

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF THE REDEVELOPMENT OF
THE AUSTRALIAN INSTITUTE OF POLICE MANAGEMENT SITE, NORTH HEAD, MANLY
PROJECT APPLICATION APPROVAL

Major Project No. 07_0091

I, the Minister for Planning, under the *Environmental Planning and Assessment Act 1979* (the Act) determine pursuant to section 75J(1) of the Act, to grant project application approval to the proposal (as described in Schedule 1 and Part A of Schedule 2), subject to the conditions set out in Schedule 2.

The reason for the imposition of modifications and conditions are:

- (a) To ensure future development is sensitive to the flora, fauna and heritage items on the site and the neighbouring Sydney Harbour National Park and marine environment;
- (b) To encourage good urban design and a high standard of architecture;
- (c) To adequately mitigate the environmental impacts of the development during construction and during the ongoing use and management of the site; and
- (d) To reasonably protect the amenity of the local area.

Sydney,

20/3/09

2009



Kristina Keneally MP
Minister for Planning

SCHEDULE 1

PART A

Application made by:	Australian Federal Police
Major Project Number:	07_0091
On land comprising:	Lot 2766 in DP 752038
Local Government Area	Manly
For the carrying out of:	<ul style="list-style-type: none"> • Demolition of the dormitory style accommodation blocks, administrative office accommodation, senior common room facilities and ancillary buildings; • Site remediation, excavation and associated earthworks; • Construction of 2 new visitor accommodation buildings and a new administration building; • Refurbishment of and a single storey addition to the library, and refurbishment of the Axial Hospital Group Building and all existing staff cottages; • Retention of the heritage Jetty Road layout and a site interpretation strategy; • Landscape improvements and associated works; • New stormwater and services augmentation and other related infrastructure works; and • New carparking arrangements.
Capital Investment Value	\$ 21 million
Type of development:	Project Application approval under Part 3A of the Act
Date approval is liable to lapse	5 years from the date of approval unless specified action has been taken in accordance with Section 75Y of the EP&A Act.

PART B — DEFINITIONS

In this approval the following definitions apply:

Act means the *Environmental Planning and Assessment Act 1979*.

AIPM means the Australian Institute of Police Management.

BCA means the Building Code of Australia

Construction Environmental Management Plan means the plan prepared by Gondwana Consulting Pty Ltd included at Appendix E of the PPR.

Council means Manly Council.

DECC means the NSW Department of Environment and Climate Change.

DEWHA means the Department of Environment, Water, Heritage and the Arts.

Department means the NSW Department of Planning or its successors.

Director General means the Director General of the NSW Department of Planning.

Director Strategic Assessments means the Director Strategic Assessment at the Department of Planning

Minister means the Minister for Planning.

PPR means the Australian Institute of Police Management Preferred Project Report prepared by Urbis dated December 2008.

Project means development that is declared under Section 75B of the Act to be a project to which Part 3A of the Act applies.

Proponent means the Australian Federal Police.

Operational Environmental Management Plan means the plan prepared by Gondwana Consulting Pty Ltd included at Appendix E of the PPR.

Regulation means the *Environmental Planning and Assessment Regulations 2000*.

RTA means the NSW Roads and Traffic Authority.

Statement of Commitments means the Draft Statement of Commitments contained at Appendix M of the PPR.

Subject Site has the same meaning as the land identified in Part A of this schedule.

SCHEDULE 2

TERMS OF APPROVAL AND MODIFICATIONS

PART A – TERMS OF APPROVAL

A1. Development Description

Except as modified by this Approval, Project Application approval is granted to the carrying out of development solely within the AIPM site as described in the document titled *the Australian Institute of Police Management Preferred Project Report* prepared by Urbis and dated December 2008 including, but not limited to:

- a) Demolition of the dormitory style accommodation blocks, administrative office accommodation, senior common room facilities and ancillary buildings;
- b) Site remediation, excavation and associated earthworks;
- c) Construction of 2 new visitor accommodation buildings and a new administration building;
- d) Refurbishment of and a single storey addition to the library, and refurbishment of the Axial Hospital Group Building and all existing staff cottages;
- e) Retention of the heritage Jetty Road layout and a site interpretation strategy;
- f) Landscape improvements and associated works;
- g) New stormwater and services augmentation and other related infrastructure works; and
- h) New carparking arrangements for a total of 35 spaces.

