

## PLANNING PERMIT

<b>Permit No.:</b>	PA2403185
<b>Planning scheme:</b>	Mornington Peninsula Planning Scheme
<b>Responsible authority:</b>	Minister for Planning
<b>ADDRESS OF THE LAND:</b>	795 & 1085 ARTHURS SEAT ROAD, ARTHURS SEAT <ul style="list-style-type: none"><li>• CROWN ALLOTMENT 2015 TOWNSHIP OF DROMANA PARISH OF KANGERONG</li><li>• CROWN ALLOTMENT 2019 TOWNSHIP OF DROMANA PARISH OF KANGERONG</li></ul>

### THE PERMIT ALLOWS:

<b>Planning scheme clause No.</b>	<b>Description of what is allowed</b>
36.02-2	Use of the land for a Leisure and Recreation Facility and ancillary facilities, food and drink premises and function centre.
36.02-2	To construct a buildings or construct or carry out works in a Public Park and Recreation Zone.
36.04-2	To construct or carry out works within a Transport Zone.
42.01-2	To construct or carry out works and remove, destroy or lop any vegetation in the Environmental Significance Overlay.
42.03-2	To construct a building or construct or carry out works and remove, destroy or lop any vegetation in the Significant Landscape Overlay.
43.01-1	To demolish or remove a building and construct a building and carry out works in the Heritage Overlay.
44.01-2	To construct a building or construct or carry out works and remove, destroy or lop any vegetation in the Erosion Management Overlay.
44.06-2	To construct a building or construct or carry out works associated with the following (relevant) uses (leisure and recreation) in the Bushfire Management Overlay.



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52.17-1	To remove, destroy or lop native vegetation, including dead native vegetation.
52.29-2	To create or alter access to a road in Transport Zone
52.05	Display of illuminated business identification signage.
52.06	Reduction of car parking requirements.

**THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:**

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**Compliance with documents approved under this permit**

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

**Commencement**

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

**Cancellation and ongoing effect of specified permit**

3. Before the development starts, including demolition, bulk excavation and site preparation works, Planning Permit P13/1992-2 must be cancelled. Written confirmation of the cancellation must be provided to the satisfaction of the responsible authority.
4. Until superseded by plans endorsed under this permit, the existing Arthurs Seat Eagle facility must be maintained and operate in accordance with the following plans endorsed under P13-1992-2 which remain in force and effect, and must not be altered without the prior written consent of the responsible authority:
  - a) Architectural Plans, prepared by Mcgann Architects, Drawings TP-100, TP-200, TP-1100, TP-1200, TP-1400, TP-1500, TP-1600, TP-1700, TP-1800, TP-1900 & TP2000, various revisions, all endorsed on 15 September 2015.
  - b) Architectural Plans, prepared by Mcgann Architects, Drawings TP-300, TP-400, TP-500, TP-600, TP-700, TP-800, Revision Z & Z3, endorsed on 2 September 2020.
  - c) Architectural Plans, prepared by Search Studio, Drawings TP-600 and TP-800, dated 27 July 2023.
  - d) Landscape Plans, prepared by Thompson Berill Landscape Design, Sheets 1 to 16, endorsed 15 September 2015.
  - e) Street tree planting plan, prepared by Thompson Berill Landscape Design, Drawing ASR-LORA, endorsed on 15 September 2015.
  - f) Waste Management Plan, prepared by Leigh Design, dated 18 December 2019, endorsed on 2 September 2020.
  - g) Emergency Management Plan, prepared by Terramatrix, Version 2.6, dated 2019, endorsed on 2 September 2020.

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- h) Music and Patron Noise Assessment, prepared by SLR, dated February 2020, endorsed on 2 September 2020.
- i) Operational Management Plan, prepared by Arthurs Seat Eagle, Version 1.2, dated May 2020, endorsed on 2 September 2020.
- j) Defendable Space and Vegetation Management Plan, prepared by Ecology Australia, dated 28 July 2015, endorsed on 15 September 2015.

**Approved and endorsed staging plans – changes required**

5. Before the development starts, including demolition, bulk excavation and site preparation works, staging plan/s must be approved and endorsed by the responsible authority. The staging plans must be prepared to the satisfaction of the responsible authority, be generally in accordance with the Staging Plan, prepared by Metier, Drawing TP205, Revision F, dated 26/08/2025, but modified to show:
- a) A schedule of works proposed within each stage.
  - b) The area and scope of proposed landscaping and vegetation removal to be delivered in each stage. The landscaping associated with and surrounding buildings which would be delivered at different stages must be delivered in conjunction with the implementation of that stage.
  - c) Any changes to ensure consistency with the development plans.

**Approved and endorsed plans –Stage A (Base Station)**

6. Before Stage A of the development starts, including demolition, bulk excavation and site preparation works, amended plans must be approved and endorsed by the responsible authority. The plans must be prepared to the satisfaction of the responsible authority, be drawn to scale with dimensions, and be generally in accordance with the plans prepared by Metier Architects, Drawings TP0001 Rev F, TP0102 Rev B, TP0200 Rev, TP0201 Rev D, TP0202 Rev S, TP0205 Rev F, TP1001 Rev R, TP1010 Rev J, TP1011 Rev C, TP1020 Rev M, TP1021 Rev F, TP1100 Rev H, TP1101 Rev K, TP1102 Rev H, TP1110 Rev J, TP1111 Rev J, TP1112 Rev D, TP1113 Rev H, TP2000 Rev H, TP2010 Rev H, TP2011 Rev G, TP2012 Rev H, TP2013 Rev h, TP2015 Rev E, TP2016 Rev D, TP2020 Rev A, TP5000 Rev B, TP5001, Rev C TP5002 Rev B & TP9150 Rev E, various dates, and the Luge Section & Site Plans, prepared by Weigand (3 sheets), but amended to show the following details:
- a) Consolidation of plans relevant to Stage A only (unless endorsement of multiple stages occurs concurrently), including a detailed material, colours and finishes schedule.
  - b) All retaining walls and modifications to the natural slope of the land clearly specified on the proposed site plans.
  - c) Existing levels, including roof levels associated with retained buildings at the base and summit station.
  - d) The full extent of existing built form to be retained, including car parking spaces, loading areas, bus parking, amenities and landscaped areas.
  - e) Any changes required by the Vegetation Management Plan.
  - f) Any changes required by the Landscape Plans.

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- g) Any changes required by the Traffic and Parking Management Plan.
- h) Any changes required by the Sustainability Management Plan.
- i) Any changes required by the Flora and Fauna Management Plan.
- j) Any changes required by the Stormwater Management Plan.
- k) Any changes required by the DEECA conditions.
- l) Any changes required by the Head, Transport for Victoria conditions.

