

Eastmark Holdings Pty Ltd

Phase 1: Environmental Site Assessment

77 Berry Street, North Sydney



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Eastmark Holdings Pty Ltd

Phase 1: Environmental Site Assessment

77 Berry Street, North Sydney

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A handwritten signature in black ink that reads "A Bacon".

Checker Garry Masur

A handwritten signature in black ink that reads "Garry Masur".

Approver Anthea Sargeant

A handwritten signature in black ink that reads "Anthea Sargeant".

Report No AA002345/77Berry

Date Monday, 9 February 2009

This report has been prepared for Eastmark Holdings Pty Ltd in accordance with the terms and conditions of appointment for Phase 1: Environmental Site Assessment 11th February 2009. Hyder Consulting Pty Ltd (ABN 76 104 485 289) cannot accept any responsibility for any use of or reliance on the contents of this report by any third party.

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1 EXECUTIVE SUMMARY

Hyder Consulting Pty Ltd was commissioned by Eastmark Holdings Pty Ltd to undertake a Phase 1 Environmental Site Assessment of a site located at 77 Berry Street in North Sydney, NSW. The purpose of the investigation was to identify the presence of any potentially contaminated areas of land that may pose constraints for the future redevelopment of the site. The investigation was undertaken in accordance with the relevant Department of Environment and Climate Change guidelines and standard industry practice.

As part of this investigation, the following research was undertaken:

- A review of available aerial photographs, land title certificates, contaminated sites databases, groundwater bore location databases and relevant historical reports and documentation as required; and
- A visual site inspection.

During site inspections, the following observations were made:

- Three grease traps are located in the car park. One, to the north of the car park has been decommissioned and is therefore no longer in use. The second consists of two pits, located at the southern end of the car park. The third is located at the south-eastern corner of the site. Both grease traps appear to be adequately maintained.
- There are also a number of small air conditioning units for the retail outlets to the east of the site. These appear dated and may well contain ozone depleting substances. No further information was available for the purposes of this report.
- The car park has been cut into bedrock towards the northern end of the car park.
- A Dry Cleaner is located to the southern end of the site. Discussions with the property manager suggested that no chemicals are used on site. The shop is simply a front and all dry cleaning is conducted off site. No access was available to the dry cleaners for this investigation.

Historical land title information suggests contamination may potentially be related to occupation of part of the site by Transmission Products Pty Ltd from 1963 to 1976 (*Hyder Consulting, 2002*). However, a large amount of construction work has since been undertaken. The car park servicing Berry Square Retail Centre has been cut into bedrock. As such there is unlikely to be a large quantity of natural material impacted from the above mentioned period remaining on site. It is recommended that any natural soil encountered during construction be tested for a broad range of contaminants before further excavation and disposal of the material off site.

2 INTRODUCTION

Hyder Consulting Pty Ltd (Hyder) was engaged by Eastmark Holdings Pty Ltd (Eastmark) to undertake a Phase 1 Environmental Site Assessment (ESA) of a site located at 77 Berry Street in North Sydney, NSW. The purpose of the investigation was to identify the presence of any potentially contaminated areas of land that may pose constraints for the future redevelopment of the site. This report has been produced as a requirement of the Director General's conditions of approval for a Part 3A project.

This assessment has been carried out in accordance with the relevant Department of Environment and Climate Change (DECC), guidelines and standard industry practice.

2.1 Site Identification

The following table provides a summary of the identification details for the site.

Table 1- Site Identification Details

Number and Street	77 Berry Street
Suburb/City/Town	North Sydney, NSW
Postcode	2060
Lot and DP Number	Lot 0 SP 74602 - Beau Monde Residential Tower Lot 2 in DP 1078998 - Berry Square Retail
Local Government Area	North Sydney

Figure 1 provides a highlighted map of the site location.

Figure 1 - Site Location



2.2 Objectives

The objectives of this assessment were to:

- Identify the presence of any potentially contaminated areas of land that may pose constraints for the future redevelopment of the site; and
- Provide recommendations for further investigations to confirm and characterise the nature of contamination, if present.

2.3 Scope of Work

The scope of the work undertaken for the Phase 1 ESA included the following:

- Detailed inspection of the site and review of surrounding land uses carried out by an Environmental Consultant on Thursday 12th February 2009;
- Desktop study of historical information, including a review of available aerial photographs, land title certificates, central on-line databases and relevant documentation as required; and
- Preparation of a Phase 1 ESA report.

2.4 Proposed Land Uses

Eastmark are pursuing the construction of a commercial office and hotel tower development on 88 Walker Street and 77 Berry Street, North Sydney.

2.5 Limitations

The findings of this report are based on the preliminary environmental desktop study scope described above. Hyder performed services in a manner consistent with the level of care and expertise exercised by members of the environmental consulting profession. No warranties, express or implied, are made. Hyder's assessment is limited strictly to identifying typical environmental conditions associated with the site. All environmental and contaminated land work is subject to general limitations related to the heterogeneity of the natural environment, variability of contaminant distribution and constraints imposed by the investigation methods utilised.

The results of this assessment are based upon site inspection conducted by Hyder personnel from publicly accessible areas, information provided by Eastmark and publicly available background information. All conclusions and recommendations are the professional opinions of the Hyder personnel involved with the project, subject to the qualifications made above. While normal assessments of data reliability have been made, Hyder assumes no responsibility or liability for errors in any data obtained from any external sources, or developments resulting from situations outside the scope of this project.

Specifically, with regard to this report, it should be noted that the scope of works carried out herein is not intended to include sufficient information to enable completion of a statutory audit of the site, and as such did not include the following:

- Any intrusive soil/groundwater sampling and analysis.
- Sampling and analysis of any emissions to air, wastewater discharges or solid and liquid wastes.

Please ensure that these limitations are understood before utilising, or basing decisions on, the information presented in this report.

3 SITE HISTORY

3.1 Previous Land Uses

3.1.1 Review of Historical Aerial Photographs

A review of historical aerial photographs held by the Department of Lands, NSW, the results of the search are presented in Table 3.1 below.

