

Planning Assessment Officer Report

PA2403185 – 795 & 1085 Arthurs
Seat Road, Arthurs Seat (Arthurs
Seat Eagle)



Planning Assessment Officer Report
Development Assessment



Department
of Transport
and Planning

OFFICIAL



Contents

Executive Summary	4
Background information	6
Application Process	6
Relevant site/planning history	7
Subject Site and Surrounds	9
Site and Surrounds Description	9
Arthurs Seat State Park	10
The proposal	11
Proposal description	11
Planning Provisions	15
Municipal Planning Strategy	15
Planning Policy Framework	15
Zoning and Overlays	15
Clause 36.02 - Public Park and Recreation Zone (PPRZ)	15
Clause 36.04 – Transport Zone (TRZ)	16
Clause 42.01 – Environmental Significant Overlay, Schedule 28 (ESO)	16
Clause 42.03 - Significant Landscape Overlay, Schedule 1, 3, 4 and 6 (SLO)	17
SLO1 - ‘Ridge and Escarpment Areas’	18
SLO3 - ‘Scenic Roads’	18
SLO4 - ‘Scenic Recreation Sites’	18
SLO6 - ‘National Trust Classified Landscapes’	19
Clause 43.01 – Heritage Overlay, Schedule 4 ‘Arthurs Seat Reserve and Tower’ (HO4)	19
Clause 44.01 – Erosion Management Overlay, Schedule 1 ‘Erosion Prone Slopes’ and 2 ‘Unstable Slopes’ (EMO1 + EMO2)	19
Clause 44.06 - Bushfire Management Overlay	20
Particular and General Provisions	20
Clause 52.06 – Car parking	20
Clause 52.17 – Native Vegetation	21
Clause 52.29 – Land Adjacent to the Principal Road Network	21
Clause 53.02 – Bushfire Planning	21
Clause 53.18 – Stormwater Management in Urban Development	22
Clause 53.22 – Significant Economic Development	22
Referrals and Notice	23
Referrals	23



Referrals and other agency responses	23
Notice	23
Assessment	25
Strategic Direction	25
Land Use	25
Omnibus permit	26
Built form & Landscaping	27
Height, siting & design details	27
Visual Impact Assessment	29
Significant Landscape Overlay, Schedule 1, 3, 4 and 6 considerations	30
Heritage	35
Amenity	36
Noise	36
Overshadowing	37
Overlooking	37
Lighting	38
Environmental Values and Risks	38
Clause 52.17 – Native Vegetation Removal	38
Flora and Fauna impacts	39
Bushfire Risk	42
Erosion Management	46
Sustainability	48
Environmentally Sustainable Design (ESD)	48
Water Sensitive Urban Design (WSUD) & Stormwater Management	48
Car and Bicycle Parking, Traffic generation, Loading, and Other Services	49
Car Parking	49
Design Standards for Car Parking	51
Bicycle Facilities	51
Traffic Generation	51
Clause 36.02 – Transport Zone, Schedule 2	51
Clause 52.29 – Land Adjacent to a Road in a Transport Zone.	51
Loading / Unloading	52
Waste	52
Other Matters	52
Cultural Heritage	52
Staging	52
Recommendation	53



Prepared by: _____	53
Approved by: _____	53
Appendix A: Public submissions _____	54
Appendix B: Omnibus conditions review _____	61
Appendix C: Office of the Victorian Government Architect comments _____	87

Executive Summary



Key Information	Details		
Application No:	PA2403185		
Received:	6 September 2024		
Applicant:	Arthurs Seat Eagle c/- Tract Consultants		
Planning Scheme:	Mornington Peninsula		
Land Address:	795 & 1085 Arthurs Seat Road, Arthurs Seat		
Proposal:	Expansion of the Arthurs Seat Eagle facility (Leisure and Recreation Facility), incorporating buildings and works for an extension to the base station, extension to the summit station (including an observation tower and other facilities), construction of a luge track below the chairlift facility and luge platform at the summit, associated works and removal of native vegetation.		
Development Value:	\$12,839,441		
Why is the Minister responsible?	<p>In accordance with the schedule to the schedule to Clause 72.01 of the Planning Scheme, the Minister for Planning is the responsible Authority for this application because it is in relation to:</p> <p><i>'the land known as Arthurs Seat State Park which is subject to Section 32CA of the National Parks Act 1975, more particularly being the land shown hatched on the plan lodged in the Central Plan Office; and, numbered N.P.36A and delineated and coloured blue on that plan and is 6 metres or more above the land surface.'</i></p>		
Why is a permit required?	Clause	Control	Trigger
Zone:	36.02-2	Public Park and Recreation Zone	<i>To construct a buildings or construct or carry out works</i>
	36.04-2	Transport Zone	<i>To construct or carry out works within a Transport Zone</i>
Overlays:	42.01-2	Environmental Significance Overlay	<i>To construct or carry out works and remove, destroy or lop any vegetation</i>
	43.02-2	Significant Landscape Overlay 1,3,4 and 6	<i>Construct a building or construct or carry out works and remove, destroy or lop vegetation</i>
	43.01-1	Heritage Overlay	<i>To demolish or remove a building and construct a building and carry out works</i>
	44.01-2	Erosion Management Overlay	<i>To construct a building or construct or carry out works and remove, destroy or lop any vegetation</i>
	44.06-2	Bushfire Management Overlay	<i>To construct a building or construct or carry out works associated with the following (relevant) uses (leisure and recreation).</i>
Particular Provisions:	52.06	Car Parking	<i>No permit trigger. Car parking required to the satisfaction of the RA.</i>
	52.17	Native Vegetation	<i>To remove, destroy or lop native vegetation, including dead native vegetation.</i>
	52.29	Land Adjacent to a road Transport Zone 2	<i>To create or alter access to a road in a Transport Zone.</i>
Cultural Heritage:	A CHMP, prepared by Biosis Apem Group, was approved by the Bunurong Land Council on 23 November 2025.		
Referral Authorities:	Head, Transport for Victoria DEECA (Fire Authority & Native Vegetation)		



Advice sought: Parks Victoria
Mornington Peninsula Shire Council

Public Notice: Notice of the application was undertaken by the applicant at the direction of the Minister for Planning in the following manner:

- Notices mailed to the owners and occupiers of adjoining land and land within a 1km radius of the site.
- Notices emailed to those who had already made a submission to the application prior to the public notice period (109 in total)
- A total of 9 signs placed on the site for a minimum of 28 days.
- Notice published in the local newspaper.

At the time of writing, 431 submissions have been received (13 in support and 418 in objection).

Delegates List: Approval to determine under delegation received on 11 February 2026



Application Process

1. The applicant has engaged with the relevant Registered Aboriginal Party prior to lodgement. A Cultural Heritage Management Plan was issued on **23 November 2025** by Bunurong Land Council.
2. The key milestones in the application process were as follows:

Milestone	Date
Application received	6 September 2024
CHMP received	5 December 2025
Further information requested	2 October 2024
Further information request satisfied	1 October 2025
Public Notice period	11 November 2024 till 10 December 2025 (extended public notice period)
Decision Plans & Assessment Documents	<ul style="list-style-type: none">• Staging Plan, prepared by Metier, Drawing TP205, Revision F, dated 26/08/2025• Architectural Plans prepared by Metier Architects, various dates and revisions, advertised November 2025.• Luge Section & Site Plans, prepared by Weigand (3 sheets)• Architectural renders, prepared by Metier Architects.• Town Planning Report, prepared by Tract Consultants, dated 30 September 2025.• Visual Impact Assessment, prepared by Tract, dated 4 July 2025.• Landscape plans, prepared by MALA, Revision A, dated 04/09/2025.• Infrastructure Servicing Report, prepared by SMEC, dated January 2024.• Arboricultural Impact Assessment, prepared by Glen Waters, dated 2 September 2025• Flora and Fauna Impact Assessment, prepared by Nature Advisory, dated August 2025.• Targeted Flora Surveys, prepared by Nature Advisory, dated November 2024.• the Powerful Owl Assessment, prepared by Nature Advisory, dated November 2024• Sustainability Management Plan, prepared by Ark Resources, dated 3 July 2025.• Landslide risk assessment, prepared by Intrax Land, Rev 3, dated 30/04/2025,• Cost estimate, prepared by Rider Levett Bucknall, dated April 2024.• Waste Management Plan prepared by Leigh Design, dated 2 July 2025• Acoustic Report, prepared by Clarity Acoustics, dated 8 April 2025,• Traffic Engineering Assessment, Traffix Group, dated July 2025• Bushfire Management Statement, prepared by Terramatrix, dated June 2025• Operational Management Plan, prepared by ASE, Version 1.3, dated June 2024

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



Relevant site/planning history

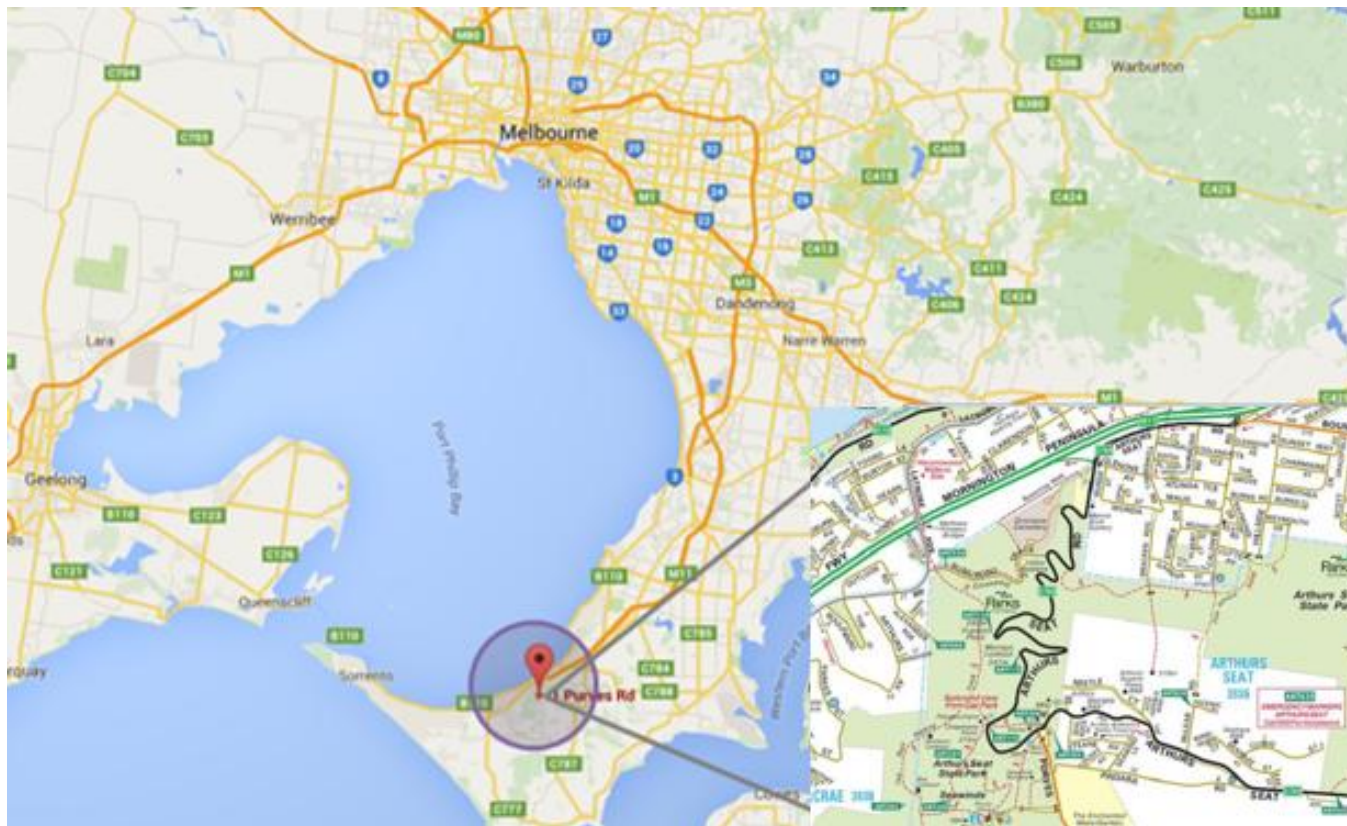
4. Arthurs Seat is a significant landmark and landscape feature on the Mornington Peninsula. A chairlift operated on the site from the early 1960s but closed in 2006 after several incidents. After the chairlift closed and the lease terminated, Parks Victoria, as land manager of the Arthurs Seat State Park, appointed a new operator in 2009. A planning permit application was subsequently lodged with the Mornington Peninsula Shire Council (the council).
5. The council determined to grant the planning permit for a leisure and recreation centre incorporating a chairlift facility (gondola) and ancillary café, kiosk and shop on 2 June 2014. The council's decision was appealed at VCAT by objectors pursuant to section 82 of the *Planning and Environment Act 1987* (the Act). VCAT directed that Planning Permit No. P13/1992 be issued subject to conditions and the permit was issued by the council on 23 December 2014.
6. After the planning permit was granted, the applicant sought to discharge all relevant permit conditions via the submission of plans and reports for endorsement by the council. On 10 March 2015, the council revoked officer delegation for the project, requiring all secondary consent and permit condition matters to be determined by the council. Although the planning permit had already been issued and many permit requirements had already been satisfied, it was estimated by the applicant that approximately 35 secondary matters would need to be approved prior to the opening of the facility.
7. Due to concerns about ongoing delays to the project, on 5 November 2015, the applicant wrote to the then Minister for Planning requesting that the Minister become the responsible authority for the Arthurs Seat Eagle site. The Minister for Planning agreed to consider the request, and directed that consultation be undertaken under section 20(5) of the Act with Tourism Victoria, Parks Victoria, and the council.
8. Following consultation, Amendment C225 was prepared. On 1 April 2016, the responsible authority status for land within the Arthurs Seat State Park, as outlined in the Schedule to Clause 72.01 of the Scheme, was transferred to the Minister for Planning.
9. The Arthur's Seat Eagle opened for operation on 3 December 2016.
10. On 20 September 2019, the Minister for Planning granted an amendment under Section 72 to the planning permit allowing for use of the land as a function centre, a reduction of car parking requirements, an increase in café patrons numbers, live or amplified music and the construction of three sheds.
11. A Section 71 correction to the permit was issued on 2 September 2020 and the endorsed plans were amended under secondary consent on 9 September 2019 and on 7 September 2023.
12. The planning permit conditions of PP13-1992-2 have been discharged and ongoing conditions remain in effect along with the following endorsed plans:
 - **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.
 - **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.
 - **Architectural Plans**, prepared by Search Studio, Drawings TP-600 and TP-800, dated 27 July 2023.
 - **Landscape Plans**, prepared by Thompson Berill Landscape Design, Sheets 1 to 16, endorsed 15 September 2015.
 - **Street tree planting plan**, prepared by Thompson Berill Landscape Design, Drawing ASR-LORA, endorsed on 15 September 2015.
 - **Waste Management Plan**, prepared by Leigh Design, dated 18 December 2019, endorsed on 2 September 2020.
 - **Emergency Management Plan**, prepared by Terramatrix, Version 2.6, dated 2019, endorsed on 2 September 2020.
 - **Music and Patron Noise Assessment**, prepared by SLR, dated February 2020, endorsed on 2 September 2020.



- **Operational Management Plan**, prepared by Arthurs Seat Eagle, Version 1.2, dated May 2020, endorsed on 2 September 2020.
- **Defendable Space and Vegetation Management Plan**, prepared by Ecology Australia, dated 28 July 2015, endorsed on 15 September 2015.

Site and Surrounds Description

13. The Arthurs Seat Eagle is located in a leased area in Arthurs Seat State Park on the Mornington Peninsula, approximately 70km south of the Melbourne CBD:



Above: Google and Melways map displaying the locality of the subject site.

14. The site is formally described as:

- *CROWN ALLOTMENT 2015 TOWNSHIP OF DROMANA PARISH OF KANGERONG*
- *CROWN ALLOTMENT 2019 TOWNSHIP OF DROMANA PARISH OF KANGERONG*

15. The site consists of three components:

- The base station;
- The summit station; and
- The gondola corridor (proposed luge corridor).

16. The **base/lower station** is located at the base of the Arthurs Seat State Park (the northern boundary of the park). The lower station is developed with a double storey building containing the gondola infrastructure, a kiosk, shop, and interpretive centre/area. The lower station also contains an amenity block, a hardscaped carparking area and bus parking area. The lower station adjoins Arthurs Seat Road to the east and the Mornington Peninsula Freeway to the north. The topography of the site is varied but generally falls towards the east. Vegetation is scattered throughout the lower station site. The lower station adjoins residential properties located to the east within the low density suburb of Dromana.

17. The **summit/upper station** is located at the summit of Arthurs Seat, south of Arthurs Seat Road and east of Purves Road. The upper station is developed with a single storey building containing the gondola infrastructure, café and function centre. It is approximately 1km south of the lower station and contains significant vegetation along the rear



and eastern side boundaries. An existing sealed and unsealed carpark is located adjacent to the upper station, and an additional sealed car park is located on the northern side of Arthurs Seat Road, accessed via an informal crossing from the subject site. The upper station adjoins residential properties located to the east within the suburb of Arthurs Seat.

18. The **gondola corridor** is characterised by a cleared corridor approximately 20m wide containing grasses and shrubs, with a dense cover of canopy trees on either side. The gondola itself ascends from the base station to the summit, with capacity for 34 enclosed gondolas each holding up to eight patrons. The tallest gondola tower reaches 22 metres above ground. The lease area reflects a 40m corridor alignment for maintenance. The gondola corridor crosses Arthurs Seat Road at four points. The abutting land is predominantly located within the state park but adjoins some residential properties to the east.
19. Photographs of the existing base, summit and gondola station are shown below:



Above: Photograph of existing base station (left) and summit station (right)



Above: Photograph of existing luge corridor looking south toward summit.

Arthurs Seat State Park

20. The site is located in the Arthurs Seat State Park. The Arthurs Seat State Park is a 572 hectare public park which rises to 314 metres above sea level, with views of Port Phillip Bay and the Melbourne skyline.
21. The Mornington Peninsula National Park and Arthurs Seat State Park Management Plan, Parks Victoria, May 1998 – Amended 2014 and 2016 (the Management Plan) is a strategic plan and guideline adopted by a public authority (Parks Victoria). The Management Plan identifies both the lower and upper stations within the subject site as being within a ‘Recreation Development’ zone. The general management aim of Recreation Development zones is to “provide primarily for high use visitor precincts with a concentration of recreation and/or interpretation facilities”. Recreation Development zones are differentiated from Conservation zones and Conservation and Recreation zones, where different management aims apply.



Proposal description

22. Planning permission is sought to expand/upgrade the existing Arthurs Seat Eagle facility (an existing leisure and recreation facility) at Arthurs Seat State Park on the Mornington Peninsula. The proposal includes the construction of buildings and works to facilitate upgrades to the base station, summit station, a new observation tower at the summit and a luge ride within the gondola corridor, The proposal also includes vegetation, including native vegetation, removal.
23. The application seeks an omnibus permit, to enable the amalgamation of ongoing requirements within the existing permit ref. (PP13-1992-2 which permitted the established land uses), with any permit approval issued for the current scheme, resulting in one consolidated planning permit for the site.
24. The development is proposed to be staged yet the staging is proposed to be sequenced. Specific details of the proposal in the various stages is described below:

Base station (Stage A)

- Partial demolition of the northern half of the existing building and construction of a new addition/extension, along with cosmetic upgrades to the façade of the retained built form. The extension is proposed to be constructed generally within the footprint of the areas of the building to be demolished.
- The proposed extension is to be two storeys in scale but partially embedded in the ground.
- The addition and façade upgrades are proposed to be constructed using a combination of materials including Dromana stone, timber battens screening in different profiles, timber cladding, off form and pre-cast concrete, including off-form concrete with spiral formwork and vertical stack wall tiles.
- The architectural form of the addition and the external landings are proposed to be curved, with the varying materials integrated throughout.
- The extension will facilitate at the delivery of upgraded ancillary 'interpretative and experience centre' below the street level for educational and sensory experiences intended to complement the existing tourism facility. Additionally, the proposed works will deliver upgrades to the existing (kiosk), gift shop and storage facilities within the base station building and also includes some cosmetic upgrades to the façade.
- Landscaping upgrades are also proposed in the form of accessible ramps, informal seating areas and pathways and planting adjacent to the proposed built form.
- Vegetation removal is not proposed at the base station.



Above: 3D Render of proposed Base station upgrades.

Luge (Stage B)

- A luge is proposed to be constructed in the gondola corridor. It will comprise a single, closed track, with a single departure and arrival platform, to the north of the summit station, across Arthurs Seat State Road.
- The stainless-steel luge track will run for approximately 500m, is proposed to be elevated above the ground on supporting infrastructure and will include several helix loops and bends as it winds down the slope, before circling user back up to the platform at the summit.

- The downhill section will predominantly be elevated along a series of trestles which will vary in height and will contain several looping circles and bends and an elevated bridge over a hair-pin bend in Arthurs Seat Road.
- The luge bridge is proposed to be constructed with a clearance height of 6.4m above the roadway. Metal fins, in a nature colour tone, are proposed to be applied with varying angles to the enclose the bridge structure.
- The uphill track is proposed to run in a straight-line up hill. Carts will be hauled up by a conveyor mechanism.
- The luge platform, north of the summit station, is proposed to be positioned adjacent to an existing picnic area. It is proposed to be constructed using a combination of Dromana stone, rendered concrete, feature metal, with a green roof.
- New pathways, terracing and planting is proposed adjacent to the luge platform area.



Above: 3D render of proposed luge bridge (left) and the proposed luge platform (right).



Above: Section drawing of proposed luge below gondolas (left) and 3D render of proposed luge corridor (right).

Summit Station (Stage C)

- Partial demolition of the existing building and construction of an extension largely within the existing building footprint. The areas of the existing building to be retained include the gondola shed and associated control areas as well as the existing water tanks and services areas.
- The works will facilitate a new extension to the east and south of the retained built form which will facilitate the refurbishment of the café area, gift shop, storage areas and areas of staff as well as upgrades to the building façade.
- The proposed extension will be constructed to a height of 9.350m.
- Matching the base station, materials include Dromana granite, sandy oxide concrete, differing brown metal claddings.
- The forecourt entry area is proposed to re-designed into a landscape feature with terracing and the outdoor area to the south-west of the building is proposed re-landscaped.
- Construction of a new landscaped courtyard and public realm footpath and broader landscaping works.
- The roof of the proposed addition is to contain 36 PV Panels.



Above: 3D render of proposed upper station with observation tower to the right, described below.

Observation Tower (Stage D)

- An observation tower is proposed to be constructed at the summit station. The tower will appear as a standalone structure located immediately south/to the rear of the summit station buildings and is proposed to facilitate 360 degree views toward both Port Phillip Bay and Western Port Bay.
- The tower is proposed to be constructed to a height of approximately 35m and 337.950 AHD (height of lift overrun). It will expand to a maximum of 10.5m in width at its top, with both stair and lift access and has the capacity to accommodate 53 patrons at any one time.
- The tower is proposed to be setback 11.809m from the eastern boundary with Arthurs Seat Road and just over 13m from the southern and western properties boundaries.
- The tower is architecturally designed to appear to ‘twist’ as it ascends through the use of differing metal feature cladding and light weight mesh.



Above: Proposed massing diagrams showing application of materials (left) and a proposed northern elevation (right).

Removal of native vegetation

- The proposal includes 0.0937ha of native vegetation removal. This comprises 0.867 hectares of native vegetation in patches (including one large tree in patches) and one large, scattered tree, equating to 0.070 hectares.



- A total of 2 significant trees (as defined by the SLO) are proposed to be removed.
25. The proposal seeks to consolidate the existing planning permit (ref. P13/1992) with any new permit issued. As part of this, the previous permit would be cancelled and all relevant ongoing use, operation and management conditions would be migrated to the new omnibus permit sought via this application.