**Approved and endorsed plans – Stage B (Luge Platform & Track)**

7. Before Stage B of the development starts, including demolition, bulk excavation and site preparation works, amended plans must be approved and endorsed by the responsible authority. The plans must be prepared to the satisfaction of the responsible authority, be drawn to scale with dimensions, and be generally in accordance with the plans prepared by Metier Architects, Drawings TP0001 Rev F, TP0102 Rev B, TP0200 Rev, TP0201 Rev D, TP0202 Rev S, TP0205 Rev F, TP1001 Rev R, TP1010 Rev J, TP1011 Rev C, TP1020 Rev M, TP1021 Rev F, TP1100 Rev H, TP1101 Rev K, TP1102 Rev H, TP1110 Rev J, TP1111 Rev J, TP1112 Rev D, TP1113 Rev H, TP2000 Rev H, TP2010 Rev H, TP2011 Rev G, TP2012 Rev H, TP2013 Rev h, TP2015 Rev E, TP2016 Rev D, TP2020 Rev A, TP5000 Rev B, TP5001, Rev C TP5002 Rev B & TP9150 Rev E, various dates, and the Luge Section & Site Plans, prepared by Weigand (3 sheets), but amended to show the following details:
- a) Consolidation of plans relevant to Stage B only (unless endorsement of multiple stages occurs concurrently).
  - b) A detailed material, colours and finishes schedule. The luge materiality must comply with the recommendations of the reflective glare assessment.
  - c) A gondola and luge corridor plan showing:
    - i. The existing location of the gondola in relation to the luge.
    - ii. The location and final details of the uphill and downhill support structures, including the dimensions (width and height) of each touch point / pylon with the natural ground.
    - iii. Setbacks to the Arthurs Seat Road and title boundaries.
    - iv. Existing vegetation to be retained and protected or removed as per the VMP.
    - v. Depiction of all retaining walls, modifications to the natural slope of the land and erosion protection measures implemented to stabilise surface soils.
    - vi. The location of erosion protection measures implemented to stabilise surface soils.
    - vii. Confirmation the luge avoids areas identified to contain the Slender Sun Orchid in accordance with the recommendations Targeted Flora Survey, by Nature Advisory, dated November 2024.
  - d) Detailed cross sections, including north-south sections, and elevations of the of the luge track at various interval demonstrating:



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- i. Heights, materials and finishes, clearances from natural ground levels and from the gondola.
  - ii. Luge track foundations shall be founded below the surface level in accordance with the recommendations of the Landslide Risk Assessment, by Intrax, dated 30 April 2025.
- e) An elevation of the proposed acoustic fence.
  - f) Any changes required by the Vegetation Management Plan.
  - g) Any changes required by the Landscape Plans.
  - h) Any changes required by the Traffic and Parking Management Plan.
  - i) Any changes required by the Sustainability Management Plan.
  - j) Any changes required by the Flora and Fauna Management Plan.
  - k) Any changes required by the Stormwater Management Plan.
  - l) Any changes required by the Reflective Glare Assessment.
  - m) Any changes required by the Acoustic Report.
  - n) Any changes required by the DEECA conditions.
  - o) Any changes required by the Head, Transport for Victoria conditions

**Approved and endorsed plans – Stage C (Summit Staton)**

8. Before Stage C of the development starts, including demolition, bulk excavation and site preparation works, amended plans must be approved and endorsed by the responsible authority. The plans must be prepared to the satisfaction of the responsible authority, be drawn to scale with dimensions, and be generally in accordance with the plans prepared by Metier Architects, Drawings TP0001 Rev F, TP0102 Rev B, TP0200 Rev, TP0201 Rev D, TP0202 Rev S, TP0205 Rev F, TP1001 Rev R, TP1010 Rev J, TP1011 Rev C, TP1020 Rev M, TP1021 Rev F, TP1100 Rev H, TP1101 Rev K, TP1102 Rev H, TP1110 Rev J, TP1111 Rev J, TP1112 Rev D, TP1113 Rev H, TP2000 Rev H, TP2010 Rev H, TP2011 Rev G, TP2012 Rev H, TP2013 Rev h, TP2015 Rev E, TP2016 Rev D, TP2020 Rev A, TP5000 Rev B, TP5001, Rev C TP5002 Rev B & TP9150 Rev E, various dates, and the Luge Section & Site Plans, prepared by Weigand(3 sheets), but amended to show the following details:
- a) Consolidation of plans relevant to Stage C only (unless endorsement of multiple stages occurs concurrently, including a detailed material, colours and finishes schedule.
  - b) All retaining walls and modifications to the natural slope of the land clearly specified on the proposed site plans.
  - c) Existing levels, including roof levels associated with retained buildings.
  - d) The full extent of existing built form to be retained, including car parking spaces, loading areas, bus parking, amenities and landscaped areas.
  - e) Any changes required by the Vegetation Management Plan.
  - f) Any changes required by the Landscape Plans.
  - g) Any changes required by the Traffic and Parking Management Plan.

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- h) Any changes required by the Sustainability Management Plan.
- i) Any changes required by the Flora and Fauna Management Plan.
- j) Any changes required by the Stormwater Management Plan.
- k) Any changes required by the DEECA conditions.
- l) Any changes required by the Head, Transport for Victoria conditions.

**Approved and endorsed plans – Stage D (Observation Tower)**

9. Before Stage D of the development starts, including demolition, bulk excavation and site preparation works, amended plans must be approved and endorsed by the responsible authority. The plans must be prepared to the satisfaction of the responsible authority, be drawn to scale with dimensions, and be generally in accordance with the plans prepared by Metier Architects, Drawings TP0001 Rev F, TP0102 Rev B, TP0200 Rev, TP0201 Rev D, TP0202 Rev S, TP0205 Rev F, TP1001 Rev R, TP1010 Rev J, TP1011 Rev C, TP1020 Rev M, TP1021 Rev F, TP1100 Rev H, TP1101 Rev K, TP1102 Rev H, TP1110 Rev J, TP1111 Rev J, TP1112 Rev D, TP1113 Rev H, TP2000 Rev H, TP2010 Rev H, TP2011 Rev G, TP2012 Rev H, TP2013 Rev h, TP2015 Rev E, TP2016 Rev D, TP2020 Rev A, TP5000 Rev B, TP5001, Rev C TP5002 Rev B & TP9150 Rev E, various dates, and the Luge Section & Site Plans, prepared by Weigand(3 sheets), but amended to show the following details:
- a) Consolidation of plans relevant to Stage D only (unless endorsement of multiple stages occurs concurrently, including a detailed material, colours and finishes schedule.
  - b) All retaining walls and modifications to the natural slope of the land clearly specified on the proposed site plans.
  - c) Dimensioned setback of the lift overrun to the building edge at the viewing level.
  - d) A 1:50 or 1:20 scale elevation of the entry to the tower.
  - e) A section drawing, confirming the NGL and the proposed heights above the NGL, consistent with the elevations.
  - f) Cross sections or another method of demonstrating the façade system, including fixing details indicating junctions between materials and significant changes in form and/or material.
  - g) Any changes required by the Vegetation Management Plan.
  - h) Any changes required by the Landscape Plans.
  - i) Any changes required by the Traffic and Parking Management Plan.
  - j) Any changes required by the Sustainability Management Plan.
  - k) Any changes required by the Flora and Fauna Management Plan.
  - l) Any changes required by the Stormwater Management Plan.
  - m) Any changes required by the Acoustic Report.
  - n) Any changes required by the DEECA conditions.
  - o) Any changes required by the Head, Transport for Victoria conditions.



**Layout not altered**

10. The use and development as shown on the endorsed plans must not be altered (unless the Mornington Peninsula Planning Scheme specifies that a permit is not required) without the prior written consent of the responsible authority.
11. The use and operation approved under each stage must not commence until buildings and works forming part of that stage are completed.
12. Once each stage of development has started it must be completed.

**Landscape plan**

13. Concurrent with the endorsement of plans for each stage, a landscape plan for that stage must be approved and endorsed by the responsible authority, in consultation with Parks Victoria. The landscape plan must be prepared to the satisfaction of the responsible authority, be drawn to scale with dimensions and be generally in accordance with the landscape plans, prepared by MALA, Revision A, dated 04/09/2025, but amended to show the following details:
  - a) The landscaping proposed relevant to the applicable stage of development, with the location of proposed plants, trees, shrubs and ground covers nominated on the plans for each stage.
  - b) Layout of landscaping and planting within all open areas of the subject land.
  - c) Details of surface finishes of pathways and driveways.
  - d) A survey (including botanical names) of all existing vegetation to be retained and/or removed.
  - e) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each. All planting must be indigenous to the locality, and the planting schedule must demonstrate a net increase in native vegetation across the site.
  - f) Specific details on the landscaping/planting required to manage erosion and landslide/risk, in line with the recommendations of the landslide risk assessment, prepared by Intrax Land.
  - g) The type of irrigation systems to be used including the location of existing and proposed rainwater tanks to be used for irrigation
  - h) The extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site.
  - i) The planting strategy for the luge corridor amended to incorporate timeframes for plants to be seeded and plants to be planted mature. Mature planting must be prioritised, and direct seeding must be completed and established out as soon as practical but not more than 2 years from completion of the luge works.
  - j) A maintenance plan which includes ongoing maintenance schedule during the establishment period and after the initial 52-week period (including weed, pest management, succession planting, re-mulching, plant nutrition, hygiene, and replacement timeframes for poorly performing vegetation.