A2. Development in Accordance with Plans and Documentation

(1) The Proponent shall carry out the project (as described in A1 of this Approval), generally in accordance with the following:

- a) the Australian Institute of Police Management Preferred Project Report prepared by Urbis and dated December 2008;
- b) the Statement of Commitments dated December 2008; and
- c) the modifications contained with in this Approval.

(2) The development shall be in accordance with the following plans and documentation:

Drawing No.	Name of Plan or Document	Date
A01	COVER SHEET/LOCATION PLAN	December 2008
A02	EXISTING SITE ANALYSIS	December 2008
A03	DEMOLITION PLAN	December 2008
A04	SITE GROUND FLOOR PLAN	December 2008
A05	SITE FIRST FLOOR PLAN	December 2008
A06	SITE ROOF PLAN	December 2008
A07	SITE ELEVATIONS 01	December 2008
A08	SITE ELEVATIONS 02	December 2008
A09	SITE ELEVATIONS 03	December 2008
A10	SITE SECTIONS	December 2008
A11	SHADOW DIAGRAMS MID WINTER	December 2008
A12	SHADOW DIAGRAMS MID SUMMER	December 2008
	EXISTING EXTERNAL FINISHES/EXTERNAL FINISHES	November 2008
	PHOTOMONTAGES (as contained in Appendix C of the PPR) prepared by Haycraft Duloy Pty Ltd: <ul style="list-style-type: none"> - Proposed view from Northern side of Spring Cove - Proposed view from Collins Beach - Proposed view from Manly Ferry 	Undated
	HAZARDOUS MATERIALS RE-AUDIT-prepared by DASCEM Holdings Pty Limited	June 2005

	PHASE 2 ENVIRONMENTAL ASSESSMENT prepared by DASCEM Pty Limited	October 2005
	ADDITIONAL ENVIRONMENTAL SITE ASSESSMENT WORKS REPORT prepared by DASEM Pty Limited	January 2006
	SUPPLEMENTARY STATEMENT OF HERITAGE IMPACT prepared by NBRSP+ Partners and the accompanying annotated drawings A13 and A14	6 February 2009

- (3) In the event of an inconsistency between:
- a) the conditions of this Approval and any document listed above, the conditions of this Project Approval prevail; and
 - b) any document listed in A2(1) to (2) above, the most recent document shall prevail to the extent of the inconsistency.

A3. Lapsing of Approval

- (1) Approval of Major Project No. 07_0091 shall lapse 5 years after the determination date in Part A of Schedule 1 unless specified action has been taken in accordance with Section 75Y of the Act. The Director General may extend this lapse date if the Proponent demonstrates to the satisfaction of the Director General that the proposal remains current, appropriate and reflective of best practice at the date the approval would otherwise lapse.

A4. Environment Protection and Biodiversity Conservation Act 1999

- (1) Works in accordance with this approval shall not commencement until the development proposal has been accredited by the DEWHA in accordance with the terms of the Environmental Protection and Biodiversity Conservation Act 1999 Bilateral Agreement.

PART B –CONDITIONS OF APPROVAL

B.1 General

- (1) The proponent shall comply with the prescribed conditions of approval under Section 75J(4) of the Act.
- (2) The Construction Environmental Management Plan prepared by Gondwana Consulting Pty Ltd must be implemented during all construction works on the site. Where amendments are required to be made to the Plan as a result of necessary corrective action/s to mitigate impacts, the amended Construction Environmental Management Plan is to be prepared in consultation with the DECC and a copy forwarded to the Director of Strategic Assessments.
- (3) Regular audits of the Proponent's compliance with the Construction Environmental Management Plan are to be undertaken. The Proponent is to liaise with the DEWHA regarding the report requirements and the timeframe for report submissions. Such reports are to include details regarding stormwater inspections and maintenance, monitoring of the Little Penguin population and the Long-nosed Bandicoot, results from acoustic and vibration monitoring, and outcomes of inspections of heritage items on the site.

