Eastmark Holdings Pty Ltd

Phase 1: Environmental Site Assessment

88 Walker Street, North Sydney

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Eastmark Holdings Pty Ltd

Phase 1: Environmental Site Assessment

88 Walker Street, North Sydney

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Report No AA002345/88Walker

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 dated 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.

CONTENTS

1 EXECUTIVE SUMMARY 1
2 INTRODUCTION 2
2.1 Site Identification 2
2.2 Objectives 3
2.3 Scope of Work 3
2.4 Proposed Land Uses 4
2.5 Limitations 4
3 SITE HISTORY 5
3.1 Previous Land Uses 5
3.2 Planning Context 6
4 EXISTING ENVIRONMENT 8
4.1 Geology and Soils 8
4.2 Groundwater 8
4.3 Surface Water Drainage 9
5 SITE ASSESSMENT 10
5.1 Site Description 10
5.2 Site Observations 10
5.3 Site Condition 11
6 CONCLUSIONS AND RECOMMENDATIONS 12
6.1 Conclusions 12
6.2 Recommendations 12
7 REFERENCES 13

Appendices

Appendix A
Site Photographs
Appendix B
Land Title Search Results
Appendix C
Section 149 Planning Certificate

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 88 Walker 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.

A review of historical sources has indicated that the site was largely residential until the construction of the current block in circa 1983. During site inspections, the following observations were made:

- There was no evidence of fuel stored in significant quantities;
- There was evidence of underground storage tanks adjacent to the site with vent lines located in the property to the north.

A review of a Hazardous Materials Report highlighted a number of asbestos containing materials and Synthetic Mineral Fibres in the property. 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.

Based on the information obtained during this investigation, there is no clear evidence to indicate that there is potential for significant contamination on site due to past or current activities.

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 88 Walker 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	88 Walker Street
Suburb/City/Town	North Sydney, NSW
Postcode	2060
Lot and DP Number	Lot 1 in DP832416
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 2 below.

Table 2 – Summary of Aerial Photographs

Year	Site	Adjacent Land
1950	The site was occupied by three small terraces.	The surrounding land to the north and east consisted of terraces with several larger commercial/industrial buildings. Larger buildings were located to the south of the site, believed to be the former Fire Station. Larger buildings were also located to the west and north which were likely to be used for commercial/industrial purposes. Vacant land was located to the north-west of the site.
1961	The site appeared to be similar to the 1950 photograph.	The site surroundings appeared to be largely similar to the 1950 photograph. The only change was the construction of the commercial/industrial buildings and car park to the north-west of the site. This area was previously vacant.
1972	The site appeared to be similar to the 1961 photograph. However, most of the site was shadowed by adjacent buildings.	A multi-storey commercial development had been completed to the north. The remainder of the site appeared similar to the previous photograph. There was a general increase in construction activity and the development of high-rise commercial buildings.
1980	The site appeared to be similar to the 1972 photograph. However, most of the site was shadowed by adjacent buildings.	There was an increase in low rise and multi-storey commercial buildings. The properties to the east and west of the site had been redeveloped since 1972. Other surrounding buildings appeared similar to the 1972 photograph.
1994	The site remained difficult to review due to the high rise building to the north. However, there appeared to be some redeveloped on site, which now appeared similar to the current layout.	The majority of the properties surrounding the sites had been redeveloped and were occupied by multi-storey office and commercial buildings.
2004	The site appeared to be similar to the 1994 photograph. The current site building can be identified in this photo with the plant room on the rooftop	The surrounding land use was a mixture of high-rise buildings and lower commercial/industrial buildings, including the fire station immediately to the south.

3.1.2 Land Title Search

An online search of the site, identified as Lot 1 in DP832416, on an online database, maintained by the Department of Lands indicated the site is owned by 88 Walker Holdings Pty Ltd.

No data available prior to the construction of the office block on the site. The photo review and discussions with the site property manager and owner suggest that prior to 1983, when the current block on site was built, the land was used for residential purposes.

3.1.3 Current and Future Site Activities

Current activities on site are predominantly office related. Levels 2 to 8 are leased as offices. The ground floor, fronting Walker Street is leased to Eckersleys for retail purposes. Level 1, with the entrance on Little Spring Street, is used as a car park. A substation is located to the rear of the car park, fronting Little Spring Street. No other information was able to be obtained from the historical search results.

The proposed development will include the construction of a commercial office and hotel tower development on 88 Walker Street and 77 Berry 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, namely offices and retail areas.