Municipal Planning Strategy

26. The following objectives and strategies of the Municipal Strategic Statement of the scheme are relevant to the proposal:

Clause	Description
02.01	Context
02.02	Vision
02.03	Strategic directions

Planning Policy Framework

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

Clause 11	Settlement
11.03-5S	Distinctive areas and landscapes
Clause 12	Environmental and Landscape Values
12.01-1S	Protection of biodiversity
12.01-2L	Protection of biodiversity – Mornington Peninsula
12.01- 2S	Native vegetation management
12.05-1S	Environmentally sensitive areas
12.51-2S	Landscapes
Clause 13	Environmental Risks and Amenity
13.02-1S	Bushfire planning
13.04-2S	Erosion and landslip
13.05-1S	Noise Management
Clause 15	Built Environment and Heritage
15.01-1S	Urban design
15.01-2S	Building design
15.01-2L	Environmentally sustainable design
Clause 17	Economic Development
17.04-1S	Facilitating tourism

Zoning and Overlays

Clause 36.02 - Public Park and Recreation Zone (PPRZ)

28. The purpose of the PPRZ is to:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To recognise areas for public recreation and open space.
- To protect and conserve areas of significance where appropriate.
- To provide for commercial uses where appropriate.



29. Pursuant to Clause 36.02-1, the use of the land for a 'leisure and recreational facility' is categorised as Section 2 use where a permit is required. It is noted the use of the land for a leisure and recreation facility is already established under the existing permit in effect for the site (PP13-1992-2) and is therefore not required to re-applied for. Whilst a permit is not specifically triggered for the use in this instance, the expansion of the existing use will be considered, noting this is a request for an omnibus permit.
30. Pursuant to Clause 36.05-2, a permit is required to construct a building or construct or carry out works. This does not apply to
- Pathways, trails, seating, picnic tables, drinking taps, shelters, barbeques, rubbish bins, security lighting, irrigation, drainage or underground infrastructure.
 - Playground equipment or sporting equipment provided these facilities do not occupy more than 10 square metres of parkland.
 - Navigational beacons and aids.
 - Planting or landscaping.
 - Fencing that is 1 metre or less in height above ground level.
 - A building or works shown in an Incorporated plan which applies to the land.
 - A building or works carried out by or on behalf of a public land manager, Parks Victoria or the Great Ocean Road Coast and Parks Authority, under the *Local Government Act 2020*, the *Reference Areas Act 1978*, the *National Parks Act 1975*, the *Fisheries Act 1995*, the *Wildlife Act 1975*, the *Forest Act 1958*, the *Water Industry Act 1994*, the *Water Act 1989*, the *Marine Safety Act 2010*, the *Port Management Act 1995* or the *Crown Land (Reserves) Act 1978*.
31. An application requirement at Clause 36.02-3 of the PPRZ is for an application which is made by a person other than the public land manager, to be accompanied by written consent of the public land manager generally or conditionally to either the application being made or to the application being made and to the proposed use and development. The application was submitted with a letter of consent from Parks Victoria (the public land manager) as required.
32. The decision guidelines of the PRRZ are assessed in the assessment section of this report.

Clause 36.04 – Transport Zone (TRZ)

33. The purpose of the TRZ is:
- To implement the Municipal Planning Strategy and the Planning Policy Framework.
 - To provide for an integrated and sustainable transport system.
 - To identify transport land use and land required for transport services and facilities.
 - To provide for the use and development of land that complements, or is consistent with, the transport system or public land reservation.
 - To ensure the efficient and safe use of transport infrastructure and land comprising the transport system.
34. Pursuant to Clause 36.04-2, a planning permit is required to construct a building or construct or carry out works for any use in Section 2. The 'leisure and recreation' use is a Section 2 use under Clause 36.04-1 and therefore a permit is required.
35. A permit is not required under 36.04-1 for the use of the land, as it is already established under PP13-1992-2.
36. An application requirement at Clause 36.04-3 of the TRZ is for an application which is made by a person other than the relevant transport manager, to be accompanied by written consent of the Head, Transport for Victoria generally or conditionally to either the application being made or to the application being made and to the proposed use and development. The application was submitted with a letter of consent from) as Head, Transport for Victoria as required.

Clause 42.01 – Environmental Significant Overlay, Schedule 28 (ESO)

37. The purpose of the ESO is:
- To implement the Municipal Planning Strategy and the Planning Policy Framework.
 - To identify areas where the development of land may be affected by environmental constraints.



- To ensure that development is compatible with identified environmental values.
38. The ESO applies to the luge track and the summit station.
39. Pursuant to Clause 42.02-2, a permit is required to:
- Construct a building, construct or carry out works.
 - Construct bicycle pathways or trails.
 - Remove, destroy or lop vegetation. The schedule states that a permit is not required to remove non native vegetation.
40. Schedule 28 of the ESO 'Mornington Peninsula Bushland' contains the following statement of environment significance:
- 'The remnant native vegetation of the Mornington Peninsula is significant for its diversity and environmental value, including habitat areas of state, national and international significance. Smaller areas of vegetation act as important components of the remaining habitat, providing movement corridors for both animals and bird life.*
- Remnant vegetation is also a key feature of the Peninsula's landscapes and their scenic recreational value for local and regional communities.*
- Retaining vegetation is also critical to catchment management, in terms of maintaining surface and ground water quality, the control of siltation, the management of soil salinity, acidification and waterlogging, and prevention of erosion in hillside and coastal areas. The ability to maintain environmental systems and viable habitat areas on the Peninsula is highly dependent on the retention of existing native vegetation and encouraging revegetation utilising indigenous species.'*
41. The environmental objectives listed at Clause of the ESO28 are:
- To protect and conserve native vegetation and habitat areas, including those of rare, threatened and endangered flora and fauna species, from clearing, degradation or fragmentation.
 - To protect and conserve habitat corridors, including land with a minimum width of 30 metres on both sides of a streamline.
 - To arrest and reverse the decline of remanent native vegetation, and to achieve a net increase in native vegetation within the Shire over time.
 - To promote the maintenance of ecological processes and biodiversity.
 - To promote the implementation of regional catchment strategies, regional vegetation plans and other natural resource management strategies.
 - To conserve the Shire's vegetation-based landscape assets.
 - To avoid the loss or detrimental modification of native vegetation through grazing, cropping and other forms of agriculture.
 - To ensure that trees are cleared from no more than 10 per cent of the land effected by this schedule and understorey from no more than a further 30 per cent of the land effected by this schedule.
42. The decision guidelines and environmental objectives of the ESO are considered in the assessment section of this report.

Clause 42.03 - Significant Landscape Overlay, Schedule 1, 3, 4 and 6 (SLO)

43. The purpose of the SLO is to:
- To implement the Municipal Planning Strategy and the Planning Policy Framework.
 - To identify significant landscapes.
 - To conserve and enhance the character of significant landscapes.
44. Pursuant to Clause 42.03-2, a permit is required to construct a building or construct or carry out works and to remove, destroy or lop vegetation. This unless a schedule to the overlay specifically states that a permit is not required.



45. The site is affected by 4 schedules to the SLO detailed below. A permit is required under each of the overly schedules for the proposed buildings and works. Vegetation removal is triggered under schedule 1 and 3.

SLO1 - 'Ridge and Escarpment Areas'

46. The SLO1 – 'Ridge and Escarpment Areas' applies to luge and summit.

47. The statement of nature and key elements of landscape as Clause 1.0 of the SLO1 is:

'Ridge and escarpment areas have been identified as key landscape features, providing landmarks that are visually prominent, and acting as scenic vantage points, enabling views of extensive coastal and rural landscapes. Ridge areas and escarpments also often retain substantial vegetation cover, which adds to the variety of the landscape.'

The distinctive landscapes of the Peninsula have been shaped by geomorphological processes and features. These include the Selwyn and Tyabb Faults, the multiple smaller faults of the central and southern Peninsula and the basalt intrusions of Arthur's Seat and Mt Martha. In this context the landforms of the Peninsula are culturally significant both in terms of the visual "sense of place" and in promoting an understanding of the natural processes. The high visual exposure of ridge and escarpment areas makes them particularly susceptible to visual intrusion from inappropriate development.'

48. The landscape character objectives at Clause 2.0 of the SLO1 are:

- To protect and enhance the visual, natural and cultural heritage values of ridge and escarpment landscapes.
- To maintain the natural skyline of ridge and escarpment areas and avoid obtrusive building silhouettes.
- To avoid the construction of any buildings within 10 metres of a ridge area, unless no alternative site is available on the land.
- To protect ridge and escarpment landscapes from visual intrusion resulting from inappropriate buildings and works, and their siting, design or materials.
- To encourage siting, design and landscaping of buildings and works that is responsive to the landscape values of ridge and escarpment areas.
- To maintain vegetation as an important element of ridge and escarpment landscapes.

SLO3 - 'Scenic Roads'

49. The SLO3 – 'Scenic Roads' applies to the section of the site where the luge is proposed.

50. The statement of nature and key elements of landscape as Clause 1.0 of the SLO3 is:

'Scenic roads have been identified as key landscape features. Scenic drives on the Mornington Peninsula are major recreational resource and development adjacent to scenic roads may substantially effect the perception of landscape quality and the associated recreational value.'

51. The landscape character objectives at Clause 2.0 of the SLO3 are:

- To ensure that the scenic and recreational value of scenic routes throughout the Peninsula is not compromised by the inappropriate siting and design of buildings.
- To maintain the asset of a varied network of scenic roads, featuring roadside vegetation and having regard to construction standards appropriate to the function of each road.

SLO4 - 'Scenic Recreation Sites'

52. The SLO4 – 'Scenic Recreation Sites' applies to the whole site.

53. The statement of nature and key elements of landscape as Clause 1.0 of the SLO4 is:

'Scenic recreation sites have been identified as key landscape features contributing to the opportunities for outdoor and unstructured recreation on the Mornington Peninsula. Development within these areas may substantially effect the perception of landscape quality.'



54. The landscape character objectives at Clause 2.0 of the SLO4 are:

- To protect scenic recreation sites from visual intrusion resulting from the inappropriate siting or design of buildings and works.
- To encourage the siting, design and landscaping of buildings and works which is responsive to the recreational value and landscape environment of scenic recreation sites.
- To maintain vegetation as an important element in the value of scenic recreation sites.

SLO6 - 'National Trust Classified Landscapes'

55. The SLO6 – 'National Trust Classified Landscapes' applies to the section of the site where the base station is located.

56. The statement of nature and key elements of landscape as Clause 1.0 of the SLO6 is:

National Trust classified landscapes have been identified as key landscape features. The National Trust classification combines the immediate visual values of the landscape with an assessment of cultural heritage significance. Development within these areas may substantially effect the perception of landscape quality unless it is carefully sited and designed.

57. The landscape character objectives at Clause 2.0 of the SLO6 are:

- To protect and enhance the visual, natural and cultural heritage values of classified landscapes.
- To protect classified landscapes from visual intrusion resulting from the inappropriate siting, design or materials of buildings and works.
- To encourage siting, design and landscaping of buildings and works which is responsive to the landscape values of classified landscapes.
- To maintain vegetation as an important element of classified landscapes.

Clause 43.01 – Heritage Overlay, Schedule 4 'Arthurs Seat Reserve and Tower' (HO4)

58. The purpose of the HO is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.
- To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

59. The HO4 applies to the area of the site where summit station is located and specifically relates to the Arthurs Seat Reserve and Tower.

60. A permit is required pursuant to Clause 43.01-1 to demolish or remove a building and to construct a building or construct or carry out works.

Clause 44.01 – Erosion Management Overlay, Schedule 1 'Erosion Prone Slopes' and 2 'Unstable Slopes' (EMO1 + EMO2)

61. The purpose of the EMO is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To protect areas prone to erosion, landslip, other land degradation or coastal processes by minimising land disturbance and inappropriate development.

62. The EMO applies to the section of the site where the luge is proposed, between the summit and base stations.

63. Pursuant to Clause 44.01-2, a permit is required to construct a building or construct or carry out works including road works.



64. Pursuant to Clause 44.01-3- a permit is required to remove, destroy or lop any vegetation.
65. Each of the schedules do not contain any specific erosion management objectives, statements of risk, application guidelines or decision guidelines.
66. The objectives and decision guidelines of the EMO are considered in the assessment section of this report.

Clause 44.06 - Bushfire Management Overlay

67. The purpose of the BMO is:
 - To implement the Municipal Planning Strategy and the Planning Policy Framework.
 - To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.
 - To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.
 - To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.
68. Pursuant to Clause 44.06-2, a permit is required to construct a building or construct or carry out works including road work associated with a use for 'leisure and recreation'.
69. The objectives and decision guidelines of the BMO are considered in the assessment section of this report.
70. It is noted that the planning maps do position the site within a specific schedule to the BMO. Accordingly, an assessment of the proposal has against Clause 53.02 (bushfire planning) has therefore been undertaken in accordance with Clause 44.06-5 (Requirements of Clause 53.02).
71. Pursuant to 44.06-5, the following mandatory condition is required to be included on a permit to construct a building or construct or carry out works:

“The bushfire protection 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.”

Particular and General Provisions

Clause 52.06 – Car parking

72. Pursuant to Clause 52.06-5, before a new use commences or before the floor area of site area of an existing use is increased, the number of car parking spaces required under Clause 52.06-5 must be provided to the satisfaction of the responsible authority. Where an existing use is increased by the measure specified in Table 1 for that use, the car parking requirement only applies to the increase, provided the existing number of car parking spaces currently being provided in connection with the existing use is not reduced.
73. Pursuant to Clause 52.06-5, where a use is not specified in Table 1, before a new use commences or the floor area of site area of a use is increased, car parking spaces must be provided to the satisfaction of the responsible authority.
74. The 'Leisure and Recreation Centre' land use proposed to be expanded is not specified in Table 1 of Clause 52.06 and therefore car parking rates are to the satisfaction of the responsible authority. Therefore, whilst consideration of the proposed car parking provision is required to be undertaken, a permit is not required under Clause 52.06 for a reduction in car parking. A detailed assessment of the proposed car parking provision is contained in the assessment section of this report.
75. As the proposal does not include changes to the existing car parking layout on the site, the design standards of Clause 52.06-9 are not required to be assessed.



Clause 52.17 – Native Vegetation

76. 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. This is achieved by applying the following three step approach in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):

1. Avoid the removal, destruction or lopping of native vegetation.
2. Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
3. Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.

77. A permit is required under Clause 52.17--1 to remove destroy or lop native vegetation, including dead native vegetation. The proposal includes the removal of 0.937ha of native vegetation.

78. Under the guidelines referred to above, the proposal falls within the detailed assessment pathway. Further details are contained in the assessment section of this report

Clause 52.29 – Land Adjacent to the Principal Road Network

79. The purpose of the Clause 52.29 is:

- 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.

80. Pursuant to Clause 52.29-2, a permit is required to create or alter access to a road in the Transport Zone 2. In this instance, physical alteration of access to the road in a Transport Zone 2 (Arthurs Seat Road) is not proposed. However, for completeness and having regard to *Peninsula Blue Developments Pty Ltd v Frankston CC [2015] VCAT 571*, DTP consider the intensification of use as an 'alteration' in this instance. This is notwithstanding contrasting decisions made by the Tribunal since.

81. The application was accordingly referred to the Head, Transport for Victoria under Clause 66.03.

Clause 53.02 – Bushfire Planning

82. The purpose of Clause 53.02 is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.
- To ensure that the location, design and construction of development appropriately responds to the bushfire hazard.
- To ensure development is only permitted where the risk to life, property and community infrastructure from bushfire can be reduced to an acceptable level.
- To specify location, design and construction measures for a single dwelling that reduces the bushfire risk to life and property to an acceptable level.

83. This clause applies to applies to an application under Clause 44.06 - Bushfire Management Overlay, unless the application meets all of the requirements specified in a schedule to Clause 44.06. As the subject site is not affected by a specific schedule to the BMO and the application is not a dwelling, the clause applies.



Clause 53.18 – Stormwater Management in Urban Development

84. The purpose of Clause 53.18 is:

To ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.

85. Clause 53.18 applies to the buildings and works of this application. The clause includes standards and objectives relating to stormwater management.

Clause 53.22 – Significant Economic Development

86. 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.

87. The application meets the conditions of Category 2 of Clause 53.22 as follows:

- The proposal is for a use specified in Table 2 of Clause 53.22-1 - 'Leisure and Recreation' facility; and
- The corresponding conditions in Table 2 are met in that the development cost is at least \$10 million (\$12,839,441) as verified in a quantity surveyors report; and
- The development is to be carried out on Crown land.

88. Pursuant to Clause 53.22-2 a responsible authority may waive or vary any of the following:

- Any building height or setback requirement.
- Any application requirement in this planning scheme if in the opinion of the responsible authority the requirement is not relevant to the assessment of the application.

89. The above does not apply to A decision that would be inconsistent with an approved Statement of Planning Policy for a declared area; and A requirement in clauses 45.07, 45.08 or 51.03, or in any schedule to those clauses.

90. Pursuant to Clause 53.22-4, an application under any provision of this planning is exempt from the decision requirements of sections 64(1), (2) and (3), and the review rights of sections 82(1) of the Act.

Planning scheme changes

91. Since the application was submitted the following changes to the Mornington Peninsula Shire Planning Scheme have been gazetted:

- **Amendment VC277** was gazetted in December 2025 and introduced location-based, map driven parking rates (using the Public Transport Accessibility Level) and introduce minimum and maximum car parking rates in areas with better public transport accessibility. The applicable car parking rate for the existing land use remains a use whereby car parking provision is to the satisfaction of the responsible authority.
- **Amendment VC265** was gazetted on 4 February 2026 and introduced a series of updates and corrections to the VPPs to ensure they are current and accurate. The changes are largely administrative and do not materially affect this application.



Referrals

92. The application was referred to the following groups:

Provision / Clause	Organisation	Response and date received
Section 55 Referral – Determining	Head, Transport for Victoria	No objection, subject to conditions.
Section 55 Referral – Determining	DEECA (Relevant Fire Authority)	No objection.
Section 55 Referral – Recommending	DEECA (52.17 Native Vegetation)	No objection, subject to conditions.
Section 52(1)(b) Notice	Mornington Peninsula Shire	Formal response not received.
Section 52(1)(d) Notice	Parks Victoria	No objection, subject to conditions requiring documents to be reviewed by Parks Victoria.
Informal	DEECA (Fauna Impacts)	No objection, subject to conditions.

Referrals and other agency responses

93. The **Head, Transport for Victoria (HtFV)** provided a response on 14 January 2026 and did not object to the application, subject to conditions. The conditions are recommended to be included in full on the planning permit.
94. The **Department of Energy, Environment and Climate Action (DEECA)** responded on 7 November 2025 and:
- As the Relevant Fire Authority, DEECA did not object to the application and did not recommend any permit conditions. DEECA have since reviewed and confirmed on 16 February 2026 acceptance of draft permit conditions relating to bushfire management, including those to be transferred and altered from P13-199-2.
 - As the referral authority for proposal under detailed assessment pathway pursuant to Clause 52.17, did not object to the application subject to conditions. The conditions are recommended to be included in full on the planning permit.
95. The **Mornington Peninsula Shire City Council (the council)** considered the application at their committee on 2 December 2025. The council determined to not adopt the council officer's recommendation to object to the application. An alternative recommendation had not been prepared so whilst the officer recommendation of objection was overturned, the council inadvertently did not resolve to provide a response to the application. Therefore, a formal response from the council has not been received.
96. **Parks Victoria** responded on 2 February 2026 stating its support for the proposal. Parks Victoria noted the key operational issue requiring further resolution relates to car parking, traffic management and visitor circulation in the context of broader park use. Parks Victoria noted the preparation of a detailed operational traffic and car parking management plan is supported to manage the issue and requested to be involved in the review of a variety of documentation to form conditions. Parks Victoria is recommended to be consulted on the list of plans/documents as requested.

Notice

97. The application is not exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the *Planning and Environment Act 1987* pursuant to the following provisions:
- Clause 36.02 (PPRZ)
 - Clause 36.04 (TZ)



- Clause 42.01 (ESO)
 - Clause 43.02 (SLO)
 - Clause 43.01 (HO)
98. The applicant was directed to give notice by way of erecting a sign/s on the site and notifying adjoining owners and occupiers as follows:
- Notices to owners and occupiers of all directly adjoining properties
 - Notices to owners and occupiers of properties within a 1km radius of the site.
 - Notices to those who had already provided a submission to the application prior to formal public notice (108 in total).
 - The display of 9 signs on site (3 at the base station and 6 at the upper station)
 - Publishing a notice in the local newspaper.
99. The notice period occurred between 11/11/2025 and 10/12/2025. It is noted public notice was given for an extended period of 28 days, more than what is statutorily required under the Act.
100. At the time of writing 431 submission have been received (418 in objection and 13 in support). Broadly, concerns raised in submissions relate to following matters:
- Visual impacts.
 - Noise impacts
 - Vibration impacts
 - Bushfire risks
 - Impacts of fauna and native vegetation
 - The extent of vegetation removal
 - Increased traffic and parking impacts
 - Erosion and landslide risk concerns
 - Inappropriate use of public land.
 - The planning process.
 - Wind impacts
 - The extent of advertised material and material submitted with the application.
 - The lease process and obligations with Parks Victoria.
 - Non-compliance with the planning scheme and other Acts
101. All matters raised in submissions have been considered and are assessed in further detail at **Appendix A** of this report.



Strategic Direction

103. The strategic directions set out within the MPS and policies within the PPF have been carefully considered in the assessment of this application and the following is noted:

- Clause 02.03-3 of the MPS sets out council's strategic directions for 'Environmental risks and amenity' which seek to *'protect the unique environmental and landscape values of the Peninsula'* and to *'Preserve the stability of land by avoiding development in areas prone to erosion'*. This aligns generally with the policy objectives of Clause 13.04-12S (Erosion and Landslip). The development has been designed to avoid areas of identified high-risk with regard to erosion and landslip and conditions will further secure measures to ensure disturbed areas are rehabilitated and/or enhanced following construction.
- The council's strategic directions for 'Environmental and landscape values' at Clause 02.03.-2 seek, amongst other things, to *'maintain the Peninsula's green spine'* and to *'protect and conserve habitat areas and link corridors to encourage wildlife survival'*. The proposal will not significantly threaten native flora and fauna and new planting will assist in ensuring habitat is provided for and protected in the longer term, subject to the recommended permit conditions.
- Clause 02.04-6 sets out the council's strategic directions for 'Economic Development, which seek to:
 - *Maintain the long-term recreational role of the Peninsula, which underpins the tourism sector, to support the local economy.*
 - *'Support businesses that improve the ability to experience the Peninsula's natural and cultural recreational values, such as the provision of short-term and home-hosted accommodation, host farms and similar use'.*

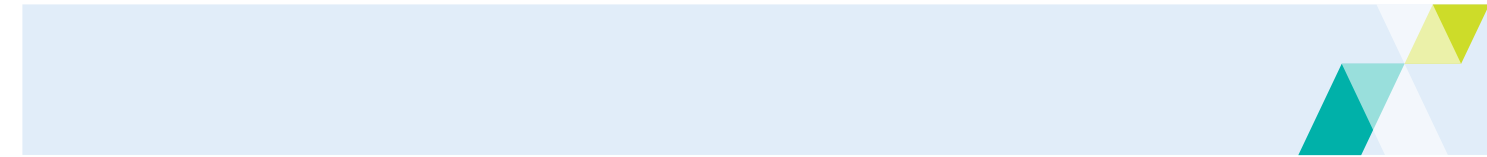
The proposal will provide further unique and year-round recreational activities at the site that will improve the provision of tourist attractions within Arthurs Seat State Park, supporting tourism within the Mornington Peninsula and the Victorian economy more broadly.

