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***Major Project Assessment:
Australian Institute of Police Management, North Head
Project Application (MP07_0091)***



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

March 2009

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EXECUTIVE SUMMARY

This report is an Environmental Assessment Report of a Project Application for the Australian Institute of Police Management (AIPM) site, pursuant to Part 3A of the *Environmental Planning and Assessment Act, 1979* ("the Act"). The site is listed as a State Significant Site under Schedule 3 of the *State Environmental Planning Policy (Major Projects) 2005*.

The Australian Federal Police (the Proponent) is seeking development approval for the redevelopment of the AIPM site to accommodate new facilities for the continued operation of the site as a training facility for the Australian Federal Police. The proposed development has an estimated capital investment value of \$21 million. The site is within the Manly Local Government Area.

The development proposal (as presented in the Proponent's Preferred Project Report) generally comprises the following:

- The demolition of a number of existing buildings on the site including two dormitory style visitor accommodation blocks, the senior common room, administration office and ancillary buildings;
- The construction of new visitor accommodation, a library extension and a new administration building;
- The retention and refurbishment of a number of the heritage listed buildings on the site including the Axial Hospital Group Building and all existing heritage cottages: Kookaburra Cottage, Harbour Cottage, Garden Cottage and Spring Cove Cottage;
- Landscaping works to embellish the setting of the development and complement the native landscape;
- The reconfiguration of and new carparking on the site for a total of 34 cars; and
- Associated site works.

The former Commonwealth Department of Environment and Water Resources (DEWR) determined that the proposed development is a "controlled action" under the Environment Protection and Biodiversity Conservation Act on 25 June 2007. It was determined that the project had potential to have a significant impact on the environment pursuant to Section 28 of the EPBC Act. Accordingly, this report provides the assessment of the project under Part 3A of the Act (for which the Minister is the approval authority for the Project Application) and the equivalent process provided for by the Bilateral Agreement between the NSW and Commonwealth Governments made under the EPBC Act (relating to environmental impact assessment).

The proposal was initially publicly exhibited for a period of 66 days from 12 December 2007 until 15 February 2008. During the exhibition period, the Department received a total of **51 submissions** from the public (including 30 pro-forma) and **6 submissions** from Government agencies being: Manly Council; the DEWHA; the Department of Environment and Climate Change; NSW Maritime; NSW Rural Fire Services and NSW Roads & Traffic Authority.

The key issues identified in the submissions and the Department's environmental assessment generally related to: the adverse impact of the proposal on the endangered populations of the Little Penguin and the Long-nosed Bandicoot including from construction activities and the continued use of the site; impacts on the marine ecology as a result of stormwater and drainage from the site; the net reduction in the foraging area for the Long-nosed Bandicoot; the demolition of heritage cottages and the former Jetty Road alignment; the adverse impacts on the Sydney Harbour National Park including from increases to the Asset Protection Zone; the introduction and possible spread of *Phytophthora Cinnamomi*; adverse construction and operational impacts; loss of trees; adverse impacts on the heritage

significance (Indigenous and European) of the site; the continued use of the site by the AIPM; potential public use of the site for private functions and adverse traffic impacts.

The Proponent's PPR was received by the Department on 19th December 2008. The revised proposal includes substantial amendments to the design and siting of development principally to address the key environmental issues which have been found to constrain the development of the site. The key amendments include:

- The deletion of all previously proposed pavilion structures on the northern portion of the site;
- The retention of all existing heritage cottages on site: Harbour Cottage, Kookaburra Cottage, Spring Cove Cottage and Garden Cottage;
- The relocation of all new visitor accommodation to the south-western corner of the site within 2 new two-storey buildings; and
- The retention of the layout of the heritage Jetty Road.

The PPR was made available for public viewing on the AIPM and Department's websites on 26 January 2009. Additionally, key Government agencies including Manly Council were given the opportunity provide submissions on the amended proposal by 13 February 2009. The Department received a total of **7 submissions** from Government agencies and **2 public submissions**.

All Government agencies, with the exception of Manly Council, have now advised of their support for the amended proposal.

