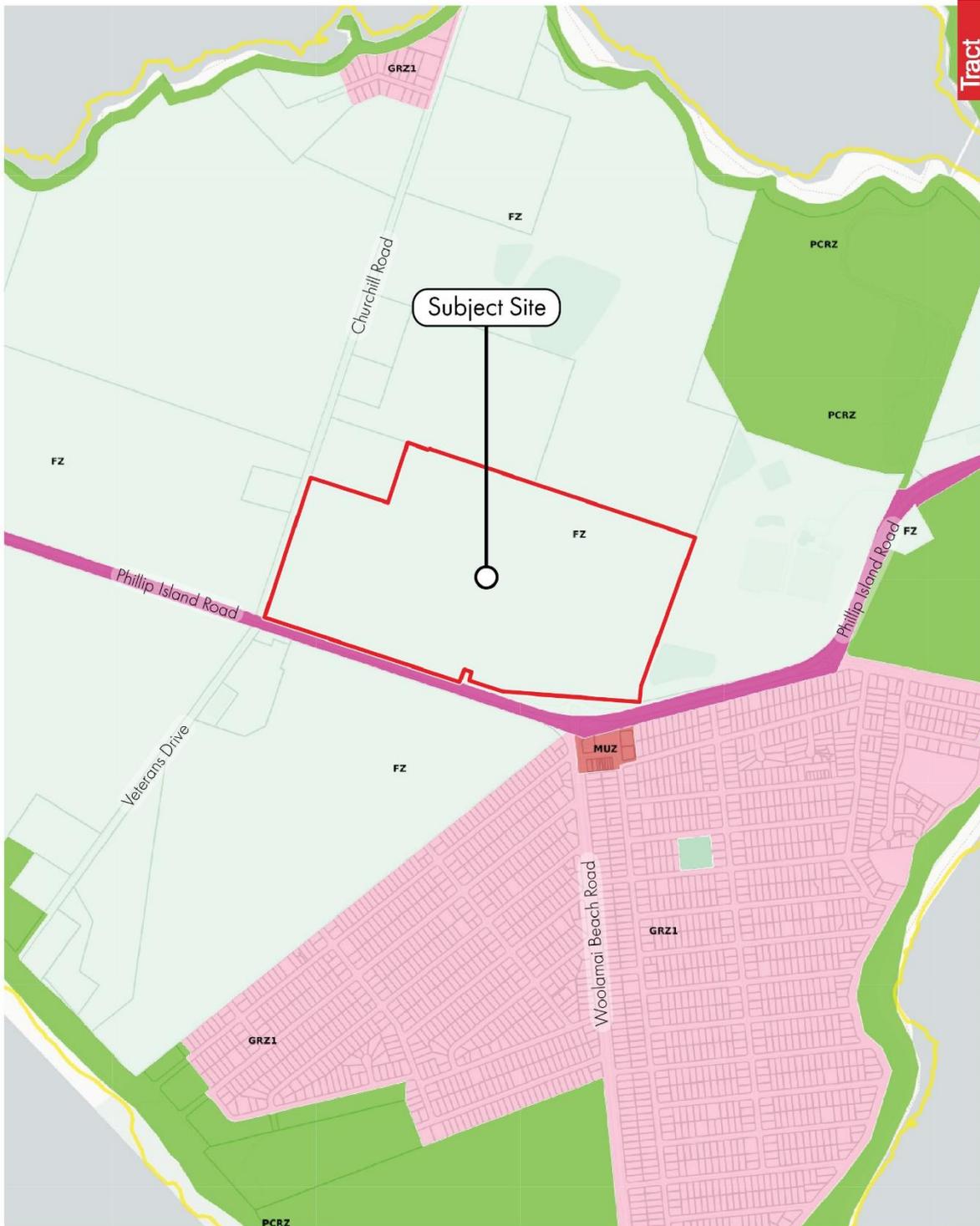


Figure 20 – CHMP Activity Area Testing – Extract from Page 85 of Approved CHMP

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Drawing Title

Project Name

## Zone Map

NVVM - 24 Churchill Road, Phillip Island

Drawing No.

Revision

Date

Drawn

Checked

Project Principal

Scale

319-0168-00-P-04-DR03

00

07.12.2020

EA

KM

KM

0 100 200 300m



Figure 21 – Zone Plan

# ADVERTISED PLAN



Drawing Title

Project Name

**Cultural Heritage Sensitivity Map**

NVVM - 24 Churchill Road, Phillip Island

Drawing No.

Revision

Date

Drawn

Checked

Project Principal

Scale

319-0168-00-P-04-DR04

00

07.12.2020

EA

KM

KM

0 100 200 300m



Figure 22 – Areas of Cultural Heritage Sensitivity Plan

## 6 Strategic Planning Policy Context

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### 6.1 Bass Coast Unlocking Rural Tourism (BURT) Strategy, January 2023

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The purpose of the BURT is to investigate the reason for the limited tourism investment within the rural areas of Bass Coast Shire, particularly the 'Rural Tourism Precincts' identified in the Bass Coast Planning Scheme, which includes land between Surf Beach and Samuel Amess Drive, Newhaven on Phillip Island (Newhaven Rural Tourism Precinct).

The Site is located within the Newhaven Rural Tourism Precinct.



Figure 23 - Newhaven Rural Tourism Precinct

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The BURT is relevant to this application as it recognises that despite strong strategic policy support from local, regional and State government organisations for tourism development and investment in the Shire, many of the tourism objectives for the Shire are not deliverable under the existing policy context because they are limited to small scale operations that have a direct nexus with agriculture.

The following assessments in the BURT are further relevant to the application:

- There are important implications for balancing agricultural and rural tourism land uses in Bass Coast. There is very limited opportunity for ancillary tourism uses for livestock grazing land, when an agricultural nexus is currently a key requirement for rural tourism development in the Scheme. If the current macroeconomic conditions persist and this land use trend continues, Council may need to consider changes to zonings and local policies to facilitate rural tourism investment.
- On Phillip Island, tourism development has been a key driver for positive conservation outcomes and improvement in access to natural environments and the increase of supporting infrastructure. This success demonstrates how diversification through rural tourism uses can support retention and sustainability of existing land uses and can be used as an example for future potential rural tourism opportunities with an environmental protection nexus and conditional requirements.
- Bass Coast has some of the highest quality agricultural land in Victoria and highly versatile soils that should be protected. Consideration, however, should be made where appropriate to support tourism uses as a primary use of land where agricultural productivity is limited, and the existing land use patterns support further tourism investment.
- Productive use of rural land needs to be a consideration, in some instances, particularly on Phillip Island there are numerous landholdings that are largely unproductive for agricultural due to size, proximity to coastal saline conditions and poor soil quality. Tourism would provide a productive use for these sites and potential lead to improved land management outcomes. In the locations where agricultural productivity is low, alternative uses that

have no link with agriculture should be considered more favourably and this can be recognised in a future piece of strategic work such as an updated Rural Land Use Strategy

The BURT sets out a number of relevant recommended actions including:

- Apply a 'Rural Tourism Subregion' specifically for Phillip Island and San Remo to guide and facilitate tourism investment, noting that these two subregions are the largest tourism focus in Bass Coast, and offer key areas of environmental value, heritage, coastal and rural landscapes (Action 1.1).
- Investigate amending existing local planning provisions regarding rural tourism development to reduce the requirements for tourism facilities to be directly associated with agricultural uses where appropriate, including for Clauses 14.01-2L-02 (*Sustainable Agricultural Land Use in the Farming Zone*) and Clause 17.04-1L (*Facilitating Tourism*) (Action 2.1).

## 6.2 Bass Coast Distinctive Areas and Landscapes Draft Statement of Planning Policy and Proposed Landscape Planning Controls, 2022

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In October 2019 Bass Coast region was declared as a distinctive area and landscape under Part 3AAB of the Planning and Environment Act 1987. This declaration:

- Requires the preparation of a Statement of Planning Policy (SPP) in partnership with local government and Traditional Owners.
- Requires the development of a long-term vision and strategies to protect distinctive areas in consultation with local communities
- Introduces the opportunity for protected settlement boundaries for townships – like Melbourne's urban growth boundary.

Once approved, the Bass Coast SPP will provide the highest level of planning protection for the declared area.

In March 2022, the draft SPP and proposed Landscape Planning Controls were prepared by the former Department of Environment, Land, Water and Planning (DELWP) in collaboration with the Traditional Owners (Bunurong), Council, relevant government agencies and authorities and the community.

The SPP sets out a 50-year vision to 2070 that *'the Bunurong people (represented by the Bunurong Land Council Aboriginal Corporation), governments, public land managers, businesses, residents and visitors work together to ensure the declared area's distinctive attributes – the things people love about the area and value it for – are protected and enhanced for current and future generations.'*

The following policy domains are proposed to set out the long-term needs and other considerations to integrate decision-making and planning for the declared area:

- Climate change mitigation and adaptation
- Landscape
- Environment and biodiversity
- Aboriginal cultural heritage
- Historic heritage
- Sustainable economic development
- Strategic infrastructure
- Settlements.