- The council's strategic directions for 'Built environment and heritage' at Clause 02.03-5 seek to *'Ensure the location, design and construction of buildings and works are compatible with the built form and landscape character of the surrounding area'* and *'conserve sites and locations of heritage significance, relating to both Aboriginal and European heritage'*. The observation tower provides a modern reference to the significance of the heritage site, which is associated with the former, now demolished, lookout tower. A CHMP has also been approved for the site. The proposed built form has been designed to incorporate mitigation measures recommended in a Visual Impact Assessment, and on balance the landscape character of the area will not be unreasonably impacted. This aligns with the policy objectives of Clause 11.03-5S (Distinctive areas and landscapes).
- The amenity of nearby residents and patrons of the State Park will be suitably mitigated through the ongoing and enhanced operational management plans, traffic management plan and bushfire/emergency management plans and the associated recommended permit conditions. This is responsive to Clause 13.05-1S (Noise Management).
- The Bushfire Management Statement is supported by the Relevant Fire Authority and the protection of human life has been appropriately prioritised in the assessment in accordance with Clause 12.02-1s (Bushfire Planning).

104. All of the above matters are discussed in further detail in the proceeding sections of this assessment.

Land Use

105. The 'Leisure and Recreation' land use is well established, as permitted by P13-1992-2. The proposal to expand the existing facility by incorporating a luge, an observation tower and upgrades to the existing summit and base station buildings, falls within the existing permitted and established land-use for 'leisure and recreation', as does the minor increase to the floor area of the base station kiosk and gift shop, which was treated as a separate land use (café and shop) under P13-1992-2 but is evidently ancillary to the main land use.

- 
106. As noted elsewhere in this report, the expansion of the existing permitted land use does not trigger a new permit trigger for land use and the luge and observation tower are not considered to be standalone innominate uses. While a permit for a new land-use is not triggered, the expansion of the use has been considered with regard to the existing planning permission P13-1992-2, given that the application seeks an omnibus permission. The omnibus permission is discussed in further detail below.
107. Notwithstanding the above and for completeness, the proposal to expand the existing leisure and recreation centre use is considered to remain in accordance with purpose of the Public Park and Recreation Zone. In this regard the following is noted:
- The PPRZ applies to the lower station, upper station and gondola/luge corridor, plus other adjacent areas such as the Seawinds car park. Beyond the site, areas of Arthurs Seat State Park are located in the Public Conservation and Recreation Zone (PCRZ).
 - The PPRZ applies to the more intensively used areas of public land. It is different to the PCRZ which seeks to recognise coastal areas and other public land which has a high environmental value and limited capacity to absorb development.
 - The PPRZ recognizes areas for recreation and open space, conserves areas of significance where appropriate and provides for commercial uses where appropriate. In contrast, the PCRZ is focused on protecting and enhancing the natural environment and natural landscape. Accordingly, the existing land use and its expansion would be prohibited under the PCRZ.
 - The Mornington Peninsula National Park and Arthurs Seat State Park Management Plan, Parks Victoria, May 1998 – Amended 2014 and 2016 (the Management Plan) is a strategic plan and guideline adopted by a public authority (Parks Victoria). The Management Plan identifies both the lower and upper stations as being within a ‘Recreation Development’ zone. The general management aim of Recreation Development zones is to “provide primarily for high use visitor precincts with a concentration of recreation and/or interpretation facilities”. Recreation Development zones are differentiated from Conservation zones and Conservation and Recreation zones, where different management aims apply. Importantly, the proposed to expand the recreational activities for visitors at the site remains response to the key considerations listed for visitor management, including:
 - ‘Improvement of visitor facilities in the Park, especially within the popular ‘visitor precinct’ encompassing the chairlift, the summit, Seawinds Gardens and the scenic lookouts on Arthurs Seat Tourist Road’; and
 - ‘Promotion of the Park should emphasise that the Park offers unique experiences not provided elsewhere on the Mornington Peninsula, and which together with other key attractions, offers visitors a diverse ‘Peninsula Parks experience’.
108. Noting the above, the proposal to expand the existing land use, in a manner which does not cause unacceptable impacts (discussed throughout the proceeding sections of this report), aligns with the purpose of the PPRZ and the aims sought by the current applicable Mornington Peninsula National Park and Arthurs Seat State Park Management Plan.

Omnibus permit

109. The application seeks an ‘omnibus permit’. An omnibus permit is used for administrative simplicity and involves the collation of all going operational planning requirements in relation to the use of a site into a single permit document.
110. In this instance, an omnibus permit that governs the leisure and recreation facility and consolidates the requirements of the existing planning permission with the current proposal (expanded facilities) presents several advantages, including:
- Avoiding problems, particularly with enforcement, associated with inconsistencies between the planning permits.

- Enabling the expansion of the land use to be considered and managed through conditions which can integrate with existing permit conditions relating to the use and operation of the facility. This is as opposed to the assessment being limited to the buildings and works component and a separate application having to be lodged to address inconsistencies with existing land use permit conditions.
- The development as approved under P13-1992-2 has been constructed in full and is therefore 'spent' in terms of buildings and works, making the option for an omnibus permit appropriate.

111. The process and purpose of an omnibus permit is not to re-examine the nature of the past permission.
112. To give effect to the omnibus permit, the existing permit is recommended to be cancelled. This is recommended to be secured by condition. It is considered most appropriate in this case to encompass all use and all incomplete or ongoing development obligations from the existing permit into the new omnibus permit and to cancel the existing as opposed to requiring the cancellation and/or amendment of the use element only in the existing permit. This aligns with *Haileybury v Bayside CC (2024)*, in which the member Perlstein determined:

"The applicant submitted that the proper, natural and purposive reading of section 88 is that jurisdiction is enlivened to cancel or amend a use and development permit, and that if the Tribunal disagrees then it should cancel the use component only and the new permit would be able to be enlivened.

In this situation, the new permit, comprising endorsed plans and conditions, has intentionally encompassed all use and all incomplete or ongoing development obligations included in the three permits the subject of this application.

Rather than issuing the new permit, it is arguable that the Minister could have chosen to amend each of the three permits in question to facilitate the use and development now proposed. Even though the buildings and works under those permits were completed or substantially carried out, the nature of the permits, including their use permission and ongoing requirements, means that works could not be carried out that would change the works shown on endorsed plans without a change to those permits or the plans endorsed under those permits.

The Minister instead chose to issue the new permit on the basis that the three permits that were encompassed within the new permit would be cancelled. This is a sensible approach, given that the use and development allowed by the new permit is an expansion on what is permitted under the other permits, both in terms of the area of land to which it applies and the works proposed.

An amendment that would cancel the use aspect of any of these permits and not the development permission would lead to a situation where two permits are granted for the same planning unit. If I were to amend the middle school permit to cancel the permission for use only, any works carried out in that area pursuant to the new permit would be inconsistent with the plans endorsed under the middle school permit and, arguably, would be a contravention of that permit.


In this situation, it is only by cancelling each of the three permits in their entirety that the permit holder can act on the new permit with impunity".

113. However, in requiring the cancellation of the existing permit in full, consideration must be given to whether the ongoing requirements of the permit (P13-1992-2) are appropriately incorporated and/or suitably overridden/superseded in the omnibus permit. A detailed review of the existing permit conditions and how they are to be deleted, superseded and incorporated in the omnibus permit is contained at **Appendix B**.
114. It is noted that the omnibus permit will refer to a consolidated set of planning permit triggers. This differs from the list of the planning permit triggers included on the public notice, which was limited to those being applied for under this permit (e.g. limited to buildings and works and vegetation removal, as opposed to the use of the land).

Built form & Landscaping

Height, siting & design details

115. The zoning, relevant overlay controls and planning policy have been considered in the assessment of the proposed building and works, including the landscaping scheme.

- 
116. The PPRZ and schedules of the SLO do not prescribe any maximum mandatory building height requirements. Most relevant to the consideration of building heights, siting and design relevant to this application are the landscape character objectives of each applicable SLO (SLO 1,3 and 4) and planning policy at Clause 12.05-2S (Landscapes), 15.01-2S (Building Design) and Clause 15.01-2L-01 (Building Design – Mornington Peninsula).
117. As noted in the referral section of this report, advice was sought from the Office of the Victorian Government Architect (OVGA) at the pre-application stage and also in October 2025. The OVGA support the proposal, with only minor suggestions made for consideration during future design and delivery phases. A copy of the OVGA's advice is contained at **Attachment C**.
118. Visual impacts and the significant landscape guidelines are considered in further detail below. Broadly though, the following is considered with regard to height, siting and design:

Base Station

- The proposed alteration and additions to the base station will largely replace sections of the building to be demolished and will not alter the predominant scale of the building or increase its overall footprint by a visually discernible degree.
- The works to the base station are proposed to be constructed using a combination of waved concrete form, timber battens sandy tone terracotta tiles, and metal feature blades. Dromana granite is also incorporated in floor finishes and in its landscaping. The combination of proposed materials for the base station are considered to responsive to existing built form on the site, are fairly muted in tone and reflectivity, and will integrate with the surrounding landscape. Additionally, the curved nature of the façade and terraced areas is visually interesting and will likely be less visually bulky.

Luge

- The luge station and storage shed is a modest structure and is designed with appropriate regard for the slope of the land, sitting below the summit viewing area. The proposal to incorporate a green roof will assist in ensuring the structure blends appropriately with the environment, reducing its visual dominance particularly from overhead views from both the gondola and the public viewing area above.
- The luge itself will be constructed of steel and will appear light weight. As discussed below in the 'visual impact' section of this report, the luge is likely to have the highest visual impact out of all structures proposed. This is largely relevant to the section of the luge which is proposed to bridge over a hair pin bend of Arthurs Seat Road. Conditions are recommended to ensure the proposed materials of the luge, particularly in this location, are non-reflective and do not cause adverse glare impacts.

Summit Station

- Similar to the lower station, the proposed works to the upper station fit generally within the existing built form envelope and will result in minimal additional visual impacts compared with existing conditions.
- The proposed works incorporate a combination of materials similar to the base station but include substantially more brown metal cladding and Dromana granite. The brown metal cladding is more heavily used at the upper station to achieve a higher BAL rating than is needed at the base station. The proposed materials are responsive to the existing conditions, are of a natural, muted tone, muted and are non-reflective.

Observation Tower

- The observation tower is proposed to be constructed to a height 36m. It is designed with a combination feature metal cladding and mesh screening, with architectural blades, twisting up its form. This intended to respond to the forms of the adjacent gum trees.
- The observation tower will introduce a much taller built form to the upper station area than what has existed there for some time. However, its height is acceptable, given its proximity to the nearby communications



tower, which extends to a height taller than the proposed observation tower, given the results of the VIA and given the historical significance of an observation tower in this location.

- It is noted the OVGA suggested the lift overrun of the tower be lowered to reduce its overall height. This is deemed unnecessary as the lift overrun is not likely to be visible from street level views, given its setbacks from the building edge.

Visual Impact Assessment

119. A Visual Impact Assessment (VIA), prepared by Tract, dated 4 July 2025, supports the application. The VIA is based on the plans advertised in November 2025 and includes an assessment of the visual impact of the proposal from a series of key short and long-distance observation points. The VIA evaluated the proposal with and without vegetation. Key findings in the assessment are described below:

- The proposal constitutes new built form within the landscape, and it would have a discernible impact from a limited number of identified views within close proximity to the development.
- The identified viewpoints where a moderate or high impact was determined are listed below:
 - Viewpoint 4: Arthurs Seat Lookout and summit (Observation Tower) – Moderate significance of impact rating.
 - Viewpoint 5 and 6: Arthurs Seat Road (Luge Bridge) – High significance of impact rating.
 - Viewpoint 7: Arthurs Seat Road (The Luge & vegetation clearing) – High significance of impact rating.
 - Viewpoint 8: Arthurs Seat Eagle base station (base station) – Moderate significance of impact rating.
- The following mitigation measures were recommended and have already been incorporated into the plans. The mitigation measures assist in reducing the identified visual impacts.
 - Retention and protection of surrounding trees.
 - Architectural form and finishes / colour contrast.
 - Revegetation planting to reduce the visual mass of the proposal.
 - Siting of the proposal below the Arthurs Seat skyline.
- The highest magnitude and nature of change is likely to be from the Arthurs Seat Road, where the luge bridge is proposed. The views from this point are not likely to be fully mitigated against even with the implementation of the above mitigation measures.

120. Having regard to the findings of the VIA and the proposed plans, the proposed visual impact is considered to be acceptable, on balance, for the following reasons:

- Visual impacts are limited to a select number of identified viewpoints.
- The observation tower and luge will not have a negative visual impact from longer distance views, and it is noted the observation will not be sited above the Arthurs Seat skyline. Additionally, in the context of the radio tower which extends to a height of 53m, the observation tower will not appear visually dominant.
- Subject to the recommended conditions, all structures proposed will be non-reflective and aside from the luge track, will not contrast with the natural landscape.
- The luge track is proposed within the existing gondola corridor. When it is viewed within the context of the gondola infrastructure and given it does not encroach discernibly more into the State Park itself, the track will not appear visually dominant to an extent that is unacceptable.



- The exception to the above is the luge bridge over Arthurs Seat Road. Despite its likely visual impact, views toward the bay will be maintained by the clearance achieved to road level. Majority of the Arthurs Seat Road will remain unaffected, in terms of visual impact and this importantly includes key observation/look out areas.
- The visibility of the proposed structures in the context of the zoning of the land which seeks to facilitate recreational facilities, along with the economic benefit to the Mornington Peninsula and the State of Victoria more broadly,

Significant Landscape Overlay, Schedule 1, 3, 4 and 6 considerations

121. As noted in the planning provisions section of this report, the subject site is located in series of SLO schedules.
122. The landscape objectives and decision guidelines for schedule 1, 3, 4 and 6 of the SLO have been considered in the assessment of the proposal. An assessment of the broader SLO decision guidelines is set out below:

Significant Landscape Overlay Decision Guidelines.	Assessment
The Municipal Planning Strategy and the Planning Policy Framework.	Refer to the strategic directions assessment section of this report.
The statement of the nature and key elements of the landscape and the landscape character objective contained in a schedule to this overlay.	<p>Each relevant ‘statement of nature and key elements of landscape’ is set out in the provisions section of this report.</p> <p>SLO1:</p> <p><i>‘Ridge and escarpment areas have been identified as key landscape features, providing landmarks that are visually prominent, and acting as scenic vantage points, enabling views of extensive coastal and rural landscapes. Ridge areas and escarpments also often retain substantial vegetation cover, which adds to the variety of the landscape.’</i></p> <p><i>The distinctive landscapes of the Peninsula have been shaped by geomorphological processes and features. These include the Selwyn and Tyabb Faults, the multiple smaller faults of the central and southern Peninsula and the basalt intrusions of Arthur’s Seat and Mt Martha. In this context the landforms of the Peninsula are culturally significant both in terms of the visual “sense of place” and in promoting an understanding of the natural processes. The high visual exposure of ridge and escarpment areas makes them particularly susceptible to visual intrusion from inappropriate development.’</i></p> <p>The proposal will not have an unacceptable impact on ridge and escarpment areas. The mitigation measures recommended in the VIA have been incorporated into the proposal and the observation tower does not protrude into the skyline, as demonstrated by the longer distance key views analysis.</p> <p>SLO3:</p> <p><i>‘Scenic roads have been identified as key landscape features. Scenic drives on the Mornington Peninsula are major recreational resource and development adjacent to scenic roads may substantially effect the perception of landscape quality and the associated recreational value.’</i></p> <p>The proposal will deliver new buildings and works within an existing site that contains a well-established recreational facility. The gondola is visible from certain viewpoints along Arthurs Seat Road, and it contributes to the</p>



recreational value of the area. It is clearly read as a recreational facility within the state park. In this context, the proposed development will not substantially alter how the landscape is experienced from Arthurs Seat Road, as demonstrated in the VIA. The exception to this, is the section of the road where the proposed luge bridge is proposed to intersect. The luge bridge will certainly be visible. However, it will not completely block views toward the bay and surrounds (which are experienced from within vehicles) and has been designed to appear light weight, with muted materials used where possible. It is considered that the luge infrastructure itself adds recreational value to the area. This continues to align with the purpose of the zone.

SLO4:

‘Scenic recreation sites have been identified as key landscape features contributing to the opportunities for outdoor and unstructured recreation on the Mornington Peninsula. Development within these areas may substantially effect the perception of landscape quality.’

The SLO4 relates to a section of the luge/gondola corridor near to the hairpin bend. Unstructured recreation within this section of the gondola corridor appears limited given the conditions of the land which are susceptible to erosion. The luge is proposed to be constructed in the existing gondola corridor and through appropriate revegetation works and non-reflective materials, the landscape character of the scenic recreation site will not be unreasonably impacted.

SLO6:

‘National Trust classified landscapes have been identified as key landscape features. The National Trust classification combines the immediate visual values of the landscape with an assessment of cultural heritage significance. Development within these areas may substantially effect the perception of landscape quality unless it is carefully sited and designed’.

The SLO6 appears to only intersect with the site at the base station. The works proposed to the base station are generally within the footprint of the existing building. Appropriately muted, earthy and natural materials are incorporated in the design to ensure it integrates with the natural landscape, and it is noted the cultural heritage significance of the site has been considered by the permit applicant as part of the separate process undertaken to obtain an approved CHMP with the Bunurong Land Council.

The conservation and enhancement of the landscape values of the area.

The proposal has been designed to respond to the recommendations made in the submitted VIA, which particularly relate to the siting of built form, including the luge, and the types of materials proposed across the development.

The need to remove, destroy or lop vegetation to create a defensible space to reduce the risk of bushfire to life and property.

The proposed buildings and works are proposed to occur partly within the footprint of existing built form on the site and also within the gondola corridor.

Whilst some additional vegetation is required to be removed or further managed to create defensible space, the defensible space distances are not too dissimilar to that which is already required to be managed for the existing facility and as required by conditions of P13-1992-2.



Vegetation removal as required for defensible space is discussed in further detail in the bushfire management assessment section of this report.

The impact of the proposed buildings and works on the landscape due to height, bulk, colour, general appearance or the need to remove vegetation.

In regard to these matters, the development will not have an unacceptable impact on the landscape (as it relates to 'ridge and escarpment areas', 'scenic roads', 'scenic recreation sites' and 'national trust landscapes') for the following reasons:

Height & bulk:

- The works to the summit and base station buildings are generally proposed within the building envelope of the existing built form, in both height and siting, which are to be partially demolished. Therefore, it is considered the proposal will not cause new unacceptable impacts. Additionally, the upgrades to the façade detail and form, particularly the curved architectural design of the base station, may soften the appearance of the station, compared with existing conditions.
- The luge is designed so that it is raised above the natural ground for a variety of reasons, including to enable the movement of fauna below. The luge itself is proposed within the gondola corridor and it is considered the luge height when it will be viewed in the context of the gondola infrastructure will not dominate the appearance of the landscape to an unacceptable extent.
- The luge bridge is proposed at a height of 6.4 clear from the natural ground of the road reserve. The clearance height will still enable views from vehicles toward the bay and surrounds. Subject to appropriate materials, the luge bridge will not have an unacceptable impact.
- The luge platform is low in scale and will only be visible when viewed from the viewing area above, near to the summit and from the gondolas overhead. It has been designed to integrate with the surrounding environment with the incorporation of a green roof. Through the incorporation of appropriate design details, the luge platform will not impact on the surrounding landscape in visual impact terms.
- The observation tower at 34m in height will sit partially above adjacent tree canopies. However, the results of the VIA demonstrate that the observation tower will not have an unacceptable impact on short and long distance key identified viewpoints. It will not protrude into the skyline and when viewed in the context of the radio terminal, which is 53m in height, it will not appear obtrusive.

Colour and general appearance:

- All of the proposed structures have been designed to respond to the recommendations contained within the VIA. In particular, the base station, summit station, observation tower and luge platform have been designed with materials that are responsive to the sites natural setting, with muted colours and the integration of landscaping, including a green roof to the luge platform. The materials and colours are generally timber or timber-like, brown metals and cladding and Dromana stone.
- The luge itself is a stainless-steel track, elevated on a stainless steel supporting structure. Given the nature of the infrastructure, the luge cannot be 'muted' in colour but is designed to be non-



reflective and not cause glare. This is further recommended to be secured by condition.

- The proposal has undergone review by the OVGA at pre-application and again at application stage and the design detail is generally supported.

The need to remove vegetation:

- Over the course of the application the length and position of the luge track has been altered and reduced to minimise the extent of vegetation removal.
- The extent of vegetation removal is not considered to be excessive and further revegetation is proposed and will be secured by condition to mitigate any impacts associated with the extent of vegetation removal.

The extent to which the buildings and works are designed to enhance or promote the landscape character objectives of the area.

The proposed development has been designed with specific regard for the natural landscape and the important landscape values of this section of Arthurs Seat State Park. This is mainly achieved through the incorporation of appropriate materials (including muted, earthy and natural colour tones), limiting the expansion of buildings and works at the base and summit stations to generally within the existing building footprint and through landscape and revegetation commitments. The observation tower design has been refined over time to reference the surrounding landscape and will sit comfortably within the context, despite its height. The proposal has been designed to incorporate recommendations of the VIA and the recommendations of the OVGA made during the pre-application phase.

The impact of buildings and works on significant views.

The proposal has been designed to incorporate mitigation measures recommended in the VIA and as result the assessment indicates the proposal will not have a high or moderate impact on sensitive and significant views.

The main area of higher impact will occur when the luge bridge is viewed from Arthurs Seat Road (from within a vehicle) at the hair pin bend approx. 170 south of the summit. The visual impact is reduced by the incorporation of non-reflective materials and whilst the view will change, the degree of change is not unacceptable. Views toward the bay and surrounds will still be facilitated through the 6.4m clearance between the NGL and the Luge bridge.

Any other matters specified in a schedule to this overlay.

Consideration of additional decision guidelines not addressed in the assessment above for each SLO schedule are considered in the table below. Note there is overlap of decision guidelines between the various schedules.

123. An assessment of the proposal against the landscape character objectives specified at Clause 2 and the decision guidelines at Clause 5 of the SLO1 is set out in the tables below:

SLO 1, 3, 4 & 6 Decision Guidelines not assessed above

The availability of reasonable alternative sites, alternative building designs or alternative construction practices for proposed buildings and works that would better meet landscape character objectives of this schedule (1 and 3 and 6), having regard to the size and

The subject site contains an established recreational facility. The proposed buildings and works are positioned within areas of the site which have in part already been developed (e.g. the gondola corridor, the building footprint and landscaped area of summit and base stations). The existing facility provides activities for tourists to appreciate and value the natural landscape, to which the proposed additional facilities will further expand. The development has been designed to incorporate mitigation



topography of the land and the form and nature of the proposed buildings and works.

measures recommended in the VIA and the suggestions made by the OVGA. For the reasons outlined elsewhere in this report, the proposed development is acceptable in regard to its impact on the landscape.

The availability of reasonable alternative routes, alternative designs or alternative forms of installation for infrastructure service lines that would better meet landscape character objectives of this schedule.

Not applicable. No additional infrastructure service lines are proposed as part of this application.

The benefit of permit conditions requiring all building materials to be non-reflective and of colours which are complementary to those of natural landscape.

The materials and colours schedule is responsive to the natural landscape with the incorporation of muted, earthy and natural tones and materials. Conditions are recommended to further secure details on the non-reflectivity of the materials and that proposed for the luge track itself.

The benefit of conditions requiring the landscaping of buildings and works, while also having regard to the maintenance of existing view lines.

Conditions are recommended to secure further details in a landscape plan and vegetation management plan, balancing the different requirements of the SLO's, ESO and BMO.

The containment of extractive industries to ensure that development and subsequent reclamation are carried out without significant detriment to the recreational and scenic value of the surrounding area.

Not applicable.

The protection and appropriate enhancement of the landscape, having regard to:

- **Protecting landscape areas and vantage points of high quality.**
- **Maintaining visual sequences along access routes.**
- **The conservation of significant areas of natural vegetation and significant stands of trees along scenic roads and on adjoining land**
- **The control of the density of buildings and subdivision in areas of scenic value.**

The design responds positively to the mitigation measures recommended by the VIA to ensure a low significance of impact. Importantly, it is noted the proposal will not unreasonably detract from key viewpoints, particularly key lookout points for pedestrians situated at the summit and at various sections of Arthurs Seat Road.

