



***MODIFICATION REQUEST:***

***Amend Conditions of Consent to allow for staged construction, staged payment of relevant contributions to individual buildings and deletion of unrelated off-site works.***

***77-81 Berry Street and 88 Walker Street,  
North Sydney***

***MP08\_0238 MOD 2***



Director-General's  
Environmental Assessment Report  
Section 75W of the  
*Environmental Planning and Assessment Act 1979*

January 2012

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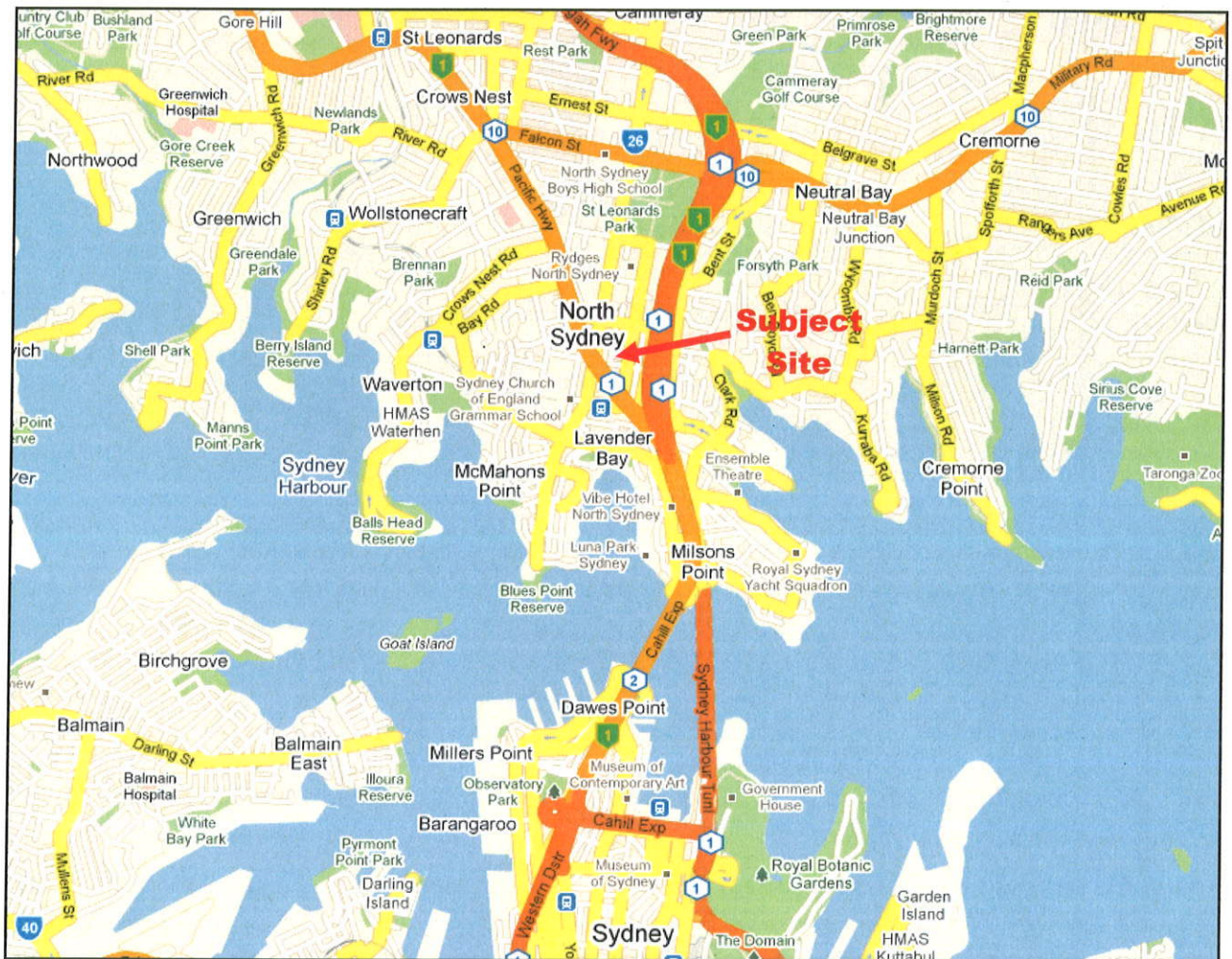
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## 1. BACKGROUND

### 1.1 Site

The subject site comprises two separate sites identified as the southern portion of 77-81 Berry Street (stratum lots 2, 3 & 4 in DP 1078998) and 88 Walker Street, North Sydney (Lot 1 in DP 832416), and located in the heart of the North Sydney CBD on the lower north shore of Sydney (refer to **Figures 1 and 2**).

The two sites are located between Berry Street to the north and Spring Street to the south. The Berry site (Commercial Tower) is located on the eastern side of Denison Street and the Walker site (Hotel Tower) on the western side of Walker Street.



**Figure 1 – Regional Context (Source: Google Earth)**



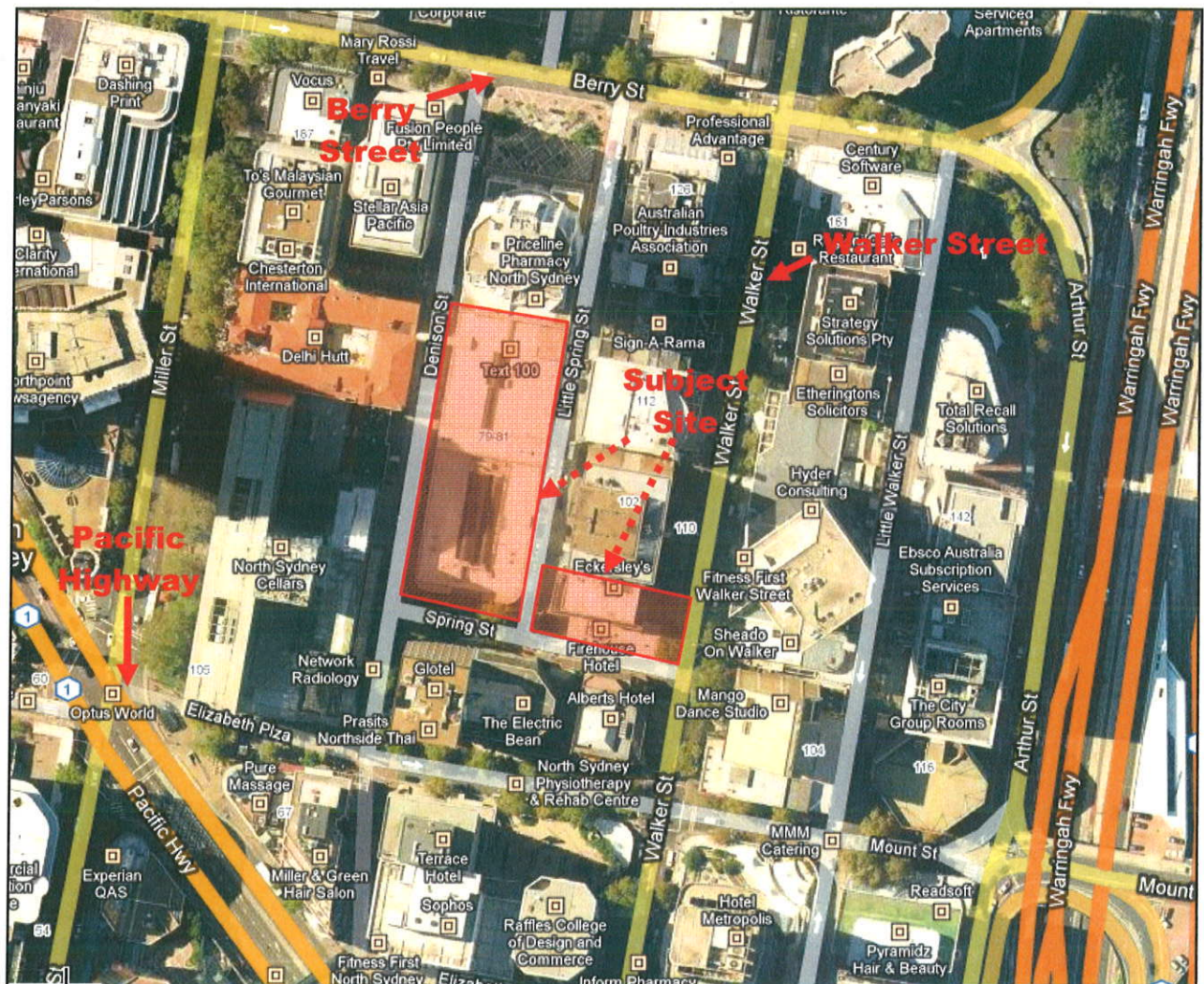


Figure 2 – Subject site (red) (Source: Google Earth)