- k) Existing landscaping to be retained aligning with the landscape plans endorsed under P13-1992-2, prepared by Thompson Berrill Landscape Design P/L, endorsed on 15/09/2015, including but not limited to:
  - i. Any planting within the road reserve adjacent to the rear (west) boundary of the residential properties located directly opposite the lower station and associated car parking area. Any existing pedestrian or vehicular access points along this section of Arthurs Seat Road are to be clearly shown on this plan.
  - ii. Landscaping to be maintained within and around the existing car parking areas on site.
- l) The means by which compliance with the minimum defensible space requirements identified in the Bushfire Management Plan are to be achieved.
- m) Any changes to ensure consistency with the development plans for each stage.
- n) Any changes required by the Vegetation Management Plan.
- o) Any changes required by the Fauna Management Plan.
- p) Any changes required by the Bushfire Management Plan.

#### **Landscaping completion**

14. Before each stage of the development is occupied or unless otherwise approved by the responsible authority, the landscaping shown on the approved landscape plan for that stage must be carried out and completed to the satisfaction of responsible authority.

#### **Landscaping maintenance**

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

#### **Vegetation Management Plan**

16. Concurrent with the endorsement of plans for each stage, a Vegetation Management Plan (VMP) for that stage must be approved and endorsed by the responsible authority, in consultation with Parks Victoria. The VMP must be prepared to the satisfaction of the responsible authority, and must include the following:
- a) Details and recommendations made in the Arboricultural Impact Assessment, prepared by Glen Waters, dated 2 September 2025.
  - b) Details and recommendations made in the Flora and Fauna Impact Assessment, prepared by Nature Advisory, dated August 2025.
  - c) Details and recommendations made in the Targeted Flora Surveys, prepared by Nature Advisory, dated November 2024.
  - d) Measures to ensure the protection of all trees identified for retention, determined in accordance with Australian Standard AS4970-2009 - Protection of Trees on Development Sites.
  - e) The location of tree protection zones (TPZ) and tree protection fencing for trees identified for retention, generally in accordance with the recommendations of the



Arboricultural report, prepared by Glen Waters, dated 2 September 2025, that is drawn to scale with dimensions.

- f) Protection measures consistent with DEECA conditions.
- g) Measures to ensure the identified areas containing the slender sun orchid are protected.

*(From Planning Permit P13/1992-2):*

- h) the name and responsibilities of any relevant authority, land manager or other organisation (private or public) that has vegetation management responsibilities within the defendable space associated with the development.
- i) A written agreement from all parties detailed in the condition above that they agree to undertake these works on an ongoing basis.
- j) Provision for a review every 5 years from the date of issue of this permit, and any amendments must be submitted to DEECA and the responsible authority for approval.

#### **Tree Protection during construction**

- 17. Before the development starts for each stage, including demolition, bulk excavation and site preparation works, a tree protection fence must be erected around the trees identified for retention and protection, at a minimum radius from the base of the trunks to define a TPZ in accordance with the endorsed VMP. Patches of native vegetation must be also be protected in accordance with the conditions required by DEECA.
- 18. The tree protection fencing and TPZ must be established and maintained in accordance with the following requirements to the satisfaction of the responsible authority:
  - a) the tree protection fence must be constructed of a material to form a physical and visual barrier that is continuous and will prevent access.
  - b) the tree protection fence must remain in place until the development is completed.
  - c) the TPZ must be covered by a 100mm deep layer of mulch and watered regularly.

#### **Regulation of activities in Tree Protection Zone**

- 19. During the course of construction, the TPZ must not be used for:
  - a) vehicular or pedestrian access
  - b) trenching or soil excavation
  - c) storage or dumping of materials, tools, equipment or waste

The responsible authority may consent in writing to vary any of these requirements.

#### **Flora and Fauna Management Plan**

- 20. Concurrent with the endorsement of plans for each stage, a Fauna Management Plan (FMP) for that stage must be approved and endorsed by the responsible authority in consultation with DEECA and Parks Victoria. The Fauna Management Plan must be prepared to the satisfaction of the responsible authority, and must include:
  - a) Specific details for the implementation of the recommendations and mitigation measures specified in the Flora and Fauna Assessment, prepared by Nature Advisory, dated



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August 2025 and the Powerful Owl Assessment, prepared by Nature Advisory, dated November 2024.

- b) Measures to protect and enhance habitat for the White footed Dunnart, including connectivity and availability of refuges within the gondola/luge corridor, ensuring impacts to the species are minimised.
- c) Measures to protect and enhance habitat for the Powerful Owl, including foraging habitat.
- d) Provision for the relocation of the three dead trees nominated in the report within the site to serve as fauna habitat.
- e) Measures to demonstrate listed species will not be negatively impacted by noise, vibration and artificial lighting associated with the proposed luge and observation tower.
- f) Identify the pre-clearing surveys to be undertaken before any trees are removed, as required by the CEMP (DEECA condition) with confirmation such surveys will be undertaken by a qualified zoologist.
- g) Confirmation a qualified zoologist will be on site prior to and during any vegetation removal works to capture and relocate misplaced fauna that may be present.
- h) Proposed biosecurity and hygiene measures to be implemented to avoid pollution to streamlines and the introduction of weeds, chytrid fungus disease and phytophthora dieback disease, as noted in the Flora and Fauna Impact Assessment.
- i) Details to demonstrate and confirm fauna movement will not be obstructed by the proposed luge.
- j) Any measures to ensure consistency with the FMP/CEMP required by DEECA.
- k) Any measures to ensure consistency with the Vegetation Management Plan required for each stage.

### **Environmentally Sustainable Design**

21. Concurrent with the endorsement of plans for each stage, a sustainability management plan (SMP) for that stage must be approved and endorsed by the responsible authority. The SMP must be prepared to the satisfaction of the responsible authority, be generally in accordance with SMP prepared by Ark Resources, dated 3 July 2025, but amended to show the following details:
- a) The ESD commitments for each stage of the development, including the luge and luge platform, achieving the same credentials as set out in the SMP prepared by Ark Resources, dated 3 July 2025.
  - b) Confirmation and/or alterations to ensure tank volumes are sufficient for each stage to ensure best practice stormwater management objectives are achieved.

### **Landslide Risk and Erosion Management Plan**

22. Concurrent with the endorsement of plans for Stage A and B, a landslide risk assessment for each stage must be approved and endorsed by the responsible authority, in consultation with Parks Victoria. The Landslide Risk and Erosion Management Plan must be prepared to the satisfaction of the responsible authority and must be generally in accordance with the

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landslide risk assessment, prepared by Intrax Land, Rev 3, dated 30/04/2025, but amended to include the following details:

- a) Details of the erosion and landslide risk mitigation measures that will be adopted to manage risks associated with rockfall, debris flow and earthflow, including plans showing the type of mitigations proposed and the locations at which they will be deployed. This includes but is not limited to retaining walls, drainage, rock bolts, erosion protection matting, slope monitoring and building exclusion zones.
  - b) Details of any revegetation strategy or engineering works to stabilise disturbed areas, consistent with details provided in the landscape plans, vegetation management plans and in accordance with bushfire management conditions.
  - c) Construction methodology detail that comply with the Civil Construction, Building and Demolition Guide (Publication 1834, Environment Protection Authority, November 2020)
  - d) Construction methodology details that comply with the Control of Erosion on Construction Sites (Michael Ransom and Soil Conservation Authority, 1984)
  - e) Set out the name and responsibilities of any relevant authority, land manager or other organisation that has slope management responsibilities for inspection and maintenance of erosion and landslide risk mitigation measures.
23. The development must be constructed in accordance with the geotechnical recommendations set out in endorsed Landslide Risk and Erosion Management Plans.
24. All disturbed surfaces on the land resulting from the development must be appropriately revegetated and stabilised to the satisfaction of the responsible authority.

