

Modification of Minister's Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning, I approve the modification of the Project Approval referred to in Schedule 1, subject to the conditions in Schedule 2.


Terry Bailey
Acting Secretary

Sydney 29 October 2014

SCHEDULE 1

Project Approval:	MP08_0238
Proponent	East Mark Holdings
Approval Authority	Minister for Planning
Land	Stratum Lot 2, 3 & 4 in DP 1078998 (77-81 Berry Street, North Sydney) and Lot 1 in DP 832416 (88 Walker Street, North Sydney)
Project:	<p>Approval at 77-81 Berry Street and 88 Walker Street, North Sydney for:</p> <ul style="list-style-type: none">• 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 part 4/5 levels of basement at 77-81 Berry Street, a service tunnel under Little Spring Street, and 2 levels of basement at 88 Walker Street;• Construction of a part 26/part 32 storey commercial and retail building on the southern portion of 77-81 Berry Street including 2 levels of rooftop plant together with 4 levels of basement car parking and 1 part level of basement plant 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 re-alignments
Modification:	<p>MP08_0238 MOD 4: Modification to amend conditions of consent to:</p> <ul style="list-style-type: none">• clarify staging of Construction Certificates;• clarify timing for satisfying relevant conditions; and• temporary access works.

SCHEDULE 2

The above approval is modified as follows:

1. Insertion of the following condition **bold and underlined** as follows:

A5 Staging of the Development

For the purposes of interpreting this approval the following terms are used for the staging of the development:

- (1) **initial works including reconfiguration of retail uses within the existing Beau Monde building, and/or relocation of services and/or other site preparation works which enable demolition, excavation and shoring works to commence;**
- (2) **demolition, excavation, and shoring works;**
- (3) **construction of the commercial building; and**
- (4) **construction of the hotel building.**

2. The following conditions have been amended by deletion of the struck out words and insertion of the **bold and underlined** words as follows:

A1 Development Description

- (1) Development approval is granted only to carrying out the development described in detail below:
 - Demolition: Demolition of the existing buildings on both sites, **excluding portions within the Beau Monde podium,** including the pedestrian bridge linking 77-81 Berry Street with Tower Square.
 - Excavation: Excavation for 4 part 4/5 levels of basement at 77-81 Berry Street, a service tunnel under Little Spring Street, and 2 levels of basement at 88 Walker Street.
 - Construction of a part 26/part 32 storey commercial and retail building on the southern portion of 77-81 Berry Street including 2 levels of rooftop plant together with 4 levels of basement car parking and 1 part level of basement plant 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 re-alignments/partial public road closures, tree planting, paving, street furniture and lighting, and, public art.

A2 Development in Accordance with Plans and Documentation

The development will be undertaken in accordance with MP No. 08_0238 and the Environmental Assessment dated May 2009 prepared by JBA Urban Planning, except where amended by the Preferred Project Report dated October 2009 and as amended by the S75W Environmental Assessment dated August 2010 and October 2010 **and June 2014** prepared by JBA Urban Planning and additional information, plans and reports provided with the Preferred Project Report and S75W, and the following drawings prepared by Rice Daubney:

**Architectural (or Design) Drawings prepared by Rice Daubney at
Appendix A of the Environmental Assessment except where superseded
by the Preferred Project Report**