B2. Compliance with Relevant Legislation and Australian Standards

- (1) The proponent shall comply with all relevant Australian Standards and Codes (including Building Code of Australia) in undertaking the project described in Condition A1, Part C of this approval.
- (2) The proposed work shall comply with the deemed-to-satisfy provisions of the Building Code of Australia (BCA). Any non-compliance may be addressed by an alternative solution, submitted as a report to the certifying authority, illustrating how the relevant performance requirements can be satisfied.
- (3) Building demolition must be carried out in accordance with Australian Standard 2601:2001 - The Demolition of Structures, and the requirements of the NSW WorkCover Authority.
- (4) Blasting is not permitted during construction unless otherwise approved by the DECC in an Environmental Protection Licence required under the Protection of the Environment Operations Act 1997.
- (5) Should any historical relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the *Heritage Act 1977*.
- (6) Should any Aboriginal relics be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and the National Parks and Wildlife Service is to be informed in accordance with Section 91 of the *National Parks and Wildlife Act, 1974*.

B3. Procedures

- (1) The Proponent shall make provision for notification of the telephone number, postal address and email address on its website and at a prominent location at the entrance to the site.
- (2) A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Council or the Department.
- (3) The Proponent shall develop a complaints management system and record details of all complaints received. The Complaints record shall be made available to the Department on request.
- (4) The Proponent shall notify the DECC of any incident with actual or potential significant impacts on the environment as soon as practicable and within 24 hours after the occurrence of the incident. In the case of the Long-nosed Bandicoot or Little Penguin population, notification is to be made as soon as practical and preferably within 2 hours after the occurrence. The Proponent shall provide full written details of the incident to the DECC within seven days of the date on which the incident occurred.

- (5) The Proponent shall meet any requirements of the DECC to address the cause or impact of any incident, and must modify the Construction Environmental Management Plan or the Operational Environmental Management Plan accordingly, as appropriate.

B4. Specific Environmental Conditions

Waste

- (1) All wastes generated by the project, shall be beneficially reused, recycled or directed to a waste facility lawfully permitted to accept the materials in accordance with the Waste Classification Guidelines (DECC 2008) and the Protection of the Environment (Operations) Act 1997.
- (2) The Principal Certifying Authority, and Council must be given a minimum of 48 hours notice that excavation or associated works (i.e. shoring) are about to commence.

External Lighting

- (3) The Proponent shall ensure that all new external lighting associated with the project is mounted, screened, and directed in such a manner so as not to create a nuisance to surrounding land uses. The lighting shall be the minimum level of illumination necessary, and be in general accordance with AS 4282 – 1997 Control of the Obtrusive Effects of Outdoor Lighting.

B5. Heritage

- (1) The Historic Heritage Management Plan is to be amended to include reference to the historic eastern boundary wall. The reference must include details regarding the significance of the wall and recommendations in respect of the retention of this structure and its future adaption, as relevant. An amended copy of the Plan is to be submitted to the Director Strategic Assessments prior to the commencement of works.

B6. Amendments to the Construction Environmental Management Plan

- (1) The **Construction Environmental Management Plan** is to be amended to address the following requirements of the DECC prior to the commencement of works:
- a. to require the proponent to liaise with the DECC in the event that construction times can not be programmed around the sensitive nesting, breeding and moulting period of the Little Penguin.
 - b. to require the Proponent to liaise with the DECC in relation to suitable landscaping if local seed stock and plants are not available.
 - c. to require strategies agreed with the DECC to be implemented if monitoring of the Long-nosed Bandicoot indicates a reduction in overall activity across the site.
 - d. to require staff induction (prior to commencement of construction) to include reference to the identification of cultural material.

A copy of the amended CEMP is to be submitted to the DECC and the Department.

B7. Design Amendments

Materials and Finishes

- (1) The roof finishes for all new buildings, as included on the External Finishes Board prepared by Brewster Hjorth Architects and dated November 2008, are to be revised to a darker and more recessive tone to minimise the visual impact of the roof forms and ensure that the roofs blend into the landscape. If considered necessary by the project architects, the materials selection of the building facades may also be reviewed to ensure a complementary outcome.

The final design details for the proposed external materials and finishes for all development stages shall be submitted to and approved by the Director of Strategic Assessments prior to the commencement of work for each stage of development.