Through review of previous reports and observations during site visits, it is understood that underground storage tanks (USTs) are located in the basements of adjacent properties. Vent lines, typically associated with USTs were sighted from Little Spring Street at the rear of the property to the north of the site. Possible fill points maybe located within the loading bay of this property. The property to the south of the site was formerly North Sydney Fire Station and consequently may have contained USTs prior to the refurbishment of the property as the Firehouse Hotel. No information as to whether these USTs remain onsite was available for the purposes of this report.

3.2 Planning Context

3.2.1 Zoning

The site is currently listed in the North Sydney Local Environmental Plan, as Commercial. Adjacent blocks share the same zoning as the site.

The objectives of this zone are:

(a) to prevent the loss of commercial floor space to residential use;

(b) to encourage a diverse range of employment opportunities; and

(c) to minimise adverse effects of development on residents and occupiers of existing and new development.

3.2.2 Council Records

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

- Council has no record of any 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 2001, which dictates development within the North Sydney CBD.

3.2.3 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.

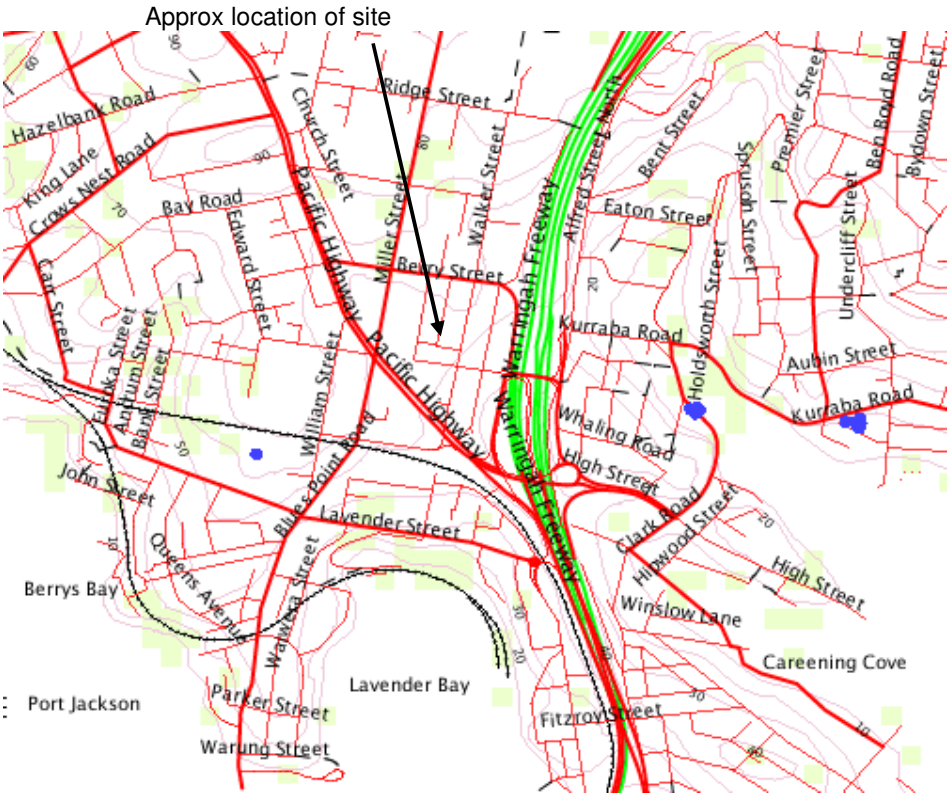
4.1.2 Soils

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 *(Hyder Consulting, 2002, 2005)*, 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 west side of Walker Street, North Sydney, near the corner of Spring Street, with frontage on Walker Street and rear access from Little Spring Street.

A nine storey office building occupies the majority of the site area, which includes the following:

- Ground floor retail area fronting Walker Street, currently leased by Eckersleys art and craft supply retail outlet. A sprinkler pump room is located at the rear of Eckersleys with an above ground diesel storage tank and large concrete lined water tank. This area is below the ground level of Little Spring Street;
- A small car park area, which is accessed via Spring Street, is located on the first floor of Walker Street;
- A Diesel Alternator room is located in the car park. This is the backup generator for the building. Diesel for this generator is stored in a drum estimated to be approximately 100L in capacity;
- A Fire control room is also located on the car park level;
- Levels 2 to 8 are office areas;
- The cooling towers are located on the roof, and are accessed via the fire stairs on level 8. Two cooling towers are located in this area, along with a diesel pump and above ground storage tank, and an air compressor;
- The Lift Motor Room is also located on the roof and accessed via the fire stairs as with the cooling towers. The lifts are run on electric motors;
- The service core for the building is centrally located on the north-east side, and incorporates male and female amenities, tea rooms, the lifts and fire stairs; and
- A Cleaner's store containing a number of various chemicals, accessed from Little Spring Street.