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Figure 24 - Proposed Bass Coast declared area framework plan

The declared area framework plan identifies the Site within a declared area boundary, but notably not within a State significant landscape. Notwithstanding, the Site is identified within a Regional significant landscape described as Phillip Island Swan Bay Coast & Churchill Island and landscape character of the Rhyll Inlet and Churchill Island Wetlands.

Relevant to this application, the sustainable economic development objectives include:

- To build a sustainable, responsible, year-round visitor economy that aligns with the declared area's significant landscape, environmental and Aboriginal cultural and historic heritage values.
- To facilitate a diverse, resilient, circular economy that promotes innovation in the productive use of rural land, natural resources and value-adding activities.

### 6.3 Assessment of Agricultural Land Capability in Melbourne's Green Wedge and Peri-urban Areas, 2018

The Assessment of Agricultural Land Capability in Melbourne's Green Wedge and Peri-urban areas – Agriculture Victoria Research Final Technical Report ('the Report'), was a collaborative study conducted by Agriculture Victoria and Deakin University, which sought to assess land capability for soil-based agriculture in the Green Wedge and Peri-urban areas of Melbourne.

The assessment was a State government initiative, aiming to safeguard the long-term future of strategic agricultural land. The productive importance of agricultural land identified were formed upon a number of challenges, such as:

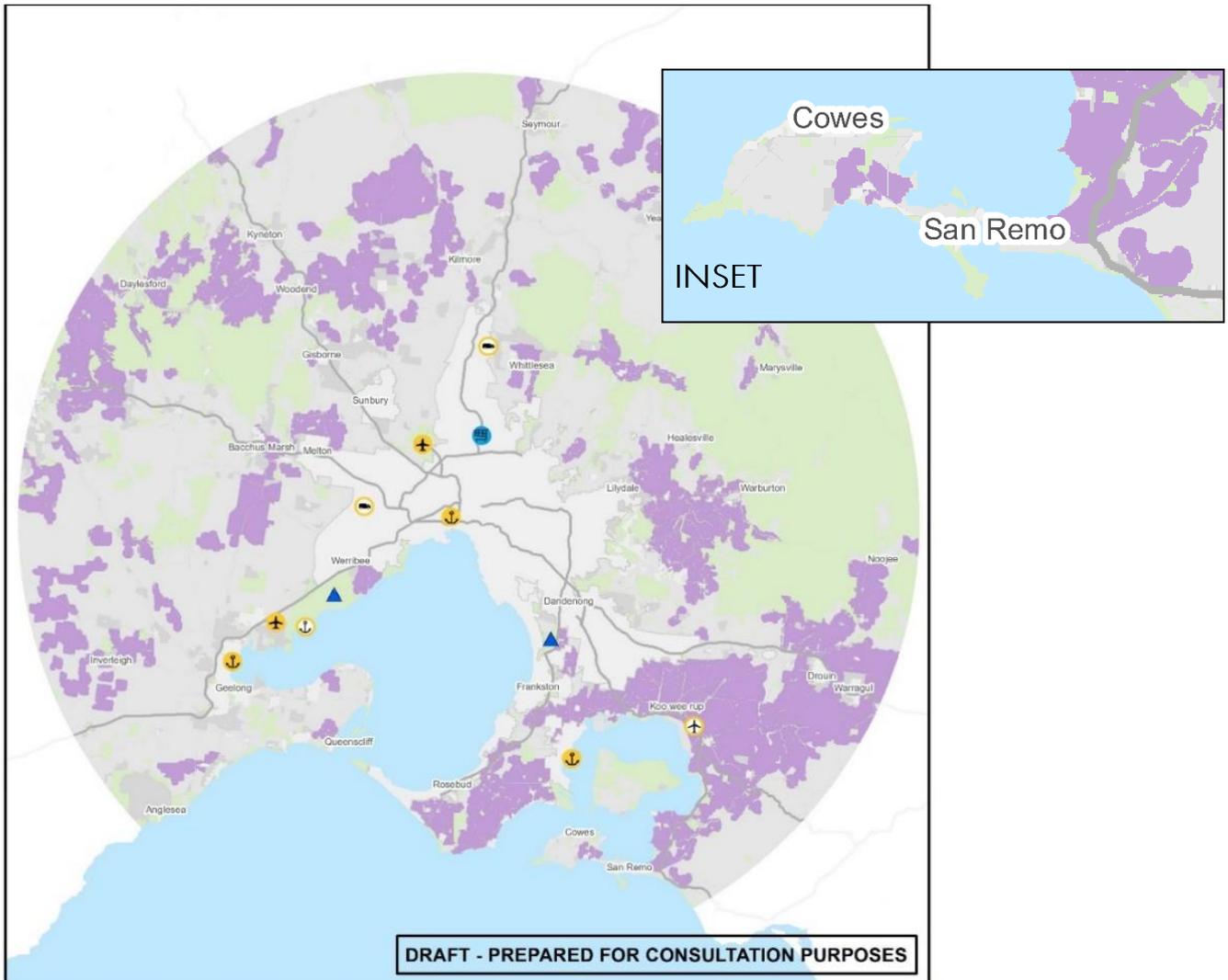
- Climate change;
- Population growth and development trends in and around Melbourne;
- Land use conflicts between farms and urban neighbours;
- Distorted land prices and speculation;
- Limitations to expansion; and

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- Current zonings that do not prioritise agricultural uses.

The preliminary stages of the study included the identification of potential locations of strategic agricultural land in Melbourne's green wedge and peri-urban areas. It is anticipated that this strategic groundwork would subsequently inform stronger controls in planning schemes to protect and support agricultural land. The mapping identified substantial areas of Phillip Island as being Strategic Agricultural Land (see extract below).

It is important to note that the land capability assessment does not identify the Site as being within the draft Investigation Areas identified for potential strategic agricultural land.



## Investigation Areas for Potential Strategic Agricultural Land

### Legend

- |                                |   |
|--------------------------------|---|
| Strategic Agricultural Land    | State-significant road corridor                   |
| Urban Growth Boundary          | Transport gateway - major airport                 |
| Urban Area                     | Transport gateway - seaport                       |
| Public or Commonwealth Land    | Interstate freight terminal (indicative)          |
| Other excluded Planning Zones  | Transport gateway - possible airport (indicative) |
| Area within 100km of Melbourne | Transport gateway - possible seaport (indicative) |
|                                | Melbourne Wholesale Market - Epping               |
|                                | Wastewater Treatment Plant                        |

Disclaimer:  
The State of Victoria does not warrant the accuracy or completeness of information in this publication and any person using or relying upon such information does so at the user's risk. The State of Victoria shall bear no responsibility or liability whatsoever for any errors, omissions, delays, or any losses in the information.

Planning Information Systems  
Job ID: p0205-20-1 Strategic - Agricultural Land - SAI with context  
Proj. Date: 14/03/2019 Cartographer: gfb  
Data provided: BE3 0832



Environment,  
Land, Water  
and Planning

Figure 25: Protecting Melbourne's Agricultural Land, DELWP 2019 (extract)

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## 6.4 Phillip Island and San Remo Visitor Economy Strategy 2035, 2016

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The Phillip Island and San Remo Visitor Economy Strategy 2035 ('the Strategy') was adopted by Council in August 2016 and seeks to ensure the long-term viability and sustainability of the tourism sector.

Recognising the role of tourism as a key economic driver, the Strategy works towards generating year-round visitation while protecting and enhancing the environment. As such, the Strategy notes the future of Phillip Island and San Remo as a sustainable tourism region will depend on significant investment in tourism marketing and infrastructure to reposition the destination with new domestic and international markets.

More specifically, the Strategy identifies the visitor economy as being a major influence on the local economy, community and environment. The Strategy estimates that visitor economy contributes 39.4% of the region's Gross Regional Product, and further recognises the need to diversify tourism offerings to safeguard its influence and maximise economic potential. Moreover, diversification will need to address growing trends facing the region, including:

- High day trip visitation;
- Declining overnight stays;
- Declining spend per visitor;
- Growing interest from Asia; and
- High seasonality patterns.

The Strategy attributes much of Phillip Island's appeal to its natural environment, flora and fauna and recreational amenities. While these are expected to remain major attractors, the region's rich history will also play an important role in engaging visitors of the future as Phillip Island's global appeal continues to grow.

The Strategy identifies key principles that will guide the future development of tourism, which includes:

- Encouraging a viable, ongoing, farming and rural industry for the Bass Coast, including on Phillip Island, that protects the visual qualities of the landform;
- Supporting rural tourism uses that not only meet the planning controls used to preserve the appeal of rural areas, but improves environmental conditions and allows for more sustainable farming operations through alternative revenue streams;
- Retaining town boundaries where practical to sustain and improve inter-urban breaks; and
- Supporting the development of attractions and accommodation that encourage off-peak travel through a proactive investment attraction program.

## 6.5 Gippsland Regional Growth Plan, State of Victoria, 2014

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The Gippsland Regional Growth Plan ('the Growth Plan'), endorsed by the Minister for Planning in May 2014, provides high-level strategic directions for regional development and land use across the municipalities of Bass Coast, Baw Baw, East Gippsland and Wellington.