Table 3.1 – Summary of Aerial Photographs

Year	Site	Adjacent Land
1950	Private residences appeared to occupy the north and the eastern edge of the site. A warehouse was located on the eastern edge, just south of the northern most residences. Vacant land covers the remainder of the site.	Residences were located fronting the northern side of Berry Street. To the east, several terraces front Walker Street. To the west, there was a large portion of vacant land, although some properties fronted Denison Street on this block.
1961	The residences remained similar to the previous photograph, although there were considerably more warehouses/industrial buildings present on the site. Many of these occupy previously vacant land to the south-east of the site. Car parking can clearly be identified. It appeared this car parking was serving the newly built warehouses/industrial buildings.	The residences to north remain. There was significant development to the west, with a large commercial building fronting Miller Street. This new building shadows much of the rest of this block, so further identification was difficult. The block to the east remained largely residential, with some larger buildings, potentially office blocks, fronting Walker Street. To the south there was a large building and associated car park.
1972	The site appears similar to the previous photograph in that the warehouses and industrial buildings (and associated car parking) remain. Only two residences were clearly visible.	The most noticeable change was the completion of the freeway to the east of North Sydney. To the east was an increase in the number of commercial buildings. Some residences remained. To the north, the residences had been replaced with a small warehouse. To the west the large commercial building remains. Smaller warehouse like buildings were also present to the north of this block, fronting Denison Street. To the south there were numerous multi-level commercial properties.
1980	All previous buildings had been removed and large scale construction was underway on the site by 1980.	To the north the small warehouse remained. To the east, two large commercial buildings had been constructed fronting Walker Street. Some residences remain. The block to the west remained largely the same with one large commercial building and several smaller warehouse buildings.

Year	Site	Adjacent Land
1994	The large scale commercial building had been completed, encompassing the entire site.	To the east, numerous large multi-level commercial buildings had been constructed. No residences remain fronting Walker Street. To the west, all residential and warehouse buildings have also been replaced with commercial, often multi-level buildings. The block to the north remained the same as previous photos. Mount Street to the south has been adapted into a pedestrian mall between Walker Street and Miller Street.
2004	The most northerly third of the site was occupied by the residential tower, as the site is today. The retail section to the south remains.	Large commercial buildings surround the site on all sides. The small warehouse remains to the north.

3.1.2 Land Title Search

An online search of the site, identified as Lot 2 in DP1078998, on an online database maintained by the Department of Lands indicated that the site is owned by Eastmark Holdings Pty Ltd.

No further information was obtained from historical searches conducted for this investigation. However, review of a Phase 1 assessment conducted by Hyder in 2002 provides further historical information:

- The site was amalgamated in 1982 as a result of one owner, Makan Pty Ltd, purchasing the remainder of the site.
- Prior to 1982, the site was divided into 2 lots in the same DP. Each site had various owners between 1933 and 1982.
- Details of the owners of the site prior to 1933 are unknown.

3.1.3 Current and Future Site Activities

The site currently has two major uses. The northern third of the site is occupied by Beau Monde Residential Tower, consisting of 36 floors. The southern two-thirds are occupied by Berry Square Retail Centre.

The proposed development will include the construction of a commercial office and hotel tower development on 77 Berry Street and 88 Walker Street, North Sydney. It is understood that excavation works for additional basement levels will occur at 88 Walker Street, and that an underground tunnel will be constructed between the two sites.

3.1.4 Adjacent Land Use Activities

Surrounding land uses consist primarily of commercial office buildings. Some retail outlets also surround the site. These are mainly food outlets.

3.2 Previous Investigations

Both Phase 1 and Phase 2 Environmental Site Assessments were conducted by Hyder in 2002 in preparation for the construction of the current residential development on the northern third of the site (Document Ref: NT016CAE and NT018BFE Rev 2 respectively).

The Phase 1 assessment concluded that there was a risk of contamination from historical industrial and warehousing land uses, although the likelihood of this contamination remaining after the construction of Berry Square retail centre in 1982 was unlikely as much of any potentially contaminated material from historical uses would likely have been removed. The car park servicing Berry Square retail centre was cut into bedrock (Appendix A). Consequently, it was recommended that there was no need for a Phase 2 investigation.

Nevertheless, a Phase 2 assessment was undertaken on the site later that year for the purpose of ascertaining the extent, level and type of any contamination at the site. A number of soil samples were collected across the site and tested for a broad range of contaminants. On collection of these samples, the ground was found to be largely crushed sandstone fill material between depths of 0.2m and 1.2m. Low level metal contaminants were identified. It was concluded that this is likely related to the nature of the imported fill material and did not pose significant issue for development. No other issues were identified in this report.

3.3 Planning Context

3.3.1 Zoning

The site is currently listed in the North Sydney Local Environmental Plan 1989, as Commercial 3(a). Adjacent blocks are zoned as Commercial under the North Sydney Local Environmental Plan 2001.

The objectives of the Commercial 3(a) zone are:

- (a) To maintain the role of the Central Business District of North Sydney as the focus of commercial development within the Municipality, and as an integral part of the dominant Regional Centre in the Sydney Region by maintaining the floor space ratios contained in previous environmental planning instruments;
- (b) To allow for a diverse range of retail activities and entertainment opportunities within the commercial zones;
- (c) To prevent any expansion of commercial zones at the expense of residential zones;
- (d) To encourage residential development on land within the zone especially in North Sydney and St Leonards;
- (e) To improve, by civic design and landscape proposals, the amenity of commercial areas in the Municipality;
- (f) To limit commercial and retail gross floor area by means of specific controls, having regard to the traffic and car parking capacity of the road system especially within the commercial areas;
- (g) To ensure by the formulation of appropriate controls that any development carried out within this zone on land adjoining or adjacent to residential areas has no adverse environmental effects on those residential areas;

- (h) To minimise the traffic impact of commercial or retail development on adjacent residential areas; and
- (i) To encourage vehicular access for commercial development away from major arterial roads.

3.3.2 Council Records

The planning certificates under section 149 of the Environmental Planning and Assessment Act (refer to Appendix C), provide further information relating to the contamination status of the site, as follows:

- Council records indicate that previous land uses that are likely to have caused contamination on site;
- The site is not affected by any Acid Sulphate Soil policies implemented by Council or any other Public Authority; and
- Development on the site is subject to the North Sydney LEP 1989, which dictates development within the North Sydney CBD.

3.3.3 DECC Records

A search was conducted to identify if the site is a registered contaminated site under the Contaminated Land Management Act 1997. The results of this search indicate that the site is not registered as a contaminated site.

4 EXISTING ENVIRONMENT

4.1 Geology and Soils

4.1.1 Geology

The 1:100,000 geological map of Sydney (Map 9130, 1:100,000 Department of Mineral Resources - 1983) indicates the site to be on the Mittagong Formation, which is underlain by Hawkesbury sandstone. The Mittagong Formation is characterised by interbedded and laminated fine to medium grained quartz sandstone and siltstone with laminate inclusions.

