

Request to modify a major project



NSW GOVERNMENT
Department of Planning

Date duly made: ____/____/____

Modification No. _____

1. Before you lodge

This form is required under section 75W of the *Environmental Planning and Assessment Act 1979* (the Act) in order to request the Minister to modify the Minister's approval to carry out a project or concept plan to which Part 3A of the Act applies.

Before making this request, it is recommended that you first consult with the Department of Planning (the Department) concerning your modification. The Director-General may issue environmental assessment requirements that must be complied with before your request will be considered by the Minister. If the changes proposed by the modification will result in a project that is consistent with the existing approval, the Minister's approval for a modification is not required.

Disclosure Statement

Persons making a request to modify a project or concept plan are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years.

Note: For more details about political donations disclosure requirements, including a disclosure form, go to www.planning.nsw.gov.au/donations.

Lodgement

All modification requests must be lodged with the Director-General of the Department of Planning, by courier or mail. An electronic copy should also be e-mailed to the assessment contact officer assigned to the project.

NSW Department of Planning
Ground floor, 23-33 Bridge Street, SYDNEY NSW 2000
GPO Box 39 SYDNEY NSW 2001
Phone 1300 305 695

2. Details of the proponent

Company/organisation/agency		ABN
Australian Federal Police		17 864 931 143
☒ Mr ☐ Ms ☐ Mrs ☐ Dr ☐ Other		
First name	Family name	
Judith	Kendrick	
Position		
Manager Capital Works		
STREET ADDRESS		
Unit/street no.	Street name	
68	Northbourne Ave	
Suburb or town	State	Postcode
City ACT	ACT	2601
POSTAL ADDRESS (or mark as above)		
PO Box 401		
Suburb or town	State	Postcode
Canberra City	ACT	2601
Daytime telephone	Fax	Mobile
02 6246 2165	02 6275 7777	0458 493 674
Email		
Judith.Kendrick@afp.gov.au		

3. Identify the land

STREET ADDRESS (where relevant)

Unit/street no.

-

Street or property name

Collins Beach Road

Suburb/town or locality

Manly

Postcode

2095

Local government area(s)

Manly

State Electorate(s)

NSW

REAL PROPERTY DESCRIPTION

Lot 2766 in DP 752038

Note: The real property description is found on a map of the land or on the title documents for the land. If you are unsure of the real property description, you should contact the Department of Lands.

Please ensure that you place a slash (/) to distinguish between the lot, section, DP and strata numbers. If the proposed modification applies to more than one piece of land, please use a comma to distinguish between each real property description.

OR: detailed description of land attached: ☒

MAP: A map of the site and locality should also be submitted with this request.

4. Details of the original major project or concept plan

Briefly describe what the original approval allows:

Redevelopment and upgrading of the Australian Institute of Police Management site and associated facilities.

What was the original project application no.?

07_0091

What was the date of the approval?

20/3/2009

What was the original application fee?

\$38,735.00

Note: Clause 245K of the Environmental Planning and Assessment Regulation 2000 provides information on calculating the maximum fee for a request for modification.

5. Describe the modification you propose to make to the approval

Describe the proposed modification:

Refer to corresponding Annexures:

- A - Visible light Reflectivity. Condition B7.(2)
- B - ESD. Condition B7.(5)
- C - Radiant Heat Barrier Easement. Condition B7.(7)a
- D - Radiant Heat Barrier. Condition B7.(7)e

Your modification request may need to be accompanied by an Environmental Assessment including plans. An electronic and hard copy of this document will be required.

ESTIMATED CAPITAL INVESTMENT VALUE

Please indicate the estimated capital investment value (CIV) of the modification to the project approval or concept plan (excluding GST):

\$ -

R 42303

FULL TIME EQUIVALENT JOBS

Please indicate the number of jobs created by the proposed modification. This should be expressed as a proportion of full time equivalent (FTE) jobs over a full year.