#### **Acoustic Report**

25. Concurrent with the endorsement of plans for Stage B (Luge) and Stage D (Observation tower) an acoustic report for that stage must be approved and endorsed the responsible authority. The acoustic report must be prepared to the satisfaction of the responsible authority, be generally in accordance with the Acoustic Report, prepared by Clarity Acoustics, dated 8 April 2025, but amended to show the following details:
- a) Source information on the noise emission data for the luge and noise modelling figures, including any reports or measurement data relied on.
  - b) Confirmation of how modelling parameters were derived and what information was relied on to inform those parameters, including luge cart speed.
  - c) Confirmation the luge track AHD was used in the modelling.
  - d) An assessment of patron noise impacts and how they can be reasonably minimised and managed and details of how mitigation measures will be implemented.

#### **Waste Management Plan**

26. Concurrent with endorsement of plans for each stage, a Waste Management Plan (WMP) for that stage must be approved and endorsed by the responsible authority. The WMP must be prepared to the satisfaction of the responsible authority and must be generally in accordance with the Waste Management Plan prepared by Leigh Design, dated 2 July 2025, but amended to show the following details:



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- a) Regulation inspections and removal of waste from the luge/gondola corridor.
- b) Integration of the expanded use with the existing include the following details contained within the WMP, endorsed on 2 September 2020:
  - i. The storage and collection of waste from the approved use, including provision for dedicated recycling bins at lower and upper stations;
  - ii. The storage of other refuse and solid wastes in bins or receptacles within suitably screened and accessible areas to the satisfaction of the Responsible Authority;
  - iii. Designation of methods of waste collection, including the need to provide for private waste collection services;
  - iv. Waste bins not being placed or allowed to remain in view of the public;
  - v. Appropriate areas for bin storage on site and areas for waste bin storage on collection days;
  - vi. Details for best practice waste management once the use has commenced;
  - vii. The regular removal of waste and litter from public areas surrounding the upper and lower stations, including the adjoining car park at the lower station; and
  - viii. Management practices to ensure that the amenity of surrounding residents is not detrimentally affected by waste disposal practices. This must include that any external refuse bins must not be emptied after 7.00pm or before 8.00am Monday to Saturday, and not after 7.00pm or before 10.00am on Sundays.

### **Waste Management**

27. All garbage and other waste material must be stored in an area within the land and set aside for such purpose to the satisfaction of the responsible authority..
28. No garbage bin or surplus material generated by the site may be deposited or stored outside the site and bins must be returned to the garbage store areas as soon as practicable after garage collection to the satisfaction of the responsible authority..
29. All excess soil/spoil from the works and other waste material must be removed from the land at regular intervals (at least one occasion per week) to ensure that the amenity of the area is not detrimentally affected, to the satisfaction of the responsible authority.

### **Traffic and parking management plan**

30. Before the development starts, a traffic and parking management plan for all stages must be approved and endorsed the responsible authority, in consultation with the Head, Transport for Victoria and Parks Victoria. The traffic and parking management plan must be prepared to the satisfaction of the responsible authority, be generally in accordance with the Traffic Engineering Assessment, Traffix Group, dated July 2025, and must include the following details:
  - a) The proposed staging of the development and the implementation of traffic and parking management measures to be implemented in each stage.
  - b) The expected patron numbers and identification of normal, busy and very busy periods across the year, along with forward planning for the allocation of appropriate traffic,

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parking and patron management resources across the facility, particularly at the summit station.

- c) Details of the proposed “tiered” (“normal”, “busy” and “very busy” response to Traffic Management, using the patron data, and its implementation on all long weekends, Summer, Autumn, and Spring weekends, and Christmas and New Year Periods (inclusive Christmas Eve to the second week of January).
  - d) Details and proposed operations of the Online Ticketing and Scheduling Systems and commitment on how the scheduling and ticketing will be managed to spread patron demand across any relevant day.
  - e) Details of the proposed shuttle bus service, including identification of the pick-up/drop off areas to support overflow car parking and summit station drop off areas.
  - f) Details of the existing pedestrian crossing point and pathways that will allow for pedestrian to safely access the summit and base station from the respective parking areas.
  - g) Temporary signage, attendee locations, any other relevant information required for each of the tier traffic management approaches.
  - h) Details of communication and marketing provisions to advise visitors and patrons of ticketing and scheduling provisions, parking and opportunities and areas, and traffic management arrangements which may be in placed at the time of their visit.
  - i) Provision for a regular review and update process relating to traffic management and details of future provision for identification more formalised car parking areas, including future provision scooter/motorcycle parking, and initiatives to encourage sustainable methods of transport to and from the site, other than single vehicle trips.
31. At the end of a period of 12 months following the occupation of the Stage B (the Luge) and Stage D (observation tower), a car parking and traffic report for that stage must be approved and endorsed by the responsible authority. The report must assess car parking and traffic at the surrounding streets and must include, to the satisfaction of the responsible authority:
- a) Car parking utilisation data pre- and post-development for on-site car parking and for all streets within a reasonable walking distance (250m) of the site.
  - b) Data collected on at least three days, one from each tier of the “tiered” response to traffic management described in the Traffic and Parking Management Plan.
  - c) Analysis of the impact of car parking on the nearby street network during each assessment period.
  - d) Recommendations including mitigation measures in relation to car parking and traffic impacts.
  - e) If parking restrictions or other traffic mitigation measures are recommended and agreed to by Mornington Peninsula Shire or Head, Transport for Victoria, the cost of supplying and installing the signage is to be borne by the applicant.
32. Before the first stage of development is occupied, and unless already constructed, the areas set aside for the parking of vehicles and access lanes shown on the endorsed plans must be:
- f) Constructed.

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- g) Properly formed to such levels that they can be used in accordance with the plans.
  - h) Sealed.
  - i) Drained.
  - j) Line marked to indicate each car parking space, all access lanes and pedestrian paths.
  - k) Clearly marked to show the direction of traffic along access lanes and driveways.
33. Car spaces, access lanes and driveways must be kept available for these purposes at all times to the satisfaction of responsible authority and Mornington Peninsula Shire Council.

### **Stormwater Management Plan**

34. Concurrent with the endorsement of plans for each stage, a stormwater management plan must be approved and endorsed by the responsible authority for that stage, in consultation with Mornington Peninsula Shire Council. The stormwater management plan must be prepared to the satisfaction of the responsible authority, and must:
- a) Include the following details of the:
    - i. Water sensitive urban design (WSUD) details from the SMP by Ark Resources, dated July 2025; and
    - ii. Stormwater requirements outlined within the approved Sustainability Management Plan.
  - b) Include details of the proposed stormwater management system, including drainage works and retention, detention and discharges of stormwater to the drainage system.
  - c) Set out how the stormwater management system will be managed on an ongoing basis.
  - d) Demonstrate how all relevant standards set out in the planning scheme relating to stormwater management will meet the objectives in the planning scheme, including modelling and calculations, as appropriate.
  - e) Confirm the tank volumes are sufficient and/or alter the volumes to ensure compliance with planning scheme and best practice requirements.