The Growth Plan identifies the challenges associated with population growth and associated demand for services and infrastructure. Moreover, the Growth Plan identifies integrated objectives for the regional economy, environment and heritage, and regional infrastructure. These objectives aim to preserve Gippsland's assets of regional significance while supporting Gippsland's growth.

More specifically, the Growth Plan is underpinned by four guiding principles, all of which have related key objectives:

- **Principle 1** - Strengthen economic resilience by growing a more diverse economy that is supported by new investment, innovation and value-adding in traditional strengths. The rejuvenation, expansion and development of regional tourism based on Gippsland's environmental and cultural heritage assets and strategic tourism investment areas is a stated strategy.
- **Principle 2** - Promote a healthy environment by valuing Gippsland's environmental and heritage assets, and by minimising the region's exposure to natural hazards and risks.

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- **Principle 3** - Develop sustainable communities through a settlement framework comprising major urban centres that ensures residents have convenient access to jobs, services, infrastructure, and community facilities.
- **Principle 4** - Deliver timely and accessible infrastructure to meet regional needs for transport, utilities and community facilities.

The Growth Plan recognises the economic and employment benefits of the tourism sector in Gippsland, providing employment for 5,300 people (6% of the regional workforce) and injecting \$860 million per annum into the local economy. It notes that tourism attracts a growing market from metropolitan Melbourne and has significant potential to broaden its appeal.

The Growth Plan highlights strategic investment areas for nature-based tourism and identifies opportunities for private sector investment in towns and sensitively designed tourism infrastructure.

In particular, the Background Report to the Growth Plan classifies Phillip Island as a *Strategic Tourism Investment Area* (STIA). This is further affirmed through the Growth Plan itself whereby the Island is identified as a location where tourism opportunities associated with environment and landscape attractions should be supported.

The Growth Plan contains the following relevant directions:

- It identifies Phillip Island as a strategic investment area and supported location for tourism opportunities, particularly those associated with environment and landscape attractions.
- It recognises growth in tourism will require upgrades to facilities and infrastructure to meet the needs and expectations of a more sophisticated and international market.
- It encourages tourism development to locate within an existing urban settlement in identified tourism investment areas, except where proposals:
  - do not include a permanent residential component
  - are high quality and significantly add value to the tourism experience of the area
  - do not detract from the environmental or landscape values of the area in which they are located.
- It recognises that many tourists seek heritage tourism experiences, including historic attractions and services.

## 6.6 Bass Coast Rural Land Use Strategy Part 1 (2013) and Part 2 (2014)

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The *Bass Coast Rural Land Use Strategy* ('the Strategy'), informed by a review of the rural land use and development circumstances (i.e. opportunities, constraints and trends), defines the long-term objectives for the Shire's rural area. The Strategy was implemented by Council via Amendment C140.

The Strategy acknowledges the importance of the tourism industry to Bass Coast citing that it is estimated to generate approximately \$620 million in direct expenditure, over \$1 billion in value added and support around 1,400 jobs. The Strategy notes the potential to further develop tourism in the Shire's rural areas in ways that do not detract from the landscape, amenity, environmental, agricultural values and liveability.

Similarly, agricultural is also identified within the Strategy as being a significant local economic driver, generating around 7% of the total economic output and 8% of all jobs. With reference to Phillip Island, the value of the rural farmed landscape more closely contributes to visual identity and amenity and is a major attractor of visitors to the Shire.

Relevant key strategic directions of the Strategy include:

- Support agricultural activities and associated rural industries that will maintain and build on the economic base of the Shire;
- Protect and maintain the existing rural character of the Shire by providing clear definitions and distinctions between rural and urban areas;
- Provide for a range of rural based tourism uses in appropriate areas; and
- Protect and maintain areas of environmental and landscape significance by strongly discouraging inappropriate development and uses.

The Strategy recognises a trend within tourism in Bass Coast in that there has been a broadening of focus by means of capitalising on established visitation, particular on Phillip Island. Accordingly, the Strategy identifies a need to widen its

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tourism offerings, in particular to those based around the “*agricultural environment and landscape values of the rural hinterland for nature based and rural based tourism*”.

The objectives identified by the Strategy for the Phillip Island Precinct are to maintain agriculture while also recognising the cultural value of agriculture and the rural farmed landscape. Consequently, when providing for rural based tourism, it must be in an appropriate location and ensure development is compatible with identified landscape and farming values.

Accordingly, the Strategy recommended the rezoning of land west of Newhaven from Farming Zone to Rural Activity Zone (refer Figure 26 below). It is noted that the Site is contained within the proposed Rural Activity Zone area.



Figure 26: Amendment C140 Extract (not adopted)

The RAZ was proposed to be applied to areas where agricultural activities and other land uses can co-exist. More specifically, the Rural Land Use Strategy notes that there is strong support for small scale, low key rural-based tourism which can build upon existing tourism activities and which takes advantage of the natural attributes of the region, including the rural landscape.

The purpose of the Rural Activity Zone is:

- To provide for the use of land for agriculture;
- To provide for uses and development, in appropriate locations, which are compatible with agricultural and the environment and landscape characteristics of the area;
- To ensure that use and development does not adversely affect surrounding land uses.

However, when preparing C140, Council resolved to remove this precinct from the amendment. The reasons provided were outlined in a Position Paper prepared by Council:

*“Since adoption of the Rural Land Use Strategy Part 1 in 2013 there has been a range of initiatives and changes with regards to Phillip Island and Newhaven:*

- Commencement of the Phillip Island Tourism Strategy 2035 (due for completion July 2016);
- Completion of the review of the Newhaven, Cape Woolamai and San Remo Structure Plan;
- Closure of the Phillip Island Airport runways by the site owners;
- Planning approval for a Hot Springs tourism facility within the area.

*Due to timing, the Rural Land Use Strategy Parts 1 and 2 have not taken these initiatives and changes into account. As per the June 2015 Council resolution to proceed with Amendment C140, any rezoning to Rural Activity Zone on Phillip Island should occur at the completion of and based on the recommendations of the Phillip Island Tourism Strategy 2035.*

*The Non-Agricultural Uses policy does not preclude planning permit applications, and the only accommodation uses it discourages are hotels and caravan parks. The Non Agricultural Uses policy also*

*encourages appropriate tourism uses such as “Tourism facilities in association with or that complement agriculture such as wine tasting, farm gate sales”.*

Accordingly, at their meeting of 17 February 2016 Council confirmed their position that any rezoning should occur at the completion and based on the recommendations of the *Phillip Island Tourism Strategy 2035*. This resolution informed Council’s position at the C140 hearing and the planning panel considering Amendment C140 upheld this position.

The Panel report stated:

*The Panel has considered the submission to include the Newhaven RAZ as part of the Amendment and acknowledges the benefits of the Rural Activity Zone being applied to the Newhaven area given its locality and recommendation in the Rural Land Use Strategy.*

*However, the Panel agrees with Council’s submission that it is appropriate to delay the implementation of the Newhaven Rural Activity Zone until the Tourism Strategy for Phillip Island is completed. The Tourism Strategy will either validate or reject the need for and benefits of the Rural Activity Zone at Newhaven, or on other parts of the Island.*

The Panel response indicates that there was an expectation for revised land use controls to be considered as part of the preparation of the *Phillip Island and San Remo Visitor Economy Strategy 2035 – Growing Tourism*.

Whilst *Phillip Island and San Remo Visitor Economy Strategy 2035 – Growing Tourism* was released in 2016 (summarised at Section 5.3 above), the Strategy does not address land use controls or identify locations considered suitable for tourism development.

## **6.7 San Remo, Newhaven & Cape Woolamai Structure Plan, April 2010**

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The Structure Plan for San Remo, Newhaven and Cape Woolamai was prepared in 2008 and revised in 2010. Since then it has been through a further review (2015) though this did not lead to an updated version of the Plan. These reviews have included discussion around the future of land north of Phillip Island Road in Newhaven and the former Phillip Island Airport site (noting that the runways were closed approx. 6 years ago, with only the helicopter functions remaining on the Site).

The purpose of the plan is described in the document as follows:

*The San Remo, Newhaven and Cape Woolamai Structure Plan is a strategic framework for the future growth and development of the three towns. The purpose of the Structure Plan is to identify the strategic planning issues facing the towns, including community needs and aspirations, and to articulate the preferred future directions for growth, whilst protecting and enhancing the very elements which make the towns distinctive and functional as urban areas and tourist destinations.*

The 2008 version of the Structure Plan is identified in Clause 21.08 of the Planning Scheme as a reference document however the Planning Scheme references directions from the 2010 version.

The 2008 version of the Structure Plan showed the tourism precinct (identified in yellow) extending west from Westernport Water in Newhaven to Samuel Amess Drive (refer Figure 27). The 2010 version included land adjoining 24 Churchill Road in this designation (refer Figure 28).