Construction jobs (FTE)

0

Operational jobs (FTE)

0

6. Landowner's consent (where required)

As the owner(s) of the above property, I/we consent to this request being made by the proponent.

Land

Signature

John Fibrann

Name

Date

Signed by the Delegate of the Minister
Administering the Crown Lands Act

Date

Note: Under Clause 36 of the Environmental Planning and Assessment Regulation 2000 (the Regulation), certain applications for approval under Part 3A of the Act do not require consent of the landowner, however, the proponent is required to give notice of the application (e.g. linear infrastructure, mining & petroleum projects, and critical infrastructure).

7. Political donation disclosure statement

Persons making a request to modify a project or concept plan are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years.

Have you attached a disclosure statement to this request?

☐ Yes☒ No

Note: For more details about political donations disclosure requirements, including a disclosure form, go to www.planning.nsw.gov.au/donations.

8. Proponent's signature

As the proponent(s) of the project and in signing below, I/we hereby

provide a description of the modification to the project approval or concept plan and address all matters required by the Director-General pursuant to Section 75W of the Act; and
declare that all information contained within this form is accurate at the time of signing.

Signature

Name

Judith Kendrick

Date

28/10/09

In what capacity are you signing if you are not the proponent?

Name, if you are not the proponent

ANNEXURE A

Condition of Approval B7. (2) Visible Light Reflectivity

Condition of Approval B7. (2) states the following:

“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.”

Further to emailed correspondence and photomontage images issued to Mr Michael File of the Department of Planning on 5 June 2009, it was agreed that ‘Image 5’ (copy attached) and the associated external finishes colours were acceptable to the NSW Department of Planning. As advised in that correspondence, the external finishes colours proposed in the agreed colour scheme all comply with the requirement of Condition of Approval B7. (2) that “the visible light reflectivity from building materials used on all facades and the roofs of buildings is not to exceed 20%”, with the exception of the proposed colour of the walls. The Light Reflectivity Value (LRV) of the proposed colour of the walls is 36%. We note that minimal areas of the walls are visible due to the presence of the screens on the building on which that wall finish applies.

We therefore seek amendment to Condition of Approval B7. (2) to reflect the above agreed external finishes, allowing the walls to have a visible light reflectivity in excess of 20% and propose the following wording.

“The visible light reflectivity from building materials used is not to exceed 40% on the walls and 20% on all other surfaces including on all facades and the roofs of and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place.”



ANNEXURE B

Condition of Approval B7. (5) ESD

Condition B7. (5) reads as follows:

“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)”

After extensive investigation we have been advised by suppliers that there are at present no 4 star WELS showerheads available and the Australian Government has at present not formulated an approval scheme to grant 4 star WELS for showerheads, as per the attached letter from Caroma Dorf dated 17 July 2009. We request Condition of Approval B7. (5) be amended to reflect this and propose the following wording:

“All taps installed in the new buildings must be water efficient with at least a 4-star rating and all showerheads at least a 3-star rating under the Water Efficient and Labelling Scheme (WELS)”

caroma dorf

17th July 2009
Brett Cluley
Medland Metropolis
Level 3, 47 - 49
Murray Street
Pyrmont NSW 2009

Dear Brett,

In regards to the question of 4 Star WELS rated shower heads, we can confirm that there are no shower heads in the Caroma, Dorf or Hansa range that meet this requirement nor do we believe that any manufacturer has achieved this.

The main reason for this being that presently the Australian Government has not formulated an approval scheme to grant a 4 star WELS rating to a shower as yet. This is because the WELS rating is not simply a measure of water flow but a combination of water flow and comfort levels.

It is simply not enough for a tap to have a low water flow if it is not functional and does not do its job.

Again, as no specific guidelines have been formulated for the measure of the required comfort or performance levels of a shower head, no formal 4 star WELS rating is available for any showers in Australia.