Drawing No.	Rev	Name of Plan	Date
DA 01	E	Cover Page and Drawing Register	09.07.10
DA 02	C	Photomontage looking up Walker Street	09.10.09
DA 03	E	Photomontage corner of Little Spring St and Spring St	09.07.10
DA 08	B	Existing Building Survey	10.06.10
DA 09	E	Location Plan and Survey Plan	10.06.10
DA 10	E	Basement 5 – Plant	09.07.10
DA 11	E	Basement 4 – Commercial Plan	09.07.10
DA 12	E	Basement 3 – Commercial Plan	09.07.10
DA 13	E	Basement 2 – Commercial and Hotel Plan	09.07.10
DA 14	E	Basement Plan 1 – Commercial and Hotel Plan	09.07.10
DA 15	E	Lobby and Ground Floor Introduction Page	09.07.10
DA 16	E	Commercial Lower Ground and Hotel Lobby	09.07.10
DA 17	E	Commercial lobby & Hotel bridge Link	09.07.10
DA 18	E	Commercial Food Court Retail and Hotel Conference	09.07.10
<u>DA18NT</u>	<u>A</u>	<u>Interim Works</u>	<u>24/07/2014</u>
DA 19	E	Commercial Conference/Meeting & Hotel Restaurant	09.07.10
DA 20	E	Commercial Plant & Hotel Bar	09.07.10
DA 21	E	Commercial and Hotel Towers Introduction	09.07.10
DA 22	E	Commercial Low rise & Hotel Plant	09.07.10
DA 23	E	Commercial Low Rise Typical & Hotel Administration	09.07.10
DA 24	E	Commercial Mid Rise Typical & Hotel Typical	09.07.10
DA 25	E	Commercial High Rise Typical & Hotel Typical	09.07.10
DA 26	E	Commercial High Rise Typical (small) & Hotel Plant	09.07.10
DA 27	E	Commercial Plant & Hotel Roof	09.07.10
DA 28	E	Commercial Roof & Hotel Roof	09.07.10
DA 29	E	Commercial North/South section looking West	09.07.10
DA 30	E	Section through Commercial and Hotel looking North	09.07.10
DA 31	E	Section through Hotel looking West	09.07.10
DA 32	E	Commercial East Elevation	09.07.10
DA 33	E	Commercial & Hotel North Elevation/Section	09.07.10
DA 34	E	Commercial West Elevation	09.07.10
DA 35	E	Commercial & Hotel South Elevation	09.07.10
DA 36	E	Hotel East Elevation	09.07.10
DA 37	E	Hotel West Elevation	09.07.10
DA 38	E	Detailed Street Elevation – Little Spring Street West	09.07.10
DA 39	E	Detailed Street Elevation – Spring Street	09.07.10
DA 40	E	Detailed Street Elevation – Denison Street	09.07.10
DA 41	E	Detailed Street Elevation – New Cross Street	09.07.10
DA 42	E	Detailed Street Elevation – Little Spring Street	09.07.10

		East/Walker Street	
DA 43	E	Commercial Tower Setback Diagram	09.07.10
DA 44	E	Hotel Setback Diagram	09.07.10
Landscape Plan & Public Domain Plan prepared by OCULUS at Appendix I of the Preferred Project Report			
	D	Indicative Public Domain Plan	23.09.09
	D	Landscape Roof Garden Plan	23.09.09
	D	Landscape Sections	23.09.09
	D	Public Domain Plan	23.09.09

B3 Structural Details

Prior to the issue of the relevant Construction Certificate, the Proponent shall submit to the satisfaction of the Certifying Authority, structural drawings **for the relevant works** prepared and signed by a suitably qualified practising Structural Engineer that complies with:

- (1) the relevant clauses of the BCA,
- (2) the relevant development approval,
- (3) drawings and specifications comprising the Construction Certificate, and
- (4) the relevant Australian Standards listed in the BCA (Specification A1.3).

B4 Monetary Contributions for the Commercial Building

The Proponent shall pay the following monetary contributions in accordance with the North Sydney Section 94 Contributions Plan:

- (1) Amount of Contribution

Contribution Category	Amount
Public Domain Improvements	\$3,632,139.94
Traffic Improvements	\$219,303.00
Total	\$3,851,442.94

- (2) Adjustments
The final contribution payable may be required to be adjusted to reflect the GFA approved as part of the approval.
- (3) Timing and Method of Payment
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 building excluding **initial works and** demolition, excavation and shoring.
- (4) Indexing
Contributions will be adjusted at the time of payment in accordance with the quarterly consumer price index (All Groups Index of Sydney).
- (5) Works-in-kind
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).