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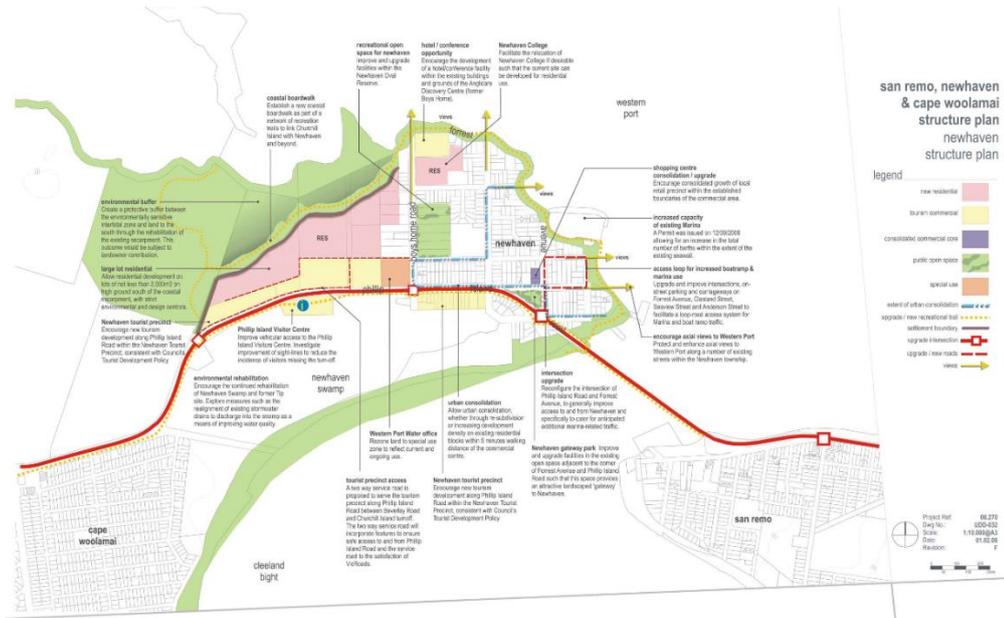


Figure 27: San Remo, Newhaven and Cape Woolamai Structure Plan (2008)

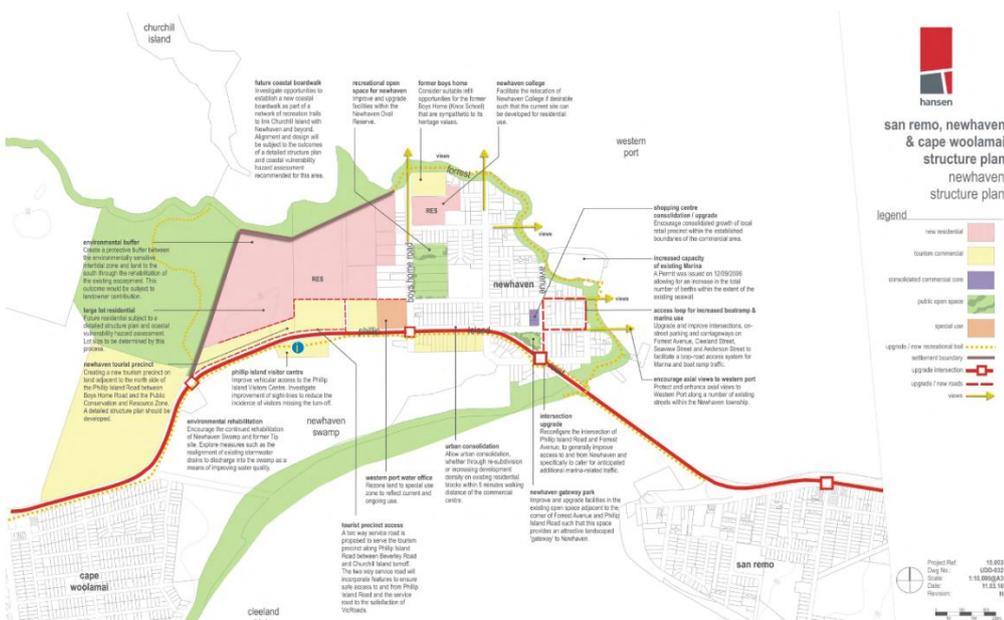


Figure 28 San Remo, Newhaven and Cape Woolamai Structure Plan (2010)

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## 7 Planning Assessment

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### 7.1 Overview

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The following section provides an assessment of the merits of the planning permit application against the relevant state and local planning policies of the *Bass Coast Shire Planning Scheme*, and other key considerations. Specifically, the assessment considers the following matters:

- How does the proposal respond to the Decision guidelines of Clause 53.22?
- How does the proposal respond to the VCAT decision?
- Is the proposal consistent with the Municipal Planning Strategy and Planning Policy Framework?
- Is the proposed use and development appropriate in the Farming Zone?
- Does the proposal provide for an environmentally sustainable design?
- Does the proposal provide for appropriate traffic and car parking arrangements?
- Are the external amenity impacts reasonable?

### 7.2 How does the proposal respond to the Decision Guidelines of Clause 53.22?

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Clause 53.22-5 sets out that, in addition to the decision guidelines elsewhere in the planning scheme, the responsible authority must consider (as appropriate) the purpose of the clause, and the views of the Office of the Victorian Government Architect.

This section therefore provides an assessment against the first purpose of Clause 53.22, as well as to the report of the Victorian Design Review Panel (noting that this aligns with the second purpose of Clause 53.22 which refers to high quality urban design, architecture and landscape architecture).

It is noted that Clause 53.22 did not exist at the time of the original application, and therefore these matters were not considered in the VCAT decision to refuse a permit.

#### 7.2.1 Significant Public and Economic Benefit

Clause 53.22 seeks to *'prioritise and facilitate the planning, assessment and delivery of projects that will make a significant contribution to Victoria's economy and provide substantial public benefit, including jobs for Victorians.'*

There are several public and economic benefits associated with the proposal, including:

- Providing for the ongoing operation of the NVVM on Phillip Island / in the Bass Coast municipality, noting that the existing NVVM has strong ties to the local community with over 30 volunteers, many of whom have family ties to veterans of the Vietnam War. In particular, the mental health benefits for volunteers and veterans of all wars are significant and is a core driver for the project.
- The purpose-built nature of the facility will ensure that the museum's collection is stored safely and managed for the benefit of future generations. The existing facility is sorely lacking in this regard, with the collection degrading and at risk of becoming lost.
- The museum represents genuine investment in cultural infrastructure and provides opportunity to reflect and learn from an important piece of Australia's history, with the purpose of the NVVM being to remember, interpret and understand the experience of the veterans of the Vietnam War. This is increasingly important with the existing museum being unsuitable as a legacy for such a pivotal event.
- The design proposal offers further opportunity to improve public access to all key views from within the site, including the proposed first floor Outdoor Viewing Deck which provides sweeping northern views towards Western Port Bay and Churchill Island and improved foreground views from the building over regenerated landscape,

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wetlands and commemorative gardens. Access for non-paying visitors to enjoy these new open spaces, picnic lawns and gardens, landscaped trails as well as patron the café will allow for a larger proportion of the public to enjoy the Site and generate additional indirect economic benefit for surrounding businesses and services.

- Facilitating the expansion of the NVVM's educational programs through the provision of purpose-designed spaces to accommodate school and tour groups will improve the educational offering for future generations to understand and learn from the conflict.
- Increased local employment opportunities will be generated in the region with an increased number of staff required for museum operations, as well as throughout the construction stages and indirectly through other proximate industries, supply chains and the like.
- The development's focus on environmentally sustainable design including the integration of nature-based water sensitive urban design solutions, green roofs, solar panels and adoption of passive design principles will ensure the proposal plays its part in the energy transition and can adapt and stand the test of time amid a rapidly changing climate.

With an additional 1M tourists forecast to visit Phillip Island annually over the coming 10-15 years, additional investment in modern attractions such as the NVVM is required to cater for growing demand, and to enhance Phillip Island's status as a key tourism destination. As discussed above, the Site benefits from existing synergies with other key tourism assets along Phillip Island Road and will provide economic agglomeration opportunities for visitors and tourists staying and moving through Phillip Island.

## 7.2.2 Economic Benefit

An Economic Impact Analysis has been prepared by Bass Coast Shire Council in 2021 to support the initial application and continues to be relevant for this revised application.

The Economic Impact Analysis provides insights into the possible contributions to the broader Bass Coast Shire economy in terms of output, employment, wages and salaries and value-added as a result of the proposal.

The proposed development cost of \$50 million is considered to generate a once-off injection into the economy as a result of construction impacts to the order of \$107.491 million, inclusive of all direct, supply-chain and consumption effects during the construction phase.

Total employment, including direct creation of jobs in construction and the ongoing operations of the Site, as well as indirect flow on employment generations from supply-chain and consumption effects is estimated up to 223 jobs in the region.

Wages and salaries are subsequently expected to increase by up to \$17.624 million as a result of the economic and employment growth, with a proportion of these wages and salaries typically fed back into the local economy.

Further, the total value-add from the metrics discussed above is expected to contribute up to \$34.502 million to the economy.

## 7.2.3 The Views of the OVGA / Response to the Victorian Design Review Panel Report

As outlined at Section 1.3.2, the proposal was considered by the OVGA's VDRP as part of the Clause 53.22 process.

