

# Modification of Minister's Approval

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

As delegate of the Minister for Planning under delegation executed on 11 October 2017, I approve the modification of the project approval referred to in Schedule 1, subject to the conditions outlined in Schedule 2.

Anthea Sargeant  
**Executive Director**  
**Key Sites and Industry Assessments**

Sydney

2018

### SCHEDULE 1

Clause 243 determination (DPE Reference: MP08\_0041), granted by the former Minister for the Environment, NSW Heritage Council and NSW Waterways Authority on 23 December 2003, for the *North Head Quarantine Station Conservation and Adaptive re-use Proposal* at North Head, Manly in the Northern Beaches local government area.

### SCHEDULE 2

This approval is modified as follows:

1. In Schedule 1 of the 'Conditions of Planning Approval', insert new section entitled 'Definitions' immediately prior to heading 'General' and insert the following definitions:

<b>Co-Proponent</b>	National Parks and Wildlife Service and The Mawland Group
<b>Day</b>	The period from 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public Holidays
<b>Department</b>	Department of Planning and Environment
<b>Evening</b>	The period from 6pm to 10pm
<b>Heritage Council</b>	Heritage Council of New South Wales
<b>Key Site Activities</b>	restaurant, tourist accommodation, visitor centre & museum, guided tours, environmental and cultural study centre and functions and events
<b>Lease</b>	As per the Lease Agreement (LPI Dealing No. AC928975B) executed on 26 October 2006 between National Parks and Wildlife Service and The Mawland Group and any variations to this lease as registered with NSW Land and Property Information
<b>Minister</b>	Minister for Planning (or delegate)
<b>Modification 3</b>	Modification request received by the Department on 14 December 2015 and accompanying documents, including Environmental Assessment and Response to Submissions (MP08_0041 MOD 3)
<b>Night</b>	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
<b>NPWS</b>	National Parks and Wildlife Service
<b>OEH</b>	Office of Environment and Heritage

<b>PAS</b>	Preferred Activity Statement prepared by The Mawland Group and NPWS dated September 2002
<b>RMS</b>	Roads and Maritime Services
<b>Secretary</b>	Secretary of the Department (or nominee)
<b>Site</b>	North Head Quarantine Station

2. In Schedule 1 of the 'Conditions of Planning Approval', insert new Terms 1e) and 1f) immediately following Term 1d) as follows:
  - (e) any future variations to the PAS proposed for the site, that are supported by OEH and the Heritage Council, provided that such variations reflect the key site activities approved for the site (see 'Definitions'); and
  - (f) all documentation submitted in support of the modification request (MP08\_0041 MOD 3), including *Environmental Assessment* prepared by Linchpin Environmental (dated August 2015) and *Responses to Submissions and Correspondence from Planning* prepared by Mawland Group (dated September 2017).
  
3. In Schedule 1 of the 'Conditions of Planning Approval', delete Term 2 and replace with the following:
  - 2) In the event of any inconsistency with the EIS, PAS and documentation submitted in support of the modification request (MO08\_0041 MOD 3), the conditions of approval specified in this schedule and schedules 2 to 9 shall prevail.
  
4. In Schedule 1 of the 'Conditions of Planning Approval', delete Term 20 and replace with the following:
  - 20) Adaptation of buildings within the First and Second Class Precincts may occur in accordance with specifications in Table B-2 of the PAS. Adaptation works are to be assessed and approved in accordance with terms 35) - 40), and reflecting the outcomes of the P6 prototype adaptation.
  
5. In Schedule 1 of the 'Conditions of Planning Approval', delete Term 21 and replace with the following:
  - 21) Buildings P1, P2 and the original rooms that are adapted, at the conclusion of the lease, are to be returned to their condition and spatial layout/internal configuration as at the commencement date of the lease. Other permissible alterations include those works that are identified in terms 31 and 38. At all times interpretation of the original spatial layout and internal configuration is to be exhibited prominently near buildings P1 and P2.
  
6. In Schedule 1 of the 'Conditions of Planning Approval', delete Term 120 and replace with the following:
  - 120) Visitation to the site and site visitor numbers must be in accordance with the following:
    - a) the optimum visitor capacity of the site is 315 people (including staff) at any one time. The co-proponents shall take all reasonable steps to ensure that the optimum visitor capacity (or less) is met for a majority of the time during which the site is publicly accessible;

b) the maximum visitor capacity may be increased to 600 people (including staff) for up to 6 hours on up to 20 occasions per calendar year. Arrival and departure from these events must be distributed throughout the day period and these events must be held in accordance with the requirements of term 128 b) of the approval;

c) evening and night time events and functions are to avoid high value bandicoot foraging habitat. Identification of high value bandicoot foraging habitat is to be determined by NPWS; and

d) access to the Wharf and Quarantine Beach is to be prohibited during evening and night time events and functions. This does not preclude normal operations undertaken as part of the restaurant in building A6, including the outdoor eating area.