B4A Monetary Contributions for the Hotel Building

The Proponent shall pay the following monetary contributions in accordance with the North Sydney Section 94 Contributions Plan:

- (1) Amount of Contribution
 - Public Domain improvements \$553,594.90
 - Traffic Improvements \$33,425.21
 - Total \$587,020.11

- (2) Adjustments - Should the total GFA be reduced as a result of compliance with Condition B1, the amount payable may be eligible for adjustment
- (3) Timing and Method of Payment - 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 **initial works, demolition**, excavation and shoring.
- (4) indexing - Contributions will be adjusted at the time of payment in accordance with the quarterly consumer price index (All Groups index of Sydney).
- (5) Works-in-kind 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).

B5 Public Car Parking

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 the relevant Construction Certificate **for the Commercial Tower excluding for any initial works**.

B6 Railway Contributions

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 \$5,701,843.56 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, **except in respect of the initial works**.

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.

Contributions will be adjusted at the time of payment in accordance with the quarterly consumer price index (All Groups Index of Sydney).

B7 Off - Site Works

The following Off - Site works are required to be provided by the Proponent by way of works in kind or a monetary contribution;

(i) Berry/Walker Street Intersection Upgrading

Pay a monetary contribution towards 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). **The monetary contribution is to be paid prior to the issue of an occupation certificate for the Commercial Tower (except for the Initial Works) or hotel building whichever comes first.**

(ii) Proposed Streetscape Improvements

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 & Property Services. Written confirmation of the proposed improvements must be obtained from Council's Director of Engineering & Property Services by the Certifying Authority prior to issue of the relevant Construction Certificate **for the Commercial Tower excluding for any initial works**.

(iii) Proposed Traffic/Streetscape Improvements

- 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 & Property Services. The proposed modifications shall be submitted to, and approved in writing by the North Sydney Traffic Committee, prior to the issue of the relevant Construction Certificate **for the Commercial Tower excluding for any initial works.**

Note:

- 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.
 - 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.
- c) Future Shared Zones must satisfy RTA requirements. All future Shared Zones shall be endorsed by Council and submitted to the RTA for approval
- d) A taxi pick-up/drop-off facility shall be provided to the satisfaction of Council.
- 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

(iv) Street Lighting

Street lighting on Little Spring Street, Spring Street, Denison Street, and the Walker Street frontage of No.88 Walker Street is to be upgraded to meet the North Sydney CBD Lighting Upgrade Specification and to the satisfaction of the Director of Engineering & Property Services. **The lighting is to be upgraded prior to the issue of an occupation certificate for the Commercial Tower (except for the initial works) or hotel building whichever comes first.**

B8 Required Public Domain Works – Submission and Approval of Plans under Roads Act 1993

Prior to the issue of the relevant Construction Certificate referencing building works at or above ground floor level, **but excluding initial works**, 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:

- 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.

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.

As levels set by Council may impact on ground floor levels within the site, the Certifying Authority must not issue the relevant 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.

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.

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.

B14 Construction Management Program – Local Traffic Committee

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 for construction of the building excluding **initial works and** demolition, excavation and shoring. 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:

- a) A plan view (min 1:100 scale) of the entire site and surrounding roadways indicating:
 - 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,
 - ii) The proposed signage for pedestrian management to comply with AS1742.3 and AS1742.10, including pram ramps;
 - iii) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
 - iv) The locations of any proposed Work Zones in the frontage roadways (to be approved by Council's Traffic Committee),
 - v) Locations of hoardings proposed,
 - vi) Location of any proposed crane standing areas,
 - vii) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries
 - viii) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
 - ix) The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
- 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.
- c) The proposed phases of works on the site, and the expected duration of each phase;
- 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;
- e) The road is not to be used as a waiting area for trucks delivering to or awaiting pick up of materials;
- 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;
- 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.

Notes:

- 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.
- 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.

B15 Transport Management Plan

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 the relevant Construction Certificate ~~with~~ for construction of the building excluding **initial works and** demolition, excavation and shoring.