The VDRP unanimously supported the proposal to locate the new NVVM on the Site and summarised the key issues to resolving the design/built form and landscape character concerns raised by the Tribunal as follows:

- Access to key views within the site is a community benefit and needs to be prioritised.
- Consider alternative siting for the building location to better fit into existing topography and adopt a landscape-led approach to moderating the carpark.
- A more integrated landscape and architectural solution can resolve built form and landscape character concerns. The original design approach was commendable, however needs more design refinement to integrate both natural and formed landscape with building.
- We encourage consideration of a prominent site marker, commensurate with the Caribou aircraft at the existing museum.
- Consider all access networks through the site, including the experience and safety of public transport users.

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We have sought to action the proposed recommendations presented by the VDRP in order to address the key issues raised, details of which are set out in the table below.

VDRP Recommendation	Response
<b>Site Organisation and Movement Network</b>	
<p>1. <i>Ensure key long-range and mid-range views are captured and maintained in perpetuity. For example, proposed revegetation of the site, and its ongoing maintenance / pruning, may need to be carefully curated to protect key views.</i></p>	<p>It is intended that key mid and long range vistas across the site be maintained through careful pruning and management of the vegetation once established. These corridors will be defined in more detail in subsequent stages of the Museum's landscape design but in essence use the low lying EVC zones to shape these corridors with surrounding vegetation. The position, scale and form of the landscape mounds has also considered this goal with undulations allowing a variety of views across and through the mounds.</p>
<b>Siting Strategy: Museum Building</b>	
<p>2. <i>Test relocating the museum towards the south, using the existing topographical high point shown on contour maps, which is proximate to the roundabout. Embedding the building into the site would reduce the perceived height of the building.</i></p>	<p>The location of the building has been tested and refined to direct align with the existing site contours and to take greater advantage of the existing levels. This orientates the building entry more directly to the entrance to the site allowing oblique glimpses the main entry from the road. The location is guided away from the identified aboriginal cultural heritage exclusion zone and existing EVC zones.</p>
<p>3. <i>Within this alternate location, could floor levels be further lowered to conceal the built form closer to existing natural grades?</i></p>	<p>The rotation of the building has resulted in some minor additional embedment into the slope. Floor levels are determined by the existing contours and take into account drainage implications, overland flows while also ensuring accessibility to the entries for people and vehicles. The floor level has been optimised to negate extensive cut and fill.</p>
<b>Siting Strategy: Car Parking</b>	
<p>4. <i>Test a car park solution which divides the single consolidated lot into two (or more) lots. Multiple, smaller lots could assist in reducing the perceived scale of the car park, and more appropriately respond to fluctuations in visitor numbers.</i></p>	<p>The carpark has been split and introduces a 5m wide Water Sensitive Road Design break that captures carpark surface water in a planted swale. The resulting zoning balances a modest separation without pushing the carpark any closer to the eastern neighbour.</p>
<p>5. <i>Consider that these discrete car parks could serve different uses on the site. For example, museum visitors may prefer a park close to the museum, and other community visitors may wish to park proximate to the open entry landscape functions.</i></p>	<p>The specific use of the two zones will be for the Museum to program but would maximise visitor amenity, particularly those with limited mobility. Coach and DDA setdown areas are located closest to the main entry.</p>

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6. *Review whether car parks could be located on-grade and/or following the prevailing contours to minimise benching and fill.* The carparks are located on or close to current grades to minimise cut/fill.

7. *We encourage additional soft planting and canopy trees for further 'greening and screening' of car parks and substation.* The carpark has generous tree canopy planting orientated to provide shade to the pavement surface as well as vehicles. Trees have been set back where required to enable clear vehicle sight lines.

## Other Considerations: Entry Sequence

8. *Could the Caribou be re-established as the key site marker and wayfinding element? We recommend:*

- Testing whether it could be relocated closer to the road, or positioned along an entry corridor which is visible from passing traffic.
- Alternatively, consider what other marker (signage, or otherwise) could provide this key function.

Re-positioning of the Caribou was considered however it was decided that the current location was optimal to achieve: Long distance view of the 10m high tail, prominent view as site is entered between the mounds and the entry sequence 'revealed', a functional location for the aircraft's use in the Museum's educational programs.

Other Museum artefacts were considered as markers to the site entry, however it was decided that a new, bespoke signage interpretation would better announce the Museum and avoid the potential degradation of these objects in the external environment. Contemporary examples of this approach are included in the landscape report.

## Landscape and Public Realm

9. *Reimagine the berm behind the building as a 'constructed' extension of the existing topography and morph it into the south façade, rather than as a separate standalone landscape element. Fully embed the NVVM into the landscape, using the south wall of the building to retain.*

The landscape mounds now reflect the form and geometry of the architecture in a rhythmic sequence of peaks and valleys that references the Phillip Island topography. Designed and orientated to reveal glimpses of the Museum from multiple aspects, the result is a highly integrated transition from natural ground through to the Museum's green roof. This approach also channels vistas to the north while offering a degree of visual screening of the carpark.

Discontinuous retaining walls along the front face of the mounds help elevate them while keeping their gradients gradual for planting and safe maintenance. This also allows for the mounds to envelope more of the Museum building.

10. *We previously recommended breaking the car park into smaller lots. Reintroduce the standalone landscape berms here to conceal lots from the street. Within the car park, break up each space with native vegetation, ensuring a landscape led carpark solution.*

In additional to earlier response:

The two mound forms (east and west) are designed to work in harmony as part of the arrival sequence and to provide visual screening and weather protection to the north. The articulation of the eastern mound responds to the zoning of the carpark.

11. *Refer to recommendations described within 'Site Organisation and Movement Network' for a* Refer to discussion to Item 1 above.

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*potential alternative siting strategy to limit the topographical level changes required.*

## Other Considerations: Community Benefit

- |     |  |   |
|-----|--|---|
| 12. | <i>There may be benefits in developing partnerships with educational and nature-based non-for-profit organisations which share similar visions for ecosystem restoration and sustainable land practices. Examples include Trust for Nature and Landcare Australia.</i> | The Museum has existing relationships with local educational and environmental groups. Educational programs are already run at the existing facility and these would continue and potentially expand in the new Museum. Local Landcare have been previously involved during consultation and are supportive of a revegetation regime such as that proposed. |
| 13. | <i>Consider whether less regimented planting could be provided along the Memorial Walk to lessen the impact of a 'gap', should any tree die.</i>   | The planting approach for the walking trail network has been revisited to achieve a naturalistic outcome that suits the species selected. This will define paths through planting breaks rather than avenues.   |

## Built Form and Massing

- |     |   |  |
|-----|---|--|
| 14. | <i>Consider concealing the southern façade behind earthworks / landscape.</i>   | The building and southern façade are nestled into the existing topography and augmented by the berms. These follow the language of the architecture, that being less natural and more manufactured in their form.<br><br>We believe this creates an integrated design response and provides a stronger expression to the site and entry. This was our interpretation of the panel's discussion regarding concealment, not total but nuanced with degrees of reveal as well as partial concealment. |
| 15. | <i>Reimagine the roof as a 'topographical' form which sensitively integrates with the surrounding contours (both existing and recontoured). We consider a high quality 'curated roof form' is important, noting the building is likely to be regularly visible from the air due to surrounding aviation uses.</i> | The roof has been designed to integrate with the topography and read as part of a manufactured landscape, not as a natural landscape. This is in keeping with the overall strategy of the architecture which represents war as a construct with notions of conflict the healing having been part of the design generation.   |
| 16. | <i>Consider exploring lightweight green roof systems / compact structural roof systems which could lower the overall building height, without impacting preferred internal ceiling heights.</i>   | The roof has been design to take suspended aircraft and manage the load of the greening while allowing for a largely column free flexible museum experience. For these reasons a light weight solution was not pursued.  |

## Other Considerations: Victorian Government 'Siting and Design Fundamentals'

- |     |   |   |
|-----|---|---|
| 17. | <i>As the project is refined, we recommend further consideration and integration of the 15 'Siting and Design Fundamentals' established within the Victorian Government's Siting and Design Guidelines for Structures on the Victorian Coast.</i> | The Siting and Design Guidelines for structures on Victorian Coast have been a reference document for the project with all of the siting and design fundamentals having been considered in the development of the design to date. These principles will continue to inform the design as it progresses. |
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## Other Considerations: Cape Woolamai / Phillip Island Road Bus Stop (out of scope consideration)

18. *We recommend the designers consider how the amenity and experience of public transport users arriving at the museum via the Cape Woolamai / Phillip Island Road bus stop could be acknowledged. For example:*
- Where do public transport travellers enter the site?
  - How does the entry sequence draw them into the site?
  - Will an extension on the existing arterial road footpath be required?
- A continuation of the public footpath is proposed to connect the bus stop with a dedicated pedestrian entry path to the Museum. The path continues to a dedicated, at-grade crossing point at the carpark which is a slow vehicle zone with excellent sight line visibility. The sequence would be similar to that of the vehicle arriving and would take in the entry marker, flag poles and arrival between the mounds a landscape gesture that provides a key visual framework for the building. We note that agreement would need to be reached with Bass Coast Shire on the portion of path external to the site boundary, however this is minimal and would support sound connectivity to this public transport node.
19. *We encourage consultation with BCSC and DTP on the above, and on whether a signalised pedestrian crossing at the Phillip Island roundabout might provide safer passage for public transport users, and other visitors wishing to cross Phillip Island Road.*
- While open to this suggestion, we feel that this is a wider topic than the immediate site response.