### **Reflective Glare Assessment**

35. Concurrent with the endorsement of plans for Stage B, a reflected glare assessment of external building materials and finishes proposed for the luge, utilising an appropriate methodology prepared by a suitably qualified person, must be approved and endorsed by the responsible authority.
36. Specular light reflectance must be less than 15 per cent for all external building glazing and cladding materials and finishes when measured at an angle of 90 degrees to the surface of the material (normal incidence), except with the written consent of the responsible authority.
37. External glazing and cladding materials and finishes must avoid disability glare to public transport operators, road users and aircraft, to the satisfaction of the responsible authority.



### Lighting Management

38. Before each stage of the development is occupied, a lighting plan for that stage must be approved and endorsed by the responsible authority. The lighting plan must be prepared to the satisfaction of the responsible authority and must include the following:
- a) Details to demonstrate the lighting is designed in accordance with the National Lighting Pollution Guidelines for Wildlife (DCCEEW, May 2023).
  - b) Details to demonstrate all lights achieve industry best practice with regards to, but not limited to, the location and direction of lighting and the associated lux levels as relevant to maintaining the existing amenity of any nearby sensitive interface.
  - c) Any measures to ensure consistency with the endorsed Fauna Management Plan.
39. All external lighting provided on the site must be baffled so that no direct light is emitted beyond the boundaries of the site and no nuisance is caused to adjoining properties.
40. Flashing or intermittent light must not be displayed on the subject land except with the written consent of the responsible authority.

### Construction Management Plan

41. Before each stage of the development starts , a construction management plan for that stage must be approved and endorsed by the responsible authority in consultation with Parks Victoria and Mornington Peninsula Shire Council. The construction management plan must be prepared to the satisfaction of the responsible authority and must include:
- a) Measures to ensure the construction waste recycling measures will be met as per the details contained in the Sustainability Management Plan.
  - b) Identification of all stockpile, storage, laydown, parking and machinery storage locations on site and management requirements for these. These need to be located within identified impact areas/footprint.
  - c) Appropriate sediment control, erosion and drainage management to be implemented on site, to ensure no sediment or sediment laden runoff enters any waterways, drainage lines, wetlands or moves off site.
  - d) Weed control and management on site, including appropriate vehicle hygiene measures during construction phase, and post construction ongoing weed management.
  - e) The person/s responsible for implementation and compliance of each aspect of the CMP.
  - f) Measures to avoid and minimise amenity and environmental impacts during construction.
  - g) Procedures to manage construction noise and vibration in accordance with the requirements of the Civil construction, building and demolition guide (EPA Publication 1834).
  - h) Procedures to manage mud and debris on the surrounding road network which may occur during construction.



- i) A Construction Traffic Management Plan which ensure that no traffic hazards are created in or around the site and which must include the following details:
  - i. The movement of construction vehicles to and from the site.
  - ii. Details of the delivery and unloading points and expected frequency; and
  - iii. The location for parling of contractor's vehicles and how this will be managed during the operation of the existing facility.
- j) Delivery and staging of the expansion and luge works, including any interim measures required to be provided to provide safe access between the Summit Station Building and the Luge platform
- k) Any measures in accordance with the Landslide Risk and Erosion Management Plan.
- l) Any changes to ensure consistency with the CEMP.
- m) Any changes to ensure consistency with the Flora and Fauna Management Plan.
- n) Any changes to ensure consistency with the Vegetation Management Plan.

**Head, Transport for Victoria (HTFV) Conditions**

- 42. Prior to commencement of building and works for Stage B (the Luge) allowed by this permit the following must be submitted and approved by the Head Transport for Victoria:
  - a) a Functional Layout Plan (FLP) of the luge bridge over the Arthurs Seat Road reserve (including elevations based on a feature land survey, a road safety audit and other engineering drawings as required by the Head, Transport for Victoria). When approved by the Head, Transport for Victoria, the FLP and associated documentation must be endorsed by the Responsible Authority and will then form part of the permit. The luge bridge design must provide for the appropriate protection of the bridge columns to ensure errant vehicles from Arthurs Seat Road will not compromise the integrity of the bridge structure.
  - b) An independent structural engineering assessment by a Head, Transport for Victoria prequalified consultant for the proposed luge bridge over Arthurs Seat Road reserve to satisfaction of and at no cost to Head, Transport for Victoria.
- 43. Prior to commencement of the luge operation, the luge bridge must be constructed to the satisfaction of and at no cost to the Head, Transport Victoria in accordance with the approved plans.
- 44. Prior to the commencement of buildings and works for Stage B (the Luge) allowed by this permit, a comprehensive risk assessment for the proposed luge bridge over the Arthurs Seat Road reserve must be prepared by a suitably qualified person/consulting firm and approved by the Head, Transport for Victoria at no cost to the Head, Transport for Victoria that includes (but not limited to) the following items. Once approved, the recommendations of the report must be implemented before the commencement of the luge operation, to the satisfaction and at no cost to Head, Transport for Victoria.
  - c) The operation of the luge bridge over the road reserve to minimise risk to vehicles using Arthurs Seat Road and protection of the bridge columns/piers from errant vehicles, including a road safety audit



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- d) Vehicle occupant risk due to run-off road crashes and impact with the bridge columns/piers
  - e) Safety risk to road users and luge users if the structure is to fail due to a vehicle collision
  - f) Service/network disruptions if the structure were to fail over Arthurs Seat Road
  - g) Screening at the bridge and travelling luge to avoid distraction to motorists
  - h) Measures to ensure foreign objects do not fall from the bridge and travelling luge onto the roadway
  - i) Consideration of risk to the safe operation of Arthurs Seat Road during the construction of the luge bridge
  - j) Safety of luge riders using the luge bridge
  - k) Ongoing maintenance of the luge bridge
  - l) Liability issues and appropriate levels of insurance associated with both the construction and operation of the luge bridge over the Arthurs Seat Road reserve.
45. The luge bridge over Arthurs Seat Road must be maintained and operated at all times so that it does not adversely affect the safety, structural integrity, or operation of Arthurs Seat Road, to the satisfaction of, and at no cost to, the Head, Transport for Victoria.

*Retained HtFV (former VicRoads) conditions transferred and altered as agreed from P13-1992-2:*

46. The Transport Impact Assessment Report (TIAR), prepared in accordance with HtFV Guidelines for Transport Impact Assessment Reports endorsed on 15 September 2015 (or as amended) to the satisfaction of Head, Transport for Victoria remains in force and effect. The TIAR must as a minimum:
- a) Provide a traffic volume forecast and traffic distribution for peak seasons for the permitted use;
  - b) Assess the need for right turn lanes along Arthurs Seat Road at 1) Purves Road intersection, 2) access to the secondary car park in the summit area, and 3) the access to the upper station and lower station;
  - c) Include Functional Layout Plans of the mitigating road works identified in the TIAR;
  - d) Include Functional Layout Plans (FLPs) for the road improvement works identified in the TIAR, including the actions assessed as 'High Priority' as listed in the Arthurs Seat State Park Traffic Management Plan (AECOM ID 60266552, Date 18-Nov-2013, Revision C, Section 4.5 Implementation); and
  - e) Include Functional Layout of any other proposed works within the Arthurs Street Road.
47. The clearance plans and pedestrian and patron safety analysis approved by Head, Transport for Victoria in 2015 relevant to the site, remain in force and effect, unless otherwise amended, and include:
- f) An amended plan showing vertical clearance of the Skylift from the Arthurs Street Road level. The vertical clearance needs to be at least 6.4m from the road level; and
  - g) An analysis of the pedestrian and patron safety throughout the site in relation to the arterial road network. The analysis must include, but is not limited to:

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- (i) The vertical geometry of the arterial road and proximate Outdoor Seating Area in the upper station, and any appropriate safety measures; and
  - (ii) Calculation of sight distances throughout the summit area, and any appropriate safety measures.
48. The detailed engineering designs and lighting plan/s previously approved by Head, Transport for Victoria, in accordance with the endorsed FLPs, remain in force and effect unless superseded by the Head, Transport for Victoria.
49. All the road improvement works as identified in the approved TIAR must be completed in accordance with the detailed engineering plans and lighting plan/s to the satisfaction of, and at no cost to Head, Transport for Victoria.
50. The preparation of the detailed engineering design and the construction and completion of all road works must be undertaken in a manner consistent with current Head, Transport for Victoria's' policy, procedures and standards and at no cost to Head, Transport for Victoria. In order to meet Head, Transport for Victoria's' requirements the developer must comply with the requirements documented within "Standard Requirements – Developer Funded Projects" and any other requirements as considered necessary, to the satisfaction of Head, Transport for Victoria.
51. No work must commence in, on, under or over the road reserve without having first obtained all necessary approvals pursuant to the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts.