Note: Normal operations includes the day-to-day activities of the site and transportation to and from the site. Events and functions include any event or function conducted within the site that is separately advertised by either of the co-proponents or held by invite and attended by people not guests of the hotel.

7. In Schedule 1 of the 'Conditions of Planning Approval', delete the words "after this time" within Term 121.

8. In Schedule 1 of the 'Conditions of Planning Approval', insert new Term 120A, immediately following Term 120 as follows:

120A) A Site Travel and Access Plan must be prepared by a suitably qualified consultant, to the satisfaction of the Secretary, that details management measures to be implemented, at a minimum, for at least 5 event sizes, including those presented in Term 120, and is to include detail of the following:

a) mode share targets and measures of how these will be implemented, monitored and achieved including details of the financial and human resources required to implement the targets;

b) anticipated number and types of vehicles arriving at the site and car parking provisions for both staff and visitors;

c) the management of the site car park (i.e. car park wardens/ traffic controllers) and management measures to ensure site visitors do not impact upon the parking provisions of North Head;

d) detail of arrival and departure times and detail of how impacts of this upon existing traffic flows at North Head will be mitigated; and

e) a map clearly delineating site access and parking provisions for various sized events of up to 600 people.

The co-proponents must not hold have more than 450 people on site until the Site Travel and Access Plan is approved by the Secretary.

The Site Travel and Access Plan must be implemented by the co-proponents for the duration of the Lease agreement.

9. In Schedule 1 of the 'Conditions of Planning Approval', delete Term 169 and replace with the following:

169) All adaptive management measures presented within Schedule 6 must be implemented and the co-proponents must contribute to the mitigation of potential impacts on the Long-nosed bandicoot population across North Head. This includes, but is not limited to, participation in the North Head Stakeholder Group,

or its successors. The co-proponents will actively promote awareness of the need for bandicoot protection across North Head.

10. In Schedule 1 of the 'Conditions of Planning Approval', delete Term 169A) and replace with the following:
  - 169A) The co-proponents must provide signage at the entrance to Sydney Harbour National Park near Parkhill Archway, to indicate the number of Long-nosed Bandicoot road mortalities recorded on North Head. The sign(s) shall include, but not be limited to, a short statement regarding the endangered status of the population, its estimated population size (within North Head), the threat that road deaths pose to its continued survival, the total number of road deaths from the previous year and a running tally of the number of deaths during the current calendar year. The tally shall be updated after each confirmed road death as recorded on the mortality register referred to in Schedule 5. The sign shall also include a 24 hour phone number (see also Term 6) to allow members of the public to inform the lessor of any mortalities and what to do if an injured bandicoot is found.
  
11. In Schedule 1 of the 'Conditions of Planning Approval', delete Term 171 and replace with the following:
  - 171) The Lease shall stipulate requirements regarding the provision of funding to the OEH to undertake a revised population viability assessment (PVA) for the Long-nosed Bandicoot every **6 years** from the determination date of Modification 3.
  
12. In Schedule 1 of the 'Conditions of Planning Approval', delete Term 180 and replace with the following:
  - 180) The co-proponents will provide funding to the OEH to undertake a review of the long-term monitoring data and to provide recommendations on the long-term sustainability targets for the Manly Little Penguin population every five years from the determination date of Modification 3.
  
13. In Schedule 1 of the 'Conditions of Planning Approval', delete Term 181 and replace with the following:
  - 181) Based on the revised monitoring and long-term sustainability targets (Term 180) and following consultation with NPWS regarding the Little Penguin population, the Minister for the Environment may recommend to the Secretary that the trigger thresholds and/or adaptive management measures be revised. Prior to the Minister for Planning agreeing to any significant revised measures, the details of the proposal and the 5 year report are to be made available for public comment and consideration.
  
14. In Schedule 1 of the 'Conditions of Planning Approval', delete Term 201 and replace with the following:
  - 201) Amplified music or noise on the site shall be managed on the following basis:
    - a) any amplified music or noise or ambient dining music shall not exceed the LAeq noise level of 50 dB(A) as measured up to 20 metres away from the edge of the building in which the music or noise is being generated;
    - b) outdoor amplification may only occur during the day period and must not

exceed LAeq noise level of 50 dB(A), as measured at any point along the existing fence line (as at 2017) to the beach area; and

- c) ambient dining music in the outdoor eating area adjacent to the Boilerhouse Restaurant (Building A6) during the evening and night time period is restricted to the following times:
- i) March to April (inclusive): no restriction;
  - ii) May to July (inclusive): not permitted at any time; and
  - iii) August to February (inclusive) not permitted from sunset.