In addition to the above, we note that the Tribunal raised concerns with the design response of the building and landscaping in the FZ, given its exposed views looking north from Phillip Island Road.

We highlight that no permit is required for buildings and works associated with agricultural uses in the FZ, and as such the expectation of VCAT for the proposal to be visually recessive in the foreground is overly onerous on the proposed building, which has already sought to incorporate extensive landscaping and design features above and beyond the (lack of) design requirements required for agricultural development.

Examples of nearby development with little regard for site-responsive design or protecting views of the rural landscape include the main building and row of greenhouses at 1 Samuel Amess Drive and the existing shed at 24 Churchill Road. It is reasonable to expect that continued agricultural uses on the land may likely result in an equal if not more detrimental obstruction of the views north of Phillip Island Road, with no means for the Responsible Authority to assess an acceptable design response as part of exemptions for buildings and works requirements in the FZ.



Figure 29 - L-R: views of existing buildings at 1 Samuel Amess Drive and 24 Churchill Road from Phillip Island Road.

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## 7.3 How does the proposal respond to the VCAT decision?

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### 7.3.1 Introduction

The Tribunal considered the following key issues in their decision to not grant a permit for the proposal:

- The acceptability of the proposed use in the Farming Zone.
- Is the proposal acceptable in its strategic context?
- Will the proposal result in acceptable impacts on the landscape character?
- Will the proposal result in acceptable impacts on flora and fauna?
- Is stormwater drainage and water quality management acceptable?

There was consensus on several aspects of the proposal, including the opportunity for improved community and public benefit as a result of the development, through significant education, tourism, employment and economic generation. The Tribunal also accepted the evidence for the limited existing agricultural productivity afforded on the land due to its low-lying nature, susceptibility to waterlogging and the presence of numerous wetland and drainage area. It is noted that the Tribunal were satisfied that the proposal could appropriately respond to the final two key issues set out above (#4 & 5).

In particular, we note the following paragraphs from the VCAT order:

- The Tribunal accepted the importance of the community benefit, commemoration and education opportunities offered by the NVVM (para 18).
- The Tribunal accepted Mr Phillips' expert evidence that the proposal will not result in excessive loss of agricultural productivity on the overall Site given the low productivity afforded on the eastern part of the Site (where the development is to predominantly occur) (para 42).
- The Tribunal acknowledged that the design incorporated innovative and important stormwater and drainage management, revegetation elements and building design principles to achieve a positive outcome for the Site and surrounding landscape (para 104 and 191).
- The Tribunal accepted that the impacts of the proposal on flora and fauna could be appropriately managed (para 169.)

Despite this, the Tribunal determined not to issue a permit, finding:

- The proposal to be inconsistent with the prevailing strategic planning policy context and FZ that applies to the subject land (para 15).
- The built form and landscape design overly obtrusive and prominent in the landscape (para 16).
- The proposed scale and use do not align with the policy context (para 17).

Below we provide a detailed response to the key policy issues which formed the basis of VCAT's decision, being:

- Non-agricultural uses in the farming zone
- Use of land for a museum and restaurant in the Farming Zone
- Larger Scale Non-Agricultural Development on North Side of Phillip Island Road

Given the proposal has since been considered by the Office of the Victorian Government Architect (OVGA) and subject to a workshop with the Victorian Design Review Panel (VDRP) we have not provided a response to VCAT's comments in relation to built form and landscape design, and instead have provided a response to the VDRP report at Section 6.2 above.

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## 7.3.2 Non-Agricultural Uses in the Farming Zone

The Tribunal determined that the proposal was 'not consistent with the prevailing strategic planning policy context and FZ that applies to the subject land' (para 15) and cited further concerns regarding potential environmental and visual impacts on existing neighbouring agricultural uses (para 19).

Planning policy explicitly distinguishes between productive agricultural land and other rural / agricultural land with less productivity value. In this instance, the Tribunal has erred in applying these policies as a broad protection of all rural / agricultural land, noting that the policies cited all seek to retain productive agricultural land only (para. 34, 57-59, 67)), including:

- Clause 02.03-4 (Agriculture)
- Clause 14.01-1S (Protection of agricultural land)
- Clause 17.04-1L (Facilitating Tourism)
- Clause 35.07 (Farming Zone)

The Tribunal acknowledged that the eastern half of the Site, where the development is proposed, has little to no agricultural value, whilst the western portion of the Site, which is proposed to continue operating for agricultural purposes, has a higher agricultural value (para. 39-42).

In this context, the development of the eastern portion of the Site does not diminish any real agricultural value and therefore is not inconsistent the above listed policies which seek to protect productive farmland.

Further, we note that the Tribunal takes relatively conservative approach in its interpretation and assessment of Clause 14.01-2L (Sustainable Agricultural land use in the Farming Zone) which seeks to 'discourage non-agricultural uses other than those that support agriculture.'

As discussed in Section 5.1 of this report, the BURT Strategy proposes to facilitate a broader range of uses by seeking instead to '*discourage non-agriculture uses that have a detrimental impact on agricultural production, particularly in areas recognised as having high agricultural production value*'. It follows that given the acknowledgement by the Tribunal that no detrimental impact on productive agricultural land will result from this proposal, the proposal also remains consistent with the emerging strategic context.

## 7.3.3 Use of Land for a Museum and Restaurant in the Farming Zone

Whilst the Tribunal acknowledged that the land was of limited agricultural value, they indicated that due to the Site's location in the FZ, the proposed uses should have a direct connection with agriculture being (para. 99-105).

We disagree with the Tribunal's view, with the FZ clearly anticipating a range of other uses provided these '*do not adversely affect the use of land for agriculture*', and are '*based on comprehensive and sustainable land management practices and infrastructure provision*'.

At a local policy level, Clause 14.01-2L-02 (Sustainable agricultural land use in the Farming Zone) lists a large number of uses that are explicitly discouraged in the FZ (including a Convenience shop, Hotel, Store, Bar, Residential Hotel and Warehouse). Museum and Restaurant are not listed here and therefore are not specifically discouraged by local policy.

This is further supported by the BURT Strategy which effectively identifies all of Phillip Island as being suitable for tourism uses, highlighting the need for policy and decision makers to recognise that tourism offers a productive option for Sites with poor agricultural value.

On that basis, the Tribunal's benchmark requirement that 'the proposal is based primarily on rural or nature based activity, or for natural landscape appreciation' (para. 103) is not supported by the planning framework.

We consider that proposed Museum and Restaurant are appropriate when considered against the objectives of the FZ and local policy, noting:

- Museum and Restaurant are both Section 2 uses in the FZ and are not prohibited. The merits of the land uses have been discussed throughout this report and will provide significant economic benefit through supporting the tourism offering of the NVVM to both paying and non-paying patrons.
- The proposal will not have adverse impacts on surrounding agricultural land and will improve the agricultural value of the western portion of the Site as previously discussed (noting the Tribunal has also accepted this outcome, para. 42).

- The Site takes advantage of existing public transport infrastructure and road access, and has access to water, sewer and telecommunications.
- The design response represents an integrated land use, built form and landscape outcome with ESD and embedded in the site planning.

The proposal embraces its unique rural setting and benefits from its position within a significant tourism precinct. The integrated design creates spaces to capture expansive views, calming and restorative walking trails, revegetated microhabitats and the like which are elements fundamentally linked to the surrounding agricultural and rural landscape, and ultimately vital to the museum's future success as the largest Vietnam Veterans Museum in the world.

#### 7.3.4 Larger Scale Non-Agricultural Development on North Side of Phillip Island Road

The Tribunal regarded the policy context as predominantly encouraging the development of larger scale tourism proposals to the southern side of Phillip Island Road (para. 43-44). This was largely a result of their interpretation of the BURT, which recommended several preliminary investigation sites on the south side of Phillip Island Road that have potential for rezoning to the Special Use Zone (SUZ). We note that these were preliminary investigation sites only and were not listed to limit other potential areas for non-agricultural use and development.

We consider that the Tribunal erred in their finding that the proposal should be refused on the basis that it sets an undesirable precedent for unfettered development within the FZ (para. 43). The process of planning in Victoria is such that each permit application proposal is considered and assessed on its specific merits, given the particulars of the site and context.

More broadly, we consider the proposal to be sufficiently justified by the existing policy context as well as more recent strategic planning work. We accept that the 2010 Strategic Framework Plans note the Site 'rural area/farmland', however we note that strategic planning work undertaken from 2014 onwards consistently recognise that the Site as suitable for non-agricultural development.

The most recent strategic work, the BURT (adopted by Council earlier this year) recognises that:

*In the locations where agricultural productivity is low, alternative uses that have no link with agriculture should be considered more favourably and this can be recognised in a future piece of strategic work such as an updated Rural Land Use Strategy.*

Whilst the Tribunal acknowledged the BURT, there was a critical misinterpretation of the recommendations which included that all of Phillip Island and San Remo be rezoned to RAZ and sit within the San Remo and Phillip Island Rural Tourism Subregion. This subregion has the most significant tourism focus of the subregions, with key areas of focus being environmental value, heritage, coastal and rural landscapes (as opposed to other subregions which maintain a preference for agricultural related tourism where agricultural values are high).