The proposed buildings and works to the summit and base station are largely within the existing building footprint and will not negatively impact views from Arthurs Seat Road. Additionally, native vegetation is proposed to limited to the extent possible to facilitate the luge track as proposed. Conditions will secure management measures to ensure retained native vegetation and tree is suitably protected during and post construction.

The benefit of conditions requiring the landscaping of buildings and works, while also having regard to the maintenance of existing viewlines and the open landscape character of some areas.

Conditions are recommended to secure further details in a landscape plan and vegetation management plan, balancing the different requirements of the SLO's, ESO and BMO.

The comments of the National Trust where proposals may significantly effect the classified landscape.

The comments of the National Trust were not directly sought by DTP, given the SLO6 applies to the base station and the base station works are not considered to be of a nature that would 'significantly' effect the classified landscape.

Notwithstanding this, an early submission was received from the National Trust and subsequently DTP directed the applicant to give notice to the National Trust as part of the public notice period. The comments received from the National Trust (NT) can be summarised as follows:

- NT do not support proposed viewing tower and the luge.

- NT support the interpretation centre at the base station, which may encourage understanding and additional visitation to areas of natural beauty.

The matters raised by the NT are considered in the submissions section of this report at Appendix A. DTP do not agree with the conclusions made by the NT and support the proposal subject to conditions, for the reasons outlined throughout this report. It is further re-iterated that the SLO6 does not apply to the whole site, and is relevant only to the base station.

Heritage

124. The subject site is affected by the Heritage Overlay, Schedule 4 (HO4 - 'Arthurs Seat Reserve and Tower'). The HO applies to section of the site containing the summit station.

125. The HO4 is described within the Heritage Citation Report 'Mornington Peninsula Shire Heritage Review Area 2' prepared by Context, dated September 2017 as 'a reserve with numerous landscape features constructed from granite, rubble, most dates to c.1930. These include steps, stone walls, markets stone cairn (including Flinders Cairn). The Arthurs Seat Tower, a large masonry tower at the peak of the reserve has been demolished.' The history of the site and area is described in the detail in the report and notably:

- In 1883, the former eastern shore lighthouse, was repaired and moved the Arthurs Seat Summit. Commonly referred to as the timber look out tower.
- In 1934, it was announced that the timber look out tower would be replaced with a 'smart concrete counter part' to mark the centenary of European settlement in Victoria.

126. The 1934/1935 replacement tower and the reserve is described in the Strategic Heritage Flinders Study, dated 1992 as follows:

At the peak is the Arthurs Seat Tower. It is a hexagonal structure set within a hexagonal ground floor which acts as a base. The building has a simple and pure form, a rendered, unpainted finish and very little ornament. Decorative features are the narrow slot windows to the base, arched entry with cast iron doors and concrete lattice work in large arched segments to the Tower. The flat roof of the Tower forms a viewing platform with the parapet providing a protective wall.

Next to the Tower is a plaque commemorating the opening of Arthurs Seat Road on 14 December 1929. It also identifies the first trig. station on this site in 1853, on a plaque presented by Spencer Jackson Esquire.

The Tower has a plaque dated 16 November 1934 which commemorates the work of Captain Matthew Flinders.

127. The masonry tower was demolished in 2012 by Parks Victoria. Commemorative plaques were salvaged and repositioned at the summit as part of the ASE development. A photograph of the tower pre-demolition is shown below:



Above: Photograph of former look-out tower (source: Discover Mornington Peninsula).

128. The proposed development does not seek to further alter/demolish any retained historic structures or plaques associated with the former reserve. Therefore, having regard to the decision guidelines of the HO, the proposed works will not adversely affect the significance of the heritage place.
129. On the contrary, the proposal to deliver a new lookout tower is in keeping with what makes the heritage place significant. The development presents an opportunity for positive engagement with the site's history as relevant to the HO4. Therefore, on heritage grounds, the proposal is acceptable.

Amenity

Noise

130. Clause 13.05-1s (Noise management) seeks to ensure that development is not prejudiced and community amenity and human health is not adversely affected by noise emissions.
131. The application is supported by an Acoustic report, prepared by Clarity Acoustics, which assessed the noise impacts associated with the proposed luge facility on the nearest identified noise sensitive receptors. There are 14 identified noise sensitive receivers, which are all residential dwellings.
132. As part of the assessment, a 3D noise model of the site and surrounding area was used to predict noise from the subject site to neighbouring residential properties. The results indicate that the relevant noise limits applicable to the operation of the luge can be met by implementing an acoustic fence to the western site boundary 40 Nestle Court. The acoustic fence was integrated into the proposal at RFI stage to ensure that any associated vegetation removal resulting from the need to install the fence is captured and properly assessed at application stage.
133. Subject to the installation of this fence in accordance with the requirements identified in the assessment, the development, and namely the luge, is unlikely to have an adverse impact on nearby residential properties. It is also noted that noise impacts will be further managed by the hours of operation, given the luge facility is proposed to operate during daylight hours.
134. Notwithstanding this, further details are recommended to be secured by condition to further verify the results of the assessment and to ensure noise impacts are suitably managed in the long term, this includes (but is not limited to) the following:
 - Source information on the noise emission data relied on for the luge, including any reports or measurement data and confirmation of how modelling parameters were derived and what information was relied on to inform those parameters, including the luge cart speed.
 - Confirmation the acoustic assessment is based on the proposed luge track design and its height to AHD in the modelling.

- An assessment of patron voice noise impacts and proposed mitigation measures to ensure compliance with EPA requirements.

135. A review of noise and vibration impacts on protected native fauna is also recommended to be secured by condition, ensuring no adverse impacts.

136. In the context of existing noise emissions from the gondola and from vehicles the Arthurs Seat Road, it is considered that the luge is unlikely to create unreasonable noise generation, subject to the recommended mitigation measures.

Overshadowing

137. The submitted September Equinox shadow analysis drawings demonstrate the following:

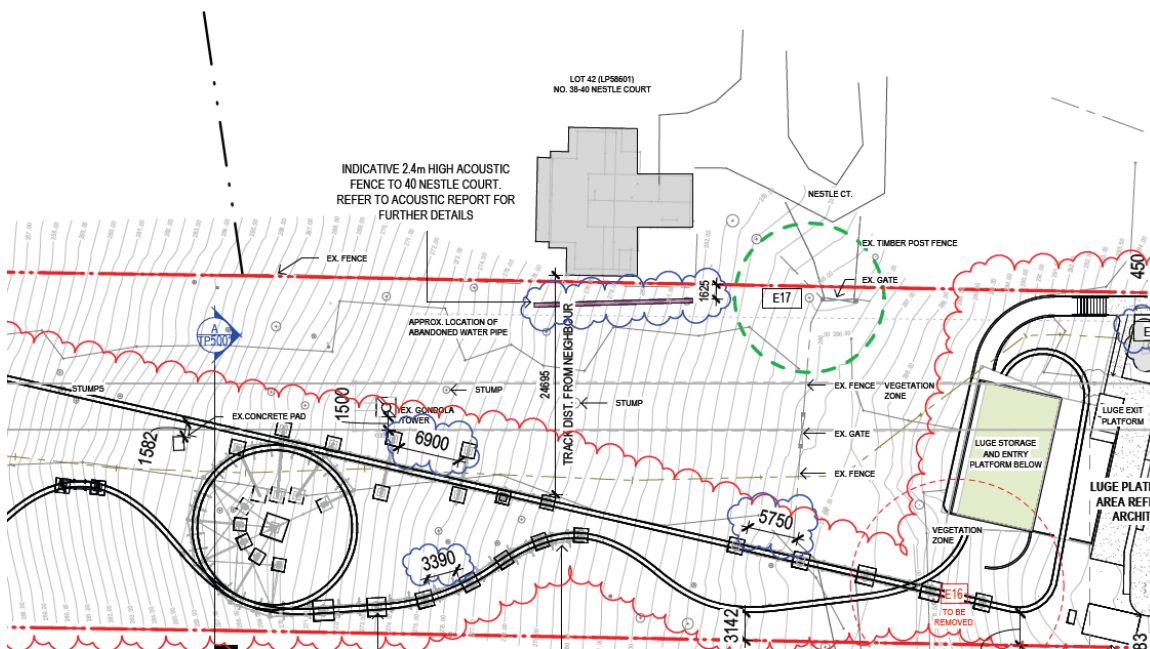
- The shadows cast by the proposed lower station works will fall within the subject site.
- The shadows cast by the proposed upper station works (excluding the tower) will fall within the subject site.
- The shadows cast by the proposed observation tower will fall over Purves Road and over the existing car parking area in morning hours (9am, 10am and 11am), over service access areas and open space directly south of the site at 12pm and 1pm, and then over partially un-made road (Steanes Avenue) and land associated with the adjacent Telecommunications tower in the afternoon hours.
- There may be some overshadowing cast over the northern boundary of 23 Steanes Avenue at 2pm.

138. The potential extent of shadows cast over 23 Steanes Avenue (a residential property) is minor, moves quickly and will not affect any primary areas of secluded private open space associated with this property.

139. The relevant planning controls and the PPF do not include any specific provisions relating to the protection of public open space from overshadowing. Notwithstanding this, the extent of overshadowing caused by the proposed development, as shown in the submitted shadow analysis, demonstrates that the proposed development will not adversely affect areas of public realm or adjoining properties, by way of overshadowing.

Overlooking

140. The luge is proposed to be positioned 24.095m from the closest adjoining residential dwelling at 40 Nestle Court, Arthurs Seat, as shown below:



Above: Proposed site plan showing closest residential dwelling in relation to the luge .



141. The separation distance proposed will ensure no unreasonable overlooking impacts occur to this property. Furthermore, where the luge is positioned closer to the site's western boundary, it will not be adjacent to any primary secluded area of open space associated with a residential dwelling.
142. In regard to the observation tower, it is proposed to be setback 13.65m from the site's northern boundary and 14.45m from the sites western boundary. The closest residential property at 23 Steane Avenue, is located to the north-west of the site, separated by an unmade section of road. The separation distance proposed will ensure no unreasonable overlooking impacts occur from the observation tower.

Lighting

143. Given the site is in a State Park and is within reasonable proximity to some residential properties, it is important that impacts associated with lighting are suitably managed. This is recommended to be addressed by a permit condition which will require a lighting management plan to be submitted before any stage of development commences. The lighting management plan is recommended to address the following requirements:
 - Details to demonstrate the lighting is designed in accordance with the National Lighting Pollution Guidelines for Wildlife (DCCEEW, May 2023).
 - 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; and
 - That all lights will not have any adverse impacts on fauna, noting the position of the site within Arthurs Seat State Park.
 - Any measures with the endorsed Fauna Management Plan.
144. Subject to the implementation of the any mitigation measures secured in an LMP, off-site impacts associated with lighting can be suitably managed.

Environmental Values and Risks

Clause 52.17 – Native Vegetation Removal

145. The application is supported by the following reports which collectively contain the information required pursuant to Clause 6.4.1 of the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Energy, Environment and Climate Action, 2025) (the Guidelines):
 - Flora and Fauna Assessment, prepared by Nature Advisory, dated August 2025; and
 - Arboricultural Impact Assessment, prepared by Glen Waters, dated September 2025.
146. According to the Flora and Fauna report, the site contains 5.26 hectares of native vegetation in patches (13 patches identified), including 28 large trees. Nine scattered trees were identified, comprising 2 large scattered trees, 3 dead large scattered trees and 4 small scattered trees.
147. The proposal includes the removal of 0.937 hectares of Lowland Forest (AVC16) and Grassy Woodland (EVC175). This comprises 0.867 hectares of native vegetation in patches (including one large tree in patches) and one large, scattered tree, equating to 0.070 hectares.
148. The proposed native vegetation removal is largely limited to the luge track, the luge platform area and acoustic fencing location. The extent of vegetation removal is noted to be conservative and reductions to the extent proposed may be made at the time of construction. Additionally, it is noted the extent of native vegetation removal has been reduced over the course of this application, with the luge track shortened and no native vegetation removal proposed at or close to the base station. As part of this, the number of large trees to be removed was reduced from a total of 9 to 2.
149. Noting the above and having regard to the purpose of Clause 52.17 and the three-step approach defined in the guidelines, it considered the proposal has sought to reasonably avoid and minimise the removal, destruction and



lopping of native vegetation, where it cannot be avoided. An offset to compensate for the removal of the native vegetation is also available and is recommended to be secured by condition.

150. The proposal falls under the Detailed Assessment Pathway as defined by the guidelines. Accordingly, a referral to DEECA was required pursuant to Clause 66.02-2. DEECA provided a response on 7 November 2025 confirming they do not object to the proposal, subject to conditions. The conditions will secure the required offset to the satisfaction of the responsible authority, ahead of any native vegetation removal, and is described below:
- A general offset of 0.6020 general habitat units:
 - located within the Melbourne Water Catchment Management boundary or Mornington Peninsula municipal district
 - with a minimum strategic biodiversity value of at least 0.6711
 - provide protection for at least 2 large trees
151. The recommended conditions will require evidence to be submitted demonstrating the required offset has been secured, in a form which complies with the guidelines.

Flora and Fauna impacts

152. The objective of Clause 12.01-1S (Protection of Biodiversity) is to protect and enhance Victoria's biodiversity. The policy seeks to ensure that decision making takes into account the impacts of land use and development on Victoria's biodiversity including consideration of cumulative impacts, fragmentation of habitat and the spread of pest plants, animals and pathogens into natural ecosystems. The PPF aligns with objectives and decision guidelines of the Environmental Significance Overlay, Schedule 28 (ESO28).
153. The Flora and Fauna Impact Assessment and supporting material (Targeted Flora Surveys, Powerful Owl Assessment), prepared/undertaken by Nature Advisory, indicates that the following listed flora species and fauna species (under the EPBC Act & FFG Act) indicated the following protected flora species were recorded in targeted surveys:
- The Slender sun orchid (FFG ACT: generally protected)
154. Following the completion of the targeted surveys, the luge was re-designed during the RFI process to generally avoid patches of the protected Sun Orchid. Where unavoidable, the luge is designed so that it well raised above the natural ground to avoid contact, and to ensure any touch-points with the ground associated with luge, avoid the identified areas containing the Slender sun orchid. Conditions are recommended to be included on the planning permit ensuring this detail is shown. It is noted a permit would be required under separate legislation from DEECA to remove the above-mentioned species under FFG Act.
155. The Flora and Fauna Impact Assessment and supporting material, prepared/undertaken by Nature Advisory, indicates that the following listed flora species and fauna species (under the EPBC Act & FFG Act), were found to have potential to occur within the subject site (study area) but were not detected in targeted surveys.

Flora:

- Velvet Apple-berry (FFG: Endangered)
- Frankston Spider-orchid (EPBC: Endangered; FFG Critically Endangered)
- Glaucous Flax-lily (FFG: Critically Endangered)
- Golden Cowslips (FFG: Endangered)
- Cobra Greenhood (FFG: Endangered)
- Purple Eyebright (EPBC: Endangered; FFG Endangered)
- Austral Crane's-bill (FFG: Endangered)
- Clover Glycine (EPBC: Vulnerable; FFG: Vulnerable)
- Rough Blown-grass (FFG: Endangered)
- Mauve-tuft Sun-orchid (FFG: Endangered)
- Crested Sun-orchid (FFG: Endangered)
- Crimson Sun-orchid (FFG: Vulnerable)



Fauna:

- Fork-tailed Swift (EPBC: Migratory)
- Rufous Fantail (EPBC: Migratory) • Satin Flycatcher (EPBC: Migratory)
- White-throated Needletail (EPBC: Vulnerable and Migratory; FFG: Vulnerable)
- Blue-winged Parrot (EPBC: Vulnerable)
- Gang-gang Cockatoo (EPBC: Endangered; FFG: Endangered)
- Swift Parrot (EPBC: Critically Endangered; FFG: Critically Endangered)
- Grey Goshawk (FFG: Endangered)
- Little Eagle (FFG: Vulnerable)
- Powerful Owl (FFG: Vulnerable)
- White-bellied Sea-eagle (FFG: Vulnerable)
- White-footed Dunnart (FFG: Vulnerable)

156. Whilst the fauna species were not detected in surveys, there were limitations with the surveys and as such the species are assessed to be assumed present. In regard to fauna impacts, the submitted assessment indicates that the identified species are not likely to be significantly impacted by the proposal, subject to the implementation of mitigation measures. The suggested mitigation measures are recommended to be secured by conditions in a Fauna Management Plan and as part of a Construction Environmental Management Plan, discussed further below.
157. It is noted that through the course of the application the (i.e. at RFI stage), changes were made to the design to reduce the loss of habitat on the site. In particular, the detail provided to demonstrate the luge will be constructed off-site and with touch points allowing free movement of terrestrial fauna underneath the luge pathway. Additionally, other mitigation measures associated with re-creating habitat, through methods such as relocating dead trees to the luge corridor, will assist in addressing potential long term impact to habitats of particular fauna.
158. Informal advice was sought from DEECA regarding potential impacts on listed and/or threatened species. Key matters raised in DEECA's advice is summarised below:
- Given the proximity of Powerful Owl records to the project area and presence of potential habitat, it is likely the Powerful Owl uses the area of foraging. Impacts to the Powerful Owl may arise from the development through noise pollution and reduction in prey availability due to the vegetation clearance and degradation of habitat. The recommendations made in the supporting Powerful Owl Assessment may mitigate these risks, and a requirement to retain and enhance foraging habitat for this species may need to be formalised in a Fauna Management Plan or equivalent.
 - The White-footed Dunnart is assumed present in the project area. Insufficient evidence has been submitted with the application to demonstrate whether the intensification of the recreational activity on site will have a significant impact on this species by way of noise, vibration and from artificial lighting.
 - The Arthurs Seat Eagle Operations Plan (June 2024) states the facility will operate until 9pm or 10pm, though it is unclear whether this includes the luge facility. The application has not included a detailed lighting plan for the development and demonstrated whether this has been designed in accordance with the National Light Pollution Guidelines for Wildlife (DCCEEW, May 2023).
 - A Fauna Management Plan for White-footed Dunnart may be required to identify and implement further measures to protect and enhance habitat connectivity and availability of refuges within the gondola/luge corridor to ensure impacts to the species can be minimised.
 - The targeted surveys were not conducted at the times of the year where some of the listed flora may be present. If protected species are impacted or disturbed by the proposed development, a permit will be required under the Flora and Fauna Guarantee Act 1988 (FFG Act). This process may require additional measures or design changes to avoid and minimise impacts or compensatory measures such as salvage and translocation.
159. Having regard advice received and the information contained in the Flora and Fauna Assessment and supporting material by Nature Advisory, a Flora and Fauna Management Plan is recommended to be secured by condition to capture all recommended mitigation measures and further investigative work suggested by Nature Advisory and DEECA.



160. The statement of environment significance for land within the ESO28 ‘Mornington Peninsula Bushland’ and the objectives of this overlay has been carefully considered. An assessment of the ESO decision guidelines is set out below:

ESO28 Objectives	Assessment
The environmental objectives of this schedule.	<p>The proposal is considered to meet the objectives of ESO28 because:</p> <ul style="list-style-type: none"> • Vegetation removal has been reduced over the course of the application and largely limited to areas where vegetation clearing had previously occurred. • Subject to the recommended conditions habitat areas and native vegetation will not be fragmented or degraded. • Subject to conditions and as per the proposed landscape plans, a net increase in native vegetation is proposed as part of the replanting strategy.
Any relevant regional catchment strategy or regional vegetation plan.	Not applicable.
The need for a report, by a properly qualified person and to the satisfaction of the responsible authority, on the vegetation and habitat significance of the vegetation to be removed.	A Flora and Fauna Assessment, prepared by Nature Advisory was provided with the application, along with further supporting material (Powerful Owl Assessment and Targeted Surveys in response to queries). The information provided is sufficient to enable assessment and determination of the application.
The botanical and habitat value of the vegetation in terms of physical condition, rarity or diversity. This includes recognition of the role of dead vegetation and tree hollows in providing habitat.	The Flora and Fauna Assessment and Powerful Owl Assessment sufficiently review and identifies the value of vegetation and the role of dead vegetation in providing habitat. As part of this, it is proposed to ensure hollow bearing trees are retained at the summit station to ensure these continue to provide habitat for the Powerful Owl and other species. Conditions are recommended to secure this, and to also secure further consideration of enhancing habitat within the luge corridor by transferring in dead/hollow trees for habitat (subject to compliance with defendable space requirements).
The environmental value of the vegetation in terms of protecting stream quality and wetlands.	Not applicable. The site is not within proximity to wetlands or streams.
Whether there is any reasonable alternative site for proposed buildings and works outside of the overlay area that would better meet the objectives of this schedule.	The site contains an established leisure and recreation facility, and the proposed buildings and works are largely to occur within either the envelope of existing built form or within the existing gondola corridor, where vegetation has been previously cleared. Where new works are proposed, the design has been altered throughout the process to limit the extent of impact and ensure buildings and works integrate with the landscape. The site is an appropriate location for this form of development and as noted elsewhere in this report, the zoning of the land earmarks it for recreation. However, this is subject to the recommended conditions and proposed mitigation measures which will ensure the extent of impact to the natural environment is acceptable.
The extent of the proposed vegetation removal and the likely effect on the stability of the site and soils, particularly along streamlines or in erosion prone areas.	The proposed luge has been designed to avoid areas identified as high risk for landslides, as per the information contained in the landslide risk assessment. Ridgelines are also avoided. Conditions of the permit are recommended to secure further measures to ensure erosion is mitigated and to incorporate stabilising vegetation which will re-vegetate the luge/gondola corridor to an improved state.
The siting and design of buildings and works to avoid the removal of remnant vegetation, including the disturbance of root zones.	The site contains an established leisure and recreation facility, and the proposed buildings and works are largely to occur within either the envelope of existing built form or within the existing gondola corridor, where vegetation has been previously cleared. Therefore, disturbance to root zones is limited. The two trees proposed for removal are proposed to be retained for habitat purposes once removed.



The extent to which the removal of vegetation is necessary to achieve proper fire management.	The extent of vegetation removal for defensible space purposes is largely limited to the Summit Station and a minor new degree at the base station. Given the works are largely within areas already developed, the extent of defensible space is already largely established. These matters are discussed in more detail under the bushfire risk section of this report.
The likely effect of any clearing on the habitat value and long term viability of remnant bushland areas.	Subject to the recommended permit conditions, the proposed development is not expected to have a significant impact on remnant bushland areas. Rehabilitation planting will be secured, and the extent of native vegetation removal is low in proportion to the surrounding remnant bushland. It is noted DEECA support the application subject to conditions.
Whether the siting of a proposed dwelling is likely to generate demand for future removal of vegetation associated with fire hazard clearing, areas for ancillary uses and the like.	Not applicable. Dwelling not proposed.
The extent to which proposed clearing may expose remaining areas to weed invasion.	A vegetation management plan is recommended to be secured by condition which will require details to ensure cleared areas are not exposed to weed invasion. It is also noted, the site is subject to several other management plans enforced under separate legislation in partnership with Parks Victoria.
The landscape impact of the proposed removal, destruction or lopping of vegetation.	As outlined, vegetation removal has been limited where possible and subject to the recommended conditions, it is considered that the proposed buildings and works and vegetation removal will not have an unacceptable impact on the landscape. This matter is further discussed in the SLO and VIA section of this assessment.
The purpose of removing native vegetation and whether there are any alternative land management or construction practices that would better meet the objectives of this schedule.	The proposal has been amended over the course of the application to reduce the length of the luge by approx. 24% to assist in limiting vegetation impacts and to ensure areas of high erosion risk are avoided. A CEMP is recommended to be secured by condition which will further ensure construction practices minimise impact on the natural environment.
The comments of any relevant coastal management fire prevention, catchment protection, land management or soil conservation authority.	The application was referred to DEECA who is the relevant Fire Authority for the Arthurs Seat State Park and also a referral authority for native vegetation removal. Informal comments were also sought from DEECA in regard to fauna impacts. The advice received from DEECA is discussed in this report and it is further noted they did not object to the application, subject to conditions.
The benefit of conditions requiring planting or replanting or other treatment of any part of the land, including the opportunity to achieve a net increase in the area of native vegetation.	The applicants contends that a net increase in the amount of native vegetation will be achieved. This is recommended to be secured by conditions. It is noted native vegetation will be required to be maintained as per defensible space requirements where applicable.