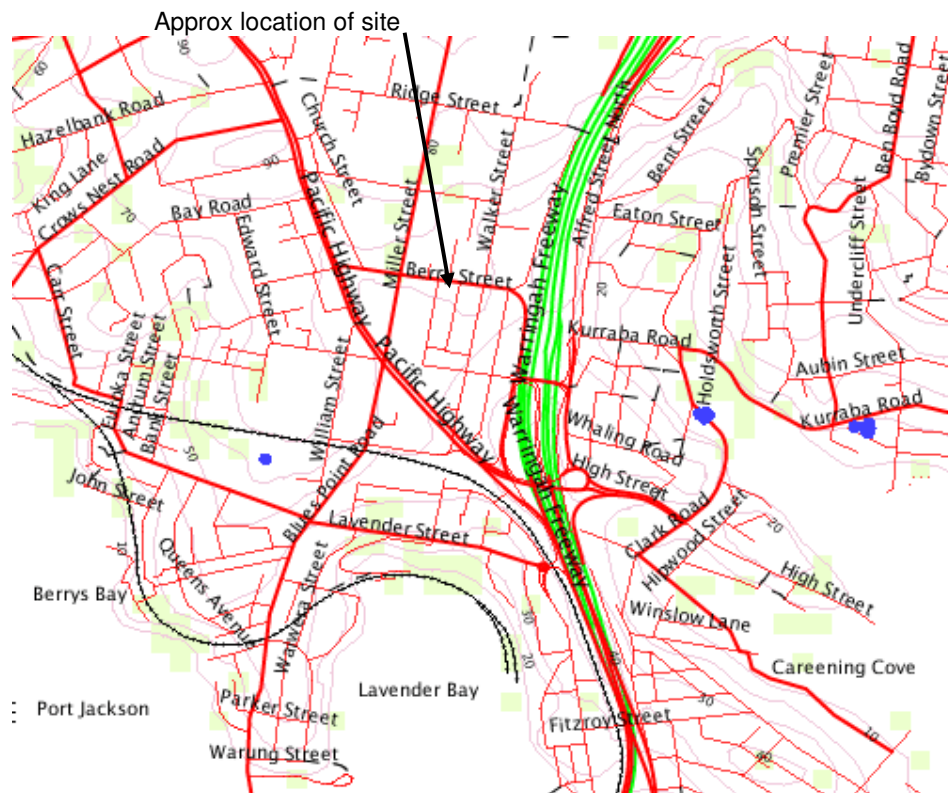
4.1.2 Soils

The Sydney 1:100,000 Soil Landscape Sheet shows that the site is located on the GyMEA soil landscape. This is often characterised by low rolling hills based on Hawkesbury Sandstone. The soils are considered to be shallow to moderately deep earthy sands. The earthy sands generally have low available water capacity, may be highly impermeable and highly acidic.

4.2 Groundwater

Figure 2 below shows the groundwater bores located closest to the site:

Figure 2 - Location of groundwater bores closest to the site



Map created with the NSW Natural Resource Atlas – www.nratlas.nsw.gov.au 20-02-09. Copyright © 2009 New South Wales Government. Map has been compiled from various sources and may contain errors or omissions. No representation is made as to its accuracy or suitability.

Based on information from previous reports for this and adjacent sites, groundwater is not considered to be a significant resource in the immediate vicinity of the site. Consequently, the sensitivity of groundwater to potential contamination is considered to be relatively low.

4.3 Surface Water Drainage

Surface water from this site and adjacent properties will flow into storm water drains. All flows will be directed to the council drainage system which is likely to discharge into Port Jackson in a southerly direction. Consequently, little or no runoff from properties upstream is likely to be experienced on site.

5 SITE ASSESSMENT

5.1 Site Description

The site is situated on the southern side of Berry Street between Little Spring Street to the west, Denison Street to the east and Spring Street to the south (refer to figure 1).

The site is occupied by a 37 storey commercial and residential tower to the north of the site, fronting Berry Street, and Berry Square shopping centre. Berry Square occupies the southern two-thirds (approx) of the site, while the residential tower occupies the remaining one-third. There is a degree of overlap; there is no gap between these sections of the site.

The residential tower is comprised of the following:

- Reception located on the ground floor at the main entrance, accessed from Berry Street. Waste collection areas, waste chute and recycling storage are accessed from Little Spring Street;
- Commercial offices accessed via Berry Street, although through a separate entrance to the Residential Tower;
- Residential floors Levels 1 to 7 and 9 to 36;
- Plant room containing cooling towers and swimming pool/gym located on Level 8; and
- Plant room located on Level 37, accessed via the fire stairs from Level 36, with access to the roof. This plant room contains a fire pump system, hot water systems and 2 cooling towers (in a separate room).

Berry Square retail centre is comprised of the following:

- Ground floor public car park, accessed via Little Spring Street, to the south of the site. A waste area and loading dock is also located on this level, accessed from Little Spring Street, north of the access to the public car park.
- A food court and various retail outlets are located on the 1st floor of Berry Square
- Retail outlets occupy the remainder of the ground floor, and the 2nd floor. A plant room is also located on the 2nd floor, containing hot water systems and cooling towers.

5.2 Site Observations

The following observations were made for the Beau Monde Residential Tower during the site inspection:

- No odour or noise complaints have been received from residents.
- Plant rooms on level 8 and level 37 were securely banded with sewer connections.
- Waste areas were well maintained. No evidence of potential contamination observed.

The following site observations were made for Berry Square retail centre during the site inspection:

- Three grease traps are located in the car park. One, to the north of the car park has been decommissioned and is therefore no longer in use. The second consists of two pits, located at the southern end of the car park. The third is located at the south-eastern corner of the site. Both grease traps appear to be adequately maintained.
- There are also a number of small air conditioning units for the retail outlets to the east of the site. These appear dated and may well contain ozone depleting substances. No further information was available for the purposes of this report.
- The car park has been cut into bedrock towards the northern end of the car park.
- A Dry Cleaner is located to the southern end of the site. Discussions with the property manager suggested that no chemicals were used on site. The shop was simply a front and all dry cleaning was conducted off site. No access was available to the dry cleaners for this investigation.

5.3 Site Condition

The building occupying the site was constructed circa 1982 and was extensively refurbished in the late 1990s. This refurbishment included a new façade on the southern end of the building, and the addition of the food court area, along with upgrades to the tenancies in the building. The residential tower to the north of the site was completed circa 2005.

A review of an Asbestos Containing Materials Survey, conducted in 2008 by P Clifton and Associates Pty Ltd found a number of asbestos containing materials throughout Berry Square. These are as follows:

Roofs

- Corrugated and/or flat asbestos sheeting in the:
 - Air conditioning plant room;
 - Passenger lift shaft;
 - Entry to Denison Street footbridge;
 - Roof over main building; and]
 - Ends of semi-circular skylights.
- Moulded asbestos cement box gutters on the roof over the main building.

External Walls

- Corrugated and/or flat asbestos sheeting in the:
 - Eastern and western walls; and
 - South western entry doorway ceiling and wall lining.

Air Conditioning Plant Room

- Corrugated and/or flat asbestos sheeting in the perimeter walls and curved roof.
- Asbestos flange gaskets in the boiler room.

Lower Level

- “Zelemite” backing board in Shop No.7.

Car Park Level

- “Zelemite” backing boards (assumed) in Grey electrical cabinet No. 6.
- Brake linings on motor in the lift motor room.
- Gaskets on the diesel motor in the sprinkler valve room

The residential tower and associated offices were not included in this survey.