B16 Car Park

The proposed car park shall satisfy the following requirements:

1. That all vehicles, including delivery vehicles and garbage collection vehicles must enter and exit the site in a forwards direction.
2. The design of the carpark shall comply generally with Australian Standard AS2890.1.
3. The loading dock and access to it shall have a clear height of 3.6m. All other aspects shall generally comply with the Australian Standard AS2890.2.
4. The driveways to the site must be modified such that there are minimum sight lines for pedestrian safety as per Figure 3.3 of AS 2890.1.
5. The location of any boom gate or other vehicular access control for driveway entry to the car park should be located a minimum of 12 metres within the boundary of the property to avoid queuing onto Little Spring Street.
6. That all aspects of the bicycle parking and storage facilities comply with the Australian Standard AS2890.3.
7. That "Stop" signage and "Give Way to Pedestrians" signage be installed at the exit from the car park

Details from an appropriately qualified person showing that these design requirements have been met shall be submitted with the relevant Construction Certificate and approved by the Certifying Authority prior to issuing of the relevant Construction Certificate **for the Commercial Tower or hotel building excluding for any initial works.**

B21 Obtain Driveway Crossing Permit from Council

Prior to issue of any Construction Certificate referencing building works at or above ground floor level for construction of the building excluding **initial works and** demolition, excavation and shoring, 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.

B22 Required Trunk Drainage Diversion Works – submission and approval of plans by Council under Roads Act 1993

Prior to issue of the relevant Construction Certificate referencing excavation and prior to any excavation for the development, the applicant 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 drainage infrastructure works that must be completed as part of the development consent:

- Drainage line relocation works in accordance with 'option 5' in the Aurecon Australia Drainage and Flooding Assessment report, reference 29239, revision 3 dated 20 March 2009.

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.

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.

B24 Stormwater Management and Control Plan Required

Prior to issue of the relevant Construction Certificate for building works for construction of the building excluding initial works and demolition, excavation and shoring, 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:

- a) Show all drainage components in compliance with BCA drainage requirements, Council's Development Control Plan and current Australian Standards and guidelines,
- 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.
- 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.
- 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.
- e) Prevent any stormwater egress into adjacent properties by creating physical barriers and surface drainage interception.
- f) Provide subsoil drainage to all necessary areas with pump out facilities as required.

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.

B25 Boundary Alignment Levels and Pits

For new kerb and gutter, gutter invert levels must match existing. All new footpaths to be constructed shall be placed at 3% falling from the site boundary to the top of new 150mm high kerb. The property boundary alignment levels must be set to match the Council's requirements and the building plans and specifications issued with the relevant Construction Certificate affecting kerbs and gutters must demonstrate these levels, unless otherwise approved. All service pits must be constructed with infill pavers.

B26 Work Method Statement

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 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 the relevant Construction Certificate as it relates to the hotel site.

B27 Proposed Street Trees

The proposed street tree planting in Denison Street, Spring Street, Little Spring Street and Walker Street shall be resolved through further discussion with Council and that an amended landscape plan including agreed species, shall be submitted and approved by Council prior to the undertaking of the road works and the issue of the relevant Construction Certificate for such works.

B28 Services to be Underground

All water, gas, sewer and electricity services associated with the development are to be located underground and works associated with this are to be fully borne 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 application for the relevant Construction Certificate except for the initial works.

B29 Sydney Water

Prior to the issue of the relevant Construction Certificate except for the initial works, 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).

B30 Dilapidation Report Damage to Public Infrastructure

The applicant must have (within the timeframe specified below) 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.

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 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 but excluding initial works.

B31 Dilapidation Report Private Property (Excavation)

Prior to the commencement of work (excluding initial works) 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, 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.

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.

All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.

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.

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.

B32 Dilapidation Survey Private Property (Neighbouring Buildings)

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 commencement of work (**excluding initial works**) 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. This survey is to be prepared by an appropriately qualified person agreed to by both the applicant and the owner of the adjoining property.

All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.

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.

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.