## 1.2 Approved Application

On 25 February 2010, the Minister for Planning approved the Major Project, MP08\_0238, at 77-81 Berry Street and 88 Walker Street, North Sydney for:

- **Demolition:** Demolition of the existing buildings on **both sites** including the pedestrian bridge linking 77-81 Berry Street with Tower Square.
- **Excavation:** Excavation for 4 levels of basement at 77-81 Berry Street and 2 levels of basement at 88 Walker Street.
- **Construction** of a part 28/part 37 storey commercial and retail building on the southern portion of 77-81 Berry Street together with 4 levels of basement car parking with vehicular access via Little Spring Street and loading/unloading facilities including drop-off/pick-up for hotel (buses) and provision of 42 public car parking spaces and 10 motorcycle spaces;
- **Construction** of a 33 storey x 200 room hotel at 88 Walker Street, including a connecting service tunnel below Little Spring Street to provide access to the Basement Level 2 of the commercial building, together with back-of-house facilities, ground floor hotel lobby with through site link between Walker Street and Little Spring Street (open business hours), Level 2 conference, Level 3 reception and bar and Level 4 restaurant;
- **Reconstruction** of the Tower Square pedestrian bridge; and
- **Off - Site Works including Public Domain and Landscaping:** Construction of a new pedestrian plaza in Denison Street and public forecourt to Spring Street; construction of a new through-site road between Denison Street and Little Spring Street; together with various public domain improvements in Denison, Spring and Little Spring Streets, including road realignments.



On 11 March 2011, the Director Metropolitan and Regional Projects South as delegate of the former Minister for Planning approved a Section 75W Modification Application (MP08\_0238 MOD 1) to amend the building design including:

- a minor increase to the building envelope;
- amendment to the external façade treatment;
- reinstatement of the underground service tunnel;
- internal reconfiguration of the two tower building layouts;
- reconfiguration of the public domain area; and
- amendment of relevant conditions of consent.

The approved project is currently at pre-construction stage.

## 2. PROPOSED MODIFICATION

### 2.1 Modification Description

The proposed modifications are detailed below in **Table 1** and are sought to allow the Proponent to execute the intended construction program and construction methodology for development of the site, and free up funds available during construction of the development. In addition, the deletion of unrelated off-site works are sought to rectify the appropriate off-site works relating to the approved development.

**Table 1: Summary of proposed Modifications**

Proposed Modification	Supported
Amend conditions to allow for staged construction of the development and permit the release of relevant Construction Certificates at different stages of the development. The stages include: <ul style="list-style-type: none"> <li>• Stage 1 consisting of demolition, excavation and shoring works.</li> <li>• Stage 2 consisting of construction of the either building excluding Stage 1 works.</li> </ul>	Yes
Amend Section 94 Contributions to allow for staged payment of relevant contributions for individual buildings as follows: <ul style="list-style-type: none"> <li>• Prior to issue of a Construction Certificate for construction of either building, payment of Section 94 Contributions for the relevant building for: <ul style="list-style-type: none"> <li>• Public Domain Improvements; and</li> <li>• Traffic Improvement.</li> </ul> </li> <li>• Prior to issue of an Occupation Certificate for either building, payment of remaining Section 94 Contributions for the relevant building for: <ul style="list-style-type: none"> <li>• Administration;</li> <li>• Child Care Facilities;</li> <li>• Community Centres;</li> <li>• Library Acquisition;</li> <li>• Library Premises and Equipment;</li> <li>• Multi Purpose Indoor Sports Facility;</li> <li>• Open Space Acquisition;</li> <li>• Open Space Increased Capacity; and</li> <li>• Olympic Pool.</li> </ul> </li> </ul>	Yes
Amend Section 94 Contributions and Railway Contributions to reflect the accurate net Gross Floor Area.	Yes
Deletion of unrelated off-site carparking works at Mount Street.	Yes
Deletion of off-site street lighting works at Walker Street frontage.	No

A summary list of conditions required to be amended as a result of the proposed modifications is detailed in **Table 2**:

**Table 2:** Requested modifications to conditions of approval

Conditions of Approval to be Amended	Supported
B4 Monetary Contributions	Yes
B5 Public Car Parking	Yes
B6 Railway Contributions	Yes
B7 Off-Site Works	Yes/No
B8 Required Public Domain Works	Yes
B12 Additional Details – Stone Plinth to Hotel (88 Walker Street)	Yes
B14 Construction Management Program – Local Traffic Committee	Yes
B15 Transport Management Plan	Yes
B21 Obtain Driveway Crossing Permit from Council	Yes
B24 Stormwater Management and Control Plan Required	Yes
B26 Work Method Statement	Yes
B28 Services to be Underground	Yes
B29 Sydney Water	Yes
B30 Dilapidation report Damage to Public Infrastructure	Yes
B31 Dilapidation Report Private Property (Excavation)	Yes
B32 Dilapidation Survey private Property (Neighbouring Buildings)	Yes
B34 Structural Adequacy of Adjoining Properties – Excavation Works	Yes
B40 Works Zone	Yes
B45 Footpath, Entries and Fire Exit Details	Yes
B52 Traffic & Pedestrian Management Plan	Yes
B53 Noise and Vibration Management Plan	Yes
E2 Certification and Works as Executed – Drainage Works	Yes
E5 Public Infrastructure Repair and Completion of Works	Yes
E6 Public Carparking Signage	Yes
E7 Covenant for Windows on Southern Elevation of No. 88 Walker Street	Yes
E8 Green Travel Plan	Yes
E10 Infrastructure Repair and Completion Works	Yes
E12 Access for People with Disabilities	Yes
E14 Certification for Mechanical Exhaust Ventilation	Yes
E19 Notification of New Address Developments	Yes
E25 Section 94 Contributions	Yes
G2 Fire Safety Certificate	Yes
G4 Structural Inspection Certificate	Yes
G5 Road Damage	Yes
Additional Condition of Approval	Supported
B4A Monetary Contributions for the Hotel Building	Yes
E25 Section 94 Contributions for the Commercial Building	Yes
E26 Section 94 Contributions for the Hotel Building	Yes

An assessment of the proposed modifications is provided in Section 5 of this report.

### 3. STATUTORY CONTEXT

#### 3.1 Modification of the Minister's Approval

Part 3A, as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A to the Act, continues to apply to Section 75W modification applications for Part 3A projects.

The modification application has been lodged with the Director-General pursuant to Section 75W of the Act. The Minister's approval is not required if the project as modified will be consistent with the original approval. As the subject modification seeks to change the terms of approval, the modification requires approval.

Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or his delegate) may approve or disapprove of the carrying out of the project under section 75J of the Act.

### **3.2 Environmental Assessment Requirements**

In this instance, it was not considered necessary to notify the Proponent of environmental assessment requirements pursuant to Section 75W(3) as sufficient information was provided to assess the application.

### **3.3 Delegated Authority**

On 14 September 2011, the Minister for Planning and Infrastructure delegated his functions under Section 75W of the *Environmental Planning and Assessment Act 1979* to modify Part 3A approvals to the Director, Metropolitan and Regional Projects South where:

- the local council has not objected to the modification; and
- a reportable political donation has not been made; and
- there are less than 10 submissions by way of objection by members of the public.

The above criteria apply to this Section 75W request as Council does not object to the modified proposal; no reportable political donations have been declared in relation to this Section 75W request or the original application; and no public submissions were received.

Consequently, the Director, Metropolitan and Regional Projects South may determine the application on the Minister's behalf under delegation.

## **4. CONSULTATION AND SUBMISSIONS**

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### **4.1 Exhibition**

Under Section 75W of the EP&A Act, a request for a modification of an approval does not require public exhibition however under Section 75X(2)(f) of the EP&A Act, the Director-General is required to make the modification request publicly available. The modification application was made available on the Departments website.

North Sydney Council were consulted in relation to the Section 75W modification application and have provided the following comments:

- staging of development is considered acceptable but proposed amendments to conditions should be revised in accordance with Council's recommended word changes;
- staged payment of Section 94 Contributions is considered acceptable;
- the GFA figures confirmed by survey plans have been accepted and revised Section 94 Contributions and Railway Infrastructure Contributions have been provided;
- the deletion of off-site carparking works at Mount Street is acceptable; and
- the deletion of off-site lighting works at Walker Street is not supported as Walker Street is a main frontage.

### **4.2 Proponent's response to submissions**

The Proponent has reviewed Council's comments and adopted the recommended changes to wording of conditions relating to staging of the development, and payment of relevant Section 94 Contributions and Railway Contributions. No response was provided to Council's comments regarding off-site works.