In this context, we consider that consideration of site suitability should place a higher weight on the planning policy framework (including 17.04-1L) which suggests that non-agricultural uses may be suitable where agricultural values are low, provided there is no land use conflict and environmental values are protected (as is the case here).

From a strategic land use point of view, the proposal provides the opportunity to stitch together this portion of Phillip Island Road, centred around the commercial area at the roundabout, and to provide a transition back to rural farmland areas through designating the western portion of the Site for agricultural purposes (with the western boundary also having a direct road interface which acts as a clear break between the Woolamai and Newhaven settlements cluster and the farmland beyond).

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## 7.4 Is the proposal consistent with the Municipal Planning Strategy and Planning Policy Framework?

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Notwithstanding the detailed analysis of the VCAT decision above, we have provided a response to the Municipal Planning Strategy and Planning Policy Framework more broadly and find it remains consistent with key considerations around settlement, environmental and landscape values, economic development and infrastructure.

### Municipal Planning Strategy

The proposal accords with the key clauses of the MPS, noting:

- In accordance with Clause 02.03-4, the proposal been guided by expert agricultural advice which seeks to retain the productive agricultural land in the western portion of the Site whilst supporting a tourism-related use on the eastern portion which is sensitively integrated into the surrounding farmland; on one hand working to revegetate and re-landscape the existing unproductive agricultural land and on the other ensuring the public have improved access to views and experiences in close proximity to the surrounding rural industries.
- In accordance with Clause 02.03-5, the proposal has been revised to incorporate the recommendations of the VDRP and presents an improved built form and landscape design that integrates appropriately into the existing landscape setting.
- In accordance with Clause 02.03-7, the delivery of the new NVVM facility in the proposed location will inject \$107.491 million in output and create 223 jobs to improve the local and regional economy. As discussed throughout the report, great care has gone into ensuring the environmental and visual impacts are appropriately mitigated to ensure a net benefit to the community.
- In accordance with Clause 02.03-9, the proposal is supported by stormwater engineering advice that the proposed run off can be appropriately managed to address any adverse impacts to neighbouring properties and businesses. This integration of nature-based solutions, including swales and treatment wetlands, demonstrate that environmental sustainability has been at the forefront of the design response.

### Planning Policy Framework

The proposal accords with the key clauses of the MPS and PPF, noting:

- The proposal responds to existing settlement patterns and builds on identified tourism activity areas, leveraging off available infrastructure to establish a tourism facility with excellent vehicular, pedestrian, cyclist and public transport bus access and synergies to nearby commercial and mixed use development areas (Clause 11 - Settlement)
- The proposal responds to environmental and landscape values as follows (Clause 12 - Environment and Landscape Values):
  - Is sited to avoid the loss of native vegetation with just xxx proposed for removal.
  - Includes substantial new planting including indigenous revegetation and the creation of new wetland habitat which will improve stormwater quality.
  - Has considered the impact of external lighting on the migratory path of the Short-Tailed Shearwater.
  - Incorporates water sensitive urban design measures to improve stormwater quality and manage Site drainage.
- The Site is within a Bushfire Prone Area. The building has been sited and designed with consideration of bushfire risk, noting that the building will be required to demonstrate compliance with the relevant building codes during the building permit process (Clause 13 - Environmental Risks and Amenity).
- The proposal contains buildings and works to the eastern portion of the Site, maintaining the western portion (which is of higher agricultural value) for agricultural use and responds to natural resource management requirements (Clause 14 – Natural Resource Management);
  - The rigorous strategic work that underpins the *Bass Coast Rural Land Use Strategy (2014)* confirms that the site is of ‘moderate agricultural value’ and, based on this and a number of factors including impact on agricultural protection and locational attributes, recognised the suitability of the land for tourism uses (and recommended rezoning to RAZ).
  - Clause 14.01-2L-02 encourages ‘tourism facilities’ in the farming zone “that complement or are associated with the agricultural use of land such as wine tasting and farm gate sales”. 11 land uses are listed as

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'discouraged in the Farming Zone, but notably this does not include 'tourism facilities' where this condition is not met, nor does it include Place of assembly', 'Museum' or 'Restaurant'.

- Based on the above, the proposed development is consistent with objectives of Clause 14.01-2L-02 noting that the Site is not of high agricultural quality, and the use will not compromise surrounding agricultural activities. This is further supported by the assessment of the Decision Guidelines of the Farming Zone as set out at Section 6.4 below.
- The development has been designed to be distinctive and memorable, making a positive contribution to the land and surrounding streetscape. The building is appropriately set back from Phillip Island Road and incorporates a sculpted roof form which, coupled with the green roof, provides a camouflaging effect to reduce the visible mass of the building as per the response to built environment and heritage requirements (**Clause 15 – Built Environment and Heritage**);
  - The integrated built form and landscape response provides for a contemplative space to reconnect and nurture the human-nature relationship.
  - The proposal includes an integrates ESD response, using the building's thermal mass to reduce heating and cooling loads, incorporating solar panels for energy efficiency, and using swales as sustainable means of treating stormwater.
  - The proposal includes substantial revegetation and the development of wetland areas, with local EVC's informing the planting pallet to improve the Site's contribution to both landscape character and biodiversity.
  - A Cultural Heritage Management Plan has been approved for the development.
- The proposed relocation and expansion of the NVVM will provide for increased employment opportunities and boost year-round tourism to the area. The Museum is proximate to existing well-known tourist attractions within the immediate vicinity such as the Phillip Island Chocolate Factory and Churchill Island Farm. The economic benefits are further summarised in Section 6.2 (Clause 17 – Economic Development).
- The development provides appropriate car and bike parking, with a separated bike path proposed, providing for access via the existing Phillip Island Bike Path which runs between Newhaven and Cowes. The Site is also conveniently accessible via bus (noting that there is a bus stop immediately in front of the Site) (Clause 18 - Transport).
- The development represents a significant piece of social and cultural infrastructure which builds upon the base established at the existing premises, and ensures that the NVVM will be able to contribute to the community into the future (Clause 19 - Infrastructure).

## 7.5 Is the proposal consistent with local tourism policy?

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The proposal is located in Newhaven, which is identified in Clause 02.03-7 as a key tourist area within Bass Coast. As a result, the strategies set out in Clause 17.04-1L (Facilitating Tourism) are highly relevant to this application for a tourism facility within Newhaven. Where there is some discrepancy in the alignment with the strategy, we reiterate the recommendations made in the BURT Strategy (summarised in Section 5.1), that identify the need to broaden some of the strategies under Clause 17.04-1L to better distinguish the requirements for facilitating tourism on low quality agricultural land, are important for consideration.

The proposal demonstrates a high level of consistency with council's locational strategies as follows.

- The Site is proximate to existing tourist and urban infrastructure, including other key tourism locations and the Cape Woolamai commercial precinct / Cape Woolamai township. The construction of the roundabout on Phillip Island Road and the public bus stop further ensures that the Site is accessible and able to accommodate visitation numbers year-round.
- The Site is proximate to established tourism developments including the Chocolate Factory, Churchill Island Farm and the Visitor Information Centre. The proposed location is preferable to the location of the existing NVVM which is further removed from the Newhaven tourism area.
- The Site is not identified (either by way of planning overlays or strategic plans) as being of high agricultural quality. The submitted Land Capability Assessment assesses the Western flats as a '3/Average' while the Saline flats in the eastern portion of the Site are assessed as a '4/Poor'.

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- The proposed development will improve the environmental and landscape values of the Site through the inclusion of integrated water sensitive urban design features and substantial native and indigenous planting to support biodiversity within the area. This is consistent with the objectives set out in the draft proposed SPP and proposed landscape planning controls as part of the DAL designation over Phillip Island.

Further to the above, the proposal demonstrates a high level of consistent with the diversification strategies as follows.

- The facility is compatible with and will add value to the existing built and natural attractions of the municipality through several design considerations, including siting appropriately to minimise environmental impacts and the removal of native vegetation (as confirmed in the submitted Native Vegetation Assessment).
- The building has been designed to integrate comfortably with the surrounds, with the building wrapped in a lush green carpet and 'camouflaged' – referencing the building's purpose to remember, interpret and understand the experience of the veterans of the Vietnam War.
- The publicly accessible café and nature trails and park will add further value to the surrounding communities and to visitors exploring the island.
- The NVVM currently enjoys strong visitation year-round and provides an engaging and popular activity for days where the weather is inclement.
- The relation and expansion of the museum, including the establishment of the walking trails and memorial garden and improved education spaces, is expected to increase visitor numbers (including amongst school groups).
- The proposal will facilitate the development of integrated recreation, cultural heritage or nature-based tourist developments as the NVVM is a well-known cultural heritage museum. The proposed relocation allows not just for an expanded exhibition space but also for the establishment of a nature-based / recreation component being the landscaped grounds which include constructed wetlands and walking trails which will be freely open to the public.