*End – HTFV Conditions*

**Department of Energy, Environment and Climate Action (DEECA) Conditions**

**Notification of permit conditions**

52. Before native vegetation removal starts, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.

**Construction Environment Management Plan**

53. Before any native vegetation removal begins, a Construction Environment Management Plan to the satisfaction of the responsible authority and the Department of Energy, Environment and Climate Action, must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will form part of this permit. The Construction Environmental Management Plan must include:
- a) a detailed description of the measures to be implemented to protect the native vegetation to be retained during construction works, and the person/s responsible for implementation and compliance.
  - b) measures to control sediment and sediment laden water run-off including design detail of any structures
  - c) where equipment, machinery and material are to be stored/ stockpiled
  - d) a fauna management plan which includes:
    - i. a plan for identifying habitat prior to construction

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- ii. pre-clearing surveys
- iii. construction phase capture (fauna salvage) methodology
- iv. proposed release sites on the subject land and plan for what to do if pest species are encountered, the animal is harmed or there are no appropriate locations for release on the subject land.

**Protection of vegetation to be retained**

54. Before works starts, a native vegetation protection fence must be erected around all patches of native vegetation to be retained on site. This fence must be erected around the patch of native vegetation (or for large or linear patches - between patches of native vegetation to be retained and construction works) 15 metres from retained native vegetation. The protection fence must be constructed of star pickets/ chain mesh/or similar to the satisfaction of the responsible authority. The protection fence must remain in place until all works are completed to the satisfaction of the authority responsible.
55. A native vegetation protection fence must be erected around the tree protection zone of all native trees to be retained. All tree protection zones must comply with AS 4970-2009 Protection of Trees on Development Sites, to the satisfaction of the responsible authority
56. Within the area of native vegetation to be retained and any associated tree protection zone, the following are prohibited:
- a) Vehicular or pedestrian access
  - b) trenching or soil excavation
  - c) storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products.
  - d) entry and exit pits for underground services
  - e) any other actions or activities that may result in adverse impacts to retained native vegetation.

**Offset requirement**

57. To offset the removal of 0.937 hectares of native vegetation, as identified in Native Vegetation Removal Report NVRR ID:352\_20250805\_HVU, the permit holder must secure a native vegetation offset, in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017) as specified below:

A general offset of 0.6020 general habitat units:

- a) located within the Melbourne Water Catchment Management boundary or Mornington Peninsula municipal district
- b) with a minimum strategic biodiversity value of at least 0.6711
- c) provide protection for at least 2 large trees.

**Offset evidence and timing**

58. Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the responsible authority. This evidence is one or both of the following:

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- a) credit extract(s) allocated to the permit from the Native Vegetation Credit Register and/or
- b) an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site.

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

**END – DEECA CONDITIONS**

**Bushfire Management**

59. Before the development starts, a Bushfire Management Plan must be approved and endorsed by the responsible authority.. The Bushfire Management Plan must be prepared to the satisfaction of the responsible authority and must be in accordance with the Bushfire Management Plan, prepared by Terramatrix, dated June 2025.

Once endorsed, the Bushfire Management Plan will supersede the endorsed Defendable Space Plan for the facility and must not be altered without the written consent of DEECA, Parks Victoria and the responsible authority.

60. The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

**Construction**

61. The construction of the upper station (including the observation tower) and lower station must be to a minimum bushfire attack level (BAL) BAL-12.5 in accordance with the relevant sections of AS3959-2009.
62. The construction of the luge platform/building must be to a minimum BAL-29 Construction Standard.

**Emergency Management Plan**

63. Before any stage of the development is occupied, an amended Emergency Management Plan must be approved and endorsed by the responsible authority, in consultation with DEECA (Relevant Fire Authority), and Parks Victoria. The Emergency Management Plan should be developed in consultation with relevant Emergency Services and the responsible authority.

The Bushfire/Emergency Management Plan must be prepared by an emergency management consultant with qualifications and experience to the satisfaction of the responsible authority, must be generally in accordance with the endorsed Emergency Management Plan, prepared by Terramatrix, V2.6 2019, endorsed on 2 September 2020, and must address the following:

- a) Any updates required to ensure consistency with the management measures contained in the Bushfire Management Statement, prepared by Terramatrix, dated June 2025.
- b) All stages of the proposed development and the existing facility.



c) Requirement as per *P13/1992-2* as follows:

- (i) Full risk assessment using a current Australian risk based standard incorporating analysis and prioritisation with corresponding treatments;
- (ii) Specified measures to reduce emergency risks (before an emergency);
- (iii) Procedures for implementing the closure of the use in accordance with Conditions of this permit;
- (iv) Detailed procedures (including communications, response and evacuation) and responsibilities for bushfire and other hazard monitoring and plan activation;
- (v) Identification of the trigger points for the activation of shelter-in-place procedures versus evacuation procedures and assigning responsibility for the implementation of the identified procedures.
- (vi) Identification of fire warden responsibilities, training, numbers, and schedules for exercising the Bushfire/Emergency Management Plan;
- (vii) Integration with relevant emergency services (including CFA, DEECA, Parks Victoria, Victoria Police and MECC) operational response plans;
- (viii) Detailed analysis and modelling of the potential bushfire approach times from the identified fire scenario aspects for each station and other likely ignition points;
- (ix) Gondola and luge evacuation procedures modelled in a flow chart process with anticipated times for evacuation of patrons;
- (x) Shelter-in-place procedures for stations with demonstrated capacity for maximum patron numbers;
- (xi) Prioritised bushfire protection maintenance program;
- (xii) Identification of any active fire-fighting systems in relation to the stations;
- (xiii) Backup continuity for power to the site; and
- (xiv) Any specific requirements to respond to days or times at which the facility must be closed in addition to those identified in Conditions of this permit including days of extreme fire danger and Total Fire Ban.

**Closure**

64. The Arthurs Seat Eagle Facility, including the function centre use permitted within the upper station, must be closed:
  - a) At all times when a Catastrophic fire danger rating is declared; and
  - b) At any and all other times identified in the approved and endorsed Bushfire/Emergency Management Plan.
65. The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.



66. The requirements for an Emergency Management Plan form part of the bushfire mitigation measures for the purpose of the above condition.