## 5. ASSESSMENT

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The Department considers the key issues for the proposed modification are:

- impact of staged construction of the development;
- impact of staged payment of relevant contributions; and
- relevance of off-site works.

### 5.1 Staged Construction of development

The modification seeks to amend a number of conditions to permit staged construction of the development to reflect the Proponent's construction program and construction methodology. The proposed conditions to be amended adopts Council's recommended wording and permits the release of relevant Construction Certificates at different stages of the development. The stages of development include:

- Stage 1 consisting of demolition, excavation and shoring works.
- Stage 2 consisting of construction of the either building excluding Stage 1 works.

It is noted the proposed stage 1 works include preparation works required to be undertaken prior to the demolition of existing improvements on the commercial building site. The works include realignment and relocation of some of the existing services and plantrooms to the adjoining Beau Monde building such as relocation of the substation, switch room, fire mimic panel, fire sprinkler, fire pump room, fire booster valve, and water meter. The works generally remain the same as those approved with the exception of the fire pump room which has been relocated from the eastern side of the basement to the western side of the basement.

The Department considers that the staged construction of the development will not impact on the overall outcome of the approved development and the minor changes to preparation works will not have any significant impact on the amenity of adjoining properties. A detailed review of the proposed amendments to conditions is provided in **Section 5.4**.

### 5.2 Staging and payment of relevant Contributions

The modification seeks to allow for payment of relevant Section 94 Contributions to each building at different stages of the development as follows:

- Prior to issue of a Construction Certificate for construction of either building, partial payment of Section 94 Contributions for the relevant building for:
  - public domain improvements; and
  - traffic improvement.
- Prior to issue of an Occupation Certificate for either building, partial payment of remaining Section 94 Contributions for the relevant building for:
  - administration;
  - child care facilities;
  - community centres;
  - library acquisition;
  - library premises and equipment;
  - multi purpose indoor sports facility;
  - open space acquisition;
  - open space increased capacity; and
  - olympic pool.

This proposed staging of payment will in effect require payment of Section 94 Contributions as indicated in **Table 3**.

**Table 3:** Section 94 Contributions payable for individual buildings at different stages of construction.

	<b>Prior to the issue of a Construction Certificate excluding demolition, excavation and shoring works</b>	<b>Prior to the issue of an Occupation Certificate</b>
<b>Commercial building</b>	\$3,851,442.94	\$587,020.11
<b>Hotel Building</b>	\$1,559,176.85	\$237,642.92

Council do not object to the staged payment of contributions for individual buildings.

The Department considers that staged payment of Section 94 contributions for individual buildings will not impact on the provision of necessary upgrades to community facilities and is considered acceptable.

In addition, as part of the subject modification application, Council raised concern over the calculation of approved Section 94 Contributions and Railway Contributions. In particular, Council questioned the accuracy of existing Gross Floor Area (GFA) applied in the original calculation of Section 94 Contributions and Railway Contributions.

In this regard, the Proponent has submitted survey plans, prepared by Frank M Mason and Co Pty Ltd, confirming the existing GFA on site and approved GFA on site (**Table 4**). It is noted that the survey submitted indicates a larger net increase in GFA due to the fact that the originally provided GFA figures for the existing floor space and approved floor space was inaccurate. The revised figures will necessitate additional Section 94 Contributions and Railway Infrastructure Contributions and has been acknowledged by the Proponent.

**Table 4:** Gross Floor Area (GFA) for the development

	<b>Approved GFA figures</b>	<b>Confirmed Survey GFA</b>
<b>Existing GFA</b>	14,800m <sup>2</sup> .	10,603m <sup>2</sup> .
<b>Approved GFA</b>	63,782m <sup>2</sup> .	63,772m <sup>2</sup> .
<b>Net GFA</b>	48,982m <sup>2</sup> .	53,169m <sup>2</sup> .

Council has accepted the confirmed GFA figures and provided revised Section 94 Contributions payable as shown in **Table 5**.

**Table 5:** Comparison between approved (including MOD 1) and proposed developer contributions

<b>Contribution Category</b>	<b>Original Rate/100m<sup>2</sup></b>	<b>Approved Amount Payable for both buildings</b>	<b>Revised Amount Payable</b>
Administration	\$192.54	\$94,309.94	\$102,371.59
Child Care Facility	\$815.21	\$399,306.16	\$433,439.00
Community Centres	\$469.41	\$229,926.41	\$249,580.60
Library Acquisition	\$95.72	\$46,885.57	\$50,893.37
Library Premises and Equipment	\$291.00	\$142,537.62	\$154,721.79
Multi Purpose Indoor Sports Facility	\$110.13	\$53,943.88	\$58,555.02
Olympic Pool	\$358.84	\$175,767.01	\$190,791.64
Open Space Acquisition	\$350.95	\$171,902.33	\$186,596.61
Open Space Increased Capacity	\$695.65	\$340,743.28	\$369,870.15
Public Domain Improvements	\$7,872.51	\$3,856,112.85	\$4,185,734.84
Traffic Improvements	\$475.33	\$232,826.14	\$252,728.21
<b>Total</b>	<b>\$11,727.29</b>	<b>\$5,744,261.19</b>	<b>\$6,235,282.82</b>



The Railway Infrastructure Contribution payable, as approved, is **\$5,252,830.00**. The revised Railway Infrastructure Contribution payable as a result of net increase in Gross Floor Area is **\$5,701,843.56** based on a contribution rate of \$107.24 per metre square (rate adopted in MP08\_0238 MOD 1).

### **5.3 Off-site works**

The modification seeks to delete the requirement for off-site car parking works at Mount Street as the approved development does not directly impact on any traffic issues along Mount Street.

Council does not object to the deletion of the required off-site works at Mount Street.

The Department considers that the approved development will not have a direct impact on car parking at Mount Street. In this regard, deletion of the required works is considered reasonable.

The modification also seeks to delete the requirement to upgrade street lighting at the Walker Street frontage. The Proponent notes that only one street light is required to be upgraded as part of the works and considers the works to be onerous and unreasonable. In addition, the upgraded light would be inconsistent with the remaining lights on Walker Street.

Council object to the deletion of street lighting works at Walker Street and consider the works to be appropriate as Walker Street is a main frontage to the development.

The Department has considered the above and notes that whilst only one street light is required to be upgraded as part of the works, the responsibility of the upgrade should be undertaken by the developer given it holds a main frontage at Walker Street. Therefore, this aspect of the proposed modification is not supported.

## 5.4 Proposed amendment to conditions of approval

An assessment of the proposed amendments to conditions is provided in **Table 6**.