The Department considers that the PPR will result in improved environmental and heritage outcomes on the site. The most significantly improvements result from the proposal to demolish the existing accommodation buildings to the north of the Axial Hospital Group Building and the Proponent's decision not to build within this environmentally sensitive portion of the site. This will result in a net increase of 470sqm in the foraging area for the Long-nosed Bandicoot, increased building setbacks to the northern boundary of the site and the endangered habitat of the Little Penguin, and the attainment of improved views to the Axial Hospital Group Building (heritage building) from the north. In addition, improvements to the quality of the on-site training facilities and the refurbishment of the existing heritage buildings are also considered to be key benefits of the proposal.

A number of conditions are proposed by the Department to strengthen the urban design, heritage and environmental outcomes on the site and to qualify the timeframe for the completion for various technical reports critical to construction commencement. Conditions are recommended to improve the tree canopy coverage and the extent landscaping on the site, and for the materials and finishes to be revised to ensure that the new buildings complement the native landscape and become less prominent when viewed from the harbour and neighbouring lands.

The Department is satisfied that all statutory obligations under the Act have now been met and recommends that the Minister approve the application.

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1. BACKGROUND

1.1 Site Location

The site of the Australian Institute of Police Management (AIPM) is located at North Head, Manly (refer **Figure 1** below). The site is regular in shape and comprises approximately 1.8 hectares of land on the foreshore of Sydney Harbour accessed only via Collins Beach Road. Spring Cove and Sydney Harbour form the northern boundary of the site. The site is bounded by Sydney Harbour National Park on its eastern, western and southern boundaries. Collins Beach is located to the north-east of site. (Refer **Figure 1**)



Figure 1: Area view of the Australian Institute of Federal Police showing the neighbouring development.
(Source: Urbis)

The property is legally described as Lot 2766 in Deposited Plan 752038. The site is currently occupied by the Australian Federal Police since the 1960. The AIPM provides senior management and executive development; education and consultancy services for the Australasian and International law enforcement agencies and public safety agencies. Accordingly, the existing buildings on the site are used for training, conference, dining, accommodation, administration and library and a range of other associated uses.

The site is largely developed and contains a number of buildings built at various stages dating back to the early 1900's. The site and the surrounding North Head has been used for quarantine related purposes since 1828. However, the AIPM site was not developed until 1916 when it was developed as an isolation hospital for merchant seamen. **Figure 2**

illustrates the location of the existing low scale buildings on the site which date from this period. These buildings are typically constructed of weatherboard, asbestos, cement sheet or brick with corrugated steel sheet roofs. The Axial Hospital Group Building is the most significant of these buildings.

During the intervening period prior to the Federal Police occupation of the site in 1960, the site also received influenza patients during the 1918-1920 influenza epidemic; defence purposes during WWII; and as a deportee camp and migrant hostel following the war. Throughout this period, the principal buildings have remained on the site (although in modified forms).

The key structures now on the site include the following, as identified on **Figure 2**:

- *The Axial Hospital Group Building*- this building comprises five pavilions and a central dining room built in a row and linked by long verandah. This building has been identified as having 'high' heritage significance;
- *Spring Cove Cottage* (former dispensary) - this building has been identified as having 'high' heritage significance.
- *The Garden Cottage, Kookaburra Cottage and Harbour Cottage*- three former staff cottages. These buildings have been identified as having 'moderate' heritage significance;
- *The Administration building*- this building has been identified as having 'moderate' heritage significance; and
- *The two Dormitory Building, Senior Common Room, Library and Syndicate Building* these buildings have been identified as having 'little' heritage significance.