B33 Shoring for Adjoining Property

Where any shoring for excavation is to be located on or is supporting Council's property, or any adjoining private property, engineering drawings certified as being adequate for their intended purpose by an appropriately qualified and practising structural engineer, showing all details, including the extent of encroachment and the method of removal and de-stressing of shoring elements, shall be submitted to the Certifying Authority for approval with the **relevant** Construction Certificate. A copy of this documentation must be provided to the Council for record purposes.

B34 Structural Adequacy of Adjoining Properties – Excavation Works

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 prior to the commencement of work (excluding initial works) 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.

B35 Erosion and Sedimentation Control

Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater – Soils & Construction Volume 1 (2004) by Landcom*. Details are to be submitted (excluding initial works) to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.

B37 Reflectivity

The visible light reflectivity from building materials used on the facades of the buildings shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place. A report demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to the issue of a the relevant Construction Certificate.

B38 Wind Impact

The proposed development shall incorporate the recommendations contained in the "Pedestrian Wind Environment Study" prepared by Windtech Consultants Pty Ltd, dated 7 October 2009 and updated report dated 23 July 2010. A report demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for the Commercial Tower or hotel site, whichever comes first excluding for any initial works.

B39 No External Service Ducts

Service ducts shall be provided within the building to keep external walls free of plumbing, drainage or any other utility installations. The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced on and accompanying the issued relevant Construction Certificate, fully satisfy the requirements of this condition.

B40 Work Zone

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 prior to the commencement of work (excluding initial works) 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.

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.

B43 Bicycle Storage and Parking

The bicycle storage area shall accommodate a minimum of one hundred and sixty-one (161) bicycles. In addition, a visitor parking bicycle rail(s) shall be provided within the public domain adjacent to the approved commercial building. Such bicycle storage lockers and bicycle rail shall be designed in accordance with the applicable Australian Standards. The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced on and accompanying the issued Construction Certificate for such storage and parking, fully satisfy the requirements of this condition.

B44 Cycle Shower Facilities

Shower facilities shall be provided and made accessible without charge to cyclists who work in the building. The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced on referencing shower facilities and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

B46 Garbage and Recycling Facilities

An appropriate area shall be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. The following requirements shall be met:

- a) All internal walls of the storage area shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained with a tap in close proximity to facilitate cleaning;
- b) Include provision for the separation and storage in appropriate categories of material suitable for recycling;
- c) The storage area shall be adequately screened from the street, with the entrance to the enclosures no more than 2m from the street boundary of the property;
- d) If a storage facility is to be provided at another suitable location within the building, a complementary garbage bin holding bay shall be provided no more than 2m from the street boundary of the property;
- e) Garbage enclosures serving residential units are not to be located within areas designated for non-residential uses; and
- f) Garbage enclosures serving non-residential uses are not to be located within areas designated for dining purposes.

The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, ~~referenced on~~ referencing garbage and recycling facilities and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

Note: The applicant may wish to discuss bin storage requirements and location with Council prior to finalisation of the required detail, and obtain a copy of Council's Waste Handling Guide for reference purposes.

B47 Noise from Plant

A certificate from an Acoustic Engineer, who is a member or eligible to be a member of the Association of Australian Acoustical Consultants, must be submitted to the Certifying Authority certifying that the noise from plant and mechanical equipment will not exceed more than 5dB(A) above the background level during the day and evening and not exceeding the background level at night (10.00pm to 6.00 am) when measured at the boundary of the property, and will comply with the Environment Protection Authority Industrial Noise Policy.

The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, ~~referenced on~~ referencing plant and mechanical equipment and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

B48 Mechanical Exhaust Ventilation

A statement from an appropriately qualified and practising Mechanical Engineer is required detailing how the exhaust ventilation system will be installed in accordance with the applicable Australian Standard. The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced on and accompanying the issued

Construction Certificate **for exhaust ventilation system**, fully satisfy the requirements of this condition.

B49 Disabled Access

Access and facilities for people with disabilities shall be provided in accordance with Part D3 of the BCA's Access Policy. Prior to the issue of a **the relevant** Construction Certificate **to the degree necessary relating to the affected part**. A certificate certifying compliance with this condition from an appropriately qualified person shall be provided to the Certifying Authority.