**Table 6:** Assessment of proposed amendments to conditions of approval

Proposed amendment to conditions by deletion of struck out words and insertion of the bold and underlined words with <sup>(a)</sup> reference for comments	Councils Comment	Department's Response																																
<b>B4 Monetary Contributions for the Commercial Building<sup>(1)</sup></b> The Proponent shall pay the following monetary contributions in accordance with the North Sydney Section 94 Contributions Plan:	1. Agreed	1. Supported – Provides certainty over the relevant building works that will trigger the condition.																																
<b>(1) Amount of Contribution</b> <table><tr><th>Contribution Category</th><th>Amount</th></tr><tr><td>Administration</td><td>\$94,309.94</td></tr><tr><td>Child-Care Facility</td><td>\$399,306.16</td></tr><tr><td>Community-Centres</td><td>\$229,926.41</td></tr><tr><td>Library-Acquisition</td><td>\$46,885.57</td></tr><tr><td>Library-Premises and Equipment</td><td>\$142,537.62</td></tr><tr><td>Multi-Purpose-Indoor-Sports-Facility</td><td>\$53,943.88</td></tr><tr><td>Olympic-Pool</td><td>\$175,767.01</td></tr><tr><td>Open-Space-Acquisition</td><td>\$171,902.33</td></tr><tr><td>Open-Space-Increased-Capacity</td><td>\$340,743.28</td></tr><tr><td>Public Domain Improvements</td><td>\$3,856,112.85</td></tr><tr><td></td><td><b>\$3,632,139.94</b></td></tr><tr><td>Traffic Improvements</td><td>\$232,826.14</td></tr><tr><td></td><td><b>\$219,303.00</b></td></tr><tr><td>Total</td><td>\$5,744,261.19</td></tr><tr><td></td><td><b>\$3,851,442.94<sup>(2)</sup></b></td></tr></table>	Contribution Category	Amount	Administration	\$94,309.94	Child-Care Facility	\$399,306.16	Community-Centres	\$229,926.41	Library-Acquisition	\$46,885.57	Library-Premises and Equipment	\$142,537.62	Multi-Purpose-Indoor-Sports-Facility	\$53,943.88	Olympic-Pool	\$175,767.01	Open-Space-Acquisition	\$171,902.33	Open-Space-Increased-Capacity	\$340,743.28	Public Domain Improvements	\$3,856,112.85		<b>\$3,632,139.94</b>	Traffic Improvements	\$232,826.14		<b>\$219,303.00</b>	Total	\$5,744,261.19		<b>\$3,851,442.94<sup>(2)</sup></b>	2. Agreed.	2. Supported – Staging of payment for relevant Section 94 Contributions will not impact on the provision of necessary upgrades to community facilities. The Section 94 Contributions have also been amended to reflect the applicable contribution figure. Discussed further in <b>Section 5.2</b> .
Contribution Category	Amount																																	
Administration	\$94,309.94																																	
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<p><b>(2) Adjustments</b> The final contribution payable may be required to be adjusted to reflect the GFA approved as part of the approval.</p>	3. Agreed.	3. Supported – Provides certainty over the relevant works that will trigger the condition.
<p><b>(3) Timing and Method of Payment</b> The contribution shall be paid in the form of cash or bank cheque, made out to North Sydney Council. For accounting purposes, the contribution may require separate payment for each of the categories above and you are advised to check with Council. Evidence of the payment to Council shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate <b>for construction of the commercial building excluding demolition, excavation and shoring.</b><sup>(3)</sup></p>		
<p><b>(4) Indexing</b> Contributions will be adjusted at the time of payment in accordance with the quarterly consumer price index (All Groups Index of Sydney).</p>		
<p><b>(5) Works-in-kind</b> In accordance with Section 2.4 of the North Sydney Contributions Plan, the Proponent may apply to Council, in writing, with an offer that a monetary Section 94 contribution be met by way of a material public benefit (for an item not included on the works schedule of the North Sydney S94 Contributions Plan) and may include the dedication of land to Council, or as works - in - kind (for an item included on the works schedule of the North Sydney S94 Contributions Plan).</p>		
<p><b>B5 Public Car Parking</b> The Proponent shall allocate to Council forty-two (42) car parking spaces and ten (10) motorcycle spaces at Basement 1 level of the commercial tower as public parking. Details of the allocation of the required spaces shall be provided to the Department and the Certifying Authority prior to the issue of a <b>the relevant</b><sup>(1)</sup> Construction Certificate.</p>	1. Agreed.	1. Supported – Provides certainty over the relevant Construction Certificate.
<p><b>B6 Railway Contributions</b> The Proponent shall enter into a Voluntary Planning Agreement (VPA) in accordance with the offer made on 21 December 2009 with the Minister for Planning to provide a Railway Infrastructure Contribution totalling \$5,252,830.00 <b>\$5,701,843.56</b><sup>(1)</sup> to be paid to the Transport Administration Corporation. Evidence of the Agreement shall be provided to the Certifying Authority prior to the issue of the relevant Occupation Certificate for either of the Hotel Tower, or the Commercial Tower, whichever building is to be issued an Occupation Certificate first.</p>	1. Agreed.	1. Supported – Revised Railway Contribution reflects confirmed net Gross Floor Area as a result of the approved development. Discussed further in <b>Section 5.2.</b>

<p>The final contribution payable may be required to be adjusted to reflect the GFA approved as part of this approval. In this case, a report by an appropriately qualified Surveyor shall be submitted to and approved by the Director-General demonstrating the total amount of constructed GFA.</p> <p>Contributions will be adjusted at the time of payment in accordance with the quarterly consumer price index (All Groups Index of Sydney).</p>		
<p><b>B7 Off - Site Works</b></p> <p>The following Off - Site works are required to be provided by the Proponent <b><u>by way of works in kind or a monetary contribution</u></b><sup>(1)</sup>;</p> <p><b>(i) Berry/Walker Street Intersection Upgrading</b></p> <p><b>Pay a monetary contribution towards</b><sup>(2)</sup> the upgrading of the Berry/Walker Street intersection in order to improve the level of queuing in Berry Street and Walker Street (to the value of \$10,000).</p> <p><b>(ii) Proposed Streetscape Improvements</b></p> <p>Streetscape improvements to Denison Street, Spring Street, Little Spring Street, Walker Street and the new laneway (between Little Spring Street and Denison Street) in accordance with the approved plans shall be designed to the satisfaction of Council's Director of Engineering &amp; Property Services. Written confirmation of the proposed improvements must be obtained from Council's Director of Engineering &amp; Property Services by the Certifying Authority prior to issue of <b><u>any the relevant</u></b><sup>(3)</sup> Construction Certificate.</p> <p><b>(iii) Proposed Traffic/Streetscape Improvements</b></p> <p>a) The proposed traffic modifications to Denison Street, Spring Street, Little Spring Street and the new laneway in accordance with the approved plans shall be designed to the satisfaction of Council's Director of Engineering &amp; Property Services. The proposed modifications shall be submitted to, and approved in writing by the North Sydney Traffic Committee, prior to the issue of <b><u>any the relevant</u></b><sup>(4)</sup> Construction Certificate.</p> <p>Note:</p> <ol style="list-style-type: none"> <li>1) The Shared Zone in the new laneway end on the western side of the intersection with Little Spring Street is not to include the intersection of the new laneway and Little Spring Street.</li> <li>2) That the proposed Shared Zone in Little Spring Street is to commence on the southern side of the proposed new driveway to No.77-81 Berry Street.</li> </ol>	<p>1. Agreed.</p> <p>2. Agreed.</p> <p>3. Agreed.</p> <p>4. Agreed.</p>	<p>1. Supported – Provides certainty over types of off-site works required.</p> <p>2. Supported – Provides certainty over how upgrade is to be undertaken.</p> <p>3. Supported – Provides certainty over the relevant Construction Certificate.</p> <p>4. Supported – Provides certainty over the relevant Construction Certificate.</p>



<p>b) The existing angle parking on the northern side of Mount Street between Walker Street and Denison Street should be banned during peak hours (i.e. weekdays 7am-10am and 3pm-7pm). The proposed parking bans will require approval from the North Sydney Traffic Committee, prior to the issue of the Construction Certificate.<sup>(5)</sup></p> <p>c) Future Shared Zones must satisfy RTA requirements. All future Shared Zones shall be endorsed by Council and submitted to the RTA for approval</p> <p>d) A taxi pick-up/drop-off facility shall be provided to the satisfaction of Council.</p> <p>e) All costs associated with relocating parking meters and parking signs including all sign changes, parking bay line markings must be paid in full to North Sydney Council prior to acceptance by Council of any changes</p> <p>(iv) <b>Street Lighting</b> Street lighting on Little Spring Street, Spring Street, Denison Street, and the Walker Street frontage of No.88 Walker Street<sup>(6)</sup> is to be upgraded to meet the North Sydney CBD Lighting Upgrade Specification and to the satisfaction of the Director of Engineering &amp; Property Services.</p>	<p>5. Agreed.</p> <p>6. Objects as works are relevant to approval as Walker Street is a main frontage.</p>	<p>5. Supported – The approved development will not have a direct impact on car parking at Mount Street. In this regard, deletion of the required works is considered reasonable.</p> <p>6. Not supported – Agree with Council comments. The condition shall remain as required by Council given Walker Street is a main frontage of the building.</p>
<p><b>B8 Required Public Domain Works – Submission and Approval of Plans under Roads Act 1993</b> Prior to the issue of any the relevant<sup>(1)</sup> Construction Certificate referencing building works at or above ground floor level, the Proponent must have construction issue engineering design plans and specifications prepared by a qualified civil design engineer. The plans and specifications must be to a detail suitable for construction issue purposes and must provide technical engineering detail and specification for the following road reserve infrastructure works that must be completed as part of the development consent:</p> <ul style="list-style-type: none"> <li>• All public domain works as specified in Environmental Assessment, Preferred Project Report, and as agreed with North Sydney Council's Director of Engineering and Property Services.</li> </ul> <p>Cross sections at a scale of 1:50 along the centre-line of each ground level access point to the site the must be provided. All the entry points are to comply with the Building Code of Australia (BCA), particularly disability requirements. The Council approved footpath levels must be accommodated at the building entry points.</p> <p>As levels set by Council may impact on ground floor levels within the site, the Certifying Authority must not issue any the relevant<sup>(2)</sup> Construction Certificate referencing building works at or above ground floor level without the formal approved plans and written approval of Council (as Roads Authority) under the Roads Act 1993.</p>	<p>1. Agreed.</p> <p>2. Agreed.</p>	<p>1. Supported – Provides certainty over the relevant Construction Certificate.</p> <p>2. Supported – Provides certainty over the relevant Construction Certificate.</p>