- (2) The visible light reflectivity from building materials used on all facades and the roofs of buildings is not to exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place.
- (3) The surface of any material used or proposed to be used for the paving of thoroughfares, courtyards and the like must comply with AS/NZS 4586:2004 (including amendments) "Slip resistance classification of new pedestrian surface materials".

ESD

- (4) All new toilets installed within the new buildings must be of water efficient dualflush capacity with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS).
- (5) All taps and shower heads installed in the new buildings must be water efficient with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS).

Radiant Heat Barrier

- (6) The 2.0 metres high radiant heat barrier required to be installed between the Garden Cottage and the Sydney Harbour National Park is to be a recessive installation and coloured to complement/blend in with the surrounding native landscape. Such details are to be approved by the PCA prior to the commencement of works.
- (7) All recommendations within the Bush Fire Assessment and Recommendations Report prepared by Bushfire Protection Planning & Assessment Services dated 13 December 2008 (Appendix G in the PPR) should be complied with except where modified by the following:
 - a. An easement pursuant to the Conveyancing Act 1919 shall be placed on the adjoining land to the south, east and west for part of the APZ as detailed within the above Bush Fire Assessment and Recommendations Report.
 - b. Water, electricity and gas are to comply with Section 4.1.3 and 4.2.7 of Planning for Bush Fire Protection 2006.
 - c. Collins Beach Road access shall comply with the following requirements of Section 4.1.3 of Planning for Bush Fire Protection 2006;
 - i. There is a minimum clearance to a height of 4 metres above the road at all times. The Proponent is to enter into an agreement with NSW Parks and Wildlife Service (or an alternative authority, as appropriate) to ensure that this condition is complied with.
 - d. Arrangements for emergency evacuation are to comply with Section 4.2.7 of Planning for Bush Fire Protection 2006.
 - e. Where more than one façade of a new building is exposed to a hazard, then the façade with the highest construction requirement (as per the BCA and relevant AS) is to be used to determine the appropriate level of construction. All other facades may be reduced by one level of construction unless the façade is also subject to the same category of bush fire attack.
 - f. Landscaping to the site is to comply with the principles of Appendix 5 Planning for Bush Fire Protection 2006.

Landscaping

- (8) The Landscape Plan prepared for the site by Taylor Brammer and dated 28 November 2008 is to be amended to incorporate the following:
 - a. additional landscaping (i.e. medium and tall trees) within the curtilage of the new Accommodation Buildings to assist in reducing the visual impact of the buildings when viewed from Sydney Harbour and to supplement the landscaping at the south-western corner of the site; and

- b. If deemed appropriate by the DECC, the further development of the foreshore vegetation structure by including a greater number of larger shrubs/trees species to complement both *Monotoca ellipticam*, *Notelaea ovata* and the grasses, with an outlook to net improvement of the ecological values and habitat quality abutting North Harbour. Indigenous species chosen should also consider structure and density, to ensure future survival and reduce ongoing maintenance.

The revised Landscape Plan is to be prepared in consultation with the DECC and NSW RFS and is to be approved by the Director of Strategic Assessments prior to the commencement of any landscape works.

Note: the landscaping is to be designed so as not to detrimentally impact on the availability of foraging areas for the Long-nosed Bandicoots.

Heritage and Archaeological Requirements

- (9) The works to heritage buildings are to comply with the following requirements where practicable:
 - a. The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building which is listed as a Heritage Item.
 - b. New services are to be surface mounted rather than chased-in to existing walls to minimise impact on heritage fabric.
 - c. Appropriately qualified tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works.
 - d. The new windows and doors must use timber joinery.
 - e. Where internal partitions meet external walls they must abut window mullions, columns or other such building elements and not glazing.

- (10) An experienced conservation architect is to be commissioned to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The conservation architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition.

The conservation architect must sign off the completed project prior to occupation of the relevant buildings.

- (11) An Interpretation Strategy for the site must be submitted for the approval of the Director of Strategic Assessments prior to the commencement of work. The Interpretation Strategy must detail how information on the history and significance of the buildings and features on the site (including Jetty Road and Quarantine Road) will be provided for and make recommendations regarding public accessibility and signage.