B50 Outdoor Lighting

All outdoor lighting shall comply with, where relevant, AS/NZ1158.3: 1999 *Pedestrian Area (Category P) Lighting* and AS4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a **the relevant** Construction Certificate.

B51 Construction Management Plan

Prior to the issue of a Construction Certificate, a Construction Management Plan shall be submitted to and approved by the Certifying Authority. The Plan shall address, but not be limited to, the following matters where relevant:

- (0) hours of work,
- (1) contact details of site manager,
- (2) traffic management (see also B54 below),
- (3) noise and vibration management (see also B55 below),
- (4) waste management (see also B39 above),
- (5) erosion and sediment control (see also B38),
- (6) flora and fauna management, and

The Proponent shall submit a copy of the approved plan to the Department and Council.

A separate plan can be prepared for each Construction Certificate/stage of the development and deal with construction management issues as relevant to the proposed works in each Construction Certificate/stage.

B52 Traffic & Pedestrian Management Plan

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, a Traffic and Pedestrian Management Plan prepared by a suitably qualified person shall be submitted to ~~and approved by~~ the Certifying Authority. The Plan shall address, but not be limited to, the following matters:

- (1) ingress and egress of vehicles to the site,
- (2) loading and unloading, including construction zones,
- (3) predicted traffic volumes, types and routes,
- (4) pedestrian and traffic management methods, and

The Proponent shall submit a copy of the approved plan to the Department and Council.

A separate plan can be prepared for each Construction Certificate/stage of the development and deal with traffic and pedestrian management issues as relevant to the proposed works in each Construction Certificate/stage.

B53 Noise and Vibration Management Plan

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, a Noise and Vibration Management Plan prepared by a suitably qualified person shall be submitted to the Certifying Authority. The Plan shall address, but not be limited to, the following matters:

- (1) Identification of the specific activities that will be carried out and associated noise sources,
- (2) Identification of all potentially affected sensitive receivers including residences, schools, and properties containing noise sensitive equipment,
- (3) The construction noise objective specified in the conditions of this approval,
- (4) The construction vibration criteria specified in the conditions of this approval,

- (5) Determination of appropriate noise and vibration objectives for each identified sensitive receiver,
- (6) Noise and vibration monitoring, reporting and response procedures,
- (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.

A separate plan can be prepared for each Construction Certificate/stage of the development and deal with noise and vibration issues as relevant to the proposed works in each Construction Certificate/stage.

B55 Green Star/NABHERS

The Proponent shall ensure the office building and hotel building achieve the relevant star rating as indicated in the Environmentally Sustainable Development (ESD) Report prepared by Cundall dated March 2009. The Proponent shall submit to the Certifying Authority a statement demonstrating compliance with the requirements of this condition **prior to the issue of a Construction Certificate works other than initial works.**

C12 Remediation of Land

The Proponent shall implement all recommendations contained within the Phase 1 Environmental Site Assessment prepared by Hyder dated 9 February 2009. The Proponent shall submit to the Certifying Authority a statement demonstrating compliance with the requirements of this condition prior to the issue of the relevant Construction Certificate **for any excavations.**

E2 Certification and Works as Executed - Drainage Works

Prior to 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 **(but excluding initial works)** 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.

E5 Public Infrastructure Repair and Completion of Works

Prior to 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 **(but excluding initial works)** 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.

E6 Public Carparking Signage

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 the relevant Occupation Certificate for either of the Hotel Tower, or the Commercial Tower, whichever building is to be issued an Occupation Certificate first **(but excluding initial works).**

E8 Green Travel Plan

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 the relevant Occupation Certificate for either of the Hotel Tower, or the Commercial Tower, whichever building is to be issued an Occupation Certificate first **(but excluding initial works)**.