<p>The required plans and specifications are to be designed in accordance with North Sydney Council's current documents Infrastructure Specification for RoadWorks, Drainage and Miscellaneous Works and Performance Guide for Engineering Design and Construction. The drawings must detail existing utility services and trees affected/proposed by the works, erosion control requirements and traffic management requirements during the course of works. Detailed survey must be undertaken as required. Traffic management is to be certified on the drawings as being in accordance with the documents SAA HB81.1 – 1996 – Field Guide for Traffic Control at Works on Roads – Part 1 and RTA Traffic Control at Work Sites (1998). Construction of the works must proceed only in accordance with any conditions attached to the Council Roads Act 1993 approval.</p> <p>A minimum of 21 days will be required for Council to assess Roads Act submissions. Early submission is recommended to avoid any delays in obtaining a Construction Certificate. A fee to cover cost of assessment (set out in Council's adopted fees and charges) is payable and Council will withhold any consent and approved plans until full payment of the correct fees. Plans and specifications must be marked to the attention of Council's Development Engineers. In addition, a copy of this condition must be provided, together with a covering letter stating the full address of the property and the accompanying MP number.</p>		
<p><b>B12 Additional Details - Stone Plinth to Hotel (88 Walker Street)</b></p> <p>The stone plinth at the entry level is to be sandstone. Compliance with this condition is to be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate for <b>88 Walker Street</b>.<sup>(1)</sup></p>	1. Agreed.	1. Supported – Provides certainty over relevant the Construction Certificate.
<p><b>B14 Construction Management Program – Local Traffic Committee</b></p> <p>A Construction Management Program prepared in accordance with Section 23.2 of the North Sydney DCP 2002 shall be submitted and approved in writing by North Sydney Traffic Committee prior to the issue of any Construction Certificate <b>for construction of the building excluding demolition, excavation and shoring</b>.<sup>(1)</sup> Any use of Council property for construction purposes shall require appropriate approvals prior to such work commencing. The program shall specifically address the following matters:</p> <ul style="list-style-type: none"> <li>a) A plan view (min 1:100 scale) of the entire site and surrounding roadways indicating:             <ul style="list-style-type: none"> <li>i) Dedicated temporary construction site driveway entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways and footways,</li> <li>ii) The proposed signage for pedestrian management to comply with AS1742.3 and AS1742.10, including pram ramps;</li> <li>iii) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,</li> </ul> </li> </ul>	1. Agreed.	1. Supported – Provides certainty over the relevant works that will trigger the condition.

<p>iv) The locations of any proposed Work Zones in the frontage roadways (to be approved by Council's Traffic Committee),</p> <p>v) Locations of hoardings proposed,</p> <p>vi) Location of any proposed crane standing areas,</p> <p>vii) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries</p> <p>viii) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.</p> <p>ix) The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.</p>		
<p>b) A detailed heavy vehicle access route map through the Council area to Arterial Roads. Provision is to be made to ensure through traffic is maintained at all times.</p>		
<p>c) The proposed phases of works on the site, and the expected duration of each phase;</p>		
<p>d) How access to neighbouring properties will be maintained at all times and the proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of process;</p>		
<p>e) The road is not to be used as a waiting area for trucks delivering to or awaiting pick up of materials;</p>		
<p>f) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified engineer and practising structural and shall not involve any permanent or temporary encroachment onto Council's property;</p>		
<p>g) Proposed protection for Council and adjoining properties. Details are to include site fencing and the provision of "B" class hoardings over footpaths and laneways; and All traffic control work and excavation, demolition or construction activities shall be undertaken in accordance with the approved Construction Management Plan and any conditions attached to the approved plan. A copy of the approved Construction Management Plan, and any conditions imposed on that plan, shall be kept on the site at all times and made available to any officer of Council upon request.</p>		
<p>Notes:</p> <p>2) North Sydney Council's adopted fee for certification of compliance with this condition shall be payable on lodgement, or in any event, prior to the issue of the relevant approval.</p>		

3) Any use of Council property shall require appropriate approvals and demonstration of liability insurances prior to such work commencing. 4) Failure to provide complete and detailed information may result in delays. It is recommended that your Construction Management Plan be lodged with Council as early as possible, as a minimum six (6) weeks notice is required to refer items to the Traffic Committee. 5) Dependent on the circumstances of the site, Council may request additional information to that detailed above.			
<b>B15 Transport Management Plan</b> A Transport Management Plan for service, delivery and garbage vehicles to the site shall be submitted and approved in writing by North Sydney Traffic Committee prior to the issue of <u>any the relevant</u> <sup>(1)</sup> Construction Certificate with <u>for construction of the building excluding demolition, excavation and shoring</u> . <sup>(2)</sup>	1. Agreed.  2. Agreed.		1. Supported – Provides certainty over the relevant Construction Certificate.  2. Supported – Provides certainty over the relevant works that will trigger the condition.
<b>B21 Obtain Driveway Crossing Permit from Council</b> Prior to issue of any Construction Certificate referencing building works at or above ground floor level <u>for construction of the building excluding demolition, excavation and shoring</u> , <sup>(1)</sup> a driveway crossing and road infrastructure works permit to suit the approved off-street parking and loading facilities shall be obtained from North Sydney Council. In order to obtain the permit, an application must be made to Council on a 'Vehicular Access Application' form with payment of the adopted assessment/inspection fees. Council will require civil design construction drawings and certification from the applicant's Civil Engineer to verify design details and enable permit issue. The permit application should be accompanied the engineering plans required for all infrastructure works surrounding the development site, as outlined in the 'Required infrastructure works' condition. The civil design drawings with respect to the driveway crossing and layback shall detail all requirements of Council's Infrastructure specifications.  All driveway and infrastructure works on the road reserve must proceed in accordance with the terms of the permit issued by Council. Inspections by Council will be required as specified. The Certifying Authority issuing the Construction Certificate must ensure that the permit issued by Council is obtained and referenced on and accompanies the Construction Certificate issued.	1. Agreed.		1. Supported – Provides certainty over the relevant works that will trigger the condition.



<p><b>B24 Stormwater Management and Control Plan Required</b></p> <p>Prior to issue of <u>any the relevant</u><sup>(1)</sup> Construction Certificate for building works <b>for construction of the building excluding demolition, excavation and shoring</b><sup>(2)</sup> works, the applicant shall have a site drainage management and control plan prepared by a qualified drainage design engineer. The site drainage management plan must detail the following requirements of North Sydney Council:</p> <ul style="list-style-type: none"> <li>a) Show all drainage components in compliance with BCA drainage requirements, Council's Development Control Plan and current Australian Standards and guidelines,</li> <li>b) Stormwater runoff and subsoil drainage generated by the approved development must be conveyed in a controlled manner by gravity directly into the (relocated) inground system via construction of suitable drainage inlet infrastructure as approved by Council. The connection point shall ensure no backflow to the site no damage to the public system. The pit shall be modified as required.</li> <li>c) New pipelines within Council land shall be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0 millimetres and a section height of 100 millimetres.</li> <li>d) The design and installation of the Rainwater Tanks shall comply with Basix and Sydney Water requirements. Overflow from tank shall be connected by gravity to the stormwater disposal system.</li> <li>e) Prevent any stormwater egress into adjacent properties by creating physical barriers and surface drainage interception.</li> <li>f) Provide subsoil drainage to all necessary areas with pump out facilities as required.</li> </ul> <p>The Certifying Authority issuing the Construction Certificate must ensure that the approved drainage plan and specifications, satisfying the requirements of this condition, is referenced on and accompanies the Construction Certificate.</p>	<p>1. Agreed.</p> <p>2. Agreed.</p>	<p>1. Supported – Provides certainty over the relevant Construction Certificate.</p> <p>2. Supported – Provides certainty over the relevant works that will trigger the condition.</p>
<p><b>B26 Work Method Statement</b></p> <p>A Work Method Statement is to be prepared by the Contractor for the works in close proximity of the Firehouse Hotel (86 Walker Street) and is to be reviewed and approved a by a suitably qualified and experienced heritage architect. Compliance with this condition is to be submitted to the Certifying Authority prior to the issue of <u>any the relevant</u> Construction Certificate <b>as it relates to the hotel site.</b><sup>(1)</sup></p>	<p>1. Agreed.</p>	<p>1. Supported – Provides certainty over the relevant Construction Certificate.</p>
<p><b>B28 Services to be Underground</b></p> <p>All services associated with the development are to be located underground and works associated with this are to be fully born by the Proponent, within the development and along all street frontages for the length of the development. Any redundant power poles shall be removed. All energy related works shall be completed to Energy Australia's requirements and details to be provided with <u>any application for the relevant</u><sup>(1)</sup> Construction Certificate.</p>	<p>1. Agreed.</p>	<p>1. Supported – Provides certainty over the relevant Construction Certificate.</p>