161. Subject to the recommended permit conditions, it is considered the proposal will not have an unacceptable impact on native vegetation, flora and fauna.

Bushfire Risk

162. The subject site is in a Bushfire Management Overlay and a Bushfire Prone Area.
163. The application is supported by a Bushfire Management, prepared by Terramatrix, which incorporates a bushfire hazard landscape assessment, bushfire hazard assessment and a bushfire management plan.
164. It is noted the site currently operates in accordance with a Bushfire Management Plan (secured under P13-1992) which is proposed to be updated to reflect the current scheme, if a permit is issued (as would be secured by condition).



165. Importantly, DEECA, the Relevant Fire Authority, (Section 55 Determining Referral Authority) provided a response in November 2025 confirming they do not object to the application. From the response received from DEECA in November 2025 in the further information request in October 2024, the following is surmised:

- The design and cladding material of the upper and lower stations broadly demonstrate responsiveness to the bushfire management objectives and the BAL 12.5 rating.
 - Building the isolated structures to a higher BAL 29 rating and the isolated use of BAL 29 Bushfire Resistant Timber for trim or cladding on BAL 12.5 structures, is satisfactory.
- DEECA met and responded (12 April 2024) to Terramatrix about the requirements of the Bushfire Management Overlay. Terramatrix has included all DEECA concerns and states that an agreement is in place that provides assurance the land beyond the Arthurs Seat Eagle lease area will be managed by Arthurs Seat Eagle as defensible space for the site.

166. The site is not located in a specific schedule to the BMO, therefore the proposal must meet the requirements of Clause 53.02 (Bushfire Planning). An assessment of the proposal against the objectives and relevant approved/alternatives measures listed at Clause 53.02 has been undertaken. Below is an assessment of the proposal against the relevant approved measures:

Clause 53.02 approved measures	Assessment
Clause 53.02-4.1 – Landscape, siting and design objectives	Achieved via approved measures 2.1, 2.2 and 2.3.
AM 2.1: The bushfire risk to the development from the landscape beyond The site can be mitigated to an acceptable level.	Subject to the mitigation measures, which apply a combination of approved and alternative measures this objective is met. It is noted the landscape risk assessment identifies land beyond the site as medium to high risk and bushfire is likely to be within BMO expectations.
AM 2.2: A building is sited to ensure the site achieves the following: <ul style="list-style-type: none"> • The maximum separation distance between the building and the bushfire hazard. • The building is in close proximity to a public road. • Access can be provided to the building for emergency service vehicles 	The shape, orientation and existing infrastructure heavily influence the siting of proposed buildings. Alternative arrangements would not increase the achieved setbacks to the forest or reduce the bushfire risk. The proposal is positioned appropriately given these restraints and all buildings are located within close proximity to a road and access for emergency services easily achieved. This is generally as per the existing bushfire management conditions.
AM 2.3: A building is designed to be responsive to the landscape risk and reduce the impact of bushfire on the building.	The proposal incorporates several specific design measures to reduce the potential impact of bushfire on the proposed buildings. For example, the following is proposed: <ul style="list-style-type: none"> • Off-form concrete is proposed for majority of structural walls. • Simple roof lines to facilitate good wind flow over buildings. • Minimal to no subfloor exposure. • Timber cladding proposed is rates to a higher BAL rating than applies to the overall BAL 12.5 construction (e.g. BAL 29) • Features where debris could accumulate, which may be ignited by embers (e.g. complicated roof lines or façades) are avoided. • Non- combustible features are proposed around building (e.g. concrete paths, pathways, car parks etc). • The proposed luge and luge platform are non-habitable and isolated and will not be occupied in the event of a bushfire. If



the happen to be, they are designed to a BAL-29 rating construction.

Clause 53.02-4.2 – Defendable Space and construction objective

Achieved via a combination of approved measure 3.2 and alternative measures 3.3, and 3.6.

AM 3.2:

A building used for accommodation (other than a dwelling or small second dwelling), a child care centre, an education centre, a hospital, leisure and recreation or a place of assembly is:

The Table 3 distances in Clause 53.02 are designed to ensure Radiant Heat Influx (RHF) will not exceed 10 kW/m². This is adopted for the redevelopment of the Base and Summit stations at Arthurs Seat Eagle, using AltM 3.4, discussed in the relevant section below.

- Provided with defendable space in accordance with Table 3 and Table 6 to Clause 53.02-5 wholly within the title boundaries of the land.
- Constructed to a bushfire attack level of BAL12.5.

AltM 3.3:

Adjoining land may be included as defendable space where there is a reasonable assurance that the land will remain or continue to be managed in that condition as part of the defendable space.

The defendable space for both stations will overlap onto public land adjacent to the site. It is understood there is an agreement in place between ASE and Parks Victoria that provides assurance the land beyond the Arthurs Seat Eagle lease area will be managed by Arthurs Seat Eagle as defendable space for the site.

The defendable space areas for both the upper and lower stations is proposed to meet vegetation management standards provided in Table 6 to Clause 53.02-54, except for that for 5 m separation between tree canopies, which will be tailored the same way it was in the P13-1992-2 plan, to specify 'Tree canopy separation of 2 m and overall canopy cover of no more than 15% at maturity'.

AltM 3.4:

'Defendable space and the bushfire attack level is determined using Method 2 of AS 3959:2018 Construction of buildings in bushfire prone areas (Standards Australia) subject to any guidance published by the relevant fire authority'

The defendable space distances calculated under the current controls for 'radiant heat flux' to not exceed 10KW/m² on the buildings, as determined in the Bushfire Management Statement, are as follows:

Base (Lower) station:

- North and north-west: 76 m
- West: 65m
- South: 48m

Summit (Upper) station:

- North and west: 93 m
- South and west: 64 m

The report notes that the same method of analysis and BAL/defendable space calculations was applied in 2013/14 has been re-applied.

AltM 3.6:

A building used for accommodation (other than a dwelling or small second dwelling), child care centre, education centre, hospital, leisure and recreation or place of assembly may provide defendable space in accordance with Table 2 Columns A, B or C and Table 6 to Clause 53.02-5 where it can be demonstrated that:

As noted above, the defendable space has been calculated to ensure RHF on the main buildings will not exceed 10 kW/m², in accordance with the applicable measure for buildings associated with Leisure and Recreation, which is AM 3.2.

An integrated risk to bushfire fire risk management is achieved in the form of a Bushfire Management Emergency Plan, which will be secured as a condition of the permit. The BEMP will largely reflect existing approved measures in place but will address measures including the characteristics and capacity of future visitors, effective



- **An integrated approach to risk management has been adopted that considers:**
 - **The characteristics of the likely future occupants including their age, mobility and capacity to evacuate during a bushfire emergency.**
 - **The intended frequency and nature of occupation.**
 - **The effectiveness of proposed emergency management arrangements, including a mechanism to secure implementation.**
- **Less defensible space and a higher construction standard is appropriate having regard to the bushfire hazard landscape assessment.**

emergency management arrangements, including the proposal to close on day of elevated fire dangers. The subject site currently closes on days forecast with a catastrophic fire risk.

Clause 53.02-4.3 – Water Supply and Access objectives

AM 4.2:

A building used for accommodation (other than a dwelling or small second dwelling), child care centre, education centre, hospital, leisure and recreation or place of assembly is provided with:

- **A static water supply for fire fighting and property protection purposes of 10,000 litres per 1,500 square metres of floor space up to 40,000 litres.**
- **Vehicle access that is designed and constructed as specified in Table 5 to Clause 53.02-5.**
- **An integrated approach to risk management that ensures the water supply and access arrangements will be effective based on the characteristics of the likely future occupants including their age, mobility and capacity to evacuate during a bushfire emergency.**

Existing water tanks with a minimum 40,000 L static water supply reserved for fire fighting, are provided at both the Base and Summit stations.

The Summit station comprises two 150,000 L capacity tanks. The water supply will be required to comply with all the applicable specifications for signage, fittings and access (see detailed specifications in Appendix A of this report). This is further secured by the recommended conditions which are to be transferred across from PP13-1992-2.

The water supply may be in the same tank as other water supplies provided that a separate outlet is reserved for fire fighting water supplies.

167. Having regard to the purpose of the BMO, it is considered the development has been appropriately designed to manage the risk to life and property to an acceptable level and the protection of human life has been appropriately prioritised. This is further subject to the recommended permit conditions and it is again re-iterated that the relevant Fire Authority is supportive of the proposal, subject to conditions.



Erosion Management

168. The EMO seeks to protect areas prone to erosion, landslip and other land degradation or coastal processes by minimising land disturbance and inappropriate development.
169. The EMO applies to the luge corridor and part of the base station. It does not affect the summit station.
170. It is noted the applicable schedules 1 and 2 of the EMO do not specify erosion management objectives or a statement of risk. Therefore, the proposal has been considered against the decision guidelines at Clause 44.01-8 (EMO):

Clause 44.01-8 Decision Guidelines	Assessment
<p>The Municipal Planning Strategy and the Planning Policy Framework.</p>	<p>Clause 13.04-2S (Erosion and landslip) seeks to protect areas of erosion, landslip or other land degradation processes. Strategies include:</p> <ul style="list-style-type: none"> • Identify areas subject to erosion or instability in planning schemes and when considering the use and development of land. • Prevent inappropriate development in unstable areas or areas prone to erosion. • Promote vegetation retention, planting and rehabilitation in areas prone to erosion and land instability. <p>For the reasons outlined in this assessment, it is considered that the development has been designed to avoid unstable areas and areas at higher risk of erosion. This has been informed by the submitted landslide risk assessment which identifies specific 'no build zones'. The luge alignment has been designed to respond to this constraint. Additionally, where possible and subject to the recommended condition, vegetation retention and re-planting is proposed in areas prone to land instability. This is subject to the constraints associated with bushfire vegetation management.</p>
<p>Regional Catchment Strategy (Catchment and Land Protection Act 1994).</p>	<p>The biodiversity, land, traditional owner and climate change targets set within the Port Phillip and Western Port Regional Catchment Strategy are most applicable to the proposal. Having regard to these:</p> <ul style="list-style-type: none"> • Biodiversity matters are considered in detail under the vegetation removal and flora and fauna impact assessment section of this report. Subject to the recommended permit conditions, the proposal is acceptable. • The proposal expands an existing leisure and recreation facility and will not reduce land designated for agricultural use on the Mornington Peninsula. • The applicant consulted with the Traditional Owners (the Bunurong people). A CHMP was approved in November 2025 relevant to the proposal/site. • The proposal is designed to meet best practice standards in environmentally sustainable design as demonstrated in the submitted SMP.
<p>Civil Construction, Building and Demolition Guide (Publication 1834, Environment Protection Authority, November 2020).</p>	<p>A CMP and CEMP are recommended to be secured by condition, which will require consideration of risk mitigation strategies in accordance with the Civil, building and demolition guide, dated September 2025.</p>
<p>Control of Erosion on Construction Sites (Michael Ransom and Soil Conservation Authority, 1984).</p>	<p>A CMP and CEMP are recommended to be secured by condition, which will require implementation of measures in accordance with the <i>Control of Erosion on Construction Sites</i> (Michael Ransom and Soil Conservation Authority, 1984).</p>



Your Dam: an Asset or a Liability (Department of Conservation and Natural Resources and Rural Water Corporation Victoria, 1993).	Not applicable.
Any proposed measures to manage concentrated runoff and site drainage.	Stormwater runoff and drainage will be managed in accordance with best practice water sensitive urban design as per the submitted stormwater management report. This matter is further discussed under stormwater management section of this report.
Any proposed measures to minimise the extent of soil disturbance.	The luge is designed to minimise ground disturbance through its light touch design and by avoiding areas of high-risk, as detailed in the submitted landslide risk assessment.
Whether the removal of vegetation will increase the possibility of erosion, the susceptibility to landslip or other land degradation processes, and whether such removal is consistent with sustainable land management.	The proposal seeks to avoid unnecessary removal of vegetation and as noted above, the luge has been re-designed over the course of the application to avoid areas of high risk in terms of erosion, landslip and other degradation processes. The extent of vegetation removal is not considered to be a unacceptable risk factor for the proposed development in terms of erosion.
The need to stabilise disturbed areas by engineering works or revegetation.	The Landslide Risk Assessment recommends some erosion protection measures such as avoided bare earth with geotextile or geogrid mats, used to protect access paths and revegetation of disturbed areas as soon as practically possible following construction.
Whether the land is capable of providing a building envelope which is not subject to high or severe erosion concern.	The Landslide Risk Assessment demonstrates that the proposed building envelope, namely the lower station and luge, is of a tolerable risk with respect to landslides, provided all control measures are implemented. The recommended measures will be secured by condition.
Whether buildings or works are likely to cause erosion or landslip.	With the changes made to the proposal over the course of the application and as discussed in the Landslide Risk Assessment, the proposal presents a low and very low risk level in various landslide hazard criteria, subject to the implementation of recommended control measures.
Whether access and servicing of the site or building envelope is likely to result in erosion or landslip.	There is a low risk of access and servicing to cause erosion or landslip, subject to the implementation of control measures as recommended in the Landslide Risk Assessment.
Land Capability Report (if prepared) as developed by the Department of Energy, Environment and Climate Action.	Not applicable.
The need to remove, destroy or lop vegetation to a create defensible space to reduce the risk of bushfire to life and property.	The extent of vegetation removal is acceptable for the reasons outlined in this report. Vegetation removal is avoided, unless necessary.
Any technical information or reports required to be provided by a schedule to this overlay.	N/A – no further requirements in the overlay schedules
Any other matters specified in a schedule to this overlay.	N/A – no further requirements in the overlay schedules

171. An Erosion / Landslide Risk Management Plan incorporating the measures recommended in the submitted risk assessment, along with a series of other recommendations discussed above, is recommended to be secured by condition. Measures recommended in the assessment are also recommended to be implemented, where applicable, in a Construction Management Plan.
172. The proposal is acceptable having regard to the purpose and decision guidelines of the EMO, subject to the recommended conditions.

Sustainability

Environmentally Sustainable Design (ESD)

173. Clause 15.01-2L-02 (Environmentally sustainable development) seeks to ensure best practice in environmentally sustainable development from the design stage through to construction and operation is achieved.
174. The application is supported by a Sustainability Management Plan, prepared by Ark Resources. The proposal incorporates a series of ESD features including (but not limited to):
- High-performing glazing and energy efficient fixtures and appliances.
 - A 34KW roof top solar PV system.
 - A rainwater harvesting system.
 - Thermal comfort and shading devices integrated in the design.
 - A target recycling rate of 80% for construction and demolition waste to be managed by a dedicated recycling contractor.
175. The proposal achieves a score of 52% under the BESS sustainability assessment tool and meets the objective of Clause 15.01-2L-02. The ESD credentials are recommended to be secured in further SMPs for each stage of development, with features displayed on the development plans where applicable.
176. It is noted the luge and luge platform were not incorporated in the ESD assessment. Conditions are recommended to require an SMP for the luge, demonstrating the ESD initiatives achieved in the other stages of the proposal.

Water Sensitive Urban Design (WSUD) & Stormwater Management

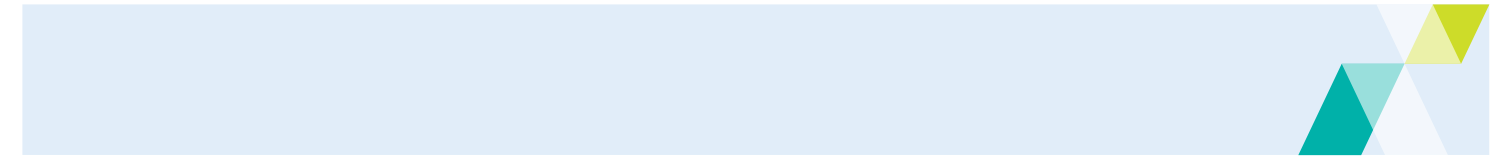
177. Clause 15.01-2L-02 and Clause 53.18 (Stormwater Management in Urban Development) seeks to ensure new developments achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).
178. The SMP details how the proposal exceeds the pollutant reductions targets set out in the Best Practice Environment Management Guidelines for Total Suspended Solids (TSS), Total Phosphorus (TP), Total Nitrogen (TN) and Gross Pollutants (GP).
179. The proposal includes the installation of a rainwater harvesting system which will include rainwater harvesting from all roofed areas, as described below:

Base Station

- Rainwater harvesting from new roof areas, existing base station roof east and new courtyard area (catchment area of approx. 917m²);
- A total storage volume of 40,000 litres; and
- Re-use of water for toilet flushing in all toilets. Note 40kL existing rainwater tanks will continue to collect rainwater harvested from existing base station roof west (catchment area of approx. 473m²) for fire-fighting use.

Summit Station

- Rainwater harvesting from new roofs & awnings and existing summit station roofs (catchment area of approx. 1,324m²);
 - A total storage volume of 56,000 litres (within existing 200kL tank of which the remainder is for fire-fighting); and
 - Re-use of water for toilet flushing at the summit station (connected to an existing tank, separate from that used for fire-fighting).
180. In addition to the above, a 3sqm raingarden filtering run off from the trafficable areas is proposed at the Summit Station and a 9sqm raingarden filtering run off from the concrete and driveway areas is proposed at the base station.

- 
181. The rainwater is proposed to be treated through methods of enhanced filtration including first flush diverters, three stage filtration, pressure pipes etc.
 182. A construction management plan is recommended to be secured by condition which will require the details including but not limited to the management of stormwater runoff on waterways during construction.
 183. The proposed development meets best practice targets for stormwater management. It is noted though the ESD report indicates that further review of tank volumes will be required during the detailed design stage to ensure they are adequate to achieve best practice. Therefore, as part of the stormwater management plan recommended to be secured by condition, final details of the tank volumes and other relevant stormwater management features will be required to be confirmed.

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

Car Parking

Leisure and recreation expansion

184. As noted elsewhere in this report, the use of the land for a leisure and recreation facility is established under P13-1992-2. Pursuant to Clause 52.06.6 (Car Parking), Car parking for a leisure and recreation facility must be provided to the satisfaction of the responsible authority, noting this is an innominate use.
185. Between the base and summit station, the site contains a total of 255 car parking spaces, including 7 DDA spaces. In addition, there are 158 spaces located within close proximity to the site at Seawind Gardens which can accommodate overflow.
186. The proposal does not seek to provide any additional formal parking and instead relies on the existing 255 formal spaces at both the summit and base stations. Notwithstanding this, it is noted that 72 car parking spaces have been formalised on site since PP13-1992-2 was issued, which were not included in the assessment at that time.
187. In regard to the proposed expansion of the existing leisure and recreation use and based on the information provided in the Traffic Engineering Assessment, by Traffix Group, the following is noted:
 - Patronage levels are expected to increase by 25% across the year. Given the variability in demands that can be experienced across a day, week and year, this is not expected to translate to a linear increase. Meaning, the peak demands on the peak days are not expected to increase by 25%.
 - There are currently no patronage caps prescribed in the existing permit conditions associated with the leisure and recreation centre use. Patron caps currently only apply to the café use and function centre.
 - To manage patron numbers, ASE intend to implement a scheduled ticketing arrangement. Allowing the operator to spread demand across the day and limit additional demands at any one time across the peak periods. A live feed on the ASE website is intended to provide approximate wait times so that patrons who have not yet committed to visiting, can decide on the day if they wish to attend based on wait times.
 - Traffix considered two scenarios, based on a 10% increase vs a 25% increase in patron demand and car parking demand on four different days (peak day, 85th percentile weekend, average weekend and average day). The results are shown below:



Table 9: Estimated Increases in Car Parking Demands

Description	Existing Demand	10% Increase	25% Increase
Average Day (all Days)	88 spaces	97 spaces	110 spaces
Average Weekend/Holiday	140 spaces	153 spaces	174 spaces
85 th Percentile Weekend/Holiday	235 spaces	259 spaces	294 spaces
Maximum Peak Day	328 spaces	360 spaces	410 spaces

This assumes a linear relationship between patronage and car parking demands.

Above: Estimated increase in car parking demands.

- The results indicate the existing on site car parking supply is expected to accommodate the existing and expanded operations of the facility on normal/average days of the year.
- Where higher peak demand may exceed the existing formal parking more often due to the expansion of the facility, the overflow parking areas will need to be relied on to accommodate the shortfall.

188. Having considered the detailed car parking analysis by Traffix Group and advice received from referrals, the proposed car parking arrangements can be supported subject to the following:

- The incorporation of an online scheduled ticketing system and live feed to manage patron numbers.
- Increased traffic and parking management on site, including parking attendants.
- The incorporation of a shuttle bus service between the overflow car parking areas and the site on peak days.
- Inclusion of a regular review and update process between ASE, Parks Victoria, DTP and the Council to review and improve traffic management operations and the need to identify more formal parking on site in the long term if existing parking reaches capacity.
- Details of a communication and marketing strategy to advise visitors of parking opportunities and traffic management arrangements.
- Details for future capacity of pick up and drop off services to key locations in the local area to minimise singular trips to and from the site.
- Details of sustainable methods of transport (bus, cycling and walking) to help limit car usage and how this will be promoted.


189. The above matters are recommended to be secured in a Traffic and Parking Management Plan.

190. Separately, it is noted the council officers raised that their records have attributed 125 car parking spaces to the Seawinds overflow car parking area as opposed to the 158 noted by the applicant. We note that Parks Victoria have not contested the number provided by the applicant. Notwithstanding this, and noting the car parking area is largely unmade, the number is recommended to be confirmed in the Traffic and Parking Management Plan recommended to be secured by condition.

Food and drink use

191. The existing shop and café operate in conjunction with the existing primary use for a leisure and recreation facility. Notwithstanding this, it is noted the existing permit P13-1992-2 considered the café and shop use as a separate standalone uses in relation to parking requirements under Clause 52.06.

192. In relation to these, it is noted the food kiosk and gift shop at the base station is proposed to increase in floor area by 59sqm. At rate of 4 spaces per 100sqm under Clause 52.06-5, the increase in floor area generates a requirement for 2 additional spaces. Whilst the proposal does not incorporate new car parking on site, it is noted that since PP13-



1992-2 was issued, an additional 72 car parking spaces were formalised on site at the base station. Therefore, the shortfall is appropriately accommodated for in the proposed scheme.

Design Standards for Car Parking

193. Given the proposal does not include any new car parking on site, an assessment against the Standards of Clause 52.06-9 is not required.

Bicycle Facilities

194. Clause 52.34-1 (Bicycle Parking) does not include a rate for leisure and recreation facilities. Therefore, there is no statutory requirement for bicycle parking.
195. The existing facility accommodates bicycle parking spaces at the base station (5 horizontal hoops) and 12 spaces at the summit station (6 horizontal loops). The traffic engineering advice indicates that it is anticipated that bicycle parking demand is not likely to increase because of the proposal and existing provision is sufficient. This is acceptable.
196. It is noted the site does not currently contain any formal scooter/motorcycle parking and that observations on the day of the surveys undertaken indicated a small number of visitations by scooter/motorcycle. Whilst not strictly required, a condition is recommended to be included on the planning permit requiring consideration of future potential options for scooter/motorcycle parking within existing landscaped/car parking areas, should further demand arise, particularly at the summit station.