## 7.6 Is the proposed use and development appropriate in the Farming Zone?

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The proposed use and development of the land for a Museum and Restaurant in the Farming Zone is acceptable when assessed against the relevant decision guidelines set out at Clause 35.07-6 and the emerging strategic context in Bass Coast. As discussed throughout this report, recent strategic work in Bass Coast has sought to recognise the importance of facilitating tourism in areas where tourism is a key economic driver (as is the case on Phillip Island) and where the tourism proposal will not detrimentally impact the agricultural use of land, change the rural nature of the landscape or areas of environmental value (as is the case for this Site).

In addition to the assessment provided at Sections 6.3.2 and 6.3.3 in relation to consistency with the FZ and local policy, the proposal specifically aligns with the purpose and decision guidelines of the FZ as follows:

- The Site is not currently affected by any overlays which identify specific environmental or landscape attributes, and it is understood that the DALs team in DEECA have confirmed that the development is not contrary to the DALs.
- The Site is proximate to several other tourist attractions and will provide a greater net community benefit through development as a tourism facility compared to agricultural output given the low agricultural value of the land. Further, the proposed use will not compromise the ability of surrounding land to be used for agriculture. The proposed development is generally confirmed to the east side of the Site, with the west of the Site able to be retained for agricultural use as set out in the submitted Land Management Plan.
- The proposed use takes advantage of existing infrastructure, including readily available connection to services including sewer, electricity and telecommunications and convenient access via a proposed 4th leg to the roundabout at the Phillip Island Road and Woolamai Beach Road intersection – a substantial piece of public infrastructure which will provide for safe and efficient access to the Site.
- Whilst the development will not 'support and enhance agricultural production', the findings of the 2014 Rural Land Use Strategy and the Land Capacity Assessment demonstrate that agriculture is not a viable use for the Site.
- The proposed development will not adversely affect soil quality, with WSUD and sustainable land management measures ensuring appropriate treatment of stormwater and new native and indigenous planting likely to improve conditions.

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- Extensive biodiversity protection considerations have been made in the design of the proposal. Substantial revegetation is proposed to the rear of the museum, with a focus on native and indigenous flora species which are consistent with the Ecological Vegetation Classes identified in the Native Vegetation Assessment. Consideration has further been given to the impact of external lighting on the migration of the Short-Tailed Shearwater, with measures noted on the Landscape Plan.
- The proposed use and development will not interfere with the agricultural use of adjoining / surrounding land noting that it is not a sensitive use and can appropriately manage biosecurity, stormwater and drainage requirements. The Tribunal was satisfied that appropriate measures were proposed to ensure the use and development of the Site would not jeopardise adjoining agricultural businesses and use (see Para. 110 of VCAT Decision).
- The siting and design issues have been reviewed and revised as part of this application and have been accepted by the OVGA as consistent with first principle design considerations under the FZ.

## 7.7 Does the proposal provide for an Environmentally Sustainable Design?

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The Sustainability Management Plan prepared by Hip vs Hype confirms that the proposal provides for an Environmentally Sustainable Design as it incorporates an integrated approach which delivers high calibre sustainability outcomes at the lowest possible cost.

In particular, a number of ESD initiatives have been incorporated into the design of the building relating to:

- Passive design (strategic orientation of windows, adjustable shading).
- Building Fabric (concrete structure, insulation, greening elements, glazing level)
- Energy (solar panels)
- Water (water sensitive urban design, rainwater tanks, specific planting)
- Transport (provision of a bike track to encourage cycling)
- Waste (minimal waste produced as possible)

In terms of flora and fauna, the proposal seeks to avoid, to the smallest extent, the loss of native vegetation. Whilst it is acknowledged that the current proposed footprint will result in the total loss of 0.207 hectares of native vegetation, a number of initiatives, largely through landscaping works, will seek to ameliorate this including:

- New planting of paperbark trees to create a Swamp Paperbark Woodland area.
- Preservation and enhancement of existing wetlands on site, and integration with Swamp Paperbark Woodland area.
- Creation of new habitat for fauna and to assist bird migration.
- Carefully curated palette of native and indigenous flora species, consistent with the Ecological Vegetation Classes identified in the Native Vegetation Assessment.

The Native Vegetation Assessment prepared by Nature Advisory confirms that native vegetation to be removed is not within an area considered as an endangered Ecological Vegetation Class, and that no referral to DELWP is triggered under Clause 52.17.

## 7.8 Does the proposal provide for appropriate traffic, car parking, bicycle parking and loading facilities?

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The Traffic engineering assessment submitted with the application provides a detailed assessment of the bicycle and car parking provision, car parking layout and access arrangements, loading facilities including the appropriateness of proposed access location, and impacts on the surrounding road network.

### Traffic, Car Parking & Bicycle Facilities

The development will have negligible impact on the operation of the existing Wollamai Beach Road/Phillip Island Road roundabout, with the proposed addition of a 4<sup>th</sup> approach to the existing roundabout is the most appropriate location for vehicle access to the Site.

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The proposal will provide in total 99 on site car parking spaces (exceeding the 66 spaces required); comprised of a primary car park which can accommodate 62 car spaces, and overflow car park which can accommodate an additional 37 car spaces.

Car and bus drop-off zones are located adjacent to the building's forecourt area, with the primary car park also providing for two bus parking spaces.

With respect to bicycle facilities, the proposal generates a requirement for 8 bicycle spaces and no end of trip facilities. 16 bicycle spaces are proposed proximate to the building entry, exceeding the statutory requirement.

## **Loading Arrangements & Waste Management**

In regard to loading and unloading and waste collection, for which it is proposed to be accommodated via a secondary access point to Phillip Island Road via the existing access, the submitted Traffic Engineering Assessment considers that:

*Given the low level of traffic that would be generated by this entrance to Phillip Island Road we are satisfied that this access location is acceptable.*

*Given the frequency of movements expected to this entrance, we are satisfied that a single lane access to Phillip Island Road is acceptable in this case.*

On this basis, it is considered that the proposal has adequately considered and provided for loading and waste collection arrangements associated with the proposal.

The Traffix Group report concludes that:

- a) *the proposed museum (place of assembly) and restaurant generates a statutory car parking requirement of 66 car spaces under Clause 52.06-5,*
- b) *the provision of 62 formal spaces and 37 overflow spaces exceeds the statutory car parking requirement,*
- c) *the proposed development requires a total of 8 bicycle spaces under Clause 52.34. A total of 16 spaces are provided on the plans, satisfying this requirement,*
- d) *the layout of the on-site car parking areas and accessways accords with the relevant requirements of Clause 52.06-9, AS2890.1-2004 and AS2890.6-2009 (where relevant),*
- e) *loading and waste collection will be undertaken at the rear of the site and can be managed appropriately,*
- f) *the level of traffic generated by the site and the creation of the 4th leg of a roundabout will have a negligible impact to the operation of the Woolamai Beach Road/Phillip Island Road roundabout and will not have detrimental impact on the broader road network,*
- g) *there are no traffic engineering reasons why a planning permit for the proposed museum at 24 Churchill Road, Newhaven, should not be granted, subject to appropriate conditions.*

On the basis of the above, it is submitted that the proposal adequately provides for traffic, car parking, bicycle parking and loading facilities.

## **7.9 Are the external amenity impacts reasonable?**

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The proposal has been designed to minimise adverse external impacts from its operations, traffic, waste and noise management and it is noted that the Tribunal also did not raise any concerns with external amenity impacts in their report.

In relation to external amenity impacts, the proposal will not cause any unreasonable impacts to developments on adjoining Sites for the following reasons:

- As outlined in Section 6.8, the proposal is expected to have negligible impacts on the operation of Phillip Island Road.
- The statutory car parking requirements have been satisfied.
- The Site is well removed from any sensitive land uses (including residential areas), limiting the potential for acoustic impacts from occasional events / functions.
- The use and development will not compromise the agricultural use of surrounding land.

- The building has been designed with consideration of the impact on views from the public realm, and in particularly vehicular and bicycle traffic travelling along Phillip Island Road. Care has been taken to ensure that the development responds to the surrounding landscape, whilst expressing itself as a contemporary space which seeks to remember, interpret and understand the experience of the veterans of the Vietnam War.

Accordingly, it is submitted that the proposal will not generate any unreasonable external amenity impacts.

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## 8 Conclusion

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The report has been prepared in support of a planning permit application for the establishment of the National Vietnam Veterans Museum at 24 Churchill Road, Newhaven ('the Site').

The proposal is consistent with the strategic policy directions of the Municipal Planning Strategy and Planning Policy Framework and the purpose of the Farming Zone, as well as other relevant provisions of the *Bass Coast Planning Scheme*. The proposal further considers the emerging strategic context that seeks to improve the tourism offering on Phillip Island and to productively use low value agricultural land to generate additional employment and economic benefits.

This report has assessed the revised proposal against the findings and comments raised by VCAT in their decision to refuse a permit in the first instance, and found it to be entirely appropriate given the introduction of Clause 53.22 (Significant Economic Benefit) under which the application is being submitted. There is substantial merit afforded by the community and economic benefit proposed by the new NVVM which on balance offsets the matters set forth by the Tribunal which placed disproportionate weight on retaining the visual amenity of the landscape.

In summary, this report finds the proposal appropriately responds to the Site's surrounding context and will provide a high-quality built form outcome that will positively contribute to the area, and generate significant economic benefits for the region whilst serving the purpose of commemorating the veterans of the Vietnam conflict.

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