Recommendations from the 2008 report suggested the asbestos present in Berry Square was in a good condition and would not pose a health risk if left un-disturbed. Asbestos containing materials identified in the report that will be disturbed by the development works should be removed prior to or in conjunction with the proposed works.

6 CONCLUSIONS AND RECOMMENDATIONS

6.1 Conclusions

A Phase 1 Environmental Site Assessment has been undertaken to determine the potential for land contamination at this site. The study concludes it is unlikely that significant soil or groundwater contamination would be present on site. Analysis of the site history has suggested activities related to the warehouse / industrial buildings on site may have caused contamination of surface fill materials at the site, however, it is understood from the review of previous investigations that these soils were likely to have been removed from the site during the 1982 redevelopment works.

Minor amounts of fuel and chemicals are stored on site, although it is unlikely these will pose a significant risk as they are stored in relatively small quantities and are adequately banded.

The presence of asbestos containing materials has been identified in an asbestos survey conducted by P Clifton and Associates Pty, Ltd throughout Berry Square Retail Centre. Recommendations from the 2008 report suggested the asbestos present in Berry Square was in a good condition and would not pose a health risk if left un-disturbed.

6.2 Recommendations

From reviewing the information gathered for this report, it is concluded that a Phase 2 Environmental Site Assessment is not required for this site. However, as the proposed site redevelopment requires the removal of excess soil, some soil testing may be required to confirm the soil quality prior to off-site disposal.

Asbestos containing materials have been identified during the survey conducted in 2008. If this material is likely to be disturbed by the development works, it is recommended that it be removed prior to or as part of these works.

7 REFERENCES

Chapman, GA and Murphy CL (1989), *Soil Landscapes of the Sydney 1:100 000 Sheet*, Soil Conservation Service of NSW, Sydney

Department of Environment and Climate Change, Contaminated Land Record Search

Department of Environment and Climate Change (2000) *Guidelines for Consultants Reporting on Contaminated Sites*, DECC

Department of Natural Resources, Groundwater Bore Search

Herbet, C (eds) (1980), *Geology of the Sydney 1:100 000 Sheet 9130*, Geological Survey of New South Wales Department of Mineral Resources, Sydney

Hyder Consulting Pty Ltd (2002) *Stage 1: Preliminary Site Investigation, 77 Berry Street North Sydney*

Hyder Consulting Pty Ltd (2002a) *Stage 2: Detailed Site Investigation, 77 Berry Street, North Sydney*

P Clifton and Assocaites Pty Ltd (2008) *Asbestos Containing Materials (ACM) Management Plan, Berry Square Shopping Centre, 77 Berry Street, North Sydney*

Appendix A

Site Photographs



Figure 3 - Loading Dock and waste collection area of Beau Monde Residential Tower.



Figure 4 - Waste chute located in the loading dock of Beau Monde Residential Tower



Figure 5 - Swimming pool and Gym located on Level 8 of the Beau Monde Residential Tower



Figure 6 - Pool chemicals located in the pool pump room on Level 8.



Figure 7 - Pool pump room located on Level 8



Figure 8 - Cooling tower, located on Level 37 of the Beau Monde Residential Tower.



Figure 9 - Chemicals stored in cooling tower plant room on Level 37 of Beau Monde Residential Tower



Figure 10 - Plant room on Level 37 containing fire pump systems and hot water systems



Figure 11 - Lift motor room for Beau Monde Residential Tower.



Figure 12 - Air conditioning units on roof of Beau Monde Residential Tower



Figure 13 - Air conditioning units located in the loading dock of Berry Square Retail Centre.



Figure 14 - The loading dock of Berry Square Retail Centre



Figure 15 - Waste area in the retail loading dock of the site.



Figure 16 - Sprinkler Pump



Figure 17 - Fuel tank for the Sprinkler Pump



Figure 18 - Dry Cleaners located on the southern end of Berry Square Retail centre.



Figure 19 - Small air conditioning units located in Berry Square Car Park



Figure 20 - Car park cut into bedrock



Figure 21 - Vinyl tiles in the MDF room.



Figure 22 - Decommissioned grease trap at the northern end of the car park.

Appendix B

Land Title Search Results

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 2/1078998

SEARCH DATE	TIME	EDITION NO	DATE
17/2/2009	8:31 AM	7	22/10/2007

LAND

LOT 2 IN DEPOSITED PLAN 1078998
AT NORTH SYDNEY
LOCAL GOVERNMENT AREA NORTH SYDNEY
PARISH OF WILLOUGHBY COUNTY OF CUMBERLAND
TITLE DIAGRAM DP1078998

FIRST SCHEDULE

EASTMARK HOLDINGS PTY LIMITED

SECOND SCHEDULE (37 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 AA298825 LEASE TO ENERGYAUSTRALIA OF SUBSTATION PREMISES
NO.5492 LITTLE SPRING BERRY NO.3 LEVEL 3 TOGETHER WITH
RIGHT OF WAYS DESIGNATED (R1 & R2) & EASEMENT FOR
ELECTRICITY 1.66 WIDE IN PLAN (PAGE 3 & 4) WITH
AA298825. EXPIRES: 30/11/2101. REGISTERED 28.1.2004
- 3 DP1078998 EASEMENT FOR SUPPORT AND SHELTER AFFECTING THE PART(S)
SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 4 DP1078998 EASEMENT FOR SUPPORT AND SHELTER APPURTENANT TO THE
LAND ABOVE DESCRIBED
- 5 DP1078998 EASEMENT FOR SERVICES AFFECTING THE PART(S) SHOWN SO
BURDENED IN THE TITLE DIAGRAM
- 6 DP1078998 EASEMENT FOR SERVICES APPURTENANT TO THE LAND ABOVE
DESCRIBED
- 7 DP1078998 EASEMENT FOR SERVICES LIMITED IN STRATUM 'A'
APPURTENANT TO THE LAND ABOVE DESCRIBED
- 8 DP1078998 EASEMENT FOR AIR PLENUM VARIABLE WIDTH LIMITED IN
STRATUM 'B' APPURTENANT TO THE LAND ABOVE DESCRIBED
- 9 DP1078998 EASEMENT FOR EMERGENCY EGRESS 'C' AFFECTING THE
PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 10 DP1078998 EASEMENT FOR EMERGENCY EGRESS 'C' APPURTENANT TO THE
LAND ABOVE DESCRIBED
- 11 DP1078998 RIGHT OF CARRIAGEWAY VARIABLE WIDTH 'F' AFFECTING THE
PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 12 DP1078998 EASEMENT FOR SERVICES VARIABLE WIDTH LIMITED IN
STRATUM 'J' AFFECTING THE PART(S) SHOWN SO BURDENED IN
THE TITLE DIAGRAM
- 13 DP1078998 EASEMENT FOR SERVICES VARIABLE WIDTH LIMITED IN
STRATUM 'K' APPURTENANT TO THE LAND ABOVE DESCRIBED