**Defendable Space**

67. Vegetation in the inner zones of defendable space must be managed to the following standard, unless otherwise agreed in writing by DEECA and the responsible authority:
- a) Within 10m of a building, flammable objects such as plants, mulches and fences must not be located close to the vulnerable parts of the building such as windows, decks and eaves;
  - b) Trees must not overhang the roofline of the building, touch walls or other elements of a building;
  - c) Grass must be no more than 10cm in height. All leaves and vegetation debris must be removed at regular intervals;
  - d) Shrubs must not be planted under trees and must be separated by at least 1.5 times their mature height;
  - e) Plants greater than 10cm in height at maturity must not be placed directly in front of a window or other glass feature;
  - f) Overall tree canopy cover of no more than 15% at maturity; and
  - g) Tree branches below 2m from ground level must be removed.
68. Vegetation in the outer zones of defendable space must be managed to the following standard, unless otherwise agreed in writing by DEECA (former DEPI) and the responsible authority:
- a) Grass must be no more than 10cm in height and leaf and other debris mowed, slashed or mulched;
  - b) Shrubs and/or trees must not form a continuous canopy with unmanaged fuels;
  - c) Tree branches below 2m from ground level must be removed;
  - d) Trees may touch each other with an overall canopy cover of no more than 30% at maturity; and
  - e) Shrubs must be in clumps of no greater than 10m<sup>2</sup>, and those clumps must be separated from each other by at least 10m.
69. The gondola/luge corridor must incorporate a fuel reduction zone (where practicable) that is managed in accordance with the Landscape Plan and Vegetation Management Plan.
70. The management of vegetation within the inner zones and outer zones of defendable space must be undertaken in accordance with the bushfire management plan, landscape plan and the vegetation management plan approved under this permit and to the satisfaction of DEECA and the responsible authority.
71. The Defendable Space Vegetation Management Plan, prepared by Ecology Australia, endorsed on 15 September 2015 under P13-1992-2 remains in force and effect, must be complied with and must not be altered, until such time that is it superseded, or unless with the prior written consent of the responsible authority and DEECA.



## Use

### Operation and Management

72. Before any stage of the approved development is occupied, an Operational Management Plan, must be approved and endorsed by the responsible authority, in consultation with Parks Victoria. The plan must be prepared to the satisfaction of the responsible authority, must be generally in accordance with the Operational Management Plan, prepared by ASE, Version 1.3, dated June 2024, and must include the following:

- a) Any details on the staged implementation of operational management measures.
- b) Operating hours consistent with the conditions of this permit.
- c) Details of the proposed online ticketing system and live update/scheduling system along with commitments to manage the peak patron demands.
- d) Append or incorporate all relevant operational details from the endorsed Operational Management plan (unless superseded), including (but not limited to) the following:

*(From Planning Permit P13/1992-2:*

- i. The contact details of the nominated person(s) responsible for the day to day management and control of the facility;
- ii. A complaint handling process to effectively manage any complaints received from neighbours. The Complaints Register to be kept at the premises must include details of the complaint received, any action taken and the response provided to the complainant. This Complaints Register shall be maintained by the permit holder and available for inspection by the responsible authority at all times;
- iii. The operator committing to quarterly meetings with a neighbourhood advisory committee for the first twenty four (24) months once the Skylift is operational and annually thereafter;
- iv. Details of delivery times which must not occur prior to 7am or after 7pm on any day;
- v. Details of hours of operation, as specified by this permit;
- vi. Documented emergency procedures in the event of any systems failure, as well as measures for safe passenger and staff evacuation should it be required;
- vii. Details of delivery times which must not occur prior to 7am or after 7pm on any day;
- viii. Details of hours of operation, as specified by this permit
- ix. Documented emergency procedures in the event of any systems failure, as well as measures for safe passenger and staff evacuation should it be required;
- x. Frequency and method of inspection of equipment, including erosion management inspection; and
- xi. Location of safety signage.



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73. At all times, the facility must be operated and managed to the satisfaction of the responsible authority in accordance with the endorsed Operational Management Manual.
74. The facility (not including the function centre and luge) must only operate between the following times:
- a) Sunday to Thursday, 8.00am to 9.00pm; and
  - b) Friday and Saturday, 8.00am to 10.00pm.
75. The function centre must only operate between the following times:
- a) Sunday to Thursday, 8.00am to 10.00pm; and
  - b) Friday and Saturday, 8.00am to 11.00pm.
76. The luge must only operate between the following times:
- a) All days (Monday to Sunday), 8.00am to 6:00pm.
77. Except with the prior written consent of the responsible authority, the food and beverage sales from the café and kiosk must conclude 30 minutes prior to the nominated closing times in the Conditions above.
78. No more than 3 (functions) are permitted within the upper station per week.
79. The maximum number of patrons permitted within the upper station café and function centre (including indoor and outdoor seating areas) at any time must not exceed two hundred and fifty (250) people, and no more than 250 seats may be made available.
- There must be no more than:
- a) 60 patrons within the outdoor area between 8.00am and midday;
  - b) 100 patrons within the outdoor area between midday and 8.00pm; and
  - c) 60 patrons within the outdoor area after 8.00pm.
- In association with either the upper station café or function centre.
80. The lower station kiosk, upper station café, luge and observation tower must only operate when the Skylift is operational, to the satisfaction of the responsible authority. The function centre may operate when the Skylift is operational, but must only operate between the nominated hours in the Conditions above.
81. The lower station must not be used as a function centre at any time. Patrons attending a function within the upper station may only access the lower station while boarding and disembarking the gondolas.
82. No live or amplified music is permitted within the outdoor area of the upper station café or within the lower station, observation tower or luge platform at any time. Any live or amplified music must only be played within an indoor area of the upper station café during the following times:
- a) Monday to Thursday, from 9.00am until 10.00pm;
  - b) Friday, from 9.00am until 11.00pm;
  - c) Saturday, from 10.00am 11.00pm; and



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d) Sunday, from 11.00am until 10.00pm.

83. The upper station doors on the northern elevation must be kept closed after 8:00pm whenever live or amplified music is played.
84. The approved use must not cause unreasonable amenity impacts to persons beyond the land because of emission of noise or light-spill, to the satisfaction of the responsible authority.
85. Before Stage C of the development is occupied, an amended Music and Patron Noise Assessment Report must be submitted to and approved by the responsible authority for all stages. When approved, the report will be endorsed and will then form part of the permit. The measures and procedures of the approved plan must be always implemented and complied with to the satisfaction of the responsible authority. The plan must be generally in accordance with the Music and Patron Noise Assessment Report, prepared by SLR, dated February 2020, endorsed on 02 September 2020, and must address:
- a) The staging of the development and the implementation of measures to limit noise impacts relevant to each stage.
  - b) Relevant noise limits and recommended measures from 8.00am to midday, including limiting the number of patrons permitted in the outdoor area of the upper station to 60 patrons during these hours.
  - c) Limits on the hours that live or amplified music can be played within the upper station, including the Observation Tower, between 8.00am and midday.
  - d) The approved built form and operational requirements of Stage C and D (summit station and observation tower).
86. The existing facility must continue to operate in accordance with the endorsed Music and Patron Noise Assessment Report, prepared by SLR, dated February 2020, endorsed on 02 September 2020, until superseded or unless otherwise agreed to by the responsible authority.
87. Goods may only be delivered to and from the land between the 8.00am to 7.00pm on any day, unless with the further written consent of the responsible authority.

