

SCHEDULE 3

MP 08_0238

**MIXED USE DEVELOPMENT COMPRISING DEMOLITION OF EXISTING
STRUCTURES AND ERECTION OF A RETAIL/COMMERCIAL BUILDING AND A
HOTEL BUILDING**

77-81 BERRY STREET & 88 WALKER STREET

STATEMENT OF COMMITMENTS

(SOURCE: PREFERRED PROJECT REPORT)

88 Walker Street – MP08-0238

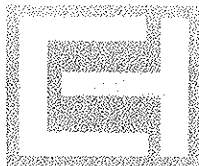
Revised Statement of Commitments

No.	Subject	Commitments	Timing
1.	Construction Management	The detailed Construction and Environmental Management Plan (CEMP) will be prepared by the relevant contractor for each stage of the development. The CEMP will include the following: <ul style="list-style-type: none"> ▪ Noise and Vibration Management Plan ▪ Soil and Water Management Plan ▪ Air Quality Management Plan ▪ Waste Management Plan ▪ Traffic Management Plan ▪ Occupational Health and Safety Management Plan 	Prior to each stage of the works commencing
2.	Construction Management	A project manager will be appointed for the project that will be responsible for the implementation of the CEMP.	Ongoing
3.	Construction Management	A sign will be erected on the boundary of the development site which will contain the following information: <ul style="list-style-type: none"> ▪ Project Managers name and contact details ▪ Developers name and contact details: ▪ A 24 hour emergency contact phone number ▪ Approved hours of construction work 	Ongoing
4.	Dilapidation Reports	Prior to works commencing, dilapidation reports will be prepared for the following buildings which adjoin the site: <ul style="list-style-type: none"> ▪ 77 Berry Street (Beau Monde); ▪ 100 Walker Street (Christie Building); and ▪ 86 Walker Street (Firehouse Hotel). 	Prior to works commencing
5.	VPA	It is intended that a VPA will be executed between the Department of Planning and Eastmark Holdings. The VPA will be in accordance with the formal offer made by Eastmark Holdings dated 21 December 2009.	Prior to the issue of a Construction Certificate (CC).
6.	S94 contributions	Section 94 contributions will be paid in accordance with Council's Section 94 Contribution Plan.	Prior to the issue of an Occupation Certificate (OC)
7.	Sustainability	The proposed development will target the following ESD ratings: Commercial: <ul style="list-style-type: none"> ▪ 5 Star Green Star Rating– Office Design V3 ▪ 5 Star NABERS (Commercial) Rating Hotel: <ul style="list-style-type: none"> ▪ 4 Star NABERS (Hotel) Rating 	Ongoing
8.	Lighting	The lighting design for the development will be in accordance with Australian Standard - AS4282:1997 Control of the Obstructive Effects of Outdoors Lighting. Design details for the public domain are to be submitted to and approved by North Sydney Council.	Prior to a CC being issued for the public domain refurbishment works
9.	Reflectivity	Glazing used on the façade of each building will have a normal specular reflectivity of visible light of 20% or less.	Materials to be confirmed prior to issue of a CC being issued for the relevant stage of the project
10.	Acoustic Amenity	An acoustic engineer will inform the attenuation measures to be installed in the building and will ensure that the design complies with the external noise criteria established for the project.	Prior to an OC being issued
11.	Acoustic Amenity	The glazing for the commercial and hotel buildings will comply with the internal noise criteria established for the project.	Prior to a CC being issued for the relevant stage of the development

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Revised Statement of Commitments

No.	Subject	Commitments	Timing
12.	Equitable Access	The proposal will provide equitable access to all public spaces within the development in accordance with AS1428.1, and where achievable will also meet AS1428.2.	Ongoing
13.	BCA	The proposed buildings will comply with the relevant provisions of the Building Code of Australia and Relevant Australian Standards.	Prior to a Construction Certificate being issued for each stage of the development
14.	Public Art	A contribution will be made for the placement of public art in the new public domain areas. A Public Art Strategy will be submitted to and approved by North Sydney Council prior to the installation of the art.	Prior to the issue of an Occupation Certificate
15.	Hazardous Materials	A hazardous materials management plan will be prepared and implemented prior to the removal of hazardous materials from the site. Once the hazardous materials have been removed a Clearance Certificate will be issued by a suitably qualified Occupation Hygienist.	Prior to demolition works commencing
16.	Contamination	Soil testing will be undertaken to confirm the soil quality.	Prior to the exportation of soils off the site
17.	Work Place Travel	Work Place Travel Plans will be prepared for the commercial and hotel buildings which will have an objective of reducing private car travel and outlining sustainable modes of transport available from and to the development	Prior to the issue of an Occupation Certificate
18.	Geotechnical	A geotechnical report will be prepared by a suitably qualified professional	Prior to bulk excavation works commencing



21st of December 2009

NSW Department of Planning
22-33 Bridge Street
Sydney NSW 2000
For attention of Mr. Andrew Smith

Dear Sir,

RE: MP08_0238, 88 WALKER ST & 77-81 BERRY ST NORTH SYDNEY

Eastmark Holdings Pty Ltd ("EMH"), the proponent for the Part 3A application (MP08_0238) for proposed commercial tower and hotel building at 77-81 Berry Street and 88 Walker Street North Sydney, offers to enter into a voluntary planning agreement ("VPA") with NSW Department of Planning ("DOP"). The VPA will set the terms and conditions for payment of the following development contributions:

- Payment of a \$10,000 contribution to the RTA for the upgrade of surrounding intersections; and
- Payment of the railway infrastructure contribution as indicated in LEP 2001, North Sydney.

EMH offers to endeavour finalising and executing the above VPA with DOP prior to the issue of any construction certificate.

We trust that this offer for VPA is satisfactory.

Yours faithfully,

J. H. Park
Director