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SECOND SCHEDULE (37 NOTIFICATIONS) (CONTINUED)

- 14 DP1078998 EASEMENT FOR SERVICES VARIABLE WIDTH LIMITED IN STRATUM 'L' AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 15 DP1078998 RIGHT OF FOOTWAY 1.3 METRE(S) WIDE AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 16 DP1078998 RIGHT OF ACCESS TO SERVICES LIMITED IN STRATUM 'M' AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 17 DP1078998 EASEMENT FOR ACCESS VARIABLE WIDTH LIMITED IN STRATUM 'N' APPURTENANT TO THE LAND ABOVE DESCRIBED
- 18 DP1078998 RIGHT OF ACCESS TO LIFTS VARIABLE WIDTH LIMITED IN STRATUM 'U' APPURTENANT TO THE LAND ABOVE DESCRIBED
- 19 DP1078998 EASEMENT FOR ACCESS TO SERVICES LIMITED IN STRATUM 'O' AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 20 DP1078998 EASEMENT TO USE LIFT VARIABLE WIDTH LIMITED IN STRATUM 'P' APPURTENANT TO THE LAND ABOVE DESCRIBED
- 21 DP1078998 RIGHT OF ACCESS TO LIFTS LIMITED IN STRATUM 'V' APPURTENANT TO THE LAND ABOVE DESCRIBED
- 22 DP1078998 RIGHT OF ACCESS TO LIFTS LIMITED IN STRATUM 'W' APPURTENANT TO THE LAND ABOVE DESCRIBED
- 23 DP1078998 EASEMENT FOR SERVICES VARIABLE WIDTH LIMITED IN STRATUM 'Q' AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 24 DP1078998 EASEMENT FOR PLANT ROOM SERVICES VARIABLE WIDTH LIMITED IN STRATUM 'R' AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 25 DP1078998 RIGHT OF ACCESS TO PLANT ROOM VARIABLE WIDTH 'S' APPURTENANT TO THE LAND ABOVE DESCRIBED
- 26 DP1078998 EASEMENT FOR VISITOR BICYCLE RAILS VARIABLE WIDTH 'X' AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 27 THE LAND ABOVE DESCRIBED IS LIMITED IN STRATUM IN THE MANNER DESCRIBED IN DP1078998
- 28 DP1080375 EASEMENT FOR ADVERTISING SIGNAGE PURPOSES 0.3 WIDE LIMITED IN STRATUM APPURTENANT TO THE LAND ABOVE DESCRIBED
- 29 ATTENTION IS DIRECTED TO THE STRATA MANAGEMENT STATEMENT FILED WITH SP74602
AMENDMENT TO STRATA MANAGEMENT STATEMENT SEE SHEETS 2 - 16
FILED WITH REQUEST
- 30 AC445612 LEASE TO TRAVELSCENE LIMITED BEING LEVELS 3 AND 4, BERRY SQUARE, 77 BERRY STREET, NORTH SYDNEY. EXPIRES: 22/1/2011. OPTION OF RENEWAL: 5 YEARS.
- 31 AD177424 LEASE TO ZAFFYRE INTERNATIONAL PTY LIMITED LEVEL 5, BERRY SQUARE, 77 BERRY STREET, NORTH SYDNEY. EXPIRES:

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SECOND SCHEDULE (37 NOTIFICATIONS). (CONTINUED)

- 28/2/2011. OPTION OF RENEWAL: 4 YEARS.
- 32 AD222785 LEASE TO ELLA BACHE COLLEGE OF BEAUTY THERAPY PTY LTD
SUITE 2, LEVEL 2, BERRY SQUARE, 77 BERRY STREET, NORTH
SYDNEY. EXPIRES: 29/2/2012. OPTION OF RENEWAL: FIVE
YEARS.
- 33 AD222786 LEASE TO DONALD CANT WATTS CORKE (NSW) PTY LTD SUITE
1, LEVEL 6, BERRY SQUARE, 77 BERRY STREET, NORTH
SYDNEY. EXPIRES: 30/6/2013. OPTION OF RENEWAL: FOUR
YEARS.
- * AE377994 LEASE OF LEASE AD222786 TO COMPUTRON SOFTWARE
AUSTRALIA PTY LTD OF SUITE 1, LEVEL 6, BERRY
SQUARE, 77 BERRY STREET, NORTH SYDNEY. EXPIRES:
29/4/2011. OPTION OF RENEWAL: 2 YEARS.
- 34 AD323325 LEASE TO AUSTRALIAN FINANCIAL RISK MANAGEMENT PTY
LIMITED BEING SUITE 1, LEVEL 2 & STORAGE AREA 1, LEVEL
2, BERRY SQUARE, 77 BERRY STREET, NORTH SYDNEY.
EXPIRES: 31/12/2012. OPTION OF RENEWAL: 5 YEARS.
- 35 AD323326 LEASE TO JBA URBAN PLANNING CONSULTANTS PTY LIMITED
BEING LEVEL 7 & STOREROOM 1, LEVEL 7, BERRY SQUARE, 77
BERRY STREET, NORTH SYDNEY. EXPIRES: 30/4/2013. OPTION
OF RENEWAL: 5 YEARS.
- 36 AD327223 LEASE TO CAPITAL INSIGHT PTY LIMITED BEING SUITE 2,
LEVEL 6, BERRY SQUARE, 77 BERRY STREET, NORTH SYDNEY.
EXPIRES: 16/6/2012. OPTION OF RENEWAL: 5 YEARS.
- 37 AD396520 MORTGAGE TO AUSTRALIA AND NEW ZEALAND BANKING GROUP
LIMITED

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***



Department of Lands

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - HISTORICAL SEARCH

SEARCH DATE

17/2/2009 8:53AM

FOLIO: 2/1078998

First Title(s): OLD SYSTEM
Prior Title(s): VOL 14947 FOL 89

Recorded	Number	Type of Instrument	C.T. Issue
6/4/2005	DP1078998	DEPOSITED PLAN	FOLIO CREATED EDITION 1
6/4/2005	DP1080375	DEPOSITED PLAN	
10/6/2005	AB542998	DISCHARGE OF MORTGAGE	EDITION 2
7/11/2005	AB889404	DEPARTMENTAL DEALING	
7/11/2005	AB861887	REQUEST	EDITION 3
11/7/2006	AC445612	LEASE	EDITION 4
7/6/2007	AD177424	LEASE	EDITION 5
27/6/2007	AD222785	LEASE	
27/6/2007	AD222786	LEASE	EDITION 6
22/10/2007	AD323325	LEASE	
22/10/2007	AD323326	LEASE	
22/10/2007	AD327223	LEASE	
22/10/2007	AD396519	DISCHARGE OF MORTGAGE	
22/10/2007	AD396520	MORTGAGE	
22/10/2007	AD506384	DEPARTMENTAL DEALING	EDITION 7
9/12/2008	AE377994	SUB-LEASE	