<p><b>B29 Sydney Water</b></p> <p>Prior to the issue of a <u>the relevant</u><sup>(1)</sup> Construction Certificate, a Notice of Requirements under Part 6, Division 9 of the Sydney Water Act 1994 shall be obtained and a copy must be submitted to the Certifying Authority (Council or a private accredited certifier).</p>	<p>1. Agreed.</p>	<p>1. Supported – Provides certainty over the relevant Construction Certificate.</p>
<p><b>B30 Dilapidation Report Damage to Public Infrastructure</b></p> <p>The applicant must have a dilapidation survey and report (including photographic record) prepared which details the pre-developed condition of the existing public infrastructure in the vicinity of the development site. Particular attention must be paid to accurately recording any pre-developed damaged areas so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development. The developer may be held liable to all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded and demonstrated as pre-existing under the requirements of this condition.</p> <p>The applicant shall bear the cost of restoration of all infrastructure damaged as a result of the development, and no occupation of the development shall occur until damage is rectified. A copy of the dilapidation report must be lodged with North Sydney Council by the Certifying Authority with submission of any Construction Certificate documentation making reference to demolition works <b>prior to the commencement of work on the Commercial Tower site and prior to the commencement of work on the Hotel Tower site as applicable to each site, includes demolition, excavation and shoring.</b><sup>(1)</sup></p>	<p>1. Agreed.</p>	<p>1. Supported – Provides certainty over the relevant works that will trigger the condition.</p>
<p><b>B31 Dilapidation Report Private Property (Excavation)</b></p> <p>Prior to issue of any Construction Certificate making reference to demolition-works <b>Prior to the commencement of work on the Commercial Tower site and prior to the commencement of work on the Hotel Tower site and as applicable to each site, includes demolition, excavation and shoring.</b><sup>(1)</sup> the applicant must submit, for verification by the Certifying Authority, a full dilapidation report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavations. This zone is to be defined as the horizontal distance from the edge of the excavation face to twice the excavation depth.</p> <p>This report is to be prepared by a consulting structural/geotechnical engineer agreed to by both the applicant and the owner of any affected adjoining property. The report shall have regard to protecting the Applicant from possible spurious claims for structural damage and must be verified by all stakeholders as far as practicable.</p> <p>All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.</p>	<p>1. Agreed.</p>	<p>1. Supported – Provides certainty over the relevant works that will trigger the condition.</p>

<p>In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant MUST DEMONSTRATE, in writing, to the satisfaction of Council that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Written concurrence must be obtained from Council in such circumstances.</p> <p>Note: This documentation is for record keeping purposes only, and may be used by an applicant or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible.</p>		
<p><b>B32 Dilapidation Survey Private Property (Neighbouring Buildings)</b></p> <p>A photographic survey of adjoining properties No's. 86 Walker Street (The Firehouse Hotel), 100 Walker Street and the Beau Monde Building located on the northern portion of No. 77-81 Berry Street detailing the physical condition of those properties, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items, SHALL BE submitted to Council and the Certifying Authority (where Council does not issue the Construction Certificate) prior to the issue of any Construction Certificate making reference to demolition works <u>prior to the commencement of work on the Commercial Tower site and prior to the commencement of work on the Hotel Tower site and as applicable to each site, includes demolition, excavation and shoring.</u><sup>(1)</sup> This survey is to be prepared by an appropriately qualified person agreed to by both the applicant and the owner of the adjoining property.</p> <p>All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.</p> <p>In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant MUST DEMONSTRATE, in writing, to the satisfaction of Council that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Written concurrence must be obtained from Council in such circumstances.</p> <p>Note: This documentation is for record keeping purposes only, and may be used by an applicant or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible.</p>	<p>1. Agreed.</p>	<p>1. Supported – Provides certainty over the relevant works that will trigger the condition.</p>

<p><b>B34 Structural Adequacy of Adjoining Properties – Excavation Works</b></p> <p>A certificate prepared by an appropriately qualified and practising structural engineer, at no cost to the Council, detailing the structural adequacy of adjoining properties No's. 86 Walker Street (The Firehouse Hotel), 100 Walker Street and the Beau Monde located on the northern portion of No. 77-81 Berry Street and certifying their ability to withstand the proposed excavation and any measures required to be incorporated into the work to ensure that no damage will occur to adjoining properties during the course of the works, shall be submitted to the Certifying Authority for approval <u>prior to the issue of any Construction Certificate making reference to excavation prior to the commencement of work on the Commercial Tower site and prior to the commencement of work on the Hotel Tower site as applicable to each site, includes demolition, excavation and shoring.</u> <sup>(1)</sup></p>	<p>1. Agreed.</p>	<p>1. Supported – Provides certainty over the relevant works that will trigger the condition.</p>
<p><b>B40 Work Zone</b></p> <p>If a Works Zone is proposed, an application must be made to the North Sydney Local Traffic Committee to install the 'Work Zone'. Works Zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Works Zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site. If the Works Zone is approved by the Committee, the Applicant must obtain a written copy of the related resolution from the North Sydney Local Traffic Committee and submit a copy of this to the Certifying Authority to enable issue of any Construction Certificate <u>prior to the commencement of work on the Commercial Tower site and prior to the commencement of work on the Hotel Tower site and as applicable to each site, includes demolition, excavation and shoring.</u> <sup>(1)</sup></p> <p>Where approval of the 'Work Zone' is resolved by the Committee, the necessary 'Work Zone' signage shall be installed (at the cost of the Applicant) and the adopted fee paid prior to commencement of any works on the site. Further, at the expiration of the Works Zone approval, the Applicant is required to remove the Works Zone signs and reinstate any previous signs, all at the Applicant's cost.</p>	<p>1. Agreed.</p>	<p>1. Supported – Provides certainty over the relevant works that will trigger the condition.</p>
<p><b>B45 Footpath, Entries and Fire Exit Details</b></p> <p>The following details must be designed by an appropriately qualified and practising Civil Engineer and submitted to the Certifying Authority for approval with the application for <u>the relevant</u> <sup>(1)</sup> Construction Certificate: -</p> <ol style="list-style-type: none"> <li>Cross section along the centre-line of each access point to the building including fire exits at a scale of 1:50 to be taken from the centre of the road and shall include all changes of grade both existing and proposed.</li> <li>The sections shall show all relevant levels and grades (both existing and proposed) including those levels stipulated as boundary levels.</li> <li>The sections shall show the calculated clearance to the underside of any overhead structure.</li> </ol>	<p>1. Agreed.  2. Agreed.</p>	<p>1. Supported – Provides certainty over the relevant Construction Certificate.  2. Supported – Provides certainty over the relevant Construction Certificate.</p>



<p>d) A longitudinal section along the boundary line showing how it is intended to match the internal levels of the building with the boundary footpath levels. The footpath shall be designed (at a single straight grade of 3% falling to top of kerb) so that it is smooth without showing signs of dipping or rising particularly at entrances.</p> <p>e) A longitudinal section along the gutter and kerb line extending 5 metres past property lines showing transitions.</p> <p>All details are to be certified as complying with the Building Code of Australia (BCA) and Council's standard footpath specifications. Written concurrence confirming there will be no change to existing boundary and footpath levels is to be provided to North Sydney Council, prior to issue of a <u>the relevant</u><sup>(2)</sup> Construction Certificate.</p>		
<p><b>B52 Traffic &amp; Pedestrian Management Plan</b></p> <p>Prior to the issue of a Construction Certificate <u>Prior to the commencement of work on the Commercial Tower site and prior to the commencement of work on the Hotel Tower site and as applicable to each site, includes demolition, excavation and shoring</u>,<sup>(1)</sup> a Traffic and Pedestrian Management Plan prepared by a suitably qualified person shall be submitted to and approved by<sup>(2)</sup> the Certifying Authority. The Plan shall address, but not be limited to, the following matters:</p> <p>(1) ingress and egress of vehicles to the site,</p> <p>(2) loading and unloading, including construction zones,</p> <p>(3) predicted traffic volumes, types and routes,</p> <p>(4) pedestrian and traffic management methods, and</p> <p>The Proponent shall submit a copy of the approved plan to the Department and Council.</p>	<p>1. Agreed.</p> <p>2. Agreed.</p>	<p>1. Supported – Provides certainty over the relevant works that will trigger the condition.</p> <p>2. Supported – Approval by Certifying Authority not necessary.</p>
<p><b>B53 Noise and Vibration Management Plan</b></p> <p>Prior to the issue of a Construction Certificate <u>Prior to the commencement of work on the Commercial Tower site and prior to the commencement of work on the Hotel Tower site and as applicable to each site, includes demolition, excavation and shoring</u> <sup>(1)</sup>, a Noise and Vibration Management Plan prepared by a suitably qualified person shall be submitted to and approved by<sup>(2)</sup> the Certifying Authority. The Plan shall address, but not be limited to, the following matters:</p> <p>(1) Identification of the specific activities that will be carried out and associated noise sources,</p> <p>(2) Identification of all potentially affected sensitive receivers including residences, schools, and properties containing noise sensitive equipment,</p> <p>(3) The construction noise objective specified in the conditions of this approval,</p> <p>(4) The construction vibration criteria specified in the conditions of this approval,</p> <p>(5) Determination of appropriate noise and vibration objectives for each identified sensitive receiver,</p> <p>(6) Noise and vibration monitoring, reporting and response procedures,</p>	<p>1. Agreed.</p> <p>2. Agreed.</p>	<p>1. Supported – Provides certainty over the relevant works that will trigger the condition.</p> <p>2. Supported – Approval by Certifying Authority not necessary.</p>