E9 Public Art

The applicant shall submit an Arts Plan for the proposed development to Council's Arts and Culture Officer for approval. The applicant shall consult with Council's Arts and Culture Officer in the design and execution stages of the Art Plan. The Artwork shall be installed in accordance with the approved Art Plan prior to completion and issue of any interim Occupation Certificate for either of the two approved buildings **(but excluding initial works)**.

E10 Infrastructure Repair and Completion of Works

Prior to 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 **(but excluding initial works)**, 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.

E12 Access for People with Disabilities

Prior to 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~~, provision shall be made for access and facilities for persons with a disability in accordance with the Building Code of Australia **for works the subject of the certificate. An interim Occupation Certificate may be issued for initial works with compliance of the new works to meet the accessibility requirements of the BCA.**

E14 Certification for Mechanical Exhaust Ventilation

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 the relevant Occupation Certificate for either of the Hotel Tower, or the Commercial Tower, whichever building is to be issued an Occupation Certificate first, **(but excluding initial works)**.

E19 Notification of New Address Developments

Prior to issue of the relevant Occupation Certificate **(but excluding initial works)** for either of the Hotel Tower, or the Commercial Tower, whichever building is to be issued an Occupation Certificate first **being issued for the building works**, 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.

E22 Vehicle Egress Signs

Prior to the issue of an Occupation Certificate **(but excluding initial works)**, appropriate sign(s) shall be provided and maintained within the site at the point(s) of vehicular egress to ensure all vehicles stop before proceeding onto the public way.

E23 Disposal Information

Upon completion of works and prior to **the issue of the final** occupation **Certificate**, the person entitled to act on this consent shall provide to Council's Open Space and Environmental Services Department a hard copy of the following information:

- (a) the total tonnage of all waste and excavated material disposed of from the site (including any tipping dockets); and

- (b) the disposal points and methods used.

E25 Section 94 Contributions for the Commercial Building

The Proponent shall pay the following monetary contributions in accordance with the North Sydney Section 94 Contributions Plan:

- (1) Amount of Contribution

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
Total	\$1,559,176.85

- (2) Adjustments

The final contribution payable may be required to be adjusted to reflect the GFA approved as part of the approval.

- (3) Timing and Method of Payment

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 **(but excluding initial works)**.

- (4) Indexing

Contributions will be adjusted at the time of payment in accordance with the quarterly consumer price index (All Groups Index of Sydney).

- (5) Works-in-kind

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).

3. Insertion of the following revised statement of commitments:

Table 2 – 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 <i>other than Initial Works</i> , 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 (<i>not including Initial Works</i>)
5.	VPA	It is intended that a VPA will be executed between North Sydney Council and Eastmark Holdings Pty Ltd to outline agreements and responsibilities in terms of contributions, land transfer, etc.	Prior to the issue of a Construction Certificate (CC) (<i>not including Initial Works</i>).
6.	Sustainability	The proposed development will target the following ESD ratings: <p>Commercial:</p> <ul style="list-style-type: none"> 5 Star Green Star Rating– Office Design V3 5 Star NABERS (Commercial) Rating <p>Hotel:</p> <ul style="list-style-type: none"> 4 Star NABERS (Hotel) Rating 	Ongoing
7.	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
8.	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 <i>involving external glazing</i> .
9.	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 <i>the relevant</i> an OC being issued
10.	Acoustic Amenity	The glazing for the <i>new</i> 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
11.	Equitable Access	The <i>proposal</i> <i>completed development</i> will provide equitable access to all public spaces within the development in accordance with AS1428.1, and where achievable will also meet AS1428.2.	Prior to a Construction Certificate being

No.	Subject	Commitments	Timing
			<i>issued for each stage of the development</i> <i>Ongoing</i>
12.	BCA	The proposed buildings <i>completed development</i> 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
13.	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 <i>(not including Initial Works)</i>
14.	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
15.	Contamination	Soil testing will be undertaken to confirm the soil quality.	Prior to the exportation of soils off the site
16.	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 a <i>final</i> Occupation Certificate
17.	Geotechnical	A geotechnical report will be prepared by a suitably qualified professional	Prior to bulk excavation works commencing