B8. Photographic Archival Documentation

- (1) Prior to the commencement of works on the site, archival documentation of the site and all buildings and structures is to be undertaken. The archival recording is to be undertaken prior to the removal of any significant building fabric or non-heritage structures from the site, and must be submitted to the Department and a copy provided to the DEWHA.
The photographic recording may be in either digital or film-based form, or a combination of both, prepared in accordance with the NSW Heritage Office guidelines titled 'Photographic Recording of Heritage Items using Film or Digital Capture'.

B9. Traffic and Parking Requirements

- (1) The proposed layout of all new carparks (and where possible, existing carparks) and access thereto, is to be in accordance with AS 2890.1-2004 and AS 2890.1-2002.
- (2) All vehicles must enter and exit the site in a forward direction.

B10. Construction Requirements

Report Requirements

- (1) No works shall commence in accordance with this approval until the following reports have been prepared in consultation with the relevant authorities:
 - a. **Bushfire and Vegetation Maintenance Plan** to be prepared in consultation with the DECC and NSW RFS;
 - b. A **Phytophthora Cinnamomi Dieback Management Plan** (as per Section 4.3 of the CEMP) based on the precautions, guidelines and management response as set out in the *Management of Phytophthora cinnamomi for Biodiversity Conservation in Australia: Part 2- National Best Practice Guidelines* and to be prepared in consultation with the DECC.
 - c. **Hazardous Materials Management Plan** (as per Section 4.4 of the CEMP)- no consultation required;
 - d. **Noise and Vibration Management Plan** (as per Section 4.6 of the CEMP) to be developed in consultation with DECC; and
 - e. A **Construction Traffic Management Plan** (as per Section 4.7 of the CEMP) to be prepared in consultation with the RTA and Council.

The above Plans must be implemented during construction and the ongoing management of the site, as appropriate. A copy of each Plan shall be forwarded to the Director of Strategic Assessments prior to the commencement of works.

Works Program

- (2) No demolition, excavation or construction works shall commence for development (or each stage) until a **Works Program** detailing the development stages has been submitted to and approved by the DECC and the Director of Strategic Assessments. This program is to be developed having regard to the sensitive fauna on the site and in particular, the breeding and moulting periods of the Little Penguin.

Construction and Vehicular access

- (3) No construction access or deliveries to the site are carried out via the waterway/foreshore to ensure the integrity of the foreshore and tidal areas adjacent to the site are fully protected during construction works.
- (4) The **Construction Environmental Management Plan** is to be amended prior to the commencement of works to include a new section to specifically address the following matters relevant to the management of construction activities on-site and for each stage of the development:
 - a. construction parking areas/zones,
 - b. the establishment and location of site sheds and construction facilities;
 - c. the location of demolition/construction waste storage areas;
 - d. the storage of construction materials; and
 - e. any other matter relevant to the on-site management of construction activities.

The site location for the above must be selected and managed to minimise impact on sensitive areas within the site (i.e. heritage, flora and fauna).

The amended Construction Environmental Management Plan is to be submitted to the Director of Strategic Assessments prior to the commencement of works.

- (5) All demolition and construction vehicles must be accommodated wholly within the site and shall not rely on Collins Beach Road for parking.

Hours of Construction

- (6) The hours of construction, including delivery of materials to and from the site, shall be restricted as follows:
 - a. Between 7.00am and 6.00pm, Monday to Fridays, inclusive
 - b. Between 8.00am and 2.00pm, Saturdays
 - c. No work or deliveries on Sundays and/or public holidays;
 - d. Works may be undertaken outside these hours were:
 - i. The delivery of materials is required outside these hours by the Police or other authorities;

- ii. It is required to prevent environmental harm; and
- iii. The work/s is approved by the Director of Strategic Assessments.

Stormwater Disposal and Drainage

- (7) Prior to the commencement of works, engineering plans of the proposed stormwater disposal and drainage from the development including the system of on-site stormwater detention and details of the provision and maintenance of overland flow paths must be submitted to and approved by Council. All approved details for the disposal of stormwater and drainage are to be implemented in the development and must be generally consistent with the Stormwater Assessment Report prepared by CRW Engineers contained in the PPR.