Kind Regards

Tommy Vi
Specifications Coordinator

Caroma Dorf
(Locked Bag 20) Level 2, Building C, 4 Ray Road Epping NSW 2121
Phone 1300 661 943 Fax 1300 661 973

ANNEXURE C

Condition of Approval B7. (7)a. Radiant Heat Barrier - Easement

Condition of Approval B7. (7)a. states the following:

“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”

The legal basis of the Commonwealth's current occupancy of the AIPM site is a permissive occupancy that is terminable at will by the relevant NSW Minister. Thus, the AIPM Site is NSW State Crown land and the Commonwealth has no legal interest in the land.

The land to the South, East and West is also NSW State Crown Land administered by the NSW National Parks and Wildlife Service (NPWS) and the Commonwealth has no legal or equitable interest in the land either.

In this situation there are 2 obstacles preventing the Commonwealth from satisfying this condition:

1. The Commonwealth has no legal or equitable interest in either parcel of land and cannot grant another party an interest (in this case an easement) in the land greater than it holds. It therefore has no right to grant an easement over the AIPM site or the land adjoining it.
2. The condition requires easements over NSW Crown Land in favour of NSW Crown Land. This is not possible as under NSW law, to grant an easement the land must be owned by a different 'person'.

We propose instead a written agreement or undertaking by the Commonwealth to maintain the APZ for so long as it occupies the AIPM Site and to arrange for the NSW Department of Environment, Climate Change and Water (DECCW) as represented by the NPWS to enter into an agreement with the Commonwealth or Department of Planning to maintain the required APZ for the same period. We understand that legally this is probably the highest possible arrangement.

The Condition of Approval could then be redrafted to state that:

“During its occupancy of the AIPM site the Commonwealth will at all times ensure that it has an enforceable arrangement with the relevant NSW Department(s) to effect and maintain the APZ as required by the NSW Rural Fire Service, as amended from time to time.”

This would allow for any changes to the Department responsible for the NPWS Site, changes to the APZ requirements and / or changes to the nature of the Commonwealth's tenure at the AIPM Site.

ANNEXURE D

Condition of Approval B7. (7)e. Radiant Heat Barrier

Condition of Approval B7. (7)e. states the following:

“Where more than one facade of a new building is exposed to a hazard, then the facade 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 facade is also subject to the same category of bushfire attack.”

The above condition is originated from advice obtained from correspondence from the NSW Rural Fire Service (RFS) to the Department of Planning on 10 February 2009 (copy attached) and is inconsistent with advice previously provided by the RFS to the Australian Institute of Police management (AIPM) on 19 December 2008 (copy attached) following their review of the Bushfire Assessment & Recommendations Report associated with the AIPM Redevelopment Project prepared by Bushfire Protection Planning and Assessment Services.

The advice from the RFS on the 19 December 2008 provides support to the recommendations in the Bushfire Assessment & Recommendations Report as described throughout and as summarised in Section 17 of the Report. The correspondence on 10 February 2009 contradicts this support and recommends a number of conditions be applied to the project approval in relation to the proposed treatments relating to the hazards posed by bushfires.

When the difference in advice was recognised, clarification was sought from the RFS by the project’s bushfire consultant and author of the Bushfire Assessment & Recommendations Report, Bushfire Protection Planning and Assessment Services. The response from the RFS to this seeking of clarification was submitted to the Department of Planning from Matt Jones of Bushfire Protection Planning and Assessment Services on 15 May 2009. A copy of this emailed response from RFS is enclosed.

Due to the fact that the RFS have confirmed in their clarification that they are prepared to accept the solution offered by Bushfire Protection Planning and Assessment Services, we request item B7.(7) e. of the Conditions of Approval be deleted. The RFS have advised that they are willing to amend their recommendation to the Department of Planning to reflect this clarification upon request from the Department of Planning. The RFS have advised that email correspondence would be accepted by the RFS in relation to this matter.