5.2 Site Observations

The following observations were made during the site inspection:

- Within the Sprinkler Pump Room, there is a very noticeable 'dank' (potent damp and humid) odour which appears to be related to the water tank serving the sprinkler system. Also noted was the potential asbestos containing rope around the pipes (refer to Figure 12, Appendix A);
- A fuel storage drum, estimated to contain approximately 100L is located in the Diesel Alternator Room. Adequate bunding was not observed;
- Various oils and chemicals were also stored in the plant room with the cooling towers. Adequate bunding was not observed;

- Vent lines, typically associated with Underground Storage Tanks (USTs), were observed on Little Spring Street, on the property directly adjacent on the northern side of the site (refer to Figure 17, Appendix A). Possible fill points may be located within the loading bay area of the adjacent property;

- The property to the south of the site was formerly used as the North Sydney Fire Station, and may have contained USTs prior to the recent refurbishment as the Firehouse Hotel. No evidence of former or existing USTs was noted in this area during the site inspection.

5.3 Site Condition

The property occupying 88 Walker Street was constructed circa 1983 *(Hyder Consulting 2005, and Property Manager, pers comms)*. The property is a modern building of reinforced concrete construction and rendered façade with internal brick and besser block walls. The office areas are comprised of plasterboard walls, concrete floors overlain by carpet of vinyl sheeting and suspended ceilings.

A review of a Hazardous Materials Report, conducted by Hyder in 2005 found a number of asbestos containing materials and synthetic mineral fibres in the building. Asbestos containing materials and suspected asbestos containing materials were located in the following locations:

- Lift brake pads on the lift motors in the upper plant room; and
- Fire doors throughout the building.

Synthetic mineral fibres and suspected synthetic mineral fibres were identified in the following locations:

- Insulation around much of the pipe work including boiler, chillers, the hot water tanks, fire hydrant pump, and ceiling tiles throughout the building. Please refer to the original report for a complete list of insulation locations; and
- SMF batts in storage area shelves and storage room ceiling.

All potential and actual hazardous materials identified in the Hazardous Material Audit Report (2005), were identified as low or negligible risk. From discussions with the Property Manager, it is unlikely that any removal or encapsulation has been completed since the Hyder report in 2005. No further information was available for review.

Recommendations from the 2005 report suggested the asbestos present in Walker Street 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.

A review of historical sources has indicated that the site was largely residential until the construction of the current block in circa 1983. The study concludes it is unlikely significant soil contamination would be present on site. While it appears unlikely the site would be a source of contamination, the inferred existing and historic presence of USTs on adjacent properties provides the potential for contaminated materials to have migrated beneath the site.

Minor amounts of fuel and other chemicals are stored onsite. However, it is unlikely that these are stored in large enough quantities to pose a significant risk.

The presence of hazardous materials has been identified in a previous audit by Hyder (2005). Low and negligible risk hazardous materials were identified in that audit.

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 re-development requires the removal of excess soil and there is evidence of USTs in adjacent properties, some soil testing may be required during any site excavation works to confirm the soil quality prior to off-site disposal.

It is recommended that further investigations be conducted into the existing UST at the property to the north of the site and if USTs remain in the property to the south to determine the age, history, including any leaks the owner is aware of, and the exact location of the UST.

A number of asbestos containing materials were identified in the survey conducted by Hyder in 2005. 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 (2005) *Environmental Due Diligence, 88 Walker Street, North Sydney*

Hyder Consulting Pty Ltd (2005a) *Hazardous Materials Audit Report, 88 Walker Street, North Sydney*

Appendix A

Site Photographs

Figure 3 - Waste area in car park

Figure 4 - Cooling tower pipe work, located on the rooftop

Figure 5 - Cooling tower chemicals in plastic containers

Figure 6 - Rooftop fire hydrant booster pump

Figure 7 - Rooftop fire hydrant booster pump

Figure 8 - Location of chemicals for the second cooling tower on the rooftop

Figure 9 - Air compressor located on rooftop with compressor oil stored beneath

Figure 10 - Rooftop miscellaneous chemicals stored beneath the Lift Motor Room

Figure 11 - Motor in Lift Motor Room

Figure 12 - Basement sprinkler Pump Rooms with tank. Note potential asbestos containing rope around pipe

Figure 13 - Diesel backup generator for building, located in the diesel alternator room which is accessed via the car park.