Utility Services

- (8) To ensure that utility authorities are advised of the development:
- a. Prior to the commencement of works, a survey is to be carried out of all utility services within and adjacent to the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.
 - b. Prior to the commencement of work the applicant is to obtain written approval from the utility authorities (e.g. Energy Australia, Sydney Water, and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

Setting out of structures

- (9) A Registered Surveyor's certificate identifying the location of the buildings on the site must be submitted to the Principal Certifying Authority upon completion of the foundations and prior to the erection of wall framing or work proceeding above damp course level.

Compliance with approved levels

- (10) All construction works must be strictly in accordance with the Reduced Levels (RLs) as shown on the approved engineering and building plans.

Noise and Vibration

- (11) The Proponent shall use its best endeavours to minimise noise and vibration associated with the operation of any plant, machinery or other equipment on the site at all times.
- (12) Prior to the commencement of any foundation or bulk excavation, a Geotechnical Report must be submitted to the satisfaction of the PCA.
- (13) Prior to the commencement of works, structural details and a Structural Certificate for Design must be submitted to the satisfaction of the PCA.

Contamination

- (14) No demolition works or construction works are to commence in the area identified as the '*fill material area adjacent to the northern building infrastructure*' in the Phase 2 Environmental Assessment prepared by DASCEM Pty Limited and dated October 2005 until such time as a Validation and Monitoring Report has been reviewed by the site auditor and submitted to the DECC.
- (15) The Applicant shall prepare a Remediation Action Plan and submit a copy to the DECC. The Remediation Action Plan must be accompanied by a statement from a site auditor accredited by the DECC to issue site audit statements. A copy of the Plan is to be submitted to the Department.
- (16) Upon completion of the remediation works on the site, the Applicant shall submit a Site Audit Summary Report and a Site Audit Statement and Validation and Monitoring Report to the DECC and the Director of Strategic Assessments. The site audit must be prepared in accordance with the *Contaminated Land Management Act 1997* and completed by a site auditor accredited by the DECC to issue site audit statements. This site audit must verify that the land is suitable for the proposed land use/s pursuant to clause 18 of SEPP 55.

- (17) All documentation submitted to the DECC shall be generally consistent with the recommendations of the Phase 2 Environmental Assessment prepared by DASCEM Pty Ltd dated October 2005 and the Additional Environmental Site Assessment Works Report prepared by DASCEM Pty Limited dated January 2006, submitted to support the Preferred Project Report for the Project Application.

Hazardous Materials

- (18) All demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with National Occupational Health and Safety Commission (NOHSC): "Code of Practice for the Safe Removal of Asbestos".
- (19) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).
- (20) Prior to the exportation of waste from the site, the waste materials must be classified to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility.
- (21) Asbestos to be disposed of must only be transported to waste facilities licensed to accept asbestos.

B11. Fire Safety Certificate

- (1) A Fire Safety Certificate shall be furnished to Council for all the Essential Fire and other Safety Measures forming part of this approval.

B12 Compliance with Conditions

- (1) The Proponent will be required to submit documentary evidence to the Department that the site has been developed in accordance with plans approved by Project Application 07_0091 and of compliance (or a Compliance Certificate) with the conditions of that approval, prior to the commencement of use.

PART C: MATTERS FOR ONGOING OCCUPATION/PERFORMANCE OF THE DEVELOPMENT

C1 Operational Transport Management Plan

- (1) Prior to occupation and/or commencement of the use, the Proponent is to develop an **Operational Transport Management Plan** which is to include strategies to be implemented during the ongoing use of the facility to encourage non-private car based travel to the site i.e. the use of mini- buses, taxis, public transport etc.

The Plan is to be approved by the Director of Strategic Assessments and implemented following the occupation and/or commencement of the use.

C2 Waste requirements

- (1) Prior to occupation and/or commencement of the use, whichever is earlier, of the building the owner must ensure that there is a contract with a licensed contractor for the removal of **all trade waste**.

C3 Reflectivity

- (1) Any ancillary light fittings fitted to the exterior of the building are to be shielded or mounted in a position to minimise glare to adjoining properties.

C4 Annual Fire Safety Statement

- (1) The owner is required to provide to Council and to the NSW Fire Commissioner an annual Fire Safety Certificate in respect of the fire-safety measures, as required by Clause 177 of the *Environmental Planning and Assessment Regulation 2000*.