Traffic Generation

197. Observations made during surveys by Traffix Group indicate that there were no existing concerns or issues relating to traffic, including on Arthurs Seat Road and Purves Road, particularly on the Sunday observation day (24/09/2023) which was a very high peak period for the precinct.
198. As noted within the car parking demand assessment above, it is anticipated that volumes across the lesser busy period of the day are likely to increase as a result of the proposed expansion works. The submitted Traffic Engineering Assessment indicates that the increase in traffic within the road network can be accommodated and is not unacceptable. This will in part be subject to the implementation of specific operational traffic management and patronage management measures for the facility as a whole.
199. It is noted the council and Parks Victoria did not raise specific traffic generation concerns and the Head, Transport for Victoria are supportive subject to conditions.

Clause 36.02 – Transport Zone, Schedule 2

200. A section of the luge is proposed to be constructed over Arthurs Seat Road which is in a Transport 2 Zone. This will occur approximately 170m north of the luge platform, over the road reserve a hair pin bend along Arthurs Seat Road.
201. The luge bridge is proposed to have a minimum height clearance of 6.4m above road reserve and the luge itself will be positioned within appropriate safety barriers.
202. As Road Authority (Head, Transport for Victoria) have confirmed they do not object to the proposal, subject to conditions. The conditions require the submission of risk assessment, amongst other things, to ensure the design of the luge bridge does not impact on the safety of road users. The proposal is therefore acceptable subject to the recommended conditions.

Clause 52.29 – Land Adjacent to a Road in a Transport Zone.

203. It is noted the proposal does not specifically include a physical alteration to a road in a Transport 2 Zone (Arthurs Seat Road). However, a referral to Head, Transport for Victoria was still given, due to the increase in intensity



associated with the use located adjacent to the Transport Zone. The Head, Transport for Victoria is supportive of the proposal subject to conditions, as noted above.

Loading / Unloading

204. The existing loading areas/bays at the base and summit stations are proposed to be retained and relied on as per the existing conditions. The proposed expansion of the facility is not expected to result in material changes to delivery or waste requirement. However, the frequency of deliveries and waste collection may increase.
205. The proposed loading management requirements for the site is recommended to be captured within a Loading Management Plan, which can be updated prior to the occupation of each stage of the proposed development. This will ensure loading is carried out in a manner which limits off site amenity and traffic impacts. This is responsive to the decision guidelines at Clause 65.01 of the scheme, which requires consideration of the adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.

Waste

206. The application is supported by a Waste Management Plan, prepared by Leigh Design.
207. Waste management for the site is proposed to be carried out by a private contractor, as per the existing conditions. The waste storage area is proposed to be altered to accommodate the proposed expansion. The private waste collection contractor will transfer bins between the relevant bin stores and the collection area and required capacities have been nominated within the WMP.
208. The WMP and broad strategy therein will suitably manage off site effects associated with collection and storage and is acceptable. Conditions are recommended to secure a WMP for each stage of the development and further details are recommended to be secured to ensure the luge corridor is regularly inspected to ensure rubbish is promptly collected (in the circumstance this may occur from luge riders).

Other Matters

Cultural Heritage

209. The subject site is in an area of identified Aboriginal Cultural Heritage Significance.
210. A Cultural Heritage Management Plan, prepared by Biosis APEM Group, Dated 21 November 2025, was approved on by the Bunurong Land Council on 23 November 2025. The conditions of the CHMP must be complied and will be enforced under Section 67A of the Aboriginal Heritage Act 2006 (separate legislation to the Planning and Environment Act 1987).

Staging

211. As noted in the proposal section of this report, the development is proposed to be staged. However, the staging is not proposed to be sequenced, to enable the applicant flexibility with the order of works.
212. This is an acceptable, given that conditions are recommended to secure the applicable amount of detailed for endorsement before each stage of development starts. Additionally, conditions further secure operational requirements before each stage of the development is occupied (in use).



- 213. The proposal is generally consistent with the relevant planning policies of the Mornington Peninsula Planning Scheme and will contribute to the provision of an expanded leisure and recreation facility within Arthurs Seat State Park.
- 214. The proposal is generally supported by the various referral agencies.
- 215. It is recommended that Planning Permit No. PA2031854 for the land at 795 & 1085 Arthurs Seat Road, Arthurs Seat be issued subject to conditions.
- 216. It is recommended that the applicant, referral authorities and those who made a submission to the application be notified of the above in writing.

Prepared by:

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

- No Conflict**
- Conflict and have therefore undertaken the following actions:
 - Completed the **Statutory Planning Services declaration of Conflict/Interest form**.
 - Attached the Statutory Planning Services declaration of Conflict/Interest form on to the hardcopy file.
 - Attached the Statutory Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.

Name:

Title:

Phone:

Dated: 19 February 2026

Approved by:

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

- No Conflict**
- Conflict and have therefore undertaken the following actions:
 - Completed the **Statutory Planning Services declaration of Conflict/Interest form**.
 - Attached the Statutory Planning Services declaration of Conflict/Interest form on to the hardcopy file.
 - Attached the Statutory Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.

Name:

Title:

Phone:

Dated: 19 February 2026

Appendix A: Public submissions



All submissions received were carefully considered in the assessment of the application. The key matters raised in submissions are summarised and responded to in the following table:

Objection	DTP Comment
The luge, luge bridge and platform will cause unacceptable visual impact	An assessment of visual impacts is contained in the assessment section of this report. The proposal has been assessed in detail and deemed to be acceptable in visual impact terms, subject to the recommended permit conditions.
The observation tower is too tall and will cause unacceptable visual impact	A detailed assessment of visual impacts is contained in the assessment section of this report. The proposal is acceptable visual impact terms, subject to the recommended permit conditions.
The base and lower stations will cause visual impact	An assessment of visual impacts is contained in the assessment section of this report. The proposal is acceptable in visual impact terms, subject to the recommended permit conditions.
The proposal luge will have unacceptable noise impacts.	An assessment of noise impacts is contained in the assessment section of this report. Subject to the further information recommended to be secured in a further updated acoustic report and subject to the implementation of the operational management plan, noise impacts will be suitably mitigated.
Noise impacts on park users and fauna.	Relevant planning policy seeks to protect sensitive uses from noise impacts. The submitted acoustic assessment rightfully considers impacts on nearby residential properties but not specifically on park users and fauna. Conditions are recommended to secure further detail regarding any required operational measures or further acoustic treatments to ensure park users are not unreasonably affected by noise impacts. Similarly, conditions will secure further detail in regard to impacts on fauna. In this regard though, we note the luge is proposed to operate in daytime hours only and given the existing operation of the gondola and the Arthurs Seat Road, the luge ride is not expected to contribute further by an unreasonable extent to noise pollution.
The proposal will have an unacceptable impact on fauna and native vegetation.	An assessment of the proposal with regard to native vegetation removal and impacts on flora and fauna is contained in the assessment section of this report. Subject to the recommended conditions, the proposal is acceptable and impacts can be reasonably mitigated.
The extent of vegetation removal is excessive and will have a negative impact on the environment.	The proposed native vegetation removal is supported by DEECA, subject to the recommended permit conditions. A detailed assessment is contained in the assessment section of this report. It is further noted the proposal has been amended over the course of the application to reduce the extent of native vegetation removal.
The proposal will have a negative impact on traffic generation and parking in the area.	An assessment of the proposed parking provision and traffic generation impacts is contained in the assessment section of this report. Subject to the recommended conditions, it is considered the proposal will not have an unreasonable impact on traffic and parking conditions in the area. Conditions are also recommended to ensure a review of the traffic and parking conditions occurs post completion, to ensure traffic mitigation and parking measures are updated if necessary to respond to any unfavourable conditions.
The proposal will worsen landslide risk.	Subject to the conditions of this permit and the implementation of mitigation measures recommended in the landslide risk assessment, the risks from landslide and erosions will be appropriately managed.



The proposal should have considered the findings of the McCrae Landslide Enquiry.	Further advice was sought from Intrax in relation to this matter. The ground conditions at the subject site and the McCrae site are different and the McCrae site had the influence of SEW water release. The subject site has a shallow solid profile over moderate to high strength rock. The McCrae site was a deep seated rotational slide. The subject site has different hazards, mostly relating to rock fall and shallow translation creep. As per the assessment submitted, these hazards have a low risk to property and the risk to life was managed through the changes made to the luge alignment over the course of the application.
The landslide risk assessment must be peer reviewed.	An appropriately qualified professional has evidently undertaken the assessment, and DTP notes the same professional undertook the early assessments on the gondola, upper and lower stations approved under PP13-1992-2. The submitted risk assessment, by Intrax, is based on the AGS Guidelines on Landslide Risk Management [AGS 2007]. The assessment is not required to be peer reviewed.
Inappropriate use of public land.	The use of the land is established and for the reasons outlined in this report, continues to be acceptable and appropriate, particularly given the zoning of the land. The leasing of crown land for private development/use is a matter for public land authority and is not a planning matter.
The planning process is flawed.	The application process has been undertaken in accordance with the <i>Planning and Environment Act 1987</i> .
The extent of advertised material is insufficient.	The extent of advertised material is all of the application documentation submitted by the applicant on the basis of which the decision will be made. The extent of information is sufficient to assess and determine the application and has responded to further information request from DTP and other agencies throughout
The lease process and obligations with Parks Victoria aren't addressed.	This is not relevant to the planning merits of the application. Leasing arrangements and matters relating to the National Parks Act are between the permit applicant and the public land manager (Parks Victoria).
The CHMP isn't included in the advertised materials	CHMPs are not included in advertised material. They are regulated and required by separate legislation and do not form part of the application documentation under the <i>Planning and Environment Act 1987</i> . Additionally, approved CHMPs often contain sensitive information and are not made public available as part of planning notice. This is notwithstanding the fact that an CHMP is required to be provided before a decision is made under the <i>Planning and Environment Act 1987</i> . As noted in the report, an approved CHMP was provided on 25 November 2025, satisfying the requirements of the <i>Aboriginal Heritage Act 2006</i> .
Comments from the OVGGA aren't included in the advertised material	Comments from the OVGGA along with any other referral comments do not form part of the application material. They help inform decision making but do not form part of the proposal. The advice provided by the OVGGA in its memo is appended to this report in the interests of transparency of decision-making.
Comments weren't received from the National Trust.	An early submission was received from the National Trust and as a result the applicant was directed to give notice to the National Trust again as part of the public notice process. The comments received from the National Trust have been considered. The requirement to engage with the National Trust is discussed in the assessment section of this report under SLO6.



The application doesn't provide sufficient economic benefit with the luge manufactured overseas	The development has the potential to create 113 construction jobs and 120 ongoing operational jobs, according to Arthurs Seat Eagle. The luge infrastructure itself is just one element of the proposal and it is noted the manufacturer is the same as that used for the same luge infrastructure recently completed at Thredbo, in NSW.
The planning report a lists an 'Economic benefit and Growth Assessment' as a 'document required' but that has not been provided.	The planning report lists documents that can be required as per the DFP website. This document was not required to be provided in this instance.
The statements on job creation appear inaccurate because the luge is being manufactured overseas.	The luge itself is only one element of the proposal and whilst it may be manufactured overseas, construction jobs will be created for its installation on site. DTP does not have concerns with the statements made by the applicant in regard to job creation and regardless of this, the proposal is considered acceptable on its merits, subject to conditions.
The material does not justify the statements made on patron numbers.	Sufficient information has been provided throughout the various technical reports to enable an assessment of the application particularly in regard to traffic and parking impacts associated with the expansion of the use. It is noted the patron caps are recommended to be brought across from the existing permit where relevant and further mitigation measures are recommended to be secured in the operational management plan and traffic and parking management plan conditions.
The Mornington Peninsula National Park and Arthurs Seat State Park Management Plan, May 1998, Amended 2014 and 2016, Parks Victoria only mentions 'enhanced visitor experiences' and does not specify a luge.	The reference to 'enhanced visitor experiences' is not specific because it evidently can refer to a whole range of activities, of which many are available at Arthurs Seat at both the subject site and other sites nearby. A luge is not precluded from 'enhanced visitor activities'.
Does not comply with the National Park Act 1975.	Parks Victoria support the application and will enforce the <i>National Park Act 1975</i> as required.
The use of the subject land for a chairlift, as part of a leisure and recreation facility, is quite different to the use of the land for a luge, which is something akin to an amusement park ride. Simply, it does not follow that because a chairlift may be considered appropriate in the PPRZ, a luge is also.	A 'chairlift' and a 'luge' are not stand alone uses. They form part of the established permitted use which is a 'leisure and recreation centre'. The proposal seeks to enhance/expand the activities on offer at this established leisure and recreation centre.
The proposal is not appropriate, as the extent of expansion, including the Observation Tower, Luge Track, Luge Platform and Luge Bridge, will adversely impact the Arthurs Seat State Park – that is, the area of open space set aside for conservation and public recreation. This is due to the appearance of the infrastructure, as well as the noise generated and general nature of the use, which is not compatible with a state park environment.	The site is in the Public Park and Recreation Zone, not the Public Park and Conservation Zone. For the reasons outlined in the assessment section of the report, the expanded facilities and their location in the subject site are acceptable.
Wind impacts have not been assessed.	A wind impact assessment was not considered necessary in this instance for the observation tower because of its small footprint, its position which will be nestled between existing and proposed lower form structures and given the applicable planning controls do not require an assessment.



The landslide risk assessment does not take into account vegetation removal.	Vegetation removal and revegetation is assessed where applicable in this assessment.
Avoidance of the slender Sun Orchid has not been confirmed with regard to the luge location.	The information submitted indicates the luge alignment has been altered to avoid the Slender Sun Orchid. However, further detail is recommended to be secured as part of the vegetation management plan.
The landscape plan is fraught given the defendable space requirements.	Landscaping is proposed to be managed in accordance with defendable space requirements. This will be further secured by condition.
The vegetation removal is not appropriate.	This matter is assessed in the assessment section of this report. The extent of native vegetation removal is acceptable and is supported by referral agencies.
Risks to the powerful owl are apparent.	As discussed in the assessment section of this report, conditions are recommended to secure further mitigation measures to protect the powerful owl.
The manna gum to be removed should be retained and the luge platform should be redesigned to accommodate.	The luge has been re-designed over the course of the application to limit the extent of vegetation including tree removal. Accordingly, the number of trees to be removed was reduced from 9 to 2 (one of which is dead). The proposal to remove the tree to facilitate the luge is acceptable because when balancing all other consideration, the location of the luge platform and track in this location is the most appropriate and will have the least impact more broadly. Subject to the recommended conditions, the extent of native vegetation removal is acceptable.
The absence of a CEMP is concerning, as the application does not demonstrate how trees would be protected.	A CEMP is recommended to be secured by condition. This is a typical arrangement.
The proposal represents an unacceptable bushfire risk and does not reflect appropriate risk based planning.	A detailed assessment of the application against relevant bushfire planning controls is contained in the assessment section of this report. The Relevant Fire Authority (DEECA) supports the application. Further conditions will secure existing and proposed bushfire and emergency management measures.
The total extent of vegetation removal, having regard to the defendable space, is not captured on the plans.	Defendable space requirements are captured in the BMS. Areas requiring further management do not necessarily trigger the need for vegetation removal.
There is likely to be significant traffic on Arthurs Seat Road due to high levels of visitation on high fire danger rating days.	The anticipated traffic and bushfire emergency management procedures are recommended to be secured by conditions.
The reports are misleading in regard to how many car parking spaces are available near to the site.	The council's records indicate that are approx. 20 car parking spaces less than the number recorded by Traffix Engineers in their surveys at the Seawinds car park located approx. 250 metres from the summit station. It is noted this car park is partially unmade. The variation in figures has been considered and the number of car parking spaces available on the site and near to the site is acceptable, subject to the conditions and in particular a condition which secures a traffic and parking management plan.
The details of a ticketing system have not been provided.	This is recommended to be secured by condition. Sufficient details are provided in regard to how the ticketing system is intended to work.
The traffic assessment does not address risk to drivers from the luge bridge in regard to it being a distraction.	The Head, Transport for Victoria is supportive subject to conditions. A condition secures a risk analysis relevant to the luge bridge.



The Arthurs Seat State Park is a public asset and should not be dominated by a use that seeks to exclude, owing to its commercial nature.	The land use, as a leisure and recreation centre (which is commercial in nature), is established at the site and is permissible in a Public Park and Recreation Zone. The leasing arrangements between Parks Victoria and the applicant are not a planning matter.
The observation tower will be visible from 40 Watgully Road and will impact on visual amenity.	The visual impact assessment confirms that the observation tower will not be visually discernible from this location.
The development will cause anti-social driving at nighttime.	The proposed development will not increase anti-social driving at nighttime. The application does not seek to extend the operating hours of the existing facility.
People visit the park for peace and tranquillity not for amusement and recreation.	Refer to the assessment section of this report for an assessment of the expanded use.
The luge will threaten the viability of the chairlift.	This claim is unsubstantiated and is not a planning matter.
The government should be promoting healthy activities in the park and not theme park style activities.	Parks Victoria supports the application, and it is noted the State Park has lots to offer in terms of recreation outside of what is provided on the subject site.
The idea of a viewing tower is less objectionable as there previously was a viewing tower at Arthurs Seat. However, the proposed design is far from harmonious with the landscape	DTP disagrees and supports the proposed design as discussed in the assessment section of this report. It is noted the design is supported by the OVGA.
The development will devalue nearby homes due to the noise of the luge and its reflective metal track.	Property valuation is not a planning matter.
There is currently a problem with littering at the summit station which appears to not be managed by any authority. This will be further compounded by the proposed development.	This matter is recommended to be addressed as a permit condition within a waste management plan.
The upgrades to the base station will have a negative impact on the nearby homes in terms of visual bulk.	The base station is separated from nearby homes by Arthurs Seat Road. The base station works are also generally within the footprint of existing built form and the façade changes are considered to be positive. Further details are contained in the assessment section of this report.
The large gum tree in the frontage of the base station may be impacted during construction.	This tree will be protected during construction via a Vegetation Management Plan and CEMP.
Privacy of nearby residents will be impacted by the proposal.	Habitable spaces of the proposed development will not overlook adjacent properties.
This is of no value to the community and no net community benefits.	The application is not required to demonstrate a public benefit. Notwithstanding this, the proposal will inherently provide a public benefit through the economic benefits associated with boosting tourism in the region.
Insufficient emergency planning procedures have been provided in the submitted documentation.	An emergency management plan is currently in place at the site and conditions are recommended to require this to be updated before any stage of the development is occupied.



<p>The observation tower should be reduced to 25m aligning with the height of mature trees.</p>	<p>The height of the observation tower is acceptable for the reasons outlined in this report. It is noted the OVGA supports the height of the tower.</p>
<p>There are gaps in the assessments provided.</p>	<p>The information provided is sufficient to assess and determine the application.</p>
<p>A third party should assess the economic benefits listed by the applicant.</p>	<p>The proposal stacks up on its planning merit. The economic benefits were therefore not required to be further peer reviewed or interrogated.</p>
<p>The proposal contradicts the Mornington Peninsula Shire Council Plan 2025–2029, which prioritises the protection of natural environments and environmental sustainability</p>	<p>Considerations relevant to the natural environment and sustainability are assessed in the assessment section of this report. It is noted the Council Plan also seeks to ensure the Mornington Peninsula is a premier visitor destination, attracting local, national and global visitors and events. There is evidently a balance to be struck. For the reasons outlined in this report, the balance will be struck, subject to the recommended conditions.</p>
<p>The material fails to account for the economic ‘costs’ of the proposal and not just the benefits.</p>	<p>The application material accounts for the requirements of the Mornington Peninsula Shire Planning Scheme. Impacts are discussed throughout the assessment section of this report.</p>
<p>The proposal conflicts with the PPF in regard to protection of native vegetation, biodiversity and protecting the peninsula’s landscape.</p>	<p>Refer to the assessment section of this report for a discussion of native vegetation and biodiversity impacts.</p>
<p>Approving a luge in a State Park would inevitably be viewed as inconsistent with the mission of Parks Victoria and with the expectations of the broader community, who rightly assume that our parks are places of conservation and quiet enjoyment. Refusing this application would reaffirm public confidence that these principles still guide decision-making at Arthurs Seat.</p>	<p>This is a matter for Parks Victoria. It is noted as the public land manager, Parks Victoria provided consent for the application and confirmed support for the proposal, subject to conditions.</p>
<p>Arthurs Seat is part of Country belonging to the Boonwurrung/Bunurong people of the Kulin Nation. The area is recognised for its Aboriginal cultural heritage values, including sacred and ceremonial sites, landscape features, and long-standing cultural connections that continue today. Any proposal involving vegetation clearance or construction on this land risks disturbing or desecrating sites of cultural significance. Proceeding with such works without transparent consultation and consent from the Registered Aboriginal Party would be culturally disrespectful and contrary to the principles of the Aboriginal Heritage Act 2006 (Vic), which requires protection of cultural heritage places. The government should be upholding, not undermining, its responsibilities to safeguard these sacred sites and to respect the Traditional Owners’ continuing custodianship of this landscape.</p>	<p>A Cultural Heritage Management Plan, prepared by Biosis APEM Group, Dated 21 November 2025, was approved on by the Bunurong Land Council on 23 November 2025. The conditions of the CHMP must be complied with and will be enforced under Section 67A of the <i>Aboriginal Heritage Act 2006</i> (separate legislation to the <i>Planning and Environment Act 1987</i>).</p>



The proposal shifts the park from a public space to a 'pay to play' environment.	The existing facility is commercial in nature, whereby patrons must pay to use the gondola. The proposal expands the activities on offer within the subject site, it does not seek to expand activities which require payment into further areas of the state park, not already containing the facility.
The proposed development clearly does not meet the Guiding Principles of the Tourism Leases in National Parks:	Matters relating to the lease of the land are not a planning consideration. This is a matter for Parks Victoria.
There as recently been a distressing increase in wildlife deaths in the area, particularly kangaroos being hit by cars. Wildlife fatalities are expected to rise due to increased vehicle movement	The information submitted with the application does not indicate there will be correlation between the proposed development and increased wildlife fatalities on the road. Agencies have not raised this matter as an issue and it noted the traffic engineering assessment indicates increased traffic can be absorbed within the surrounding road network.
It is in-factual for the Arthurs Seat Eagle to state they shortened the luge in response to community concerns. They shorted the luge due to site constraints including the location of the pump station and the registered Aboriginal Place.	Regardless of the motivations behind the changes made, the changes did result in several key improvements to the proposal reducing its overall impact.
The Bunurong Land Council are not the traditional owners.	The Bunurong Land Council are the Registered Aboriginal Party. Disputes in regard to traditional owner matters should be pursued with First Peoples – State Relations.
The proposals for expansion by the ASE may simply be too much at one time. The ASE should apply for the luge separately at another time.	The application made must be assessed on its merits. For the reasons outlined, all stages of the proposal are acceptable, subject to the recommended conditions.

Appendix B: Omnibus conditions review

Conditions of P13-1992-2	Applicant recommendation	DTP Recommended conditions
<p>1 Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the submitted plans and modified to show:</p> <ul style="list-style-type: none"> a) Demolition plan; b) Measures to protect heritage fabric at the summit such as Arthurs Seat and plaques; c) The location and details of all lighting provided in conjunction with the proposed lower and upper gondola stations, pylons and gondolas (as applicable); d) Any earthworks (cut or fill) associated with the construction of the proposed development in conjunction with the upper gondola station; e) How compliance with DEPI Conditions 40 - 61 is to be achieved; f) How compliance with VicRoads Conditions 65 - 70 is to be achieved; g) The retention of Tree No. 59 and Tree No. 64 at the upper station site; h) A Gondola Corridor Plan, showing (but not limited to): <ul style="list-style-type: none"> (i) The location and full details of each pylon. This must include the surveyed location, dimensioned height and breadth of all gondola pylons consistent with the submitted plans; (ii) The location and details of any proposed underground services and/or infrastructure; (iii) A minimum 6.4 metre height clearance between the base of the gondolas and the road pavement at each point where Arthurs Seat Road is traversed; (iv) All existing trees within the corridor, and nominating whether each tree is to be retained, removed, lopped or pruned; i) All proposed water tanks at both the lower and upper levels nominated to be of low-reflectivity and of muted colours and tones; 	<p>Deleted.</p>	<p>Delete</p> <p>The development approved under P13-1992-2 has been constructed. Therefore, this condition is spent. Notwithstanding this, given the proposed plans will not fully supersede all endorsed plans, the plans are recommended to be given force and effect through a new permit condition (Condition 4)</p>



- j) A schedule of the external colours and finishes of the gondolas, demonstrating that the gondolas will complement the natural landscape to the satisfaction of the Responsible Authority; and
- k) A maximum of 60 patrons permitted within the outdoor area of the upper station café between 8.00am-midday and after 8.00pm, and a maximum of 100 patrons permitted between midday-8.00pm.