All communications to be addressed to:

Headquarters
NSW Rural Fire Service
Locked Mail Bag 17
GRANVILLE NSW 2142

Telephone: (02) 8741 5555

Headquarters
NSW Rural Fire Service
15 Carter Street
HOMEBUSH BAY NSW 2127

Facsimile: (02) 8741 5550



**Australian Institute of Police
Management (AIPM)
Collins Beach Road
Manly NSW 2095**

Your Ref:

Our Ref: DCS/0002

19 December 2008

Dear Sir/Madam

I refer to the revised plans and documentation presented to the RFS in support of the proposed redevelopment of the Australian Institute of Police Management (AIPM) Collins Beach Road, Manly. Documentation used as a basis for their RFS determination is reported by *Bushfire Protection Planning and Assessment Services* dated 6 December 2008.

As identified within the *Bushfire Protection Planning and Assessment Services* report, the AIPM site is located on New South Wales Crown land and will be assessed as a Major Project under Part 3A of the Environmental Planning and Assessment Act, 1979. The site has existing use rights and currently is used for training and temporary accommodation. It is considered Special Fire Protection Purpose (SFPP) development for the purpose of bush fire assessment and the RF 20 S has undertaken assessment against *Planning to Bush Fire Protection 2006*.

In circumstances where alterations or additions to existing SFPP facilities are proposed, the RFS requires an appropriate combination of bush fire protection measures and compliance with the intent and performance criteria within *Planning for Bush Fire Protection, 2006*. It is recognised that existing circumstances may make it difficult to achieve this and as such, a flexible approach is taken to achieve a better outcome to developments in these situations. It is recognised that new building work should comply with a AS3959 and should be no closer to the hazard than the existing building.

Provided the proposed development is constructed in accordance with the recommendations as described throughout the bush fire report as summarised in section 17 of the *Bushfire Protection Planning and Assessment Services* (dated 6 December 2008) report, the RFS supports the considered opinion of Bush Fire Protection Planning and Assessment Services that the proposed new, redeveloped and retained buildings can reasonably satisfy the objectives and performance requirements of the BCA, AS3959 and the English aim and specific objectives of *Planning to Bush Fire Protection 2006*.

Furthermore, the RFS support that the final development of the site would afford a greater level of bush fire safety to both building and occupants than currently exist within the development site.

Should you have any queries regarding this matter please contact me on 87415454.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Lew Short', is written over the printed name.

Lew short
Group Manager Community Resilience

Cc: Ron Coffey
Fire Base Consulting
20 Lake Park Road
North Narrabeen NSW 2101

All communications to be addressed to:

Headquarters
NSW Rural Fire Service
Locked Mail Bag 17
GRANVILLE NSW 2142

Headquarters
NSW Rural Fire Service
15 Carter Street
HOMEBUSH BAY NSW 2127

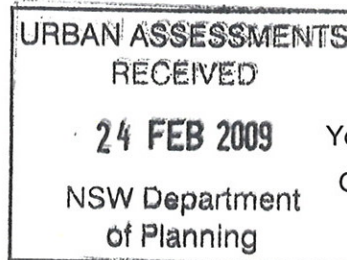
Telephone: (02) 8741 5555
e-mail: development.control@rfs.nsw.gov.au

Facsimile: (02) 8741 5550



Urban Assessments
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Attention: Sara Roach



Your Ref: MP 07-0091

Our Ref: S07/0040

G07/2277

G09/0198

DA07072642671 GB

10 February 2009

Dear Ms Roach,

Re: Preferred Project Report - Redevelopment of Australian Institute of Police Management, COLLINS BEACH ROAD, NORTH HEAD NSW

I refer to your letter dated 23 January 2009 seeking the NSW Rural Fire Service key issues regarding bush fire protection for the above property in accordance with section 75F (4) of the *Environmental Planning and Assessment Act 1979*.