**Static Water**

88. The Arthurs Seat Eagle facility must continue to operate with static water supplies provided for both the upper station and lower station. The static water supplies must meet all of the following requirements:
- a) The water supplies must each have a minimum capacity of 40,000 litres that is maintained solely for firefighting purposes;
  - b) The water supply must be stored in an above ground water tank constructed of concrete, steel or corrugated iron;
  - c) Each water supply must be located within 60 metres of the furthest point (including any obstructions) of each station;
  - d) The water supply outlet/s must be attached to the water tank and must face away from the building if located less than 20 metres from the building to enable access during emergencies;

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- e) All pipework between the water supply and the outlet/s must be a minimum of 64 mm nominal bore;
- f) All fixed above-ground water pipelines and fittings must be of non-corrodible and non-combustible materials;
- g) The water supply must:
  - i. Be located in a position approved by the relevant fire authority;
  - ii. Be located within close proximity to the main entrance of either gondola station and accessible from the main road network or other approved area e.g. Arthurs Seat Road or an adjacent car parking area;
  - iii. Be located so that fire brigade vehicles are able to get to within 4 metres of the water supply outlet and provide for a hardstand of 12 metres by 5 metres;
  - iv. Be located so that fire brigade vehicles are able to get to within 4 metres of the water supply outlet;
  - v. Incorporate an additional 64 mm (minimum) gate or ball valve and 64 mm (fixed size), 3 threads per inch, male fitting to suit a CFA coupling; and
  - vi. Incorporate a vortex inhibitor or additional water must be provided to ensure that the volume of water available is not restricted by a vortex. Refer to Section 5 of AS.2419 for requirements for vortex inhibitors;
- h) The water supply must incorporate a ball or gate valve to provide access to the water by the operator of the lift;
- i) All below-ground water pipelines must be installed to at least the following depths:
  - i. Subject to vehicle traffic: 300mm;
  - ii. Under buildings or concrete slabs: 75 mm; and
  - iii. All other locations: 225 mm; and
- j) The water supply must be readily identifiable from the building or appropriate signage must be provided which:
  - i. Has an arrow pointing to the location of the water supply;
  - ii. Has dimensions of not less than 310 mm high and 400 mm long;
  - iii. Is red in colour, with a blue reflective marker attached; and
  - iv. Is labelled with a 'W' that is not less than 15 cm high and 3 cm thick.

**Access**

89. The established emergency vehicle access to the water supply outlets described above in this permit must be maintained at all times. The design of the access (including gates, bridges and culverts) must comply with the following minimum requirements
- a) Access to the water supply described in the conditions of this permit;
  - b) Curves in any driveway must have a minimum inner radius of 10 metres;

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- c) The average grade must be no more than 1 in 7 (14.4 per cent) (8.1 degrees) with a maximum of no more than 1 in 5 (20 per cent) (11.3 degrees) for no more than 50 metres;
- d) Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle;
- e) Designed, constructed and maintained for a load limit of at least 15 tonnes and be of all-weather construction;
- f) Have a minimum trafficable width of 3.5 metres and be substantially clear of encroachments for at least 0.5 metres on each side;
- g) Be clear of encroachments at least 4 metres vertically; and
- h) Incorporate a turning area for fire fighting vehicles close to the building, by either providing:
  - (iii) A turning circle with a minimum radius of eight metres; or
  - (iv) The driveway encircling the dwelling; or
  - (v) A T head or Y head with a minimum formed surface of each leg being 8 metres in length measured from the centre point of the head, and 4 metres trafficable width.

#### **Run-off**

90. Polluted and/or sediment laden run-off must not be discharged directly or indirectly into Mornington Peninsula Shire Council drains or watercourses.

#### **Waste Water**

91. Reticulated sewer and potable water must be supplied to the upper station, to the satisfaction of the responsible authority and any other relevant Authority.

#### **Ongoing soil erosion controls**

92. All works must be undertaken in a manner that minimises soil erosion to the greatest extent practicable, and any exposed areas of soil must be stabilised to prevent soil erosion, to the satisfaction of the responsible authority.

#### **Drainage**

93. The land must be drained to the satisfaction of Mornington Peninsula Shire Council.

#### **Tree Hollows**

94. Any pruning or removal of tree limbs, particularly hollow-bearing tree limbs, must be to the minimum extent necessary to the satisfaction of the responsible authority.

#### **Enhancing ground habitat**

95. Felled timber containing hollows or dead timber must be retained and located onsite to the satisfaction of the responsible authority and DEECA.

#### **Weed control**

96. All vehicles, earth-moving equipment and other machinery must be cleaned of soil and plant material before entering and leaving the site to prevent the spread of weeds and pathogens to the satisfaction of the responsible authority.



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**Noise control**

97. At all times noise emanating from the land must comply with the requirements of the Environment Protection Regulations 2021 (as amended from time to time) as measured in accordance with the Noise Protocol to the satisfaction of the responsible authority.
98. Noise emitted to the nearby noise sensitive community from mechanical equipment and gondola operation from the land must be assessed against:
- a) the EPA publication, Noise from Industry in Regional Victoria (NIRV) Publication 1411, dated October 2011 ("NIRV 1411"); and
  - b) the Victorian State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 ("SEPP N-1").

**Noise must not be audible**

99. Noise generated from within the premises must not be audible within the habitable rooms with windows closed of any nearby dwellings to the satisfaction of the responsible authority.

**Signage**

(From Planning Permit P13-1992-2):

100. Lighting associated with the approved signage must be designed, baffled and located to the satisfaction of the Responsible Authority so as to prevent any adverse effect on adjoining land.
101. The signs must not be illuminated after closing time of the use, and not more than 60 minutes before the use opens to the public, to the satisfaction of the Responsible Authority.

**Expiry**

102. This permit will expire if one of the following circumstances applies:
- a) The development is not started within three years of the issued date of this permit.
  - b) The development is not completed within eight years of the issued date of this permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, the responsible authority may extend the permit if a request is made in writing before the permit expires, or within six months afterwards. The responsible authority may extend the time for completion of the development if a request is made in writing within twelve months after the permit expires and the development started lawfully before the permit expired.

**Notes:**

- This permit will supersede the following planning permits:
  - P13/1992-2
- Before any demolition or construction may commence, the permit holder must apply for and obtain appropriate building approval from a Registered Building Surveyor.
- The permit holder will provide a copy of this planning permit and endorsed plans to any appointed Building Surveyor. It is the responsibility of the permit holder and the relevant

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Building Surveyor to ensure that all building (development) works approved by any building permit are consistent with this planning permit.

- Nothing in this permit or any plans or documents approved in accordance with the conditions of this permit should be taken to imply that the development meets the requirements of the Building Act 1993 and its regulations.
- Further permissions may be required under the Flora and Fauna Guarantee Act 1988 (FFG Act). The protected flora permit process may require additional measures or design changes to avoid and minimise impacts or compensatory measures such as salvage and translocation.
- If any of the following Flora species are identified in pre-clearing surveys, an FFG permit will be required:
  - Rough Blown-grass (*Lachnagrostis rudis* subsp. *rudis*) – Endangered
  - Velvet Apple-berry (*Billardiera scandens* s.s.) – Endangered
  - Cobra Greenhood (*Pterostylis grandiflora*) – Endangered
  - Crimson Sun-orchid (*Thelymitra X macmillanii*) – Vulnerable

**Head, Transport for Victoria Notes:**

- The existing roadside barrier on Arthurs Seat Road may not be fit for purpose to protect the bridge column from damage from errant vehicles.
- A commercial licence agreement with Head, Transport for Victoria may be required for the proposed luge bridge over the Arthurs Seat Road reserve. This matter should be investigated immediately after a planning permit is issued. This approval under the Planning Scheme does not guarantee that a licence will be issued. The proponent will be responsible for all costs associated with the preparation, negotiation and finalisation of the licence agreement, as well as the ongoing licence fees and outgoings imposed by the licence agreement.
- Separate approval is required for the proposed luge bridge over the Arthurs Seat Road reserve under the Road Management Act 2004 (RMA). This matter should be Planning Scheme does not guarantee RMA approval.
- The following guidelines are recommended in order to assess the risk of the Arthurs Seat Road luge bridge and provide column/pier protection:
  - Road-Design-Note-06-13-Guidelines-for-the-protection-of-gantry-and-cantilever-sign-supports
  - Austroads Guide to Road Design Part 6 and the DTP supplement to Austroads Guide to Road Design Part 6.



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**IMPORTANT INFORMATION ABOUT THIS PERMIT**

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**WHAT HAS BEEN DECIDED?**

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The responsible authority has issued a permit.

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**CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?**

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

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**WHEN DOES A PERMIT BEGIN?**

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A permit operates:

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

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**WHEN DOES A PERMIT EXPIRE?**

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

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**WHAT ABOUT REVIEWS?**

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

**Date issued:** 19 February 2026 **Signature for the responsible authority:**