(7) Assessment of potential noise and vibration from the proposed construction activities including noise from construction vehicles and any traffic diversions,			
(8) Description of specific mitigation treatments, management methods and procedures that will be implemented to control noise and vibration during construction			
(9) Justification of any proposed activities outside the construction hours specified in the conditions of this approval.			
(10) Construction timetabling to minimise noise impacts including time and duration restrictions, respite periods, and frequency,			
(11) Procedures for notifying residents of construction activities that are likely to affect their amenity through noise and vibration,			
(12) Contingency plans to be implemented in the event of non-compliances and/or noise complaints, The Proponent shall submit a copy of the approved plan to the Department and Council.			
<b>E2 Certification and Works as Executed - Drainage Works</b>			
Prior to issue of any the relevant Occupation Certificate <u>for either of the Hotel Tower, or the Commercial Tower, whichever building is to be issued an Occupation Certificate first<sup>(1)</sup></u> the Applicant shall obtain a certification from a qualified and experienced engineer that the site drainage system is installed and operating as designed in the plans and specifications referenced by the Construction Certificate. In addition, a registered surveyor must provide a works-as executed drawing showing the as built levels at all pit inlet and outlet inverts, as well as the connection point to the inground pit in Willoughby Street.		1. Agreed.	1. Supported – Provides certainty over the relevant Occupation Certificate.
<b>E5 Public Infrastructure Repair and Completion of Works</b>			
Prior to issue of any the relevant Occupation Certificate <u>for either of the Hotel Tower, or the Commercial Tower, whichever building is to be issued an Occupation Certificate first<sup>(1)</sup></u> all required works in the road reserve must be completed in full and any damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) must be fully repaired to the satisfaction of Council's engineers at no cost to Council.		1. Agreed.	1. Supported – Provides certainty over the relevant Occupation Certificate.
<b>E6 Public Carparking Signage</b>			
Appropriate signage, clearly legible from the street, shall be permanently displayed to indicate that public car parking is available on the site. Details of the proposed signage and location are to be submitted to and approved by Council and the signage erected prior to issue of <u>any the relevant Occupation Certificate for either of the Hotel Tower, or the Commercial Tower, whichever building is to be issued an Occupation Certificate first<sup>(1)</sup></u> .		1. Agreed.	1. Supported – Provides certainty over the relevant Occupation Certificate.

<p><b>E7 Covenant for Windows on Southern Elevation of No.88 Walker Street</b></p> <p>A covenant pursuant to the provisions of Part 6, Division 4 of the Conveyancing Act shall be placed on title indicating that the windows on or near the southern boundary of No.88 Walker Street are not protected from any redevelopment of the adjoining property at No.86 Walker Street that may be allowed to build to the boundary and these windows could be blocked off. North Sydney Council shall be nominated in the instrument as the only party authorised to release, vary or modify the instrument. Evidence of the lodgement of the instrument referred to in this condition is to be provided to Council with a copy of the Occupation Certificate <u>for the hotel site</u><sup>(1)</sup>.</p>	1. Agreed.	1. Supported – Provides certainty over the relevant Occupation Certificate.
<p><b>E8 Green Travel Plan</b></p> <p>A workplace green travel plan is to be developed to highlight to staff the available public and alternative transport options for travelling to the site. This is to be submitted to Council for approval by the Director of Engineering and Property Services prior to issue of <u>any the relevant Occupation Certificate for either of the Hotel Tower, or the Commercial Tower, whichever building is to be issued an Occupation Certificate first</u><sup>(1)</sup>.</p>	1. Agreed.	1. Supported – Provides certainty over the relevant Occupation Certificate.
<p><b>E10 Infrastructure Repair and Completion of Works</b></p> <p>Prior to issue of <u>any the relevant Occupation Certificate for either of the Hotel Tower, or the Commercial Tower, whichever building is to be issued an Occupation Certificate first</u>,<sup>(1)</sup> all required works in the road reserve must be completed in full and any damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) must be fully repaired to the satisfaction of Council Engineers at no cost to Council.</p>	1. Agreed.	1. Supported – Provides certainty over the relevant Occupation Certificate.
<p><b>E12 Access for People with Disabilities</b></p> <p>Prior to issue of <u>any the relevant Occupation Certificate for either of the Hotel Tower, or the Commercial Tower, whichever building is to be issued an Occupation Certificate first</u>,<sup>(1)</sup> provision shall be made for access and facilities for persons with a disability in accordance with the Building Code of Australia.</p>	1. Agreed.	1. Supported – Provides certainty over the relevant Occupation Certificate.
<p><b>E14 Certification for Mechanical Exhaust Ventilation</b></p> <p>Certification, from an appropriately qualified and practising Mechanical Engineer, is to be submitted to the Principal Certifying Authority, detailing that the exhaust ventilation system has been installed in accordance with the applicable Australian Standard, prior to issue of <u>any the relevant Occupation Certificate for either of the Hotel Tower, or the Commercial Tower, whichever building is to be issued an Occupation Certificate first</u><sup>(1)</sup>.</p>	1. Agreed.	1. Supported – Provides certainty over the relevant Occupation Certificate.

<p><b>E19 Notification of New Address Developments</b></p> <p>Prior to issue of any the <u>relevant</u> Occupation Certificate <u>for either of the Hotel Tower, or the Commercial Tower, whichever building is to be issued an Occupation Certificate first</u> being issued for the building-works<sup>(1)</sup>, the person acting upon this consent must notify Australia Post of the address(es) as issued by Council and the location in plan form of any secondary, internal addresses, in relation to built public roads. To find your nearest Australia Post Delivery Facility contact 13 13 18.</p>	1. Agreed	1. Supported – Provides certainty over the relevant Occupation Certificate
<p><b>G2 Fire Safety Certificate</b></p> <p>A Fire Safety Certificate shall be furnished to the PCA for all the Essential Fire or Other Safety Measures forming part of this approval prior to issue of any the <u>relevant</u> Occupation Certificate <u>for either of the Hotel Tower, or the Commercial Tower, whichever building is to be issued an Occupation Certificate first</u><sup>(1)</sup>. A copy of the Fire Safety certificate must be submitted to the approval authority and Council by the PCA.</p>	1. Agreed.	1. Supported – Provides certainty over the relevant Occupation Certificate.
<p><b>G4 Structural Inspection Certificate</b></p> <p>A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the PCA prior to issue of any the <u>relevant</u> Occupation Certificate <u>for either of the Hotel Tower, or the Commercial Tower, whichever building is to be issued an Occupation Certificate first</u><sup>(1)</sup> and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the approval authority and the Council after:</p> <p>(1) The site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final Design Drawings; and,</p> <p>(2) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.</p>	1. Agreed.	1. Supported – Provides certainty over the relevant Occupation Certificate.
<p><b>G5 Road Damage</b></p> <p>The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development, is be met in full by the Proponent/developer Prior to issue of any the <u>relevant</u> Occupation Certificate <u>for either of the Hotel Tower, or the Commercial Tower, whichever building is to be issued an Occupation Certificate first</u><sup>(1)</sup>.</p> <p>Note: Should the cost of damage repair work not exceed the road maintenance bond, Council will automatically call up the bond to recover the costs. Should the repair costs exceed the bond amount, a separate invoice will be issued.</p>	1. Agreed.	1. Supported – Provides certainty over the relevant Occupation Certificate.