*** END OF SEARCH ***

4187801 77 Berry - Commercial

PRINTED ON 17/2/2009

Appendix C

Section 149 Planning Certificate



address 200 Miller Street North Sydney NSW 2060
 all correspondence General Manager North Sydney Council
 PO Box 12 North Sydney NSW 2059
 DX10587

telephone (02) 9936 8100
 facsimile (02) 9936 8177
 email council@northsydney.nsw.gov.au
 Internet www.northsydney.nsw.gov.au
 ABN 32 353 260 317

**PLANNING CERTIFICATE UNDER
 SECTION 149 ENVIRONMENTAL PLANNING
 AND ASSESSMENT ACT 1979**

Cert. No.: 40679/02
 Page No.: 1 of 5

Parcel No: 57848

Date: 17/02/2009
Receipt No.: 888199
Your REF:

Applicant:
 Alison Bacon
 Locked Bag 6503
 NORTH SYDNEY NSW 2059

Owner (as recorded by council):
 Props of SP 74602
 77 Berry Street
 NORTH SYDNEY NSW 2060

Property Description:
 77-81 Berry Street NORTH SYDNEY 2060
 LOT: 0 SP: 74602

The Title information shown on this Certificate has been obtained from the Land and Property Information NSW, therefore Council cannot guarantee accuracy.

The information required to be disclosed in this planning certificate is that prescribed by Schedule 4 of the Environmental Planning and Assessment Regulation 2000. If no response is provided in this planning certificate for an item listed in Schedule 4, that matter has been considered and determined as not applying to the land to which this certificate relates.

**AS AT THE DATE OF THE CERTIFICATE THE FOLLOWING MATTERS APPLY TO THE ABOVE
 MENTIONED LAND.**

PLANNING INSTRUMENT: NORTH SYDNEY LOCAL ENVIRONMENTAL PLAN 1989
 GAZETTED 3RD NOVEMBER 1989, AS AMENDED.

EFFECT:

COMMERCIAL 3(a)

USES UNDER 3(a) NORTH SYDNEY L.E.P. 1989

DEVELOPMENT WHICH MAY BE CARRIED OUT WITHOUT DEVELOPMENT CONSENT

Home occupations.

DEVELOPMENT WHICH MAY BE CARRIED OUT ONLY WITH DEVELOPMENT CONSENT

Advertisements; airline terminals; attached dwellings; backpackers accommodation; boarding houses; bus stations; car-parking; car repair stations; child care centres; clubs; commercial premises; drainage; dwellings; educational establishments; hotels; housing for aged or disabled persons; light industry not exceeding 100 sq. metres use; motels; open space; places of assembly; places of public worship; professional consulting rooms; public buildings; public utility undertakings; recreational facilities; refreshment rooms; residential flat buildings; roads; service stations; serviced apartments; shops; showrooms; take-away food shops; taverns; transport terminals; trade or craft workshops; utility installations, other than gasholders or generating works; warehouses.



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 ABN 32 353 260 317

DEVELOPMENT WHICH IS PROHIBITED

Any purpose other than a purpose listed above.

North Sydney Local Environmental Plan 1989 (Amendment No.43) gazetted 9/5/1997 amends Objective (g) of the commercial 3(a) zone

North Sydney Local Environmental Plan 1989 (Amendment No.46) gazetted 3/10/1997 re-defines the definition for "serviced apartments" and establishes that serviced apartments are a commercial use, and not a residential use.

North Sydney Local Environmental Plan 1989 (Amendment No.66) gazetted 22/2/02 prohibits residential development on that part of the CBD shown hatched on the plan, in order to maintain a commercial core for the North Sydney CBD and apply floor space restrictions, which currently apply to non-residential development, to residential development in the remainder of the area.

North Sydney Local Environmental Plan 1989 (Amendment No 50) gazetted 19/2/1997 amends the controls in relation to outdoor advertising and advertising structures.

North Sydney Local Environmental Plan 1989 (Amendment No.51) gazetted 21/8/1998 restricts the location of brothels and adult services to the commercial zone.

North Sydney Local Environmental Plan 1989 (Amendment No.57) gazetted 18/9/1998 allows for the use of part of a road, adjacent to a refreshment room, for the purpose of the refreshment room and works, such as landscaping and minor structures, to enable such a use. The plan also deletes a clause in North Sydney LEP 1989 relating to the advertising of development applications.

North Sydney Local Environmental Plan 1989 (Amendment No.58) gazetted 24/12/1998 permits telecommunications facilities, subject to conditions including the need for development consent for certain types of telecommunications facilities.

North Sydney Local Environmental Plan 1989 (Amendment No 62) gazetted 4/2/2000 exempts certain minor developments from the need for development consent and allows other development, that is identified as having little significant environmental impact, to be certified as complying development.

North Sydney Local Environmental Plan 1989 (Amendment No. 67) gazetted 11/10/02 changes clause 9 of LEP 1989 to make clear that development consent is required for all development, except for exempt development, or where that plan states no consent is required.

NSLEP 2001 Draft Local Environmental Plan- Amendments No 28 – North Sydney Centre.
 The proposed amendments: rezone several properties to commercial zone; amend the building height and massing controls, including the application of maximum building heights and maximum floor space ratios, and removal of the composite shadow area; amend the solar access provisions relating to Don Bank Museum and Mount Street Plaza Public Open Space; amend the non-residential floor space ratios for several properties zoned mixed use; amend or remove several special areas; remove Clause 28A Division to Prevail; amend the building height and non-residential floor space ratio provisions applying to 144, 146, 148 and 150 Walker Street; and make consequential amendments. The DLEP is exhibited from 22 January 2009 to 20 February 2009.

Under the requirements of the Rural Fires Act 1997 and Environmental Planning and Assessment Act 1979,



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ABN 32 353 260 317

North Sydney Council has identified and mapped potential bushfire prone land. A draft map showing potentially affected properties can be found on Council's website www.northsydney.nsw.gov.au. The draft map was exhibited between Thursday 3 July 2008 to Friday 15 August 2008 and is awaiting certification from the Commissioner of the NSW Rural Fire Service. Accordingly, the status of the land's classification as being "bushfire prone land" has no statutory weight, until such time as the Commissioner certifies the map.

The subject land is identified within Part 5 - Particular Provisions of the North Sydney Local Environmental Plan 1989, (as amended).

Development Control Plan No. 1 North Sydney – effective 10/1/1990. Amended 10/12/1992 – Neutral Bay & Cremorne Trading Hours. Amended 18/10/1993 – Child Care Centres in Residential Zones. Amended 26/8/1996 – Energy Efficiency Design and Requirements. Amended 7/1/1999 Commercial and Residential Noise Guidelines.