Figure 14 - Diesel up in diesel alternator room. Note drum on floor. Estimated to be approx 100L in capacity

Figure 15 - Potential asbestos containing material in the switchboard room, accessed via Little Spring Street

Figure 16 - Chemicals stored in the cleaner's cupboard, accessed via Little Spring Street

Figure 17 - Vent lines of potential UST at adjacent property to the north

Appendix B

Land Title Search Results

Department of Lands

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - HISTORICAL SEARCH

SEARCH DATE
11/2/2009 2:38PM

FOLIO: 1/832416

First Title(s): OLD SYSTEM
Prior Title(s): A/438361 VOL 15531 FOL 113

Recorded	Number	Type of Instrument	C.T. Issue
16/12/1993	DP832416	DEPOSITED PLAN	FOLIO CREATED EDITION 1
11/1/1994	I938031	LEASE	EDITION 2
11/10/1994	U689032	LEASE	EDITION 3
27/9/1995	O566458	LEASE	EDITION 4
2/4/1996	2058875	LEASE	EDITION 5
11/7/1996	2297399	LEASE	EDITION 6
15/1/1997	2763414	LEASE	EDITION 7
26/2/1997	2865097	LEASE	EDITION 8
13/10/1997	3487242	LEASE	EDITION 9
11/2/1998	3790248	LEASE	EDITION 10
5/3/1998	3838126	DEPARTMENTAL DEALING	
12/3/1998	3852361	CAVEAT	
23/4/1998	3935763	DETERMINATION OF LEASE	
23/4/1998	3935764	LEASE	
23/4/1998	3935765	LEASE	EDITION 11
15/5/1998	3989114	TRANSFER	EDITION 12
12/8/1998	5192405	LEASE	EDITION 13
9/9/1998	5254948	LEASE	EDITION 14
25/2/1999	5629323	LEASE	EDITION 15
29/4/1999	5782274	TRANSFER OF LEASE	EDITION 16
8/2/2000	6545540	LEASE	EDITION 17

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Department of Lands

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - HISTORICAL SEARCH

SEARCH DATE
11/2/2009 2:38PM

FOLIO: 1/832416 PAGE 2

Recorded	Number	Type of Instrument	C.T. Issue
18/4/2000	6725759	DETERMINATION OF LEASE	
18/4/2000	6725760	LEASE	EDITION 18
4/1/2001	7262624	LEASE	EDITION 19
7/3/2001	7459543	LEASE	EDITION 20
20/3/2001	7483523	TRANSFER OF LEASE	EDITION 21
17/5/2001	7620137	LEASE	EDITION 22
25/9/2001	7971710	LEASE	
25/9/2001	7971711	TRANSFER	
25/9/2001	7971712	MORTGAGE	EDITION 23
18/6/2003	9706731	LEASE	EDITION 24
8/10/2003	AA45137	LEASE	EDITION 25
11/6/2004	AA715407	SUB-LEASE	
21/1/2005	AB237166	REQUEST	
21/1/2005	AB237167	LEASE	EDITION 26
16/2/2005	AB291836	DETERMINATION OF LEASE	
16/2/2005	AB291837	LEASE	EDITION 27
6/7/2005	AB603083	VARIATION OF MORTGAGE	EDITION 28
15/8/2005	AB694077	LEASE	EDITION 29
30/11/2005	AB949868	LEASE	EDITION 30
29/12/2005	AC15514	DISCHARGE OF MORTGAGE	
29/12/2005	AC15515	TRANSFER	
29/12/2005	AC15516	MORTGAGE	EDITION 31
25/5/2007	AD141858	DETERMINATION OF LEASE	EDITION 32
13/3/2008	AD826555	VARIATION OF LEASE	EDITION 33
18/3/2008	AD833736	CHANGE OF NAME	EDITION 34

*** END OF SEARCH ***

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Department of Lands

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 1/832416

SEARCH DATE	TIME	EDITION NO	DATE
11/2/2009	2:34 PM	34	18/3/2008

LAND

LOT 1 IN DEPOSITED PLAN 832416
AT NORTH SYDNEY
LOCAL GOVERNMENT AREA NORTH SYDNEY
PARISH OF WILLOUGHBY COUNTY OF CUMBERLAND
TITLE DIAGRAM DP832416

FIRST SCHEDULE

88 WALKER HOLDINGS PTY LIMITED (CN AD833736)

SECOND SCHEDULE (9 NOTIFICATIONS)

