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Planning Report

Arthurs Seat Eagle

Purves Road, Arthurs Seat

Glossop Quality System			
Author	EL	Checked By	EL
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1. Introduction

This planning report has been prepared at the request of the permit applicant, Arthurs Seat Eagle, to support a proposed amendment to Planning Permit No. PA1700198-1 (the permit) relating to the Arthurs Seat Eagle chair lift, which is identified below.



The existing permit allows the sale and consumption of liquor (with an on premise liquor licence) within the Arthurs Seat Eagle Upper Station.

1.1. The Proposal

The applicant now seeks to sell packaged liquor from the Upper Station, specifically within the existing gift shop and café, thereby requiring a general liquor licence (in lieu of the existing on premises liquor licence). A corresponding amendment is sought to the planning permit.

Specifically, an amendment to the permit pre-amble and Condition 9 is sought, as well as to the Alcohol Management Plan endorsed under the permit.

Appendix 1 provides the proposed version of these documents (with track changes shown).

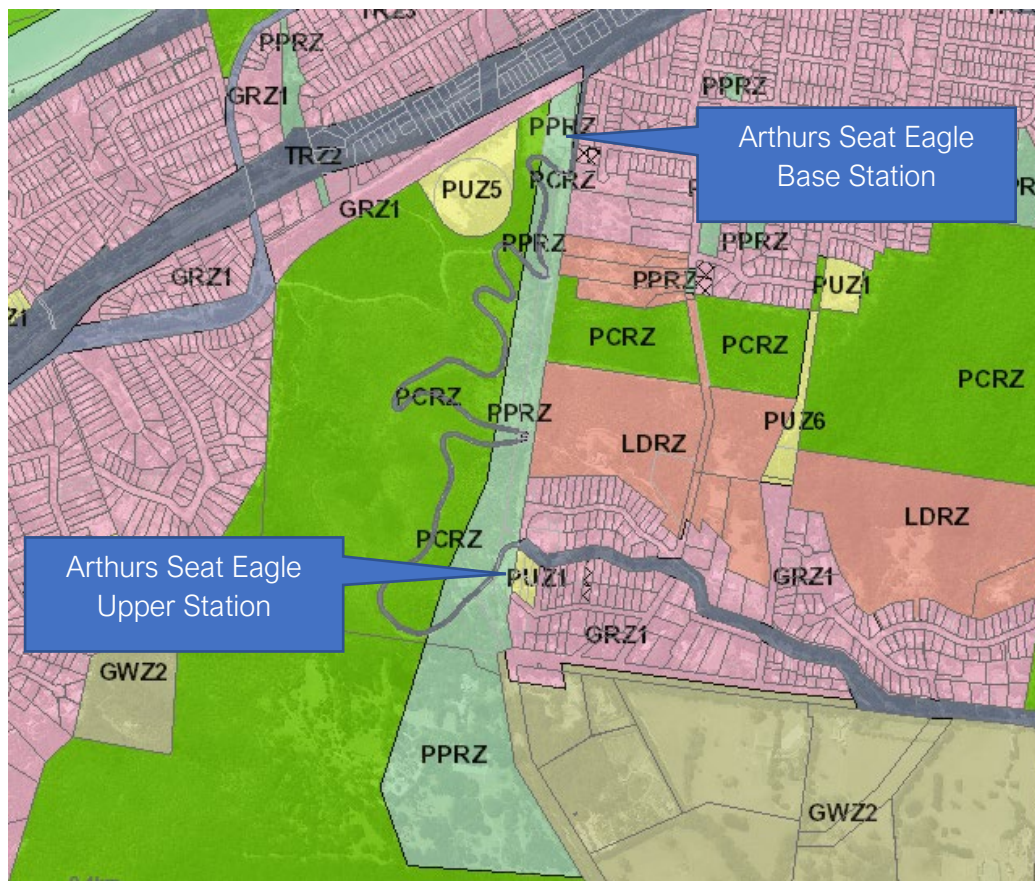
No amendment is sought to the endorsed red line plans.

No buildings and works are proposed.

1.2. The Mornington Peninsula Planning Scheme

Pursuant to the Mornington Peninsula Planning Scheme (the Planning Scheme) the subject site is zoned:

- Public Parks and Recreation Zone



Zone overview of the subject site (source: Planning Property Reports)

The subject site is also within a:

- Bushfire Management Overlay
- Erosion Management Overlay
- Environmental Significance Overlay – Schedules 17 and 28
- Heritage Overlay – Schedule 4 (Upper Station only)
- Significant Landscape Overlay – Schedules 1, 3, 4 and 6

The land is also within an Area of Aboriginal Cultural Heritage Sensitivity and a Designated Bushfire Prone Area. It is located outside the Urban Growth Boundary.



1.3 Planning Permit Regulations

A planning permit is required pursuant to:

- Clause 52.27 Licensed Premises, which states:

A permit is required to use land to sell or consume liquor if any of the following apply:

- *A different licence or category of licence is required from that which is in force.*

The existing permit was granted by the Minister for Planning who is the Responsible Authority for land known as Arthurs Seat State Park pursuant to Clause 72.01 of the Planning Scheme.

1.3.1 Decision Making Framework

Clause 71.02-3 (Integrated decision making) states:

The Planning Policy Framework operates together with the remainder of the scheme to deliver integrated decision making. Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. However, in bushfire and affected areas, planning and responsible authorities must prioritise the protection of human life over all other policy considerations.

When considering the decision guidelines associated with the relevant planning permit requirements, the key planning considerations are:

- Does the Municipal Planning Strategy and the Planning Policy Framework support the proposal?
- Does the proposal appropriately minimise off-site amenity impacts?
- Are there any other relevant considerations?

A planning assessment of these questions is provided at Section 3 of this report.

2. The Site and Surrounds

2.1. The Subject Site

The subject site is Allotment 2015 in Township of Dromana (SPI 2015/PP5251).

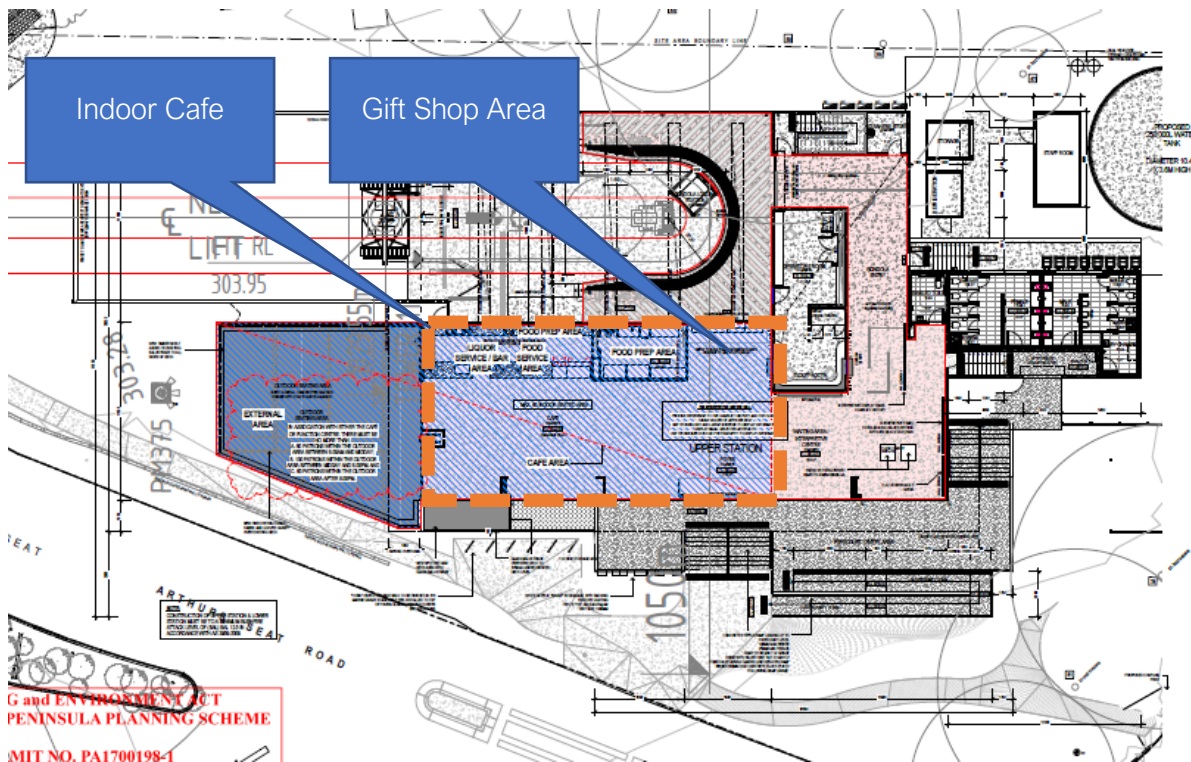
The subject site is long and narrow and accommodates an upper and base chair lift station and the connecting cable pathway.

This amendment affects only the upper chair lift station. This station is located in a single storey building facing Arthurs Seat Road. It comprises a gondola loading station at the rear, and an indoor and outdoor café at the front, connected by an interpretive centre to the east. The building was approved under Planning Permit P13/1992.



Upper Station

The location of the gift shop and café is shown on the excerpt from the red line plans provided below.



Excerpt from existing red line plan



Upper Station – West Elevation showing café



Upper Station – West Elevation showing the café's outdoor seating



Upper Station – North Elevation



Upper Station – Outdoor Seating Area

The north setback of the building includes the chair lift/ gondalo corridor, as well as a landscaped open space area.

2.2. Surrounding Area

Land nearby the site is described as follows:

- Immediately opposite the site in Arthurs Seat Road is national park land, which includes picnic areas and walking trails.
- To the northwest, also on the opposite side of Arthurs Seat Road there is a public car park.
- Northeast of the site, at 790 Arthurs Seat Road, is the Arthurs Hotel.
- Immediately east of the site there is a series of landscaped allotments which accommodate infrastructure towers. To the east of this land, there are residential dwellings.
- To the southeast of the site there are also residential dwellings in Steane Avenue.
- Immediately south there are further parkland areas.



Land opposite the site



The car park to the northwest of the site



The site's immediate east neighbours



The Arthur Hotel



Land to the south of the site

2.3. Local Liquor Licences

A review of data available on the Victorian Commission for Gambling and Liquor Regulations website, indicates the following liquor licences exist within 1km of the site.

Licence Number	Venue	Licence Type
31922043	Arthurs Hotel 790 Arthurs Seat Road, Dromana	General License
32286262	Georges Luxury B&B and Culinary Retreat 776 Arthurs Seat Road, Arthurs Seat	On Premises
32259574	Enchanted Adventure Garden 55 Purves Road, Arthurs Seat	On-Premises License
36171443	Yaringa Lodge 65 Seamists Drive, Arthurs Seat	Limited License
36074780	Sangue Di Terra 21 Bass Street, McCrae	Limited License
32253502	Heronswood Harvest Café 105 LaTrobe Parade, Dromana	On-Premise License
36102892	Dromana Bowls Club 1 Stawell Street, Dromana	Limited Licence

These venues are located on the plan below.



Local Liquor Licenses

3. Planning Assessment


The Arthurs Seat Eagle is an established and valuable local asset within the Mornington Peninsula. It provides an important tourism role for the State, is embedded and compatible with the site's public park context and is purposefully designed to allow visitors to appreciate the scenic natural beauty of the area.

The Arthurs Seat Eagle is a use which is wholly consistent with the Council's Vision, as expressed at Clause 2.02 of the Planning Scheme, which includes to: *Protect and enhance the experience and enjoyment of the natural and cultural values of the Peninsula.*

The use is also supported by the Purpose of the Public Parks and Recreation Zone, which includes:

- *To recognise areas for public recreation and open space; and*
- *To provide for commercial uses where appropriate.*

The Planning Scheme supports business such as the Arthurs Seat Eagle, whose ongoing operation and viability is important. Clause 2.03-6 (Economic Development) states that the recreational role of the Peninsula requires the provision of supporting facilities, which add value to the region's



natural resources and assets, enriches the experience for visitors and provide benefits to the local economy. Strategic directions from this clause include:

- *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 uses.*

Relatedly, Clause 17.041S (Facilitating Tourism) seeks to encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination. Strategies include:

- *Encourage the development of a range of well-designed and sited tourist facilities, including integrated resorts, accommodation, host farm, bed and breakfast and retail opportunities.*
- *Promote tourism facilities that preserve, are compatible with and build on the assets and qualities of surrounding activities and attractions.*

More generally, the Planning Scheme seeks to support businesses that meet the community's needs (Clause 17.02-1S).

These policies from the Planning Policy Framework all lend support to ensuring that the Arthurs Seat Eagle is both a functional business and one which responds to the demands of its visitors.


This application has arisen from a desire to expand the existing beverage offer available at the site and allow the sale of packaged alcohol from the Upper Station gift shop and café. Principally (although not exclusively) this liquor will be sold as part of picnic packages from the café, which visitors then take across Arthurs Seat Road to consume in the adjoining parkland. The proposal has been generated as a consequence of visitor demand.

A General Licence is the only type of licence available under the Liquor Control Reform Act 1998 which allows the sale of liquor for consumption both on and off the premises. For this reason, an amendment is sought to the planning permit pre-amble to allow this use, and subsequently the appropriate licence will be sought from Liquor Control Victoria.

Clause 52.27 is the primary policy within the Planning Scheme which is relevant in this case. This clause seeks:

- *To ensure that licensed premises are situated in appropriate locations.*
- *To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.*

The proposal affects an existing licenced premises, which is considered to be appropriately situated to accommodate the change in licence conditions. While there are existing dwellings located nearby the site, the subject building focuses its activity principally towards the west and away from the residential neighbours to the east and south east. It is also not uncommon to provide a packaged liquor outlet nearby residential properties.



As demonstrated in Section 2.3 there are very few liquor licenses operating in the immediate site surrounds. The application therefore will not result in any cumulative and / or unreasonable impacts and does not require an assessment under Planning Practice Note 61: Licensed Premises: Assessing Cumulative Impact (June 2015).

The amendment will primarily service people who are already at the site by providing them with an additional convenience. These visitors could already gain packaged liquor from elsewhere to consume in the parkland, meaning this proposal is unlikely to result in any new or different off site amenity impacts. The nature of the operation of Arthurs Seat Eagle itself, will also not be likely to attract or generate problematic behaviour.

The proposal does not seek to modify the existing red line plan, or the existing hours of operation or the maximum numbers of patrons who can be accommodate at the site. The use will continue to operate in accordance with the approved Alcohol Management Plan, subject to minor modifications (refer Appendix 1).

It is submitted that the amendment to the permit raises no issues in terms of liquor licence policy and will significantly benefit both the business and visitors to the business.

4. Conclusion

Based on the above assessment, it is considered that the proposal represents an acceptable town planning outcome and it appropriate for the following reasons:

- The amendment will support the operation of what is an important local tourist asset.
- The amendment is consistent with the objectives and outcomes sought by Clause 52.27 Licensed Premises of the Planning Scheme.
- The use is supported by the Planning Policy Framework.

It follows that a town planning permit should be granted for the proposal.

Glossop Town Planning

April 2023



Appendix 1 – Proposed Draft Planning Permit and Alcohol Management Plan

ADDRESS OF THE LANO: Arthurs Seat State Park, Purves Road, Arthurs Seat

THE PERMIT ALLOWS: Sale and consumption of liquor ~~on the premises~~ (On-Premises General Liquor Licence) in accordance with the endorsed plans.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT

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:
 - a) A maximum of 100 patrons permitted within the outdoor area of the upper station cafe before 8.00pm and a maximum of 60 patrons permitted after 8.00pm.
 - b) Clear demarcation between the licensed areas of the cafe and function centre within the upper station building.
 - c) The gondola corridor noted as being within the red line area to the extent that the gondolas are licensed.
2. The layout, seating and extent of the use on the endorsed plans must not be altered or modified without the prior consent of the Responsible Authority.
3. Except with the further written consent of the Responsible Authority the sale and consumption of alcohol in association with the upper station cafe may operate only between the following hours:
 - a) Sunday to Thursday, 8.00am to 9.00pm; and
 - b) Friday and Saturday, 8.00am to 10.00pm.
4. The sale and consumption of alcohol in association with the function centre may only operate between the following times:
 - a) Sunday to Thursday, 8.00am to 10.00pm; and
 - b) Friday and Saturday, 8.00am to 11.00pm.
5. No more than three (3) licensed functions are permitted within the upper station per week.
6. The sale of alcohol in the cafe must conclude 30 minutes prior to the hours referred to in Condition 3 above, unless with the prior written consent of the Responsible Authority.
7. The maximum number of patrons permitted within the upper station cafe and function centre (including indoor and outdoor seating areas) at any time must not exceed two hundred and fifty (250) people, and no more than 250 seats may be made available.

There must be no more than:

- a) 60 patrons within the outdoor area between 8.00am and midday;
- b) 100 patrons within the outdoor area between midday and 8.00pm; and
- c) 60 patrons within the outdoor area after 8.00pm.

In association with either the upper station cafe or function centre.

8. The sale and consumption of alcohol by the general public is only permitted within the licensed area identified for the upper station cafe on the endorsed plans. All other licensed areas may only be used for the sale and consumption of alcohol by patrons attending a function in association with the function centre. No alcohol is to be sold within the lower station.
9. No alcohol (outside of packaged liquor) is to be taken outside the licensed area at any time to the satisfaction of the Responsible Authority.
10. The licensing of the venue must not cause any unreasonable nuisance or annoyance to persons beyond the land because of the emission of noise, or otherwise, to the satisfaction of the Responsible Authority.
11. 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 cafe during the following times:
 - a) Monday to Friday, from 9.00am until the nominated closing time in Conditions 3 and 4 above;
 - b) Saturday, from 10.00am until the nominated closing time in Conditions 3 and 4 above; and
 - c) Sunday, from 11 .00am until the nominated closing time in Conditions 3 and 4 above.

Any live or amplified music must not exceed a typical weighted noise level of 85 dBA Leq.
12. The upper station bi-fold doors on the northern elevation must. be kept closed after 8.00pm whenever live or amplified music is played.
13. Before the use commences, an amended Alcohol Management Plan must be submitted to and approved by the Responsible Authority. The measures and procedures of the approved plan must be implemented and complied with at all times to the satisfaction of the Responsible Authority unless with the further written approval of the Responsible Authority. The plan must be generally in accordance with the Alcohol Management Plan dated February 2019 but modified to address:
 - a) That the function centre use is limited to the upper station and will not operate within the lower station.
14. The owner of the land and the operator of the use must ensure the safety and good behaviour of any patron within the immediate environs of the land to the satisfaction of the Responsible Authority.
15. The collection of bottles from the premises must only be conducted between the hours of 7am and 8pm to the satisfaction of the Responsible Authority.

Expiry

16. This permit will expire if one of the following circumstances applies:

- a) The use is not started within five years of the date of this permit

The Responsible Authority may extend the permit if a request is made in writing prior to the expiry of the permit, or within six months after the permit expires.

Arthurs Seat Eagle - Alcohol Management Plan

(~~December 2019~~, April 2023)

Arthurs Seat State Park, Mornington Peninsula

Introduction

The Arthurs Seat Eagle is a state of the art gondola which carries passengers between the Base Station in Dromana (the 'Lower Station') to the summit of Arthurs Seat (the 'Upper Station') over ~~the~~ top of the Arthurs Seat State Park. Passengers can board the gondola at either station and the ride is approximately 14 minutes each way.

This Alcohol Management Plan ('AMP') was first prepared to accompany a planning permit application for use of the Upper Station as a licensed premises pursuant to Clause 52.27 of the Mornington Peninsula Planning Scheme.

As the Mornington Peninsula Planning Scheme does not provide direct guidance on the preparation of management plans for licensed premises, this plan has been prepared with reference to Clause 22.22 of the Melbourne Planning Scheme and Clause 22.09 of the Moreland Planning Scheme and it will provide a basis for the successful operation of the venue.

This Alcohol Management Plan will be implemented from the issuing of a Liquor Licence from the VCGLR. All measures outlined in this plan will be regularly monitored by Arthurs Seat Eagle management and can be amended as required, to the satisfaction of the Responsible Authority, to ensure that any off-site amenity impacts associated with the venue are appropriately addressed and managed (inter alia).

Details of the Liquor Licence Sought

An '~~On-Premises~~' General liquor licence is sought for the Arthurs Seat Eagle. This licence authorises the licensee to supply liquor on and off the licensed premises ~~for consumption on the licensed premises~~.

Details of the Supply and Consumption of Liquor

Lower Station

The Lower Station will be used at certain times to welcome pre-booked leisure groups, functions, and similar groups which will assemble and be offered a standard alcoholic drink

prior to boarding the gondola to attend the Function Centre in the Upper Station. Outside of these arrangements, alcohol will not be available to the general public at the lower station.

Gondola

Consumption of alcohol within the gondolas will only occur when a function is in progress. All beverages will be served in plastic glassware for travel within the enclosed gondolas.

Alcohol will not otherwise be sold to the general public for consumption in the gondola.

All patrons will be checked prior to entering the gondolas by Arthurs Seat Eagle loading staff ensuring there are no signs of intoxication with any guest.

No alcohol will be permitted within the gondola other than as allowed by Arthurs Seat Eagle loading staff.

A limit of one (1) standard drink per person will apply to each leg of the gondola ride.

At no point will unaccompanied minors be allowed to travel in the gondolas where liquor will be consumed. This will be monitored by Arthurs Seat Eagle loading staff.

Passengers will be monitored throughout the trip via CCTV camera and communication is available directly to each gondola. The gondolas can be stopped and returned at any point.

Upper Station Café

The Upper Station café will continue to have alcohol available to the general public for purchase. This will include consumption and will be contained only within the café/deck area and the sale of packaged liquor.

Balance of Upper Station (i.e. excluding Café)

The balance of the Upper Station included within the red line area will ~~only~~ be available for supply and consumption of liquor as part of the function centre use.

To minimise crossover with the general public, functions will generally take place outside of our normal trading times or during off-peak times.

Packaged liquor may also be sold from the balance of the Upper Station.

Hours of Operation

The venue (not including the function centre) is proposed to operate between the following hours:

- Sunday to Thursday Between 8.00am and 9.00pm
- Friday and Saturday Between 8.00am and 10.00pm

Except with the prior written consent of the Responsible Authority, the food and beverage sales (excluding the function centre) must conclude 30 minutes prior to the nominated closing times.

The function centre is proposed to operate between the following hours:

- Sunday to Thursday Between 8.00am and 10.00pm
- Friday and Saturday Between 8.00am and 11.00pm

Staff Training in Management of Patron Behaviour

All operational staff (not just those working in our food and beverage teams) have completed their Responsible Serving of Alcohol ('RSA') training with a certified provider, as approved by the VCGLR.

As part of this course staff have been trained in relation to the intoxication of patrons.

Security Arrangements

Security will not be required for these premises on the basis that music will accord with SEPP-N2 and the proposed hours of operation will also limit potential for adverse amenity impacts.

Additionally, all staff are trained in the Responsible Serving of Alcohol (refer above).

Entry and Exit Locations

Lower Station

Pedestrian entry is via a forecourt which leads from the car park/drop off area into the Lower Station.

Upper Station

Pedestrian entry to the Upper Station is via a covered entry area leading to the interpretative/information area which showcases the State Park, surrounding tourism attractions, and the gondola itself. A rear doorway will be used for deliveries and/or staff entry as required.

Complaint Management System

It is not expected that the venue will attract complaints based on the nature of the business.

In the event of a complaint by a member of the public, Victoria Police, an 'authorised officer' of Council or the VCGLR the manager on duty will be immediately notified to act on the complaint to ensure that the cause is immediately dealt with and any concerns minimised.

A record of any complaints made will be maintained through a detailed log book and made available to authorised officers, as requested. Immediately following any complaint made Arthurs Seat Eagle managers will promptly discuss and follow up the complaint to determine an appropriate course of action to ensure that circumstances which lead to the complaint do not reoccur.

Management of Outdoor Areas

The outdoor café area will operate in conjunction with the indoor area.

It is proposed that the outdoor area will operate during the same hours as the indoor Café area. Refer to proposed operating hours above.

There is no smoking allowed anywhere on the premise.

Lighting (within and outside site boundaries)

General ambient lighting will be provided for customers within the venue and functional task lighting for staff in back of house areas to comply with relevant standards. New compliant exit signage will be included as per building permit requirements. No additional security lighting will be required.

Waste Management

Waste will be stored in a designated bin room at the rear of the site in accordance with the Waste Management Plan endorsed under Planning Permit PLN13/1992. Bin areas are shown on the submitted plans and ensure that bins are stored out of site in the 'back of house' area of the premises.

A private contractor shall collect waste onsite within carpark driveways. Collection staff shall have access to the bin storage area and transfer bins to the truck and back to the stores. All waste collection and bin transfers will be carried out during off-peak traffic periods.

Noise Attenuation Measures

Patron Noise

The proposed external table and seating area to the front of the café will be limited to normal noises associated with talking and general communication and will not adversely affect nearby residences.

The patronage and hours of operation of the Upper Station café operate to minimise any unreasonable amenity effects. Additionally, amenity considerations such as queuing and antisocial behaviour are not expected in a venue of this type given the licensed premises would be secondary to the overarching use of the land as a recreation facility.

Staff and management will monitor the behaviour of patrons utilising the external terrace area to ensure that no nearby properties or businesses are unreasonably impacted by noise from this area.

Music

Music within the venue will accord with the conditions of any applicable planning permit and with State Environment Protection Policy No. 2 (SEPP-N2') - Control of Music Noise from Public Premises.