Direction under section 85(1A) of the Planning and Environment Act 1987

By order dated 10 December 2014, the Victorian Civil and Administrative Tribunal in proceedings no. P1045/2014 has directed that Condition 1(h) on this Permit must not be amended by the Responsible Authority under Division 1A of the Planning and Environment Act 1987.

<p>2 Before the development starts, an amended landscape plan to the satisfaction of DEPI and the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the landscape plan will be endorsed and will then form part of the permit. The landscape plan must be to scale with dimensions and three copies must be provided. The landscape plan must be prepared by person or firm with qualifications to the satisfaction of the Responsible Authority and must be generally in accordance with the submitted landscape concept plan, amended to include the following:</p> <ul style="list-style-type: none">a) 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;b) The provision of a minimum 1.8 metre high black chain wire fence adjacent to the western perimeter of the proposed retaining wall associated with the lower gondola station;c) Details of the landscaping treatment directly adjacent to the front (west) façade of the proposed upper station;d) A fence between the front (western) façade of the upper station and Arthurs Seat Road;e) The provision of planting within the road reserve adjacent to the rear (west) boundary of the residential properties	<p>Delete sub conditions and update with the requirements for a new landscape plan prior to each stage of the development.</p>	<p>Delete and replace.</p> <p>This condition has been discharged, and the landscaping works have been completed.</p> <p>A new landscape plan is recommended to be imposed relevant to each stage of the development.</p> <p>As part of this, the existing landscaping carried out in accordance with P13.-1992-2 will be required to be shown on the plans as planted, unless superseded by the current proposal. Refer to sub-condition 11(d). Accordingly, this will be required to be maintained as per the retained maintenance conditions.</p>
--	--	--



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;

- f) The means by which compliance with the minimum defensible space requirements of Conditions 48 – 56 is to be achieved; and
- g) Any modifications required by DEPI.

<p>3 The layout and use of the land, the size and type of the proposed works, including the materials of construction, on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.</p>	<p>Migrate and update to omit matters that do not require planning permission.</p>	<p>Delete and replace.</p> <p>This condition is recommended to be replaced with the following standard wording:</p> <p>‘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’</p>
<p>4 The use must not commence until the development of the land as detailed on the endorsed plans is completed to the satisfaction of the Responsible Authority.</p>	<p>Migrate and modify to staged basis.</p>	<p>Delete and replace.</p> <p>To reflect the proposed staging for the expanded use and development the following conditions are proposed in replacement:</p> <ul style="list-style-type: none">- The use and operation approved under each stage must not commence until buildings and works forming part of that stage are completed.- Once each stage of development has started it must be completed.
<p>5 Prior to the commencement of works, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the Construction Management Plan will be endorsed and will then form part of the permit. The Construction Management Plan must be prepared by a person with qualifications to the satisfaction of the Responsible Authority and must show and/or provide for the following:</p> <ul style="list-style-type: none">a) Details of the staging of all buildings and works;	<p>Migrate and modify relevant to new stages of development.</p>	<p>Delete and replace.</p> <p>This condition has been discharged as it relates to the existing development.</p> <p>A new condition is recommended to be included on the permit requiring the submission of CMP for each of the proposed stages of development. Similar sub conditions are recommended to be imposed.</p>



- b) **Hours during which construction activity will take place;**
- c) **The location of any temporary cabins and site sheds;**
- d) **The location and storage of machinery on the site;**
- e) **Security fencing and site access details;**
- f) **A traffic management plan which ensures that no traffic hazards are created in or around the site (upper and lower stations, and the corridor) 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 parking of contractors' vehicles, which must be contained within the land;**
- g) **The location of the building refuse points and methods for ensuring the containment of waste within the land during construction;**
- h) **Methods to prevent discharge of construction materials and sediment entering into the existing underground drainage system;**
- i) **Arrangements to ensure that no debris is deposited on any road while vehicles are travelling to and from the site, and details of the method and frequency of clean up procedures including facilities for vehicle washing;**
- j) **The nomination of, and contact details for, a dedicated liaison officer for contact by the Responsible Authority in the event of relevant queries or problems experienced;**
- k) **An outline of any necessary requests to occupy public footpaths or roads and anticipated disruptions to local services;**
- l) **The measures to minimise noise/dust and other amenity impacts from mechanical equipment and demolition/construction activities; and**
- m) **The erection of a sign on the site prior to any work commencing which is clearly visible from the adjacent road reserves stating that unauthorised entry to the site is not permitted and showing the name of the builder or**



another person responsible for the site and a telephone number for contact outside working hours. The signs may only be removed on satisfactory completion of the works.

6	<p>Prior to the commencement of the use authorised by this permit, an Operational and Management Manual to the satisfaction of the Responsible Authority must be prepared and submitted to the Responsible Authority for approval. When approved the Operational and Management Manual will be endorsed and form part of this permit. The Operational and Management Manual must include (but not be limited to) the following:</p> <ul style="list-style-type: none"> a) The contact details of the nominated person(s) responsible for the day to day management and control of the facility; b) 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; c) 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; d) Details of delivery times which must not occur prior to 7am or after 7pm on any day; e) Details of hours of operation, as specified by this permit; f) Documented emergency procedures in the event of any systems failure, as well as measures for safe passenger and staff evacuation should it be required; g) Frequency and method of inspection of equipment, including erosion management inspection; and h) Location of safety signage. 	<p>Migrate and modify to include proposal and staged basis.</p>	<p>Condition included with modifications.</p>
		<p>This condition is recommended to be included on the permit but with modifications including:</p>	
		<ul style="list-style-type: none"> - Requiring a new OMP, generally in accordance with the proposed OMP. - Reference to a plan as opposed to a Manual. - Requiring details from the endorsed OMP to be incorporated, in accordance with the existing sub-conditions. 	
		<p>To ensure the existing OMP remains in effect, the following condition is recommended (Condition 4):</p>	
		<ul style="list-style-type: none"> - The existing facility must continue to operate in accordance with the endorsed Operational Management Plan, prepared by Arthurs Seat Eagle, dated May 2020 and endorsed 2 September 2020, unless superseded or unless otherwise agreed in writing by the responsible authority. 	
7	<p>At all times, the facility must be operated and managed to the satisfaction of the Responsible Authority in accordance with the endorsed Operational and Management Manual.</p>	<p>Migrate.</p>	<p>Condition included</p>



8	Prior to the commencement of the approved use, a detailed Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the Waste Management Plan will be endorsed and will then form part of the permit. The Waste Management Plan must be prepared by a person with qualifications to the satisfaction of the Responsible Authority and must show and/or provide for the following:	Migrate to the extent that this condition remains relevant and add reference to 'prior to commencement of each stage.	Condition included with modifications.
	<ul style="list-style-type: none">a) The storage and collection of waste from the approved use, including provision for dedicated recycling bins at lower and upper stations;b) 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;c) Designation of methods of waste collection, including the need to provide for private waste collection services;d) Waste bins not being placed or allowed to remain in view of the public;e) Appropriate areas for bin storage on site and areas for waste bin storage on collection days;f) Details for best practice waste management once the use has commenced;g) 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; andh) 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.		This condition is recommended to be included on the permit but with modifications including the requirements for regular inspections in the luge corridor and incorporation of the approved waste management details, as per the existing sub conditions. To ensure the existing endorsed WMP remains in effect, a new condition is proposed to be included requiring the following: <ul style="list-style-type: none">- The existing facility must continue to be managed in accordance with the Waste Management Plan, prepared by Leigh Design, dated 18 December 2019, endorsed on 2 September 2020, unless superseded or unless otherwise agreed to in writing by the responsible authority.
9	Prior to the commencement of development, a Construction Environmental Management Plan to the satisfaction of the Responsible Authority must be prepared and submitted to and approved by the Responsible Authority. When approved the Construction Environmental Management Plan will be endorsed and will then form part of the planning permit. The Construction	Discharged but can be migrated for new stages, add reference prior to commencement of each stage.	Delete and replace. This condition has been discharged. A new CEMP for the proposed development is recommended to be secured by condition, as required by DEECA.



Environmental Management Plan must include but not be limited to:

- a) Details of how the excavated topsoil from the approved works site will be stockpiled and spread to minimise disturbance to the natural soil profile;
- b) Weed management to ensure stockpiling and spread excavated topsoil material is kept clean of weed material;
- c) The location of temporary fencing to be installed during the construction phase;
- d) Details of how existing vegetation on the adjacent site will be protected during construction; and
- e) Confirmation that no machinery, vehicles, storage of materials or site buildings will be located near or amongst existing native vegetation.

It is noted the CEMP will be required up front for the entire development and not per stage.

<p>10 The development must be carried out in accordance with the Construction Environmental Management Plan at all times to the satisfaction of the Responsible Authority.</p>	<p>Migrate</p>	<p>Delete.</p> <p>DEECA have not requested this condition following their proposed new CEMP requirement.</p> <p>Notwithstanding this, the proposed Condition 1 captures this requirement by requiring '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'</p>
<p>11 The Waste Management Plan and Operational and Management Manual endorsed under this permit must be implemented and continually maintained and updated to the satisfaction of the Responsible Authority.</p>	<p>Migrate</p>	<p>Condition included</p>
<p>12 The facility (not including the function centre) must only operate between the following times:</p> <ul style="list-style-type: none"> a) Sunday to Thursday, 8.00am to 9.00pm; and b) Friday and Saturday, 8.00am to 10.00pm. <p>The function centre must only operate between the following times:</p> <ul style="list-style-type: none"> c) Sunday to Thursday, 8.00am to 10.00pm; and d) Friday and Saturday, 8.00am to 11.00pm. 	<p>Migrate as a continued basis for the gondola operating hours. Expand or modify to include other uses.</p>	<p>Condition included</p> <p>This condition remains relevant.</p> <p>The operating hours of the expanded use elements (e.g. luge, observation tower etc) will accord with the existing operating hour restrictions and no changes to the function centre use are proposed.</p> <p>It is noted the OMP needs to be updated to re-include operating hours in accordance with these conditions, as per the endorsed OMP.</p>
<p>13 Except with the prior written consent of the Responsible Authority, the food and beverage</p>	<p>Migrate</p>	<p>Condition included with modifications.</p>



sales from the café and kiosk must conclude 30 minutes prior to the nominated closing times in Condition 12, above.

Modification to delete reference to specific condition number, instead referencing 'conditions above'.

14	No more than three (3) functions are permitted within the upper station per week.	Migrate	Condition included
15	<p>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.</p> <p>There must be no more than:</p> <ul style="list-style-type: none"> 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. <p>In association with either the upper station café or function centre.</p>	Migrate	Condition included
16	<p>The lower station kiosk and upper station café 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 Condition 12 above.</p>	Migrate and expand to others uses.	<p>Condition included with modifications.</p> <p>The condition is recommended to be modified to include the luge and observation as activities which must only operate while the sky lift is operational. However, it is noted a separate condition will limit the hours of the luge.</p> <p>Additionally, the condition is recommended to be modified to delete reference to a specific condition number and instead refer to 'conditions above'.</p>
17	<p>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.</p>	Migrate	Condition included.
18	<p>No live or amplified music is permitted within the outdoor area of the upper station café or within the lower station at any time. Any live or amplified music must only be played within the indoor area of the upper station café during the following times:</p> <ul style="list-style-type: none"> 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 d) Sunday, from 11.00am until 10.00pm. 	Migrate	<p>Condition included but with modifications.</p> <p>The condition is recommended to be modified to ensure no live amplified music is permitted within the observation tower and luge platform.</p>



	Any live or amplified music must not exceed a typical weighted noise level of 85 dBA Leq.		
19	The upper station bi-fold doors on the northern elevation must be kept closed after 8.00pm whenever live or amplified music is played.	Migrate	<p>Condition included but with modifications.</p> <p>The condition is recommended to be modified to specify just 'doors' as opposed to bifold doors.</p>
Signage			
20	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.	Migrate	<p>Conditions included</p> <p>Note no new signage is proposed. These conditions are ongoing operational conditions for P13-1992-2 approved signage.</p>
21	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.		
Landscaping			
22	The landscape plan endorsed under this permit must not be altered unless with the written consent of the Department of Environment and Primary Industries [DEPI] and the Responsible Authority.	Migrate	<p>Delete and replace.</p> <p>New landscaping conditions are recommended to be imposed and existing landscaping requirements will remain in force and effect as required by condition 4.</p>
23	Prior to the commencement of the use, the landscaping works as shown on the endorsed landscape plan must be carried out and completed to the satisfaction of the Responsible Authority.	Migrate. Add reference to 'prior to commencement of each stage...'. Restructure to provide for luge corridor seeding to follow commencement of use.	<p>Delete and replace.</p> <p>As above.</p>
24	Except with the prior written consent of DEPI and the Responsible Authority, the landscaping referred to in Condition 22 above must be maintained in accordance with the approved landscape plan to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants must be replaced as soon as practicable.	Migrate	<p>Delete and replace.</p> <p>As above.</p>
25	Prior to the commencement of any buildings or works, appropriate tree protection preconstruction methods must be erected in accordance with Australian Standard AS4970 – 2009 (Protection of trees on development sites) and the recommendations of the Arboricultural Inspection Report dated October 2013. The tree protection measures must remain in place until the completion of any works hereby approved to the satisfaction of the Responsible Authority.	Migrate and replace references to Arborist report.	<p>Delete.</p> <p>This condition is spent as the works relevant to this condition have been carried out.</p> <p>New tree protection conditions are recommended in relation to the proposed works.</p>



Engineering

26	All disturbed surfaces on the land resulting from the development must be appropriately revegetated and stabilised to the satisfaction of the Responsible Authority.	Migrated	Condition included.
27	Prior to the commencement of the use, all alterations to Purves Road and Arthurs Seat Road must be completed to the satisfaction of the Responsible Authority and any other relevant Authority.	Delete, works are complete.	Delete. The road works required by this condition have been completed.
28	<p>After the endorsement of Condition 1 plans and before any works associated with the development starts, detailed construction plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale with dimensions and two copies must be provided. Alternatively, plans in PDF format may be emailed to devengadmin@mornpen.vic.gov.au. The plans must show:</p> <ul style="list-style-type: none"> a) All areas of the upper and lower stations including car parking areas being drained by means of an underground drainage system to retain a post development 1 in 10 year storm event for the critical storm duration. Discharge from the site must be limited to an equivalent pre-development flow based on a 1 in 2 year storm event for the critical storm duration and be connected to the existing underground drainage system adjacent to each station; b) Details and location of each pylon; c) Details of the crib wall at the rear of the lower station; d) All foot paths within the upper and lower station areas; e) The pedestrian crossing within Purves Road; and f) Access to the upper and lower station common areas being in accordance with current Australian Standards for accessibility. 	Delete, this not a typical condition.	Deleted. Notwithstanding the fact this is not a typical condition, the plans required by this condition were approved and the relevant works constructed. A similar condition of this nature is not required, detailed construction drawings will be required at the Building Permit stage, and do not need to be secured by the planning permit.
29	Prior to the commencement of any works associated with the development, drainage computations are required for the drainage system, including consideration of any drainage catchment external to the development that may drain to the drainage system.	Unclear whether this is to be required. DTP may have a more appropriate standard condition.	Delete and replace with new conditions. This condition did not require the documentation to be submitted to a specific authority, and it is unclear to what extent this has been discharged. Either way, the drainage system for the existing facility will have been designed



			to the satisfaction of the council at the building permit stage.
			A new stormwater management plan condition is recommended to be secured by condition.
30	<p>Prior to the commencement of any works for the lower station site building and the gondola structures, a Form B must be completed by an Engineer and a Specialist Geotechnical Engineer or a Specialist Engineering Geologist with a copy being lodged with the Responsible Authority.</p> <p>The Form B referred to is a Structural or Civil or Geotechnical Engineering Declaration in accordance with the AGS 'Practice Note Guidelines for Landslide Risk Management 2007'.</p> <p>A Specialist Geotechnical Engineer or a Specialist Engineering Geologist is a person defined in the AGS 'Practice Note Guidelines for Landslide Risk Management 2007'.</p>	Delete, not a typical conditions.	<p>Delete and replace with new conditions.</p> <p>This condition was discharged prior to commencement of works on the existing facility which is well since completed.</p> <p>This condition is not required to be transferred over as these requirements (A Form B) will be captured at the building permit stage.</p> <p>Notwithstanding the above, new conditions securing the details of the Landslide Risk Assessment and associated plans are instead recommended.</p>
31	<p>Prior to the occupation of the lower station site building, or the operation of the gondola, a Form G must be completed by a Specialist Geotechnical Engineer or Specialist Engineering Geologist with a copy being lodged with the Responsible Authority.</p> <p>The Form G referred to is a 'Final Geotechnical Certificate' in accordance with the AGS 'Practice Note Guidelines for Landslide Risk Management 2007'.</p>	Delete, not a typical conditions.	<p>Delete and replace with new conditions.</p> <p>This condition was discharged prior to commencement of works on the existing facility which is well since completed.</p> <p>This condition is not required to be transferred over as these requirements (A Form G) will be captured at the building permit stage.</p> <p>Notwithstanding the above, new conditions securing the details of the Landslide Risk Assessment and associated plans are instead recommended.</p>
32	<p>Before the initial occupation of the upper or lower station site buildings, or the operation of the gondola, all civil works within the development must be constructed in accordance with approved construction plans, and be to the satisfaction of the Responsible Authority.</p>	Migrate	<p>Delete.</p> <p>This condition as it relates to the existing facility is spent.</p> <p>Construction drawings are not relevant to the planning permit stage.</p>
33	<p>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.</p>	Migrate	<p>Condition included.</p>



<p>34 Noise emitted to the nearby noise sensitive community from mechanical equipment and gondola operation from the land must be assessed against:</p> <ul style="list-style-type: none"> 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"). 	Migrate	Condition included
<p>35 Noise emitted from the land must not exceed those required to be met under NIRV 1411, SEPP N-1 and SEPP N-2 (as amended from time to time).</p>	Migrate	Condition included
<p>36 Within three (3) months of the commencement of the skylift operation, a noise commissioning report to the satisfaction of the Responsible Authority must be submitted to the Responsible Authority. The noise commissioning report must be prepared by an acoustic consultant with qualifications and experience to the satisfaction of the Responsible Authority and must:</p> <ul style="list-style-type: none"> a) demonstrate that the noise levels emitted during the day and evening period do not exceed the relevant NIRV 1411 and SEPP N-1 noise limits to the satisfaction of the Responsible Authority; and b) recommend noise mitigation steps to achieve compliance with the relevant NIRV 1411 and SEPP N-1 night time noise limits. 	Delete, a version may be relevant for the luge.	<p>Condition deleted and replaced.</p> <p>This condition has been discharged as it relates to the gondola/sky lift.</p> <p>New acoustic conditions are recommended, relating to the new proposed facilities.</p>
<p>37 If the noise commissioning report submitted in accordance with condition 36 indicates that the emitted noise levels do exceed the relevant NIRV 1411 and SEPP N-1 day or evening levels:</p> <ul style="list-style-type: none"> a) the noise commissioning report must recommend noise mitigation measures to ensure compliance with the relevant noise standard; and b) the recommendations must be implemented within 3 months of the date of the noise commissioning report (or other such time as approved in writing by the Responsible Authority). 	Delete, a version may be relevant for the luge.	<p>Condition deleted and replaced.</p> <p>This condition has been discharged as it relates to the gondola/sky lift.</p> <p>New acoustic conditions are recommended, relating to the new proposed facilities.</p>
<p>38 Before the use commences, an amended Music and Patron Noise Assessment Report must be submitted to and approved by the Responsible Authority. When approved, the report will be endorsed and will then form part</p>	Migrate. Delete sub-conditions. Require update to this document to reflect	<p>Condition included with modifications.</p> <p>The condition is recommended to be modified to require a new MPP in</p>



<p>of the permit. The measures and procedures of the approved plan must be implemented and complied with at all times to the satisfaction of the Responsible Authority. The plan must be generally in accordance with the Music and Patron Noise Assessment Report dated 24 May 2019 but modified to address:</p> <p>a) 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.</p> <p>b) Limits on the hours that live or amplified music can be played within the upper station between 8.00am and midday.</p>	<p>built form and operational changes.</p>	<p>accordance with the existing endorsed plan but modified to reflect the current proposal, before each stage of the development is occupied. The sub conditions are recommended to be retained as they are still relevant.</p> <p>A condition will also be included ensuring the current endorsed MPP is complied with until such time that it is superseded.</p>
<p>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.</p>	<p>Migrate</p>	<p>Condition included</p>
<p>40 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.</p>	<p>Migrate</p>	<p>Condition included</p>
<p>41 Upon commencement of the approved use, 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.</p>	<p>Migrate</p>	<p>Condition included with modifications.</p> <p>This condition is recommended to be modified to delete 'upon commencement of the approved use', without this the condition is effective.</p>
<p>Waste Water</p>		
<p>42 Prior to the commencement of the approved use, reticulated sewer and potable water must be supplied to the upper station, to the satisfaction of the Responsible Authority and any other relevant Authority.</p>	<p>Delete, condition discharged.</p>	<p>Condition included with modifications.</p> <p>This condition has been discharged. However, the condition is recommended to be included but with 'prior to the commencement of use' deleted, as the remainder of the condition is still applicable as an ongoing requirement for the upper station.</p>
<p>Bushfire/Emergency Management Conditions</p>		
<p>43 Bushfire/Emergency Management Plan Prior to the commencement of the use, an Emergency Management Plan to the satisfaction of DEPI and the Responsible Authority must be submitted to and approved by the Responsible Authority. The Emergency Management Plan should be developed in consultation with relevant Emergency Services and the Responsible Authority.</p>	<p>Migrate/update to include all activities.</p>	<p>Condition included with modifications.</p> <p>The condition is recommended to modified as follows:</p> <ul style="list-style-type: none"> - Replaces references to DEPI with DEECA - Require the plan to be endorsed in consultation with DEECA



The Bushfire/Emergency Management Plan must be prepared by an emergency management consultant with qualifications and experience to the satisfaction of the Responsible Authority.

Bushfire protection measures in the Bushfire/Emergency Management Plan must be informed by detailed analysis and modelling of the potential bushfire approach times from the identified fire scenarios aspects for each gondola station and other likely ignition points.

The Bushfire/Emergency Management Plan must address, but not be limited to, the following:

- a) **Full risk assessment using a current Australian risk based standard incorporating analysis and prioritisation with corresponding treatments;**
- b) **Specified measures to reduce emergency risks (before an emergency);**
- c) **Procedures for implementing the closure of the use in accordance with Condition 45;**
- d) **Detailed procedures (including communications, response and evacuation) and responsibilities for bushfire and other hazard monitoring and plan activation;**
- e) **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.**
- f) **Identification of fire warden responsibilities, training, numbers, and schedules for exercising the Bushfire/Emergency Management Plan;**
- g) **Integration with relevant emergency services (including CFA, DEPI, Parks Victoria, Victoria Police and MECC) operational response plans;**
- h) **Detailed analysis and modelling of the potential bushfire approach times from the identified fire scenario aspects for each station and other likely ignition points;**
- i) **Gondola evacuation procedures modelled in a flow chart process with anticipated times for evacuation of patrons;**

- **Require the plans to be updated before any stage of the development is occupied**
- **Require the plan endorsed in 2 September 2020 to be updated to reflect recommendations in the Bushfire Management Statement supporting this application (dated June 2025).**
- **Require the plan to be updated to address all stages of the proposed development and the existing facility as a whole.**



- j) Shelter-in-place procedures for stations with demonstrated capacity for maximum patron numbers;
- k) Prioritised bushfire protection maintenance program;
- l) Identification of any active fire-fighting systems in relation to the stations;
- m) Backup continuity for power to the site; and
- n) Any specific requirements to respond to days or times at which the facility must be closed in addition to those identified in Condition 45 including days of extreme fire danger and Total Fire Ban.