C5 Operational Noise

- (1) Noise associated with the operation of any plant, machinery or other equipment on the site, shall not exceed 5 dB (A) above the background noise level when measured at the boundary of the site.

C6 Compliance with Operational Environmental Management Plan

- (1) Regular and independent audits of the Proponents compliance with the Operational Environmental Management Plan are to be undertaken. The Proponent is to liaise with the DEWHA regarding the report requirements and the timeframe for report submissions.

C7 Amendments to the Operational Environmental Management Plan

- (1) Prior to occupation and/or commencement of the use, dot point 28 of the 'Mitigation and Measures' in Section EP02-Flora and Fauna: Vegetation, Weeds and Pests of the OEMP is to be amended to read as follows:

According to a prior agreement between AIPM and the DECC (NPWS) an external Asset Protection Zone (APZ) has been established and will continue to be maintained immediately outside the facility's southern and western boundaries and extending up to 10 metres inside SHNP. The current extent of the external APZ within SHNP will not be extended. The HGSM will liaise with local DECC (NPWS) staff over the maintenance of this APZ.

A copy of the amended OEMP is to be submitted to the DECC and the Director of Strategic Assessments.

ADVISORY NOTES

AN1 Requirements of Public Authorities for Connection to Services

The proponent shall comply with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the proponent.

AN2 Use of Mobile Cranes

The proponent shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters shall be complied with:

- (1) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:
 - (a) At least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and
 - (b) At least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (2) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30am without the prior approval of Council.

AN3 Roads Act, 1993

A separate application shall be made to Council for approval under Section 138 of the *Roads Act, 1993* to undertake any of the following:

- (1) erect a structure or carry out a work in, on or over a public road, or
- (2) dig up or disturb the surface of a public road, or
- (3) remove or interfere with a structure, work or tree on a public road, or
- (4) pump water into a public road from any land adjoining the road, or
- (5) connect a road (whether public or private) to a classified road.

AN4 Stormwater Drainage Works or Effluent Systems

Works that involve water supply, sewerage and stormwater drainage work or management of waste as defined by Section 68 of the *Local Government Act, 1993* require separate approval by Council under Section 68 of that Act. Applications for these works must be submitted on Council's standard Section 68 application form accompanied by the required attachments and the prescribed fees.

AN5 Temporary Structures

An approval under Section 68 of the *Local Government Act 1993* must be obtained from the Council for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.

Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Council with the application under Section 68 of the *Local Government Act 1993* to certify the structural adequacy of the design of the temporary structures.

AN6 Excavation – Historical Relics

Should any historical relics be unexpectedly discovered then all excavations or disturbance to the area is to stop immediately and the Heritage Council of NSW shall be informed in accordance with Section 146 of the *Heritage Act, 1977*.

AN7 Long Service Levy

Under Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* any work costing \$25,000 or more is subject to a Long Service Levy. The levy rate is 0.35% of the total cost of the work and shall be paid to either the Long Service Payments Corporation or Council. Under section 109F(1) of the *Environmental Planning & Assessment Act, 1979* this payment must be made prior to commencement of building works.

AN8 Dial 1100 Before You Dig'

Underground pipes and cables may exist in the area. In your own interest and for safety, telephone 1100 before excavating or erecting structures. Information on the location of underground pipes and cables can also be obtained by fax on 1300 652 077 or through the following website www.dialbeforeyoudig.com.au.

AN9 Commonwealth Environment Protection and Biodiversity Conservation Act 1999

The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.

This application has been assessed in accordance with the New South Wales *Environmental Planning and Assessment Act, 1979*. This assessment has not involved any assessment of the application of the Commonwealth legislation. It is the proponent's responsibility to consult Environment Australia to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

AN10 Security Fencing

Security fencing shall be provided around the perimeter of the site and precautionary measures taken to prevent unauthorised entries of the site at all times during demolition and construction.

AN11 Compliance with POEO Act.

All materials on-site or being delivered to the site must be contained within the site. The requirements of the *Protection of the Environment Operations Act 1997* are to be complied with when placing/stockpiling Loose material or when disposing of waste products or during any other activities likely to pollute drains or watercourses.