1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
2 W641212 LEASE TO SYDNEY COUNTY COUNCIL OF PREMISES KNOWN AS "SUBSTATION PREMISES NO.5865" & SHOWN ON PLAN WITH W641212 TOGETHER WITH RIGHTS & EASEMENTS FOR ELECTRICITY PURPOSES. EXPIRES 31.12.2035
3 5254948 LEASE TO AUSTRALIAN PHARMACEUTICAL MANUFACTURERS ASSOCIATION INC OF THE WHOLE OF FLOORS 7 & 8, 88 WALKER STREET, NORTH SYDNEY. EXPIRES: 30/9/2006.
AA715407 LEASE OF LEASE 5254948 TO BUSH ATKINS PTY LIMITED EXPIRES: 29/6/2006.
4 7459543 LEASE TO BESTBID LTD OF THE WHOLE OF THE 2ND FLOOR, 88 WALKER STREET, NORTH SYDNEY. EXPIRES: 30/9/2004. OPTION OF RENEWAL: 4 YEARS.
5 9706731 LEASE TO ECKERSLEY'S PTY LIMITED OF THE GROUND FLOOR, 88 WALKER STREET, NORTH SYDNEY. EXPIRES: 30/4/2007.
6 AB237167 LEASE TO EDITOR GROUP PTY LIMITED OF SUITE 601, 6TH FLOOR, 88 WALKER STREET, NORTH SYDNEY. EXPIRES: 31/12/2006. OPTION OF RENEWAL: 3 YEARS.
7 AB291837 LEASE TO PAN PACIFIC PETROLEUM NL OF SUITE 301, 3RD FLOOR, 88 WALKER STREET, NORTH SYDNEY. EXPIRES: 28/11/2007.
8 AB694077 LEASE TO TENIX CORORATE PTY LIMITED OF LEVEL 5, 88 WALKER STREET, NORTH SYDNEY. EXPIRES: 31/3/2009. OPTION OF RENEWAL: 2 TERMS OF 3 YEARS.
AD826555 VARIATION OF LEASE AB694077
9 AC15516 MORTGAGE TO AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED

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* ANY ENTRIES PRECEDED BY AN ASTERISK DO NOT APPEAR ON THE CURRENT EDITION OF THE CERTIFICATE OF TITLE.

Department of Lands

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 1/832416 PAGE 2

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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Appendix C

Section 149 Planning Certificate

N O R T H S Y D N E Y C O U N C I L

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

File
Hyder Consulting
RECEIVED
16 FEB 2009

PLANNING CERTIFICATE UNDER SECTION 149 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Cert. No.: **40643/02**
Page No.: **1 of 4**

Parcel No: 18699

Date: 12/02/2009
Receipt No.: 886559
Your REF:

Applicant:
Alison Bacon
Locked Bag 6503
NORTH SYDNEY NSW 2059

Owner (as recorded by council):
88 Walker Holdings Pty Ltd
C/- Centre Management Office
Berry Square 77 Berry St
NORTH SYDNEY NSW 2060

Property Description:
88 Walker Street NORTH SYDNEY 2060
DP 832416 Lot 1

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 2001 GAZETTED 1ST JUNE, 2001, AS AMENDED.

EFFECT:

COMMERCIAL ZONE - USES UNDER NORTH SYDNEY L.E.P. 2001

PERMISSIBLE DEVELOPMENT
Subject to the provisions of LEP 2001 the following development may be carried out within the zone, but only with development consent:

Development for the purpose of:
advertisements; business identification signs; child care centres; clubs; commercial premises; community facilities; community notice signs; drainage; educational establishments; hospitals; hotels; medical centres; open space; places of assembly; places of public worship; real estate signs; recreational facilities; refreshment rooms; remediation; restricted premises; shops; showrooms; take-away food shops; taverns; telecommunications facilities; temporary signs; temporary structures for the sale of produce and merchandise: utility installations, other than gasholders or generating works."

PROHIBITED DEVELOPMENT
Any purpose other than a purpose listed above is prohibited within the zone.

EXEMPT DEVELOPMENT

Sect - 2

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

Development for the purposes set out in clause 12 and schedule 6 of LEP 2001 is exempt development, which may be carried out within the zone without the need for development consent.

COMPLYING DEVELOPMENT
Development for the purposes set out in clause 13 and schedule 7 of LEP 2001 is complying development, which may be carried out within the zone without the need for development consent, provided that a complying development certificate is obtained.

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, 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.

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

Sect - 2

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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.

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.

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

Sect - 2

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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:

Sect - 2