When approved, the Bushfire/Emergency Management Plan will be endorsed and form part of the permit.

The use and development must be carried out in accordance with the Bushfire/Emergency Management Plan at all times to the satisfaction of the Responsible Authority.

Department of Environment and Primary Industries [DEPI] Conditions

Amended Plans	Delete, condition discharged.	Delete.
<p>44 Prior to the commencement of works, the plans submitted as part of the application must be amended to the satisfaction of DEPI and to the satisfaction and approval of the Responsible Authority. When approved these plans will form part of the permit. The plans must be generally in accordance with the plans submitted with the application but modified to show:</p> <ul style="list-style-type: none"> a) The access to any water supply required under Conditions 64 and 65 of this permit. b) The water supply of the Lower Station in accordance with Condition 64 of this permit. c) Any pedestrian or vehicular access to the gondola corridor (being the area located 10m either side of the gondola centreline between the Upper Station and Lower Station). 		<p>This condition has been discharged and DEECA have not requested further plans for the proposed development. Other ongoing conditions relating to water supply and access are recommended to be retained on the permit. These have been confirmed with DEECA.</p>
Closure	Migrate, expand to include all activities.	Condition included with modifications.
<p>45 The Arthurs Seat Gondola, including the function centre use permitted within the upper station, must be closed:</p> <ul style="list-style-type: none"> a) At all times subject to a forecast Fire Danger Rating of Code Red; and b) At all times a Fire Danger Index greater than or equal to 100 applies to the relevant fire district; and 		<p>This condition is recommended to be included but is modified to refer to 'the Arthurs Seat Facility' as a whole as opposed to just the gondola. This will capture all activities offered within the facility.</p>



<p>c) At any and all other times identified in the approved and endorsed Bushfire/Emergency Management Plan.</p>		<p>Additionally, the condition is recommended to be updated to refer to current terminology (catastrophic fire danger rating as opposed to code red). The alterations made to the condition have been recommended by DEECA.</p>
<p>46 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.</p>	<p>Migrate.</p>	<p>Condition included.</p> <p>This is a mandatory condition under the BMO.</p>
<p>47 The requirements for an Emergency Management Plan set out at Conditions 43 and 44 form part of the bushfire mitigation measures of this permit for the purpose of Condition 46.</p>	<p>Migrate.</p>	<p>Condition included with modifications.</p> <p>The condition is recommended to be altered to removed references to condition numbers.</p>
<p>48 The Upper Station must provide the following areas of defensible space, generally in accordance with the Bushfire Management Statement prepared by Terramatrix in February 2014:</p> <p>a) To the north-west of Arthurs Seat Road: An inner zone of 85 metres and an outer zone of 30 metres; and</p> <p>b) To the south-east of Arthurs Seat Road: An inner zone of 65 metres or to Purves Road.</p>	<p>Migrate but update with reference Terramatrix plan and zone distances.</p>	<p>Delete.</p> <p>The upper and lower stations will continue to be required to managed in accordance with the endorsed Defensible Space Plan, which is consistent with these defensible space zones.</p> <p>Before works commence on the approved development, the upper and lower stations will be required to be managed in accordance with an endorsed Bushfire Management Plan which specifies the updated defensible spaces zones.</p>
<p>49 The Lower Station must provide the following areas of defensible space, generally in accordance with the Bushfire Management Statement prepared by Terramatrix in February 2014:</p> <p>a) To the north and west of the lower station: An inner zone of 60 metres and an outer zone of 20 metres; and</p> <p>b) To the south and south-west of the lower station: An inner zone of 41 metres and an outer zone of 19 metres or to Arthurs Seat Road.</p>	<p>Migrate but update with reference Terramatrix plan and zone distances.</p>	<p>Delete.</p> <p>The upper and lower stations will continue to be required to managed in accordance with the endorsed Defensible Space Plan, which is consistent with these defensible space zones.</p> <p>Before works commence on the approved development, the upper and lower stations will be required to be managed in accordance with an endorsed Bushfire Management Plan which specifies the updated defensible spaces zones.</p>
<p>50 Vegetation in the inner zones of defensible space must be managed to the following</p>	<p>Migrate but update with reference Terramatrix</p>	<p>Condition included with modifications.</p>



<p>standard, unless otherwise agreed in writing by DEPI and the Responsible Authority:</p> <ul style="list-style-type: none"> 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. 	<p>plan and zone distances.</p>	<p>Condition updated to refer to DEECA. DEECA have also reviewed and confirmed this condition should be retained.</p>
<p>51 Vegetation in the outer zones of defensible space must be managed to the following standard, unless otherwise agreed in writing by DEPI and the Responsible Authority:</p> <ul style="list-style-type: none"> 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 10m², and those clumps must be separated from each other by at least 10m. 	<p>Migrate but update with reference Terramatrix plan and zone distances.</p>	<p>Condition included with modifications.</p> <p>Condition updated to refer to DEECA. DEECA have also reviewed and confirmed this condition should be retained.</p>
<p>52 The gondola corridor must incorporate a fuel reduction zone (where practicable) that is managed in accordance with the landscape plan and the Vegetation Management Plan approved under Conditions 2 and 57 - 62 of this permit.</p>	<p>Migrate.</p>	<p>Condition included with modifications.</p> <p>Condition updated t ro: - Refer to DEECA - Refer to Gondola/luge corridor. - To remove reference to specific condition numbers.</p>
<p>53 The management of vegetation within the inner zones and outer zones of defensible space must be undertaken in accordance with the landscape plan and the Vegetation Management Plan approved under Conditions</p>	<p>Migrate.</p>	<p>Condition included with modifications.</p> <p>Condition updated t ro: - Refer to DEECA</p>



<p>2 and 57 - 62 of this permit and to the satisfaction of DEPI.</p>		<p>- To remove reference to specific condition numbers.</p>
<p>54 Prior to the commencement of buildings and works, the applicant must demonstrate to the satisfaction and approval of the Responsible Authority and DEPI that the inner and outer zones of defendable space will be managed in accordance with the requirements of this permit on an ongoing basis.</p>	<p>No comment.</p>	<p>Delete.</p> <p>This condition was discharged for the existing facility and has been addressed through the planning process noting that it has been demonstrated to DEECA the extent to which the defendable space will be managed by Arthurs Seat Eagle, beyond their lease area.</p> <p>The ongoing nature of the requirement to maintain the defendable space is secured by other conditions.</p>
<p>Defendable Space Plan</p>		
<p>55 Prior to the commencement of works, a Defendable Space Plan must be prepared to the satisfaction of DEPI and to the satisfaction and approval of the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must:</p> <ul style="list-style-type: none"> a) Be titled as a “Defendable Space Plan”, be dated and include a version number; b) Show the location of defendable space (inner zones, outer zones, and the area of fuel reduction within the gondola corridor) in accordance with Conditions 48, 49 and 52 of this permit; c) Show the location of any excludable vegetation located within the defendable space areas of the Upper Station or Lower Station; d) Show the name and responsibilities of any relevant authority, land manager or organisation (private or public) that will manage the area of defendable space (inner zones, outer zones or area within the gondola corridor). The area managed by all relevant authorities, land managers and other organisations (private and public) must be clearly identified on the Defendable Space Plan; and e) Omit any detail which is not required to depict the above information. This includes but is not limited to omitting site feature survey information. 	<p>Migrate with updates based on Terramatrix Report.</p>	<p>Delete and replace with new conditions.</p> <p>A condition is recommended to be included on the permit requiring the defendable space to be maintained in accordance with the endorsed defendable space plan, until such time that it is superseded.</p> <p>Before works commence on any stage of the approved development, the Bushfire Management Plan, by Terramatrix, dated June 2025 will be required to be endorsed. The BMP will supersede the DSP.</p>
<p>56 The Defendable Space Plan endorsed under this permit must not be altered unless with the</p>	<p>Migrate.</p>	<p>Condition included with modifications.</p> <p>Captured in new conditions.</p>



written consent of DEPI and the Responsible Authority.		
Vegetation Management Plan	Migrate, with updates.	Delete and replace,
<p>57 Prior to the commencement of works, a detailed Vegetation Management Plan must be prepared to the satisfaction of DEPI and to the satisfaction and approval of the Responsible Authority.</p> <p>The plan must outline the degree, approach, method, timing and organisation of vegetation management within the defensible space associated with the development. When approved the Vegetation Management Plan will form part of the permit.</p>		<p>New VMP is to be secured by condition and will be endorsed in consultation with DEECA.</p> <p>The existing VMP will remain in force and effect, as per condition 4.</p>
58 The Vegetation Management Plan must detail the name and responsibilities of any relevant authority, land manager or other organisation (private or public) that has vegetation management responsibilities within the defensible space associated with the development.	Migrate	As above
59 The Vegetation Management Plan must include written agreement from all parties detailed in Condition 58 that they agree to undertake these works on an ongoing basis.	Migrate	As above.
60 All vegetation works must be maintained in accordance with the approved Vegetation Management Plan, unless otherwise agreed in writing by the Responsible Authority and DEPI.	Migrate	As above
61 The Vegetation Management Plan endorsed under this permit must not be altered unless with the written consent of DEPI and the Responsible Authority.	Migrate	As above
62 The Vegetation Management Plan must be reviewed a minimum of every five years from the date of issue of this permit, and any amendments must be submitted to DEPI and the Responsible Authority for approval.	Migrate	As above
Construction	Migrate.	Condition included, plus new addition.
63 The construction of the upper station and lower station must be to a minimum bushfire attack level (BAL) BAL-12.5 in accordance with the relevant sections of AS3959-2009.		<p>An additional condition is proposed to be added to reflect the recommendations in the BMS:</p> <ul style="list-style-type: none"> - The construction of the luge platform/building must be to a BAL-29 Construction Standard. <p>DEECA have also reviewed and confirmed the above alteration should be made.</p>
Static Water	Migrate, with updates.	Condition included with modifications.



64 Prior to the commencement of the use and operation of the gondola facility, static water supplies must be 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;**
- 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**

The condition is recommended to be updated to an ongoing condition by removing 'prior to commencement of the use' and replacing 'gondola facility' with 'the Arthurs Seat Eagle facility' as a whole.

DEECA have also reviewed and confirmed this condition should be retained.



restricted by a vortex. Refer to Section 5 of AS.2419 for requirements for vortex inhibitors;

- h) The water supply outlet 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: 300 mm;
 - (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	Discharged, delete.	Condition included with modifications.
<p>65 Prior to the commencement of the use and operation of the gondola facility, access to any static water supply outlet provided under Condition 64 of this permit must be designed to allow emergency vehicle access. The design of the access (including gates, bridges and culverts) must comply with the following minimum requirements:</p> <ul style="list-style-type: none"> a) Access to the water supply must be provided in accordance with Condition 64; b) Curves in any driveway must have a minimum inner radius of 10 metres; 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; 		<p>The condition is recommended to be updated to an ongoing condition by replacing the header provision with the following wording <i>'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.'</i></p> <p>DEECA have also reviewed and confirmed this condition should be retained.</p>



- 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:
 - (i) A turning circle with a minimum radius of eight metres; or
 - (ii) The driveway encircling the dwelling; or
 - (iii) 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.

<p>Biodiversity</p> <p>66 In order to offset the removal of 2.647 hectares of native vegetation and 3 scattered trees approved as part of this permit, the applicant must provide a native vegetation offset approved by the DEPI that provides the following:</p> <p>The general offset must:</p> <ul style="list-style-type: none">a) Contribute gain of 0.739 general biodiversity equivalence units; andb) Be located within the Port Phillip and Western Port Catchment Management Authority boundary or Mornington Peninsula Shire Council municipal district; andc) Have a strategic biodiversity score of at least 0.365. <p>The figures may be varied to the satisfaction of DEPI if, based on the endorsed plans in Condition 1, it is demonstrated to the satisfaction of DEPI that less vegetation removal is required than estimated in the witness statement of Mr Brett Lane in “<i>Arthurs Seat Gondola Flora and Fauna Assessment</i>”, dated October 2014, in Application for Review P1045/2014.</p>	<p>Discharged. Delete or modify with new requirements.</p>	<p>Delete and replace with new conditions.</p> <p>These conditions have been discharged.</p> <p>New conditions recommended by DEECA will be included on the permit securing the new offsets.</p>
<p>67 Before works start, a plan to the satisfaction of DEPI identifying all native vegetation to be retained and describing the measures to be used to protect the identified vegetation during construction, must be submitted to and approved by DEPI. When approved, the plan will be endorsed and will form part of this permit. All works constructed or carried out must be in accordance with the endorsed plan.</p>		<p>Delete and replace with new conditions.</p> <p>These conditions have been discharged as they relate to the existing constructed facility.</p>



68 Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of DEPI. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual. Offset evidence can be either:

- a) A security agreement, to the required standard, for the offset site or sites, including an offset plan; or
- b) A credit register extract from the Native Vegetation Credit Register.

New conditions securing an offset, as required by DEECA, will be included on the planning permit.

VicRoads Conditions

<p>69 Prior to the commencement of the permitted development, a Transport Impact Assessment Report (TIAR) must be prepared in accordance with VicRoads Guidelines for Transport Impact Assessment Reports to the satisfaction of VicRoads. The TIAR must as a minimum:</p> <ul style="list-style-type: none"> 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. 	<p>Discharged, delete.</p>	<p>Condition included with modifications as agreed by HtFV:</p> <p>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:</p> <ul style="list-style-type: none"> 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.

<p>70 Prior to the commencement of the development, the following must be submitted to the satisfaction of the VicRoads:</p>	<p>Discharged, delete.</p>	<p>Condition included with modifications as agreed by HtFV:</p>
<ul style="list-style-type: none"> a) 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 b) 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: <ul style="list-style-type: none"> (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. 	<p>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:</p>	<ul style="list-style-type: none"> a) 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 b) 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: <ul style="list-style-type: none"> (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.

71	<p>Prior to the commencement of any road works, detailed engineering designs and a lighting plan/s, in accordance with the endorsed FLPs, must be submitted to and approved by VicRoads.</p>	Discharged, delete.	<p>Condition included with modifications as agreed by HtFV:</p> <p>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.</p>
72	<p>Prior to the commencement of the use, all the road improvements 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 VicRoads.</p>	Discharged, delete.	<p>Condition included with modification as agreed by HtFV:</p> <p>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.</p>
73	<p>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 VicRoads' policy, procedures and standards and at no cost to Vic Roads. In order to meet VicRoads' 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 VicRoads.</p>	Discharged, delete.	<p>Condition included with modifications as agreed by HtFV:</p> <p>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.</p>
74	<p>No work must commence in, on, under or over the road reserve without having first obtained all necessary approvals pursuant to the Road</p>	Discharged, delete.	<p>Condition included with modifications as agreed by HtFV:</p>



Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts.

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.

75	<p>Expiry This permit will expire if any of the following occur:</p> <p>The development does not start within three (3) years from the date of this permit;</p> <p>The development is not completed, or the use is not started, within six (6) years from the date of this permit.</p> <p>In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.</p>	Migrate, with new expiry based on staging.	<p>Condition included with modifications.</p> <p>Three years to commence development and 8 years to complete development is recommended to be given in the new expiry conditions.</p> <p>A new use expiry condition is not required because the use is already established.</p>
----	---	--	--

Appendix C: Office of the Victorian Government Architect comments



A Memo was received from the OVGA on 28 November 2025. Comments received are contained verbatim below:

OVGA Advice	DTP Comment
<p>'Thank you for the opportunity to provide commentary and feedback on submitted documents for the Arthurs Seat Eagle project. As you are aware the project was the subject of OVGA Design Review in June 2024, and advice was issued to DTP following this review. We have not seen the project since.</p> <p>Comments below provide up to date observations of the OVGA on design refinements made since the last review to assist DTP in their assessment of the project for a planning permit. Review of updated architectural drawings was undertaken by several Principal Advisors from the OVGA on 24 November 2025. This report provides an overview of the discussion and a summary of key issues.</p> <h3>Summary</h3> <p>Overall, the proposal presents a cohesive site design that integrates attractions, architecture and landscape architecture. Colours and materials appear to have been made more 'natural' with greater adoption of stone, timber, and bronze tones for mesh screens, which successfully settles the architectural elements within the mountain topography and tree canopy.</p> <p>We support removing the pedestrian bridge from the project, and we understand there is a reduction in the length of the luge, which works to separate the infrastructure from nearby residential properties further down the slope. On balance, we consider the project represents an acceptable design standard, appropriate for planning approval. However, in the interest of achieving a design legacy in this important location, we encourage the design team to continue to refine each built element as the project is further developed and documented.</p> <p>Architectural components are discussed in further detail below.</p> <h3>Lookout Tower</h3> <p>There has been significant design development of the lookout tower. The tower is now a defined, standalone element, coming to ground and visible in its full expression from the main road arrival point. Separating the tower as a standalone element from the upper loading station is a positive evolution, allowing the tower to take its own form. Our understanding of the structural geometry is that the form rotates as it rises, is cinched halfway, before flaring out toward the top.</p> <p>Vertical fins, which twist as they rise, support a continuous woven mesh curtain, which maintains an attractive transparency and provides fall restraint. A double helix stair wraps the lift core, separating up and down movement to improve circulation. Generally, we support the overall scale and form. Further observations and recommendations include:</p> <p>We are interested to understand whether the vertical fins are decorative or structural. The stair appears to be supported by the lift shaft, so we assume fins have limited structural load. We consider it is important that fins retain a slender expression to provide the tower form an overall lightness, whilst balancing structural requirements. Further review of the structural approach with OVGA experts may assist to hold on to this ambition.</p> <p>We are not convinced using glass balustrading (wind and climbing protection) for the upper tower viewing area is successful. We acknowledge it is partially screened behind the woven mesh veil, but glass as a material choice seems to sit uncomfortably against the inherent nature of other raw materials (concrete, bronze, steel etc). Glass introduces cleaning / maintenance and there is also</p>	<p>The advice from the OVGA is generally supportive and was passed on to the permit applicant to consider as part of the detailed design phase. A number of the recommendations do not need to be secured as part of the planning process.</p> <p>The following is also noted:</p> <ul style="list-style-type: none">• Further details on materials, cross sections and façade systems are recommended to be sought by condition.• The practicality of the glass balustrade is something the applicant can consider during detailed design. At this stage though, it will cause impact recommended conditions do not seek changes.• The suggestions for the lift overrun of the observation tower were explored with the permit applicant. Given the setbacks provided to the overrun it was determined that the lift overrun is not likely to be visible from surrounding viewpoints and increase the height of the wire mesh may have other visual impacts.• For the reasons outlined in the report, changes are not recommended to be sought to the height of the vertical fins associated with the base station.



potential for unintended reflection of sunlight which may impact how the tower is viewed from a distance. We query whether this material choice works against the 'experience' of being atop the tree canopy and in the elements.

We consider the tower silhouette needs to retain its lightweight sculptural appearance and formal elegance in long range views, and we would prefer that the lift core / overrun is not expressed as the highest point of the tower. Rather, the rotating tower form of external fins and mesh read as the building silhouette and the building ends with a clear parapet line.

In previous OVGA advice, precedent projects showcasing qualities of simple utilitarian sculptural form were discussed. Refinements to the tower form and height have given it status as a standalone sculptural element, however we consider it unfortunate that the sculptural form is given a cap / crown that is a visible lift overrun. We recommend refinement - options might include:

- Remove the glass balustrade and lift the exterior woven mesh veil to align with the top of the lift overrun – thereby concealing this element
- Drop the lift core to finish flush with the parapet and provide a circular ramp up to the viewing level.
- We acknowledge both these approaches result in viewing through the veil but we do not consider this to be a negative outcome.
- We recommend consistency in material selection. For example, the tower introduces timber battens on the upper lift overrun, and we question whether this is an appropriate (or durable enough) material for this exposed surface.

Summit Building

Design refinements to the summit building makes it read more horizontally than the previous design, with projecting sweeping eaves forming weather protected space under. Hospitality and tourism functions appear to be compressed to the ground floor with the more compact upper floor housing office functions, which sit well back amongst the tree canopies. Although it is not really the domain of planning to suggest uses within a building, we note these upper-level spaces are the premier location for views, and it does seem curious (even 'sacrificial') that they are noted for office use. However, generally the form, separation from the tower, and materiality all seem successful. Observations and recommendations include:

- We support the reduced upper-level footprint.
- Removing vertical faux timber battens of the existing parapet and moving toward a slim edged curving veranda improves the simplicity of the building.
- Ensure signage is simple and proportionate to the architecture.
- The commercial kitchen seems appropriately consolidated to the interior allowing for a larger seating zone toward the desirable viewpoint to the north
- We question the upper-level use and loss of function room - is this the right move to future proof operations / revenue and diversity of visitor experience?
- Consider opportunities for skylights to connect users to the sky and forest canopy.
- Consider a stair to link the upper level to ground floor for future flexibility of upper floor area.

- Ensure universal access from ticketing to tower entry is sufficiently addressed to minimise travel distances.

The Luge

The luge entry station and storage shed is a modest structure over a stone plinth to accommodate the structure / slope. The proposed green roof further embeds the building in the environment, enhancing overhead views from the gondolas above. Circulation ramps and slatted balustrading for access and egress are substantial but likely necessary for orderly queueing and physical separation from those entering / exiting the facility. The proposal introduction of a bridge structure where the luge track is proximate to the road, redresses earlier concerns raised by the OVGA. We recommend further structural refinement of the bridge would help it be one of the important design components dispersed across the larger site. Observations and recommendations include:

- We support a reduced length of luge track to manage potential offsite amenity impacts to nearby residents.
- The idea of the bridge to protect and separate luge riders from adjacent road users is supported but we consider the structure, form and materials would benefit from further refinement. Consider the language of this element - industrial, decorative and safety overlays result in a confused design language. Ensure the bridge and its sense of containment / protection is a complementary component in the site composition. How does this element relate to the design expression established elsewhere in the proposal?

Base Building

Generally, the base building is less impactful than the previous version. Removing the shade structure reduces overall height but limits solar protection for café users - ensure this decision is the right one. Overall, the form and materials will settle the additions into the environment and create an improved public face to the attractions. Observations and recommendations include:

- The forward section closest to the public car park appears to present as a more 'sympathetic' public entry, integrating ramping infrastructure within the building. Consider whether further reduction of the height of the vertical blade wall to step with the slope might reduce impact - rationale for the current height is not evident. Testing of views from surrounding angles may assist.
- Material selection is more considered and coordinated across the larger site - the stone plinth relates to the upper station building and signals clear entry. Consider opportunities for peek holes along the rising ramp to views of the adjacent lemon scented gums to externalise the experience.

Landscape

We are pleased to see the complementary skills of a Landscape Architect added onto the project team. We consider the project offers a significant opportunity for repair, revegetation and integration of landscape as part of the visitor experience. Generally, consideration of the project opportunities for landscape has been appropriately managed and we are confident the project outcomes will enhance the quality of the existing setting. Observations and recommendations include:

Previous advice mentioned the opportunity to integrate indigenous stories of sea, sky and land in a clear and tangible way across the site. This could be



further represented in the landscape and public realm design. It is somewhat disappointing this is not more evident in key moves.

Note

This advice is to supplement the advice provided by DTP in their negotiations with all parties. There may be both strategic and technical issues not raised in this memo that will require resolution.'