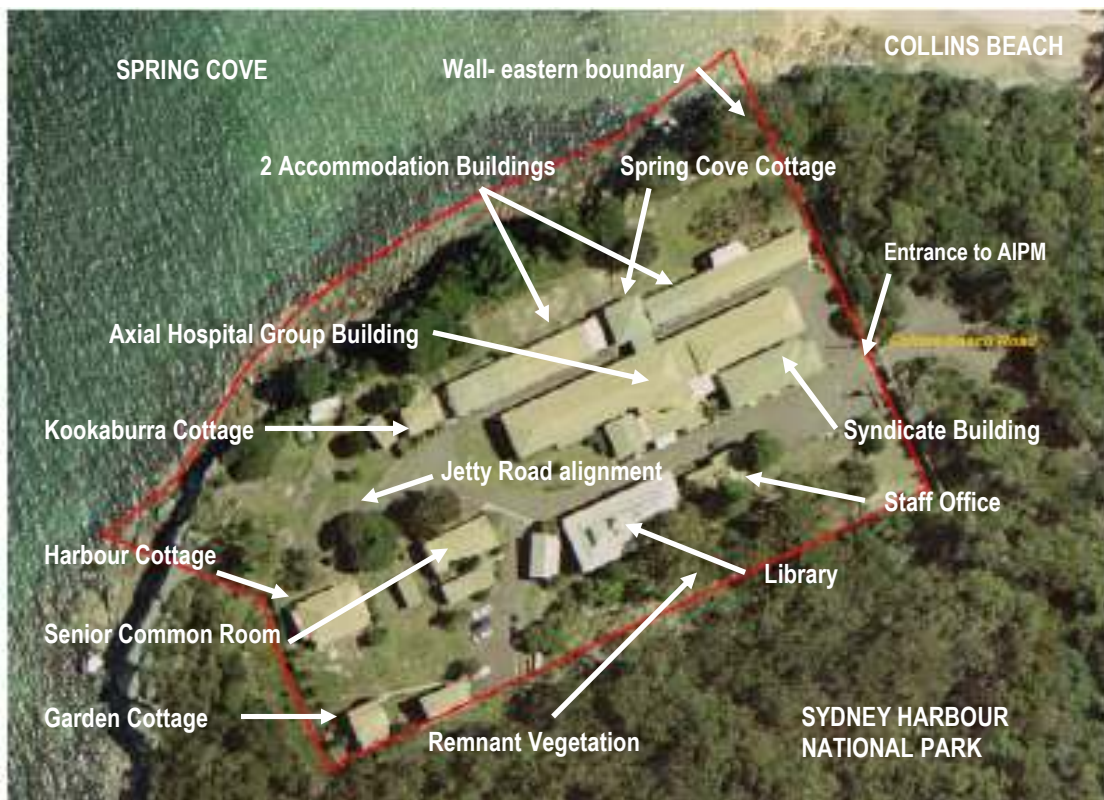


Figure 2: Aerial view of the Australian Institute of Police Management
(Source: NSW Department of Lands Spatial Information Exchange)

North Head, including the AIPM site, is a listed place on the National Heritage List. This listing partly excludes the Axial Hospital Group Building from the assessed values. The site is not listed in the State Heritage Register. However, it is listed as a heritage item in Schedule 4 of Manly Local Environmental Plan 1998. The *Statement of Heritage Impact* submitted with

this Part 3A Project Application and prepared by Noel Bell, Ridley Smith & Partners Architects, identifies the significance of the place as follows:

"North Head and former Seaman's Isolation Hospital (now Australian Institute of Police Management), is an area of great cultural and natural richness and diversity, having outstanding remnant native flora and fauna, and expressing historical themes of quarantine, military and recreational use.

Quarantine Beach and Stores Beach were the first ship's quarantine site in Australian history. North Head was one of six Sydney sites that were the first military reserves in Australia, and the headland subsequently become the site officially reserved for quarantine purposes. The Isolation Hospital complex was a later component of the Quarantine Station and the North Head Quarantine Station and the Seaman's Hospital together comprise the oldest and most intact example of quarantine facilities in Australia. The stone walls that define the major North Head precincts, and for the eastern boundary of the AIPM precinct, provide evidence of relief work carried out during the Great Depression of the late 1920s and the 1930's, and foreshadowed construction of the military facilities at North Head, many of which were provisioned through the Seaman's Isolation Hospital site at Shores Beach Jetty. The current Police usage is a part of a continuing use of this significant area.

It is significant as an interface between Australia's European and Asian history, and Collins Beach is considered to be an iconic 'contact' site for Australia's European and Aboriginal history. North Head has special associations with former Quarantine Station and the Isolation Hospital inmates (over several historic periods), and with significant historical figures. North Head is associated with Governor Bourke who in 1830 declared it a military reserve. It is also associated with the Director of Health Cumpston, with the former Postