Planning and Environment
Interim Regulations 2026

Form 4 Regulation 22

PLANNING PERMIT

Permit No.:	PA1600142-7
Planning scheme:	Melbourne Planning Scheme
Responsible authority:	Minister for Planning
ADDRESS OF THE LAND:	288-326 Exhibition Street, Melbourne

THE PERMIT ALLOWS:

Planning scheme clause	Matter for which the permit has been granted
37.04-1	Use of the land for childcare centre
37.04-4	Demolish or remove a building Construct a building or construct or carry out works
43.02-2	Construct a building or construct or carry out works (DDO1) (DDO4) (DDO10)

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Amended Plans

1. Before the commencement of the development authorised by the amendment approved on 2 October 2026, plans must be approved and endorsed by the Responsible Authority. The plans must be prepared to the satisfaction of the responsible authority be drawn to scale with dimensions, be generally in accordance with the plans by Cox Architecture (Revision 11, and all dated 5 June 2026) but modified to show:
   a) Remove all references to the use of the land as a “hotel”
   b) Living or bedroom area additional to the requirements of Tables D11 and D12 of Clause 58.07-1, to be clearly identified for Apartment types D01.1 – D06-1, A05.1, A09.1, A11.1 and A12.1, with any necessary modifications to internal layouts if required, unless otherwise agreed by the Responsible Authority.
   c) Any changes, plan notations, or otherwise required from any other condition in this permit required to be satisfied concurrently with the endorsement of plans.
2. Before the development starts, including any demolition works and site preparation works, but excluding above ground slab clearance works, amended plans must be submitted to and be approved in writing 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 two copies (plus an electronic copy including a 3D digital version) must be provided. The plans must generally be in accordance with the plans

submitted by Cox and Fender Katasalidis Architects dated 8 March 2017 but modified to show the following:

a) Modifications as shown within plans dated 21 April 2017 that show:
   i. Relocation of the porte cochere from ground level to Level 1;
   ii. Introduction of three car lifts to service the podium car parking;

b) Modifications as shown within plans dated 31 May 2017 that show:
   i. Change in height of Tower A (residential) to 60 storeys (Reduced Level 243.85 metres to Australian Height Datum) inclusive of plant;
   ii. Change in height of Tower B (residential) to 62 storeys (Reduced Level 256.75 metres to Australian Height Datum) inclusive of plant; and
   iii. Relocation of the skybridge from Levels 48-51 to Level 45-47 as a result of the reduced tower heights.

c) Resolution of the ground plane including the plinth, colonnade, accessible deck, interface with the existing ramp and interface with Burton Street. Details to be provided should include:
   i. Further refinement to the extent and expression of the plinth and colonnade element along La Trobe Street. The plinth element should terminate at approximately the western edge of the central stair in order to provide a more continuous and hard edge to the western half of the La Trobe Street frontage.
   ii. Additional details regarding the colonnade element, which should present a rectilinear plinth to both Exhibition Street and La Trobe Street.
   iii. To maximise the extent of the accessible deck towards La Trobe Street to the existing Telstra Ramp towards the eastern boundary of the site.
   iv. Removal of the fence/screen that runs between the side of Burton Street adjacent to the Telstra Ramp. Alternatively if maintained, significantly reduce the architectural fence/screen.
   v. Modification to the bluestone treatment of the Telstra Ramp to an alternative treatment that adds visual interest and provides delineation to the space to ensure that it is clear that it is not for pedestrian use. Consideration of a gate/ automated bollards or boom gate could also assist in defining this space.

d) Weather protection canopy that are located over the property boundary designed to:
   i. Comply with Melbourne City Council's *Road Encroachment Guidelines*; and
   ii. Not adversely impact existing or proposed street trees.

e) Detailed plans at a scale of 1:50 or 1:100 of the lower levels of the building to demonstrate how the development resolves its interface with the public realm including all entry points, further resolution of the change in levels and the integration of building services from the development to the footpath, podium screening to ensure appropriate concealment of car parking to both La Trobe Street and Exhibition Street and alternative façade treatment in the event that the proposed landscaping fails.

f) Resolution of the crown of the two towers to ensure that the differentiation in height as described in Condition 1(b) is retained and emphasised through architectural features to the crown of the towers. The height variation must be demonstrable from key views from the Royal Exhibition Buildings.

g) Any changes required to the plans as a result of the Façade Strategy condition as required in the corresponding condition below.

h) Any changes required as a result of the recommendations within the Acoustic Report as required by the corresponding condition below.

i) Any changes required as a result of any recommendations contained in the Environmental Wind Assessment as required in the corresponding condition below.

j) Any changes required as a result of any recommendations contained in the Environmentally Sustainable Design Statement as required in the corresponding condition below.

k) Any changes required as a result of the recommendations within the Landscape Plan as required by the corresponding condition below.

l) Any changes required as a result of the Traffic and Transport Assessment conditions as required in the corresponding conditions below.

m) Any changes required as a result of Condition 39 (Transport for Victoria).

Layout Not Altered

3. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority. Alterations to the development as shown on the endorsed plans that result in reduced setbacks, increased podium or overall height or floor area cannot be considered under this provision.

Land Survey

4. Before the development starts, excluding demolition, the permit holder must either obtain the necessary permission(s) from the relevant parties/authorities to construct over the easement(s) and provide evidence of this to the Responsible Authority; or obtain planning permission to remove or vary the location of the easement(s).

Legal Agreement

5. Before demolition or removal of existing buildings or works, excluding demolition or removal of temporary structures on the land, the owner must enter into an agreement under section 173 of the Planning and Environment Act 1987. The owner of the land must pay all of Melbourne City Council's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title. The agreement must provide for the following:
    a) if the land remains vacant for 6 months after completion of the demolition;

b) demolition or construction activity ceases for a period of 6 months; or
c) construction activity ceases for an aggregate of 6 months after commencement of the construction.

The owner must construct temporary works on the land to the satisfaction of the Melbourne City Council. Before the commencement of construction of the temporary works, details of the works must be submitted to and be to the satisfaction of the Melbourne City Council. Temporary works may include:
a) The construction of temporary buildings for short-term retail or commercial use. Such structures shall include the provision of an active street frontage; or
b) Landscaping of the site for the purpose of public recreation and open space.

6. Before the development starts, excluding demolition, the owner of the land must enter into an agreement with the Melbourne City Council, pursuant to Section 173 of the Planning and Environment Act 1987. The owner of the land must pay all of Melbourne City Council's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title. The agreement must provide for the following:
    a) Public access must be provided for the proposed north south pedestrian link (Burton Street).
    b) Provide that the Link will remain privately owned and controlled.
    c) Require the Owner to maintain 24-hour unobstructed public access (7 days a week) through the Link.
    d) Provide that the Owner is solely responsible for the care and maintenance of the Link at the Owners cost and to the satisfaction of Council.
    e) Be to the satisfaction of the Council's Manager Engineering Services and Chief Legal Counsel.

Demolition and Construction Management Plan

7. Before the development starts, a detailed Demolition and Construction Management Plan must be submitted to and approved by Melbourne City Council (Construction Management Group). This Demolition and Construction Management Plan may be staged and is to be prepared in accordance with the Melbourne City Council - Construction Management Plan Guidelines and is to consider the following:
    c) Staging of construction;
    d) Management of public access and linkages around the site during construction;
    e) Site access and traffic management (including any disruptions to adjoining vehicular and pedestrian access ways);
    f) Any works within the adjoining street network road reserves;
    g) Sediment control and site drainage;
    h) Hours of construction;
    i) Control of noise, dust and soiling of roadways;
    j) Discharge of polluted waters;
    k) Collection and disposal of building and construction waste;
    l) Reasonable measures to ensure that disruption to adjacent public transport services are kept to a minimum.

Façade Strategy

8. Before the development starts, including demolition and site preparation works, but excluding above ground slab clearance works, a Facade Strategy must be submitted to and be to the satisfaction of the Responsible Authority. When approved this will form part of the endorsed plans. All materials, finishes and colours must be in conformity with the approved Façade Strategy to the satisfaction of the Responsible Authority. The Facade Strategy for the development must be generally in accordance with plans prepared by submitted by Cox and Fender Katsalidis Architects dated 8 March 2017 and detail:
    a) A concise description by the architect of the building design concept and how the façade works to achieve this.
    b) A schedule of colours, materials and finishes, including the colour, type and quality of materials showing their application and appearance. This can be demonstrated in coloured elevations or renders from key viewpoints, to show the materials and finishes linking them to a physical sample board with clear coding.
    c) Elevation details generally at a scale of 1:50 illustrating typical podium details, entries and doors, typical privacy screening and utilities, typical tower detail, and any special features which are important to the building's presentation.
    d) Cross sections or other method of demonstrating the façade systems, including fixing details indicating junctions between materials and significant changes in form and/or material.
    e) Information about how the façade will be accessed and maintained and cleaned, including planting where proposed.
    f) Example prototypes and/or precedents that demonstrate the intended design outcome indicated on the plans and perspective images to produce a high quality built outcome in accordance with the design concept.

9. Except with the consent of the Responsible Authority Cox and Fender Katsalidis Architects must be retained to complete and provide architectural oversight during construction of the detailed design as shown in the endorsed plans, façade strategy and the endorsed schedule of materials and finishes to the satisfaction of Responsible Authority.

10. Except with the consent of the Responsible Authority, all external glazing must be of a type that does not reflect more than 20% of visible light when measured at an angle of incidence normal to the glass surface.

Acoustic Measures

11. Before the development starts, including demolition and site preparation works, but excluding above ground slab clearance works, an acoustic report prepared by a qualified acoustic consultant must be submitted to and be to the satisfaction of the Responsible Authority. The report must provide for noise attenuation measures to achieve a maximum noise level of 45dB(A)Leq in unfurnished and uncarpeted habitable rooms with all windows and doors closed, unless there is no suitable air conditioning and/or mechanical ventilation, in which case the maximum noise level of 45dB(A)Leq in unfurnished and uncarpeted habitable rooms must be achieved with all the windows half open and the doors closed. The report must be based on average

external noise levels measured as part of a noise level assessment. The recommendations in the approved acoustic report must be implemented, at no cost to the Responsible Authority, prior to the occupation of the dwelling(s).

Environmentally Sustainable Design (ESD)

12. Before the commencement of the development authorised by the amendment approved on 2 October 2026, an ESD Report must be approved and endorsed by the Responsible Authority. The report must be prepared to the satisfaction of the Responsible Authority and be generally in accordance with the ESD Report prepared by WSP dated March 2026.

13. Before the development starts, including demolition and site preparation works, but excluding above ground slab clearance works, a revised Environmentally Sustainable Design (ESD) and Water Sensitive Urban Design (WSUD) Statement(s) shall be prepared by a suitably qualified professional and submitted to the satisfaction of the Responsible Authority to ensure that the policy objectives of Clause 22.19 and Clause 22.23 can be satisfied.

14. The performance outcomes specified in the Environmentally Sustainable Design (ESD) Statement prepared for the development must be implemented prior to occupancy of each stage of the development at no cost to the Responsible Authority or the City of Melbourne and be to the satisfaction of the Responsible Authority.

15. Any change during detailed design, which affects the approach of the endorsed ESD Statement, must be assessed by an accredited professional. The revised statement must be endorsed by the Responsible Authority prior to the commencement of construction.

Wind Assessment

16. Before the development starts, including demolition and site preparation works, but excluding above ground slab clearance works, a wind tunnel test and Environmental Wind Climate Assessment report of the development by a suitably qualified engineering consultant must be undertaken to ensure that comfortable pedestrian conditions (consistent with the relevant requirements Capital City Zone Schedule 1 under Amendment C262) are each achieved to La Trobe Street and Exhibition Street and to all public accessible spaces within the development to the satisfaction of the Responsible Authority and in consultation with Melbourne City Council.

Preliminary Environmental Assessment

17. Before the development starts, excluding above ground slab clearance works and remediation works necessary to facilitate the testing, the applicant must undertake an environmental assessment of the site to determine if it is suitable for its use. This assessment must be carried out by a suitably qualified environmental professional who is acceptable to the Responsible Authority. The recommendations and requirements of this assessment, if any, must be implemented prior to the occupation of the building, to the satisfaction of the Responsible Authority.

Should the environmental assessment reveal that an Environmental Audit of the site is necessary then prior to the occupation of the building the applicant must provide either:

a) A Certificate of Environmental Audit in accordance with Section 53Y of the *Environment Protection Act 1970*; or
b) A Statement of Environmental Audit under Section 53Z of the *Environment Protection Act 1970*. This Statement must state that the site is suitable for the intended uses.

Where a Statement of Environmental Audit is provided, all the conditions of the Statement must be complied with to the satisfaction of the Responsible Authority prior to the occupation of the building. Written confirmation of compliance must be provided by a suitably qualified environmental professional or other suitable person acceptable to the Responsible Authority. The written confirmation of compliance must be in accordance with any requirements in the Statement conditions regarding verification of required works.

If there are any conditions of a Statement of Environmental Audit that the Responsible Authority, acting reasonably, consider require a significant ongoing maintenance and/or monitoring, the owner of the land must enter into a Section 173 Agreement under the Planning and Environment Act 1987 with the Melbourne City Council. This Agreement must be executed on title prior to the occupation of the building. The owner must meet all costs associated with the drafting and execution of the Agreement including those incurred by the Responsible Authority or Melbourne Council.

3D Model Submission

18. Before the development starts, including site preparation works, or as otherwise agreed with the Responsible Authority, a 3D digital model of the development and its immediate surrounds, as appropriate, must be submitted to the Responsible Authority and be to the satisfaction of the Responsible Authority in conformity with the Department of Environment, Land, Water and Planning Advisory Note 3D Digital Modelling. In the event that substantial modifications are made to the building envelope, a revised 3D digital model must be submitted to and be to the satisfaction of the Responsible Authority, before these modifications are approved.

Landscaping Plan

19. Before the development starts, including demolition and site preparation works, but excluding above ground slab clearance works, a revised detailed landscape plan prepared by a suitably qualified landscape architect must be submitted and approved by the Responsible Authority in consultation with Melbourne City Council. This plan must include:
    a) A schedule of all soft and hard landscaping and treatments including all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes and maturity, and quantities of each plant.
    b) Details of all landscaping works associated with 'on building' landscaping (green walls, façade greening, green roofs vertical gardens etc.)
    c) Where practical the use of large canopy trees.
    d) A schedule of all hardscape and urban design elements including, but not limited to, paving, retaining walls, lighting, seating, irrigation and public art.

e) Clear demarcation of public realm and private spaces, including arrangements for pedestrian, bicycle and vehicular circulation.
f) Response to water sensitive urban design principles and type of irrigation systems to be used.

This landscape plan must be to the satisfaction of the Responsible Authority in consultation with Melbourne City Council and when approved shall form a part of the endorsed plans of this permit.

20. Before the landscaping works start as detailed in the condition above, a landscape management plan detailing the maintenance regime and management responsibilities must be prepared and submitted to the satisfaction of the Responsible Authority in consultation with Melbourne City Council.

21. Landscape works as shown on the endorsed plans must be completed within 3 months from the completion of each stage of the development to the satisfaction of the Responsible Authority and subsequently maintained to the satisfaction of the Responsible Authority.

Street Trees

22. Approval for any public tree removal is subject to the Tree Retention and Removal Policy, Council's Delegations Policy and requirements for public notification, and a briefing paper to councillors. It should be noted that certain tree removals including but not limited significant or controversial tree removals, may be subject to decision by Council or a Committee of Council (see advice note).

23. All costs in connection with the removal and replacement of tree assets 1023933 and 1025322 – London Plane, including any payment for the amenity and ecological services value of the trees to be removed, must be met by the applicant/developer/owner of the site. The costs of these works will be provided prior to the councillor briefing and public notification and must be agreed to before council remove the subject trees.

24. Before the development starts, including demolition, but excluding above ground slab clearance works, detailed specifications and locations of two new tree planting pits (one on La Trobe and one on Exhibition Street) must be provided to council. Once the pit specifications and locations are endorsed, the planting pits must be installed to agreed specifications and locations.

25. Prior to the commencement of any works (excluding demolition) a Tree Protection Plan (TPP) must be submitted to and approved by council. The TPP must be in accordance with AS 4970-2009 – Protection of trees on development sites and include:
    a) City of Melbourne asset numbers for the subject trees (found at http://melbourneurbanforestvisual.com.au)
    b) Site specific details of the temporary tree protection fencing to be used to isolate public trees from the demolition and construction activities.
    c) Specific details of any special construction methodologies to be used within the Tree Protection Zone of any public tree.
    d) Full specification of any pruning required to publically owned trees.
    e) Any special arrangements required to allow ongoing maintenance of public owned trees for the duration of the development.

f) Details of the frequency of the Project Arborist monitoring visits, interim reporting periods and final completion report (necessary for bond release). Interim reports of monitoring must be provided to councils via email to trees@melbourne.vic.gov.au

26. If a Construction Management Plan or Traffic Management Plan change any of the tree protection methodologies or impacts on public trees in ways not identified in the Tree Protection Plan submitted in accordance with the condition above, a revised Tree Protection Plan must be submitted and approved by council.

27. Following the approval of a Tree Protection Plan (TPP) a bank guarantee equivalent to the combined environmental and amenity values of public trees that may be affected by the development will be held against the TPP for the duration of construction activities. The bond amount will be calculated by council and provided to the applicant/developer/owner of the site. Should any tree be adversely impacted on, the City of Melbourne will be compensated for any loss of amenity, ecological services or amelioration works incurred. At the lodgment of the bond the name and contact details of a Project Arborist who will implement the approved TPP must be provided.

Car Parking, Loading/Unloading and Waste Management

28. Before the commencement of the development authorised by the amendment approved on 2 October 2026, a Transport Impact Assessment must be approved and endorsed by the Responsible Authority. The plans must be prepared to the satisfaction of the Responsible Authority, be drawn to scale with dimensions, be generally in accordance with the Transport Impact Assessment prepared by Eukai dated 18 March 2026.

29. Prior to the occupation of the development, details regarding measures to prevent prohibit right turns into and out of the site at both La Trobe St and Exhibition St access points must be prepared by a suitably qualified expert and must be to the satisfaction of Melbourne City Council (Engineering Services). The recommendations must be implemented at no cost to Melbourne City Council prior to the occupation of the development. The measures must not be altered without prior consent of the Melbourne City Council.

30. Prior to the occupation of the development, details of the design and operation of the signalling system(s) for vehicles must be prepared by a suitably qualified expert and must be to the satisfaction of Melbourne City Council (Engineering Services). The recommendations must be implemented at no cost to Melbourne City Council prior to the occupation of the development. The signalling system(s) must not be altered without prior consent of Melbourne City Council.

31. All mechanical exhaust systems to the car park hereby approved must be sound attenuated to prevent noise nuisance to the occupants of the surrounding properties, to the satisfaction of Melbourne City Council.

32. Bicycle parking and associated facilities must be provided, located and appropriately signed generally in accordance with Clause 52.34 of the Melbourne Planning Scheme to the satisfaction of Melbourne City Council.

33. An amended Waste Management Plan (WMP) must be submitted to and approved by Melbourne City Council. The amended WMP must be generally in accordance with the WMP prepared by Leigh Design dated 11 June 2026 but modified to confirm the size of the commercial recycling compactor and the collection frequency for Tower B, to the satisfaction of Melbourne City Council.

34. No garbage bin or surplus materials generated by the permitted use may be deposited or stored outside the site and bins must be returned to the garbage storage areas as soon as practicable after garbage collection.

35. Before the commencement of the development authorised by the amendment approved on 2 October 2026, a loading management plan must be approved and endorsed by the Responsible Authority. The loading management plan must be prepared to the satisfaction of the Responsible Authority, be drawn to scale with dimensions, and be generally in accordance with the Loading Management Plan prepared by Eukai dated 31 March 2026.

36. The loading and unloading of vehicles and delivery of goods to and from the premises must at all times take place within the boundaries of the site.

Civil works

37. Before the development starts, excluding demolition and site preparation works, a stormwater drainage system, incorporating integrated water management design principles, must be submitted to and approved by the Melbourne City Council (Engineering Services). This system must be constructed prior to the occupation of the development and provision made to connect this system to the City of Melbourne's underground stormwater drainage system.

38. Within 6 months of the completion of Stage 2 (GRC + Level 11 Façade), all necessary vehicle crossings must be constructed and all unnecessary vehicle crossings must be demolished and the footpath, kerb and channel reconstructed, in accordance with plans and specifications first approved by Melbourne City Council (Engineering Services).

39. Bike lanes adjoining the site along Exhibition Street and La Trobe Street must be reconstructed at the cost of the developer, in accordance with plans and specifications first approved by Melbourne City Council (Engineering Services).

40. The footpaths adjoining the site along Exhibition Street and La Trobe Street must be reconstructed in sawn bluestone together with associated works including the renewal and reconstruction or of kerb and channel in sawn bluestone and relocation of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by Melbourne City Council (Engineering Services).

41. Existing street levels in Exhibition Street and La Trobe Street must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from Melbourne City Council (Engineering Services).

42. Existing public street lighting must not be altered without first obtaining the written approval of Melbourne City Council (Engineering Services).

43. Existing street furniture must not be removed or relocated without first obtaining the written approval of Melbourne City Council (Engineering Services).

44. All street furniture such as street litter bins recycling bins, seats and bicycle rails must be supplied and installed on Exhibition Street and La Trobe Street footpaths outside the proposed building to plans and specifications first approved by Melbourne City Council (Engineering Services).

Transport for Victoria

Before construction commences

45. Before the development starts (excluding above slab demolition), or other time agreed in writing with the Head, Transport for Victoria, amended plans to the satisfaction of the Head, Transport for Victoria in consultation with Public Transport Victoria 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 plans submitted with the application but modified to show:
    a) Deletion of any part of the building or footings which encroach into VicTrack's subterranean land;
    b) Modifications (including line marking and signage) to the crossover on La Trobe Street to restrict access associated with the apartment drop-off area, to be "left-in" and "left-out" movements only.

46. Before the development starts (excluding demolition), detailed construction/engineering plans and computations prepared by a suitably qualified person(s) must be submitted to the Head, Transport for Victoria and VicTrack for endorsement (in consultation with Public Transport Victoria), for the protection of the railway corridor, the Melbourne Underground rail loop tunnels and all transport infrastructure. The plans must:
    a) detail all excavation of the site and impacts on the Melbourne Underground rail loop tunnels and all associated infrastructure, and any other transport infrastructure; and
    b) include (if required) a pre-condition dilapidation survey carried out in the Melbourne Underground Rail Loop (MURL) in the proximity of the development at the full cost of the permit holder and in consultation with VicTrack and the Accredited Rail Operator.

47. Before the development starts, including demolition and bulk excavation (but excluding above ground slab demolition) all Construction Control and Indemnity Agreements as required by Public Transport Victoria and VicTrack (including if required by Public Transport Victoria an agreement with the Accredited Rail Operator) must be in place, and must be to the satisfaction of Public Transport Victoria and VicTrack.

48. Before the development starts (excluding demolition) the permit holder must demonstrate that the detailed construction plans (including staging plans) and computations of the development have taken into account the emergency smoke dispersion requirements of the draught relief shafts of the Melbourne Underground Rail Loop tunnels located in the vicinity of the subject site to the satisfaction of VicTrack and Public Transport Victoria.

49. Before development starts, including slab/footing demolition and bulk excavation (but excluding above ground slab demolition) three (3) copies of a Demolition and Construction Management Plan must be submitted to the Head, Transport for Victoria and VicTrack which must be to the satisfaction of the Head, Transport for Victoria and VicTrack (in consultation with Public Transport Victoria). The Demolition and Construction Management Plan must include details of (but not be limited to) management proposals to minimise impacts to VicTrack assets and the operation of the railway and nearby tram and bus operations during construction and must set out objectives and performance and monitoring requirements for:
    a) Protection of all public transport infrastructure to ensure public transport infrastructure is not damaged during demolition or construction;
    b) Mitigate disruption to train, bus and tram services;
    c) Mitigate disruption to bicycle users along both La Trobe Street and Exhibition Street;
    d) Management of drainage, effluent, material stockpiles, fencing, hoardings to ensure VicTrack land is not used for, or impacted on, by these activities outside of the licence area;
    e) Public safety, amenity and site security;
    f) Operating hours, noise and vibration controls; and
    g) Air and dust management.
    h) When access to the rail environment is required, specify:
        i) The designation of any areas to be used under license during the construction process;
        ii) Approvals and permits required from Public Transport Victoria, VicTrack and the Accredited Rail Operator prior to works commencing and prior to accessing the rail corridor;
        iii) That the Accredited Rail Operator(s) will be contacted to obtain their conditions and safety requirements for works on, over, under or adjacent to public transport land and/or easements and electrical infrastructure;
        iv) That access to public transport land during construction must conform to all of the necessary public transport operator/s guidelines and instructions;
        v) The rail safety requirements that must be adhered to by the permit holder.

50. All demolition and construction works (excluding above slab demolition) must be carried out in accordance with the approved Demolition and Construction Management Plan. The Demolition and Construction Management Plan must be implemented at no cost to VicTrack, the Head, Transport for Victoria, Public Transport Victoria and/or the Accredited Rail Operator.

51. Before development starts, including slab/footing demolition and bulk excavation (but excluding above ground slab demolition) a Construction Traffic Management Plan must be submitted to the Head, Transport for Victoria for endorsement, which outlines how public transport operations, traffic, walking and cycling movements will be managed throughout the construction of the development and mitigate impacts to these modes to the satisfaction of the Head, Transport for Victoria in consultation with Public Transport Victoria, the bus operators, Yarra Trams and the Accredited Rail Operator. The Plan must also detail how the construction of the development will be managed in the event the tram stop upgrade works (and associated road closures etc) in La Trobe Street are undertaken simultaneously. All traffic management and mitigation costs must be at the full cost of the permit holder and in accordance with the approved

Construction Traffic Management Plan to the satisfaction of the Head, Transport for Victoria in consultation with Public Transport Victoria.

52. Prior to the commencement of works in public transport areas, the public transport operator(s) (train) must be contacted to obtain the operator's conditions and safety requirements for works on, over, under or adjacent to public transport land and/or easements and electrical infrastructure. Access to the public transport areas during construction must conform to all of the necessary public transport operator/s guidelines and instructions.

53. Before the development starts, (excluding above ground slab demolition) the permit holder must demonstrate that the detailed construction plans (including staging plans) and computations of the development have taken into account the emergency smoke dispersion requirements of the draught relief shafts of the Melbourne Underground Rail Loop tunnels located in the vicinity of the subject site to the satisfaction of VicTrack and Public Transport Victoria.

During demolition / construction

54. During demolition, bulk excavation and construction of the development, monitoring of movement within the Melbourne Underground Rail Loop (MURL) in the proximity of the development shall be carried out if required by and to the satisfaction of Public Transport Victoria and VicTrack in consultation with the Accredited Rail Operator.

55. The permit holder must take all reasonable steps to ensure that disruption to tram operations along La Trobe Street, bus operations along Exhibition Street and rail operations in the Melbourne Underground Rail Loop is kept to a minimum during demolition and the construction of the development. Foreseen disruptions to bus, tram and rail operations during construction and mitigation measures must be communicated to the bus operator, Yarra Trams, the Accredited Rail Operator and Public Transport Victoria fourteen days (14) prior to the commencement of those works.

56. The permit holder must ensure that no transport infrastructure is damaged or altered as a result of the development without prior consent of Public Transport Victoria. Any damage to public transport infrastructure must be rectified to the satisfaction of Public Transport Victoria at the full cost to the permit holder.

Prior to occupation

57. Prior to the occupation of the development, as built drawings for the foundations to the ground floor level and retention system must be provided to VicTrack and Public Transport Victoria prior to occupation of the development or at another time agreed in writing with Public Transport Victoria.

General/on-going

58. Permanent or temporary soil anchors must not be installed in rail land and/or easements without the prior permission of VicTrack.

59. No drainage, effluent, waste, soil or other materials must enter or be directed from the site to rail land/easement or stored or deposited on rail land/easements.

Advertising Signs

60. No advertising signs shall be erected, painted or displayed on the land without the permission of the Responsible Authority unless in accordance with the provisions of the Melbourne Planning Scheme.

Building Appurtenances

61. All building plant and equipment on roofs and public thoroughfares must be concealed to the satisfaction of the Responsible Authority. The construction of any additional plant machinery and equipment, including but not limited to all air-conditioning equipment, ducts, flues, all exhausts including car parking and communications equipment shall be to the satisfaction of the Responsible Authority.

62. Any satellite dishes, antennas or similar structures associated with the development must be designed and located at a single, unobtrusive area on each building in the development to the satisfaction of the Responsible Authority, unless otherwise approved by the Responsible Authority.

Staging plan

63. The occupation and partial construction of the development may proceed in stages in accordance with the Internal Staging Plan prepared by Cox Architecture dated 23 March 2026, or as otherwise agreed in writing by the Responsible Authority.

Lighting Strategy

64. Prior to the lights being installed and made operational, a Lighting Impact Assessment Report prepared by a suitably qualified professional must be submitted to and approved by the Responsible Authority and Melbourne City Council. The report should be generally consistent with and conform to relevant Australian Standards and must be designed, baffled and located to the satisfaction of the Responsible Authority and Melbourne City Council. The report must also confirm:

    a) Lighting has been designed in accordance with AS/ANZ 4282:2019.
    b) Relevant VicRoads standards for lighting have been applied where appropriate.
    c) All luminaires are dimmable unless agreed with the Responsible Authority and Melbourne City Council.
    d) Lighting does not exceed the ambient public lighting levels of adjoining streets or spaces unless there is documented support to do so by the manager of the street or space.

    When approved, the Lighting Impact Assessment Report will form part of the permit. The lighting approved under this permit must be operated in accordance with the approved Lighting Impact Assessment Report to the satisfaction of the Responsible Authority and Melbourne City Council.

65. Prior to the lights being installed and made operational, an updated Light Strategy generally in accordance with provided Light Strategy (Ref: '308 Exhibition St Façade Lighting Town Planning Report' Project 2676 Revision 3 dated 21 May 2021) must be submitted to and approved by the Responsible Authority and Melbourne City Council. The report must:

    a) Identify all lighting as dimmable.
    b) Incorporate any changes or recommendations as required by the Lighting Impact Assessment Report required under condition 61.

66. Melbourne City Council, with just cause, may at any time request lodgement of a subsequent post occupancy lighting assessment, prepared by a suitably qualified professional. The report must be to the satisfaction of Melbourne City Council and identify all potential attenuation work required to address any light emission issues and to comply with AS4282 – Control of the Obtrusive Effects of Outdoor Light and / or any other relevant policy or regulation. The recommendations of the report must be implemented (at no cost to the City of Melbourne) by the owner to the satisfaction of Melbourne City Council.

Expiry of the Permit

67. This permit will expire if:
    - the development is not started within two (2) years of the date of this permit; or
    - the development is not completed within six (6) years of the date of this permit.

    Pursuant to Section 69 of the *Planning and Environment Act 1987*, the Responsible Authority may extend:
    - The commencement date referred to if a request is made in writing before the permit expires or within six (6) months afterwards.

    The completion date referred to if a request is made in writing within twelve (12) months after the permit expires and the development started lawfully before the permit expired.

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

Date of amendment	**Brief description of amendment**	**Name of responsible authority that approved the amendment**
5 December 2017	Conditions 1, 7, 10, 11, 13, 14, 16, 21, 22, 25, 28, 39, 40, 41, 42, 43, 44, 45, 47, 49, 51 and 52 amended to allow above ground slab clearance works to occur as approved by Planning Permit TP-2017-529 issued by Melbourne City Council on 25 August 2017, selected references to Public Transport Victoria changed to the Head, Transport for Victoria and correction to roman numeral numbering of condition 43(h).	Minister for Planning
2 March 2018	Condition 1(m) reworded to reference condition 39 only.	Minister for Planning
27 September 2018	Conditions 22, 40 and 42 amended to allow below ground slab clearance works to occur prior to satisfying	Minister for Planning

	the requirements of the conditions.	
15 March 2019	The endorsed plans under condition 1 of the permit, dated 21 June 2018, have been superseded under Section 72 of the *Planning and Environment Act 1987*. The changes to the plans include (but are not limited to): - a reduction in apartment numbers from 345 to 325; - a reduction in hotel rooms from 507 to 505; - floor to floor heights reduced to allow for 2 additional levels within the podium, 1 additional level in Tower 1 and 1 additional level in Tower 2; - setback of the podium outside the light and air easement (southern boundary); - deletion of basement car parking and two additional levels of car parking added within the podium; - removal of the crossover and ramp to La Trobe Street; - removal of the southern (easement) through block link and the north-south link and extension of the hotel lobby into this space; - hotel port cochere relocated from first floor to ground level and accessed from Exhibition Street; - reconfiguration of communal residential and hotel amenity areas in the podium and skybridge. Residential communal area in Tower 2 Level 45 replaced with two apartments; and - Skybridge levels changed from Tower 2 levels 45 and 46 to Tower 2 levels 44 and 45. The following conditions of the original permit were deleted or amended to reflect the revised scheme: - Condition 25d (Car Parking, Loading/Unloading and Waste Management) deleted and replaced with new Condition 26. - Condition 28 (Car Parking, Loading/Unloading and Waste Management) deleted and replaced with new Condition 30. - New conditions 27 and 32 (Car Parking, Loading/Unloading and Waste Management) added. - Remaining conditions re-numbered.	Minister for Planning
14 October 2021	Conditions 12, 18 and 32 amended to allow for the staged occupation of development and new condition 60 requiring the submission of a staging plan. New conditions 61-63 relating to the lighting strategy.	Minister for Planning
22 March 2022	Amended plans endorsed to include: - Alterations to the Skybridge residence 01 (Level 47) - Pedestrian pathway along the Porte Cochere - Squaring off the walls on the southern side of the hotel lobby - Tile breaks on the northern and western canopy Condition 35 and 60 amended to allow for amendments to staging	Minister for Planning

2 October 2026	Amended plans to allow for the conversion of Tower B from a residential hotel to dwellings and associated internal layout changes.	Minister for Planning

THE PERMIT HAS BEEN EXTENDED AS FOLLOWS

Date of Extension	Brief description of the extension	Duration of extension
25 May 2023	An extension to complete the development by 13 June 2025.	2 years
12 December 2024	An extension to complete the development by 13 June 2027.	2 years

Notes:

- Approval for any temporary structures associated with the development which infringes on the prescribed air space under the *Airport (Protection of Airspace) Regulations 1996* may be required.

- Nothing in this permit or any plans or documents approved in accordance with the conditions of this permit should be taken to imply that the development meets the requirements of the *Building Act 1993* and its regulations.

- The development must provide for and meet the requirements of the Australian Government Department of Broadband, Communications and Digital Economy publication Fibre in new developments; policy update dated 22 June 2011 (as amended).

- As developments in this area are not entitled to resident parking permits, the residents/occupants/staff/visitors of this development will not be eligible to receive parking permits and will not be exempt from any on-street parking restrictions.

- All necessary approvals and permits are to be first obtained from the Melbourne City Council (Engineering Services) and the works performed to the satisfaction of the Melbourne City Council (Engineering Services).

- All public lighting must conform to AS1158, AS3771 and The Public Lighting Code September 2001 to the satisfaction of the Melbourne City Council (Engineering Services). All light poles and specifications first approved by the Melbourne City Council (Engineering Services).

- The briefing paper to councillors identifying requests for public tree removal occurs at the beginning of each month. The notification period is fourteen days (inclusive of public notification via a sign fixed to or close to the subject tree). In view of the briefing cycle and public notification period, the permit holder should contact the Urban Forest and Ecology team by email (trees@melbourne.vic.gov.au) to initiate the process no later than two-months prior to the need for removal of tree assets 1023933 and 1025322 – London Plane.

- In accordance with the Tree Retention and Removal Policy all tree removal is carried out by council contractors.

- In accordance with the Tree Retention and Removal Policy a bank guarantee must be
  - Issued to City of Melbourne, ABN: 55 370 219 287.
  - From a recognised Australian bank.
  - Unconditional (i.e. no end date)
  - Executed (i.e. signed and dated with the bank stamp)

- Please note that insurance bonds are not accepted by the Melbourne City Council. An acceptable bank guarantee is to be supplied to Council House 2, to a representative from either Council's Urban Forest and Ecology or Site Services. Please email trees@melbourne.vic.gov.au to arrange a suitable time for the bank guarantee to be received. A receipt will be provided at this time.

- At the time of lodgment of the bank guarantee written confirmation that identifies the name of the Project Arborist who will supervise the implementation of the Tree Protection Plan will be required in writing. On completion of the works the bank guarantee will only be released when evidence is provided of Project Arborist supervision throughout the project and a final completion report confirms that the health of the subject public trees has not been compromised.

- It is recommended that the developer refers to the Growing Green Guide for technical advice on green infrastructure.

- Above ground slab clearance works have been enabled by Planning Permit TP-2017-529 issued by Melbourne City Council on 25 August 2017.

Planning and Environment
Interim Regulations 2026

Form 4 Regulation 22

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The responsible authority has issued a permit. (Note: This is not a permit granted under Division 5 or 6 of Part 4 of the **Planning and Environment Act 1987**.)

CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

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

WHEN DOES A PERMIT BEGIN?

A permit operates:

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

WHEN DOES A PERMIT EXPIRE?

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

WHAT ABOUT REVIEWS?

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

Date of issue: 13 June 2017 **Signature for the responsible authority:**