The Service has reviewed the Preferred Project Report and the following conditions are recommended:

1. All recommendations proposed within the Bush Fire Assessment Report prepared by Bushfire Protection Planning & Assessment Services, ref. UKFPW200605-4-report-final, dated 13 December 2008 should be complied with except where modified below.
2. 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 Report.
3. Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of *Planning for Bush Fire Protection 2006*.
4. Collins Beach Road access shall comply with the following requirements of section 4.1.3 (1) of *Planning for Bush Fire Protection 2006*;
 - a. There is a minimum vertical clearance to a height of 4 metres above the road at all times.

5. Arrangements for emergency and evacuation are to comply with section 4.2.7 of *Planning for Bush Fire Protection 2006*.
6. Where more than one facade of a new building is exposed to a hazard, than the facade with the highest construction requirement is to be used to determine the appropriate level of construction. All other facades may be reduced by one level of construction unless that façade is also subject to the same category of bush fire attack.
7. Landscaping to the site is to comply with the principles of Appendix 5 of *Planning for Bush Fire Protection 2006*.

For any enquiries regarding this correspondence please contact Garth Bladwell.

Yours faithfully,

per Patrick Sebell
Nika Fomin
Development Control Co-ordinator

The RFS has made getting additional information easier. For general information on *Planning for Bush Fire Protection 2006*, visit the RFS web page at www.rfs.nsw.gov.au and search under *Planning for Bush Fire Protection 2006*.

Michael Dametto

From: Matt Jones - Australian Bushfire Assessment Consultants
[mattj@bushfireconsultants.com.au]
Sent: Wednesday, 27 May 2009 10:43 AM
To: michael.file@planning.nsw.gov.au; Simon.Bennett@planning.nsw.gov.au
Cc: Michael Dametto
Subject: FW: Australian Institute of Police Management Redevelopment - Manly

RFS email as referred to in my previous email.

Matt Jones

BAppSc Environmental Health
Grad. Dip Design for Bushfire Prone Areas
BPAD-A Certified Practitioner BPD-PA-09336
Member No. 9336 Fire Protection Association Australia

Geospatial Integrity Pty. Ltd,
T/as. Bushfire Protection Planning & Assessment Services
BPAD-A Certified Business BPD-BA-14598
Corporate Member No. 14598 Fire Protection Association Australia

Member of the Australian Bushfire Assessment Consultants Group

www.bushfireconsultants.com.au

Mob: 0428 296 526
Ph/Fax: (02) 4476 3681
Skype (1): matt_jones1703
Skype (2): mattjones_remote

PO Box 334 Narooma NSW 2546



From: Patrick Schell [mailto:Patrick.Schell@rfs.nsw.gov.au]
Sent: Friday, 15 May 2009 11:38 AM
To: Bushfire Protection Planning & Assessment Services
Cc: Garth Bladwell; Corey Shackleton
Subject: RE: Australian Institute of Police Management Redevelopment - Manly

Hi Matt,

I refer to your email below seeking clarification of condition B7 (e) placed on the approval for the Part 3A application for the Australian Institute of Police Management facility at Manly.

It is the NSW Rural Fire Service (RFS) policy as per *Planning for Bush Fire Protection* 2006 Appendix A3.4 Step 6, and *Fast Facts 5/05 Varying Construction Levels*, that the facade (elevation) of a building not exposed to a hazard maybe reduced by one level of construction. This is also the position taken by the new AS3959 2009. The highest level of construction determined for an elevation is to apply to the whole of that elevation.

It is this policy statement that is contained within the conditions of approval issued by the Minister.

However, after further consideration of your performance approach, the RFS is prepared to accept the solution offered (see Map 5a and 5b), with the exception that no part of the administration building shall be constructed to Level 1 (min. Level 2 construction required).

If required, the RFS can amend this condition upon request from the Department of Planning.

I hope the above information satisfies your query. If you have any further questions please contact either myself or Garth Bladwell on 8741 5175.

Kind Regards

Patrick Schell

Team Leader Development Assessment & Planning
NSW Rural Fire Service
Headquarters
Locked Mail Bag 17
Granville NSW 2142
Phone: 8741 5462
Fax : 8741 5433

//// NSW RURAL FIRE SERVICE..... for our community