15. In Schedule 1 of the 'Conditions of Planning Approval', insert new Term 201A) immediately prior to Term 202) as follows:

201A) Within one year of the date of determination of Modification 3, the co-proponents shall provide a Noise Validation Report (NVR) to the satisfaction of the Secretary. The NVR shall:

- a) be prepared by a suitably qualified acoustic consultant;
- b) include noise monitoring results collected during the previous twelve months, including results from at least half of the maximum capacity events held within the twelve month period;
- c) verify compliance with the operational noise limits under Term 201;
- d) identify mitigation and/or management measures required to ensure compliance with the operational noise limits in Term 201;
- e) include detail of all complaints received by the site from the previous twelve months; and
- f) include details of ongoing periodic noise testing and complaints handling procedures.

16. In Schedule 3 of the 'Conditions of Planning Approval', delete the row labelled 'Various buildings: methods for cooling and heating rooms' and replace with the following:

<p>Various buildings: methods for cooling and heating rooms</p>	<ul style="list-style-type: none"> <li>• Rooms to be used for dining, kitchens, function and conference related purposes, as well as archival or records storage and administration may include appropriate contemporary technologies for cooling and heating, which includes installation of room air-conditioning in accordance with Heritage Council approval dated 2 March 2017 that can be reversed at any time.</li> <li>• Ceiling fans may be installed in other buildings, with preference to fans mounted over the ceiling light to minimise fabric impact.</li> <li>• Details of any proposed cooling and heating systems shall be included in the construction works application for the particular building. The application must demonstrate that the proposed system:             <ul style="list-style-type: none"> <li>○ Will have as little adverse impact on significant fabric as practicable;</li> <li>○ Will not have significant adverse visual impacts; and</li> </ul> </li> </ul>
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	<ul style="list-style-type: none"> <li>○ Is clearly capable of being removed, and fabric reinstated, at some future point consistent with the principle of reversibility.</li> </ul>
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17. In Schedule 3 of the 'Conditions of Planning Approval', delete the row labelled 'A6 – restaurant and outdoor seating' of table titled 'Cross-precinct issues' and replace with the following:

<p>A6 – Shade Structures</p>	<p><u>Indoors</u></p> <ul style="list-style-type: none"> <li>• The timber platform may be relocated to another area within A6 if necessary.</li> <li>• The construction works application shall specifically address the following matters: <ul style="list-style-type: none"> <li>○ Provide details of access and serving arrangements for sit-down and take-away food provision;</li> <li>○ Details of the proposed mezzanine, which shall be generally in accordance with the preliminary details provided by the Proponent and NPWS on 14 October 2002, and designed to minimise the mezzanine floor area (eg. By efficient table layouts);</li> <li>○ Demonstrate that the proposal will have as little adverse impact on significant fabric as practicable;</li> <li>○ Demonstrate that the exhaust flue will have as little adverse visual impact on the external appearance of the building as practicable; and</li> <li>○ Demonstrate that the finishes, equipment and services required for the restaurant operation are clearly capable of being removed, and fabric reinstated, at some future point consistent with the principle of reversibility.</li> </ul> </li> </ul> <p><u>Outdoors</u></p> <ul style="list-style-type: none"> <li>• The boundary of the outdoor eating area must correspond with the beachside building line of A6.</li> <li>• The existing coral trees in the vicinity of the outdoor eating area shall be regularly inspected and maintained in accordance with condition 160.</li> <li>• A shade structure/s over the outdoor eating area beside the Boilerhouse (Building A6) may be provided in accordance with approval granted by NSW Heritage Division (or any subsequent agency).</li> <li>• Individual umbrellas and/or temporary shade structures are permitted in outdoor eating areas, including the wharf area, where there is no permanent shade structure.</li> <li>• Any umbrella or shade structure must be positioned as to minimise, to the maximum extent possible, any adverse visual impact. It shall not contain any third-party advertising to the site and its operation.</li> </ul>
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	<ul style="list-style-type: none"><li>• The colour and nature of shade structures and/or umbrellas is to be neutral and in keeping with the natural environment</li><li>• The colour, type, location, time limits and frequency of use of umbrellas or any shade structure must be approved by the Heritage Council prior to commencing use.</li></ul>
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18. In Schedule 6 of the 'Conditions of Planning Approval', delete the dot point labelled 'Boundary or road mortality monitoring' and replace with the following:

**Boundary or road mortality monitoring**

For the purposes of applying the following trigger mechanisms, Long-nosed Bandicoot road mortalities are those adult mortalities recorded in accordance with the methods specified in Schedule 5 but only for internal roads of the Quarantine Station.

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**END OF MODIFICATION**