Proposed additional conditions as bold, and underlined with <sup>(#)</sup> reference for comments	Councils Comment	Department's Response								
<p><b>B4A Monetary Contributions for the Hotel Building<sup>(1)</sup></b> <b>The Proponent shall pay the following monetary contributions in accordance with the North Sydney Section 94 Contributions Plan:</b></p> <p><b>(1) Amount of Contribution</b></p> <table><tr><th>Contribution Category</th><th>Amount</th></tr><tr><td>Public Domain Improvements</td><td>\$553,594.90</td></tr><tr><td>Traffic Improvements</td><td>\$33,425.21</td></tr><tr><td>Total</td><td>\$587,020.11</td></tr></table> <p><b>(2) Adjustments</b> <b>Should the total GFA be reduced as a result of compliance with Condition B1, the amount payable may be eligible for adjustment.</b></p> <p><b>(3) Timing and Method of Payment</b> <b>The contribution shall be paid in the form of cash or bank cheque, made out to North Sydney Council. For accounting purposes, the contribution may require separate payment for each of the categories above and you are advised to check with Council. Evidence of the payment to Council shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate for construction of the hotel building excluding demolition, excavation and shoring.</b></p> <p><b>(4) Indexing</b> <b>Contributions will be adjusted at the time of payment in accordance with the quarterly consumer price index (All Groups Index of Sydney).</b></p> <p><b>(5) Works-in-kind</b> <b>In accordance with Section 2.4 of the North Sydney Contributions Plan, the Proponent may apply to Council, in writing, with an offer that a monetary Section 94 contribution be met by way of a material public benefit (for an item not included on the works schedule of the North Sydney S94 Contributions Plan) and may include the dedication of land to Council, or as works - in - kind (for an item included on the works schedule of the North Sydney S94 Contributions Plan).</b></p>	Contribution Category	Amount	Public Domain Improvements	\$553,594.90	Traffic Improvements	\$33,425.21	Total	\$587,020.11	<p>1. Agreed.</p>	<p>1. Supported – The new condition will allow for staging of payment for relevant Section 94 Contributions for the Hotel Building. This will not impact on the provision of necessary upgrades to community facilities and the Section 94 Contributions reflect the applicable contribution figure required to be paid at time of issue of a Construction Certificate. Discussed further in <b>Section 5.2.</b></p>
Contribution Category	Amount									
Public Domain Improvements	\$553,594.90									
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Total	\$587,020.11									

<p><b>E25 Section 94 Contributions for the Commercial Building<sup>(1)</sup></b>  <b>The Proponent shall pay the following monetary contributions in accordance with the North Sydney Section 94 Contributions Plan:</b></p> <p><b>(1) Amount of Contribution</b></p> <table border="1"> <thead> <tr> <th>Contribution Category</th><th>Amount</th></tr> </thead> <tbody> <tr> <td>Administration</td><td>\$88,832.18</td></tr> <tr> <td>Child Care Facility</td><td>\$376,113.44</td></tr> <tr> <td>Community Centres</td><td>\$216,571.69</td></tr> <tr> <td>Library Acquisition</td><td>\$44,162.34</td></tr> <tr> <td>Library Premises and Equipment</td><td>\$134,258.67</td></tr> <tr> <td>Multi Purpose Indoor Sports Facility</td><td>\$50,810.68</td></tr> <tr> <td>Olympic Pool</td><td>\$165,558.01</td></tr> <tr> <td>Open Space Acquisition</td><td>\$161,917.80</td></tr> <tr> <td>Open Space Increased Capacity</td><td>\$320,952.04</td></tr> <tr> <td><b>Total</b></td><td><b>\$1,559,176.85</b></td></tr> </tbody> </table> <p><b>(2) Adjustments</b>  <u>Should the total GFA be reduced as a result of compliance with Condition B1, the amount payable may be eligible for adjustment.</u> <sup>(2)</sup></p> <p><b>(3) Timing and Method of Payment</b>  <u>The contribution shall be paid in the form of cash or bank cheque, made out to North Sydney Council. For accounting purposes, the contribution may require separate payment for each of the categories above and you are advised to check with Council. Evidence of the payment to Council shall be submitted to the Certifying Authority prior to the issue of an Occupation Certificate for the Commercial Building.</u></p> <p><b>(4) Indexing</b>  <u>Contributions will be adjusted at the time of payment in accordance with the quarterly consumer price index (All Groups Index of Sydney).</u></p>	Contribution Category	Amount	Administration	\$88,832.18	Child Care Facility	\$376,113.44	Community Centres	\$216,571.69	Library Acquisition	\$44,162.34	Library Premises and Equipment	\$134,258.67	Multi Purpose Indoor Sports Facility	\$50,810.68	Olympic Pool	\$165,558.01	Open Space Acquisition	\$161,917.80	Open Space Increased Capacity	\$320,952.04	<b>Total</b>	<b>\$1,559,176.85</b>	<p>1. Agreed.</p> <p>2. No Comment</p> <p>1. Supported – The new condition will allow for staging of payment for relevant Section 94 Contributions for the Commercial Building. This will not impact on the provision of necessary upgrades to community facilities and the Section 94 Contributions reflect the applicable contribution figure remaining to be paid for the Commercial Building. Discussed further in <b>Section 5.2</b>.</p> <p>2. Suggested wording in place of proposed under  “(2) Adjustments” to allow for consistency with Condition B4:  <u>The final contribution payable may be required to be adjusted to reflect the GFA approved as part of the approval.</u></p>
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<p><u>E26 Section 94 Contributions for the Hotel Building<sup>(1)</sup></u></p> <p><u>The Proponent shall pay the following monetary contributions in accordance with the North Sydney Section 94 Contributions Plan:</u></p> <p><u>(1) Amount of Contribution</u></p> <table><tr><th><u>Contribution Category</u></th><th><u>Amount</u></th></tr><tr><td><u>Administration</u></td><td><u>\$13,539.41</u></td></tr><tr><td><u>Child Care Facility</u></td><td><u>\$57,325.57</u></td></tr><tr><td><u>Community Centres</u></td><td><u>\$33,008.91</u></td></tr><tr><td><u>Library Acquisition</u></td><td><u>\$6,731.03</u></td></tr><tr><td><u>Library Premises and Equipment</u></td><td><u>\$20,463.12</u></td></tr><tr><td><u>Multi Purpose Indoor Sports Facility</u></td><td><u>\$7,744.34</u></td></tr><tr><td><u>Olympic Pool</u></td><td><u>\$25,233.63</u></td></tr><tr><td><u>Open Space Acquisition</u></td><td><u>\$24,678.80</u></td></tr><tr><td><u>Open Space Increased Capacity</u></td><td><u>\$48,918.11</u></td></tr><tr><td><u>Total</u></td><td><u>\$237,642.92</u></td></tr></table>	<u>Contribution Category</u>	<u>Amount</u>	<u>Administration</u>	<u>\$13,539.41</u>	<u>Child Care Facility</u>	<u>\$57,325.57</u>	<u>Community Centres</u>	<u>\$33,008.91</u>	<u>Library Acquisition</u>	<u>\$6,731.03</u>	<u>Library Premises and Equipment</u>	<u>\$20,463.12</u>	<u>Multi Purpose Indoor Sports Facility</u>	<u>\$7,744.34</u>	<u>Olympic Pool</u>	<u>\$25,233.63</u>	<u>Open Space Acquisition</u>	<u>\$24,678.80</u>	<u>Open Space Increased Capacity</u>	<u>\$48,918.11</u>	<u>Total</u>	<u>\$237,642.92</u>	<p>1. Agreed.</p>	<p>1. Supported – The new condition will allow for staging of payment for relevant Section 94 Contributions for the Hotel Building. This will not impact on the provision of necessary upgrades to community facilities and the Section 94 Contributions reflect the applicable contribution figure remaining to be paid for the Hotel Building. Discussed further in <b>Section 5.2.</b></p>
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## 6. CONCLUSION AND RECOMMENDATIONS

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The proposed modifications do not alter the overall nature, needs or justification of the approved project. The main issues have been addressed in Section 5 of this report. It is considered that the proposal, as modified, is generally consistent with the approved development.

It is recommended that the Director, Metropolitan and Regional Projects South:

- (a) **consider** the recommendations of this report;
- (b) **approve** the modification, subject to conditions, under Section 75W of the *Environmental Planning and Assessment Act 1979*; and,
- (c) **sign** the attached Instrument of Modification (**Appendix C**).


Prepared by



13.01.2012

Simon Truong  
**Planning Officer**  
**Metropolitan and Regional Projects South**

Endorsed by



13/1/12

Ben Lusher  
**Acting Team Leader**  
**Metropolitan and Regional Projects South**

## **APPENDIX A      MODIFICATION REQUEST**

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See the Department's website at:

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=4762](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4762)

## **APPENDIX B   SUBMISSIONS**

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See the Department's website at:

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## **APPENDIX C    RECOMMENDED MODIFYING INSTRUMENT**

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