Interim Laneways Policy adopted on 4/9/95, amended on 21/4/97.

D.C.P. No. 25 Child Care in Commercial Zones effective 6/4/1995.

D.C.P. No 35 - Notification – effective 29/6/2000.

D.C.P. No 34 - Brothels and Adult Services effective 10/9/1998.

D.C.P. No 39 - Access and Mobility effective 1/2/2000.

D.C.P. No 40 - Boarding Houses effective 1/2/2000.

D.C.P. No 36 - Telecommunications effective 21/1/1999.

D.C.P. No 31 - Outdoor Advertising effective 15/1/98.

D.C.P. No 41 - Contaminated Land effective 21/9/00.

North Sydney Development Control Plan 2002 and Area Character Statements. Effective 21/02/2002. The DCPs apply to all land in the North Sydney local government area where LEP 2001 applies, and contains policy relevant to development of land where LEP 1989 applies. Amended 20/3/03. Amended 29/5/03. Amended 24/03/05. Amended 07/07/05. Amended 06/10/05. Amended 04/05/06. Amended 01/06/06. Amended 19/9/06. Amended 16/08/07. Amended 29/05/08. Amended 30/10/08.

North Sydney Section 94 Plan. Comprehensive plan applying to all development in the North Sydney local government area. Effective 12 February 2004. Amended 3 July 2006.

Draft Amendments North Sydney DCP 2002 (Late Night Trading premises)
At its meeting on 13 October 2008, North Sydney Council resolved to adopt draft North Sydney Late Night Trading amendments to North Sydney Development Control Plan (NSDCP) 2002 for exhibition. The draft amendments to NSDCP 2002 incorporate new provisions for late night trading premises such as restaurants, cafes, pubs and clubs to protect the amenity of the wider community. The draft DCP



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internet www.northsydney.nsw.gov.au
ABN 32 353 260 317

amendments are on public exhibition between Thursday 30 October 2008 and Friday 28 November 2008.

DEMOLITION CONTROLS:

Development consent may be required for the demolition of all or part of any building on the subject land.
Refer to Exempt Development schedule in the Local Environmental Plan.

OTHER CONTROLS:

The subject land is NOT AFFECTED by any ROAD WIDENING or road realignment under the Roads Act 1993.

The subject land is NOT AFFECTED by any ROAD WIDENING or road realignment under any environmental planning instrument.

The subject land is NOT AFFECTED by any road widening or road reservation under any Council resolution.

The subject land is NOT subject to any reservation for acquisition by a public authority for open space or road widening.

The subject land is NOT AFFECTED by Section 38 or 39 of the Coastal Protection Act 1979.

The subject land is NOT proclaimed as a Mine Subsidence District within the meaning of Section 15 of the Mine Subsidence Compensation Act 1961.

Important Note: Council records indicate that this land may have been used in the past for a potentially contaminating activity. Council suggests that you should purchase a section 149(5) certificate so that you are aware of this information.

The land is NOT AFFECTED by a policy, adopted by the Council or adopted by any other public authority and notified to the Council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the Council, that restricts the development of the land by reason of the likelihood of landslip, bushfire, flooding, tidal inundation, subsidence, acid sulphate soils or any other risk except contamination.

COUNCIL'S URBAN CONSOLIDATION POLICY (Adopted by Council 20th November 1989, as amended)
Council will not approve of an application for alterations or additions to an existing building or erection of a new building where the number of existing dwellings or rooms within a boarding house are reduced.
Council may waive the policy where:

- (a) The property contains a residential building which has been converted to a greater number of units than its original configuration, (b) the conversion in (a) was made without consent and was temporary in nature, (c) the application is to alter the building to its original configuration.

or

The building is an Item of Environmental Heritage and the objectives of the heritage provisions would result in a reduction of units.

or



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DX10587

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Internet www.northsydney.nsw.gov.au
ABN 32 353 260 317

The structural condition and/or fire safety of the building is inadequate.

THE FOLLOWING STATE ENVIRONMENTAL PLANNING POLICIES AND REGIONAL ENVIRONMENTAL PLANS APPLY:

State Environmental Planning Policy No. 1 - Development standards
State Environmental Planning Policy No. 4 - Development without consent and miscellaneous complying development
State Environmental Planning Policy No. 6 - Number of storeys in a building
State Environmental Planning Policy No. 10 - Retention of low-cost rental accommodation
State Environmental Planning Policy No. 19 - Bushland in urban areas
State Environmental Planning Policy No. 22 - Shops and commercial premises
State Environmental Planning Policy No. 32 - Urban consolidation (re development of urban land)
State Environmental Planning Policy No. 33 - Hazardous and offensive development
State Environmental Planning Policy No. 50 - Canal estate development
State Environmental Planning Policy No. 55 - Remediation of land
State Environmental Planning Policy No. 56 - Sydney Harbour Foreshores and Tributaries
State Environmental Planning Policy No. 60 - Exempt and Complying Development
State Environmental Planning Policy No. 64 - Advertising and signage
State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development
State Environmental Planning Policy - Building Sustainability Index: BASIX 2004
State Environmental Planning Policy - Housing for Seniors or People with a Disability 2004 (formerly Seniors Living)
State Environmental Planning Policy - Major Projects 2005 (formerly State Significant Development)
State Environmental Planning Policy (Infrastructure) 2007
State Environmental Planning Policy - Temporary Structures and Places of Public Entertainment 2007
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008
Draft State Environmental Planning Policy No. 66 - Integration of Land Use and Transport
Draft State Environmental Planning Policy (Application of Development Standards) 2004 (Exhibited 10/5/04 - 18/6/04)

Note: summaries of the State Environmental Planning Policies are provided on the Department of Planning website at www.planning.nsw.gov.au

For further information, please contact Council's
DIVISION OF PLANNING & DEVELOPMENT SERVICES

PENNY HOLLOWAY
GENERAL MANAGER
per:

A handwritten signature in black ink, appearing to be 'Penny Holloway', written over a horizontal line.



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**PLANNING CERTIFICATE UNDER
 SECTION 149 ENVIRONMENTAL PLANNING
 AND ASSESSMENT ACT 1979**

Cert. No.: 40680/02
 Page No.: 1 of 5

Parcel No: 57406

Date: 17/02/2009
 Receipt No.: 888235
 Your REF:

Applicant:
 Alison Bacon
 Locked Bag 6503
 NORTH SYDNEY NSW 2059

Owner (as recorded by council):
 Eastmark Holdings Pty Ltd
 Berry Square
 77 Berry St
 NORTH SYDNEY NSW 2060

Property Description:
 77 Berry Street NORTH SYDNEY 2060
 LOT: 2 DP: 1078998

The Title Information shown on this Certificate has been obtained from the Land and Property Information NSW, therefore Council cannot guarantee accuracy.

The information required to be disclosed in this planning certificate is that prescribed by Schedule 4 of the Environmental Planning and Assessment Regulation 2000. If no response is provided in this planning certificate for an item listed in Schedule 4, that matter has been considered and determined as not applying to the land to which this certificate relates.

**AS AT THE DATE OF THE CERTIFICATE THE FOLLOWING MATTERS APPLY TO THE ABOVE
 MENTIONED LAND.**

PLANNING INSTRUMENT: NORTH SYDNEY LOCAL ENVIRONMENTAL PLAN 1989
 GAZETTED 3RD NOVEMBER 1989, AS AMENDED.

EFFECT:

COMMERCIAL 3(a)

USES UNDER 3(a) NORTH SYDNEY L.E.P. 1989

DEVELOPMENT WHICH MAY BE CARRIED OUT WITHOUT DEVELOPMENT CONSENT

Home occupations.

DEVELOPMENT WHICH MAY BE CARRIED OUT ONLY WITH DEVELOPMENT CONSENT

Advertisements; airline terminals; attached dwellings; backpackers accommodation; boarding houses; bus stations; car-parking; car repair stations; child care centres; clubs; commercial premises; drainage; dwellings; educational establishments; hotels; housing for aged or disabled persons; light industry not exceeding 100 sq. metres use; motels; open space; places of assembly; places of public worship; professional consulting rooms; public buildings; public utility undertakings; recreational facilities; refreshment rooms; residential flat buildings; roads; service stations; serviced apartments; shops; showrooms; take-away food shops; taverns; transport terminals; trade or craft workshops; utility installations, other than gasholders or generating works; warehouses.



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DEVELOPMENT WHICH IS PROHIBITED

Any purpose other than a purpose listed above.

North Sydney Local Environmental Plan 1989 (Amendment No.43) gazetted 9/5/1997 amends Objective (g) of the commercial 3(a) zone

North Sydney Local Environmental Plan 1989 (Amendment No.46) gazetted 3/10/1997 re-defines the definition for "serviced apartments" and establishes that serviced apartments are a commercial use, and not a residential use.

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Under the requirements of the Rural Fires Act 1997 and Environmental Planning and Assessment Act 1979,



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North Sydney Council has identified and mapped potential bushfire prone land. A draft map showing potentially affected properties can be found on Council's website www.northsydney.nsw.gov.au. The draft map was exhibited between Thursday 3 July 2008 to Friday 15 August 2008 and is awaiting certification from the Commissioner of the NSW Rural Fire Service. Accordingly, the status of the land's classification as being "bushfire prone land" has no statutory weight, until such time as the Commissioner certifies the map.

The subject land is identified within Part 5 - Particular Provisions of the North Sydney Local Environmental Plan 1989, (as amended).

Development Control Plan No. 1 North Sydney – effective 10/1/1990. Amended 10/12/1992 – Neutral Bay & Cremorne Trading Hours. Amended 18/10/1993 – Child Care Centres in Residential Zones. Amended 26/8/1996 – Energy Efficiency Design and Requirements. Amended 7/1/1999 Commercial and Residential Noise Guidelines.

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D.C.P. No 41 - Contaminated Land effective 21/9/00.

North Sydney Development Control Plan 2002 and Area Character Statements. Effective 21/02/2002. The DCPs apply to all land in the North Sydney local government area where LEP 2001 applies, and contains policy relevant to development of land where LEP 1989 applies. Amended 20/3/03. Amended 29/5/03. Amended 24/03/05. Amended 07/07/05. Amended 06/10/05. Amended 04/05/06. Amended 01/06/06. Amended 19/9/06. Amended 16/08/07. Amended 29/05/08. Amended 30/10/08.

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amendments are on public exhibition between Thursday 30 October 2008 and Friday 28 November 2008.

DEMOLITION CONTROLS:

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OTHER CONTROLS:

The subject land is NOT AFFECTED by any ROAD WIDENING or road realignment under the Roads Act 1993.

The subject land is NOT AFFECTED by any ROAD WIDENING or road realignment under any environmental planning instrument.

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The subject land is NOT subject to any reservation for acquisition by a public authority for open space or road widening.

The subject land is NOT AFFECTED by Section 38 or 39 of the Coastal Protection Act 1979.

The subject land is NOT proclaimed as a Mine Subsidence District within the meaning of Section 15 of the Mine Subsidence Compensation Act 1961.

Important Note: Council records indicate that this land may have been used in the past for a potentially contaminating activity. Council suggests that you should purchase a section 149(5) certificate so that you are aware of this information.

The land is NOT AFFECTED by a policy, adopted by the Council or adopted by any other public authority and notified to the Council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the Council, that restricts the development of the land by reason of the likelihood of landslide, bushfire, flooding, tidal inundation, subsidence, acid sulphate soils or any other risk except contamination.

COUNCIL'S URBAN CONSOLIDATION POLICY (Adopted by Council 20th November 1989, as amended) Council will not approve of an application for alterations or additions to an existing building or erection of a new building where the number of existing dwellings or rooms within a boarding house are reduced. Council may waive the policy where:

- (a) The property contains a residential building which has been converted to a greater number of units than its original configuration, (b) the conversion in (a) was made without consent and was temporary in nature, (c) the application is to alter the building to its original configuration.

or

The building is an Item of Environmental Heritage and the objectives of the heritage provisions would result in a reduction of units.

or



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The structural condition and/or fire safety of the building is inadequate.

THE FOLLOWING STATE ENVIRONMENTAL PLANNING POLICIES AND REGIONAL ENVIRONMENTAL PLANS APPLY:

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State Environmental Planning Policy No. 32 - Urban consolidation (re development of urban land)
State Environmental Planning Policy No. 33 - Hazardous and offensive development
State Environmental Planning Policy No. 50 - Canal estate development
State Environmental Planning Policy No. 55 - Remediation of land
State Environmental Planning Policy No. 56 - Sydney Harbour Foreshores and Tributaries
State Environmental Planning Policy No. 60 - Exempt and Complying Development
State Environmental Planning Policy No. 64 - Advertising and signage
State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development
State Environmental Planning Policy - Building Sustainability Index: BASIX 2004
State Environmental Planning Policy - Housing for Seniors or People with a Disability 2004 (formerly Seniors Living)
State Environmental Planning Policy - Major Projects 2005 (formerly State Significant Development)
State Environmental Planning Policy (Infrastructure) 2007
State Environmental Planning Policy - Temporary Structures and Places of Public Entertainment 2007
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
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Draft State Environmental Planning Policy No. 66 - Integration of Land Use and Transport
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Note: summaries of the State Environmental Planning Policies are provided on the Department of Planning website at www.planning.nsw.gov.au

For further information, please contact Council's
DIVISION OF PLANNING & DEVELOPMENT SERVICES

PENNY HOLLOWAY
GENERAL MANAGER
per:

A handwritten signature in black ink, appearing to read "Penny Holloway", written over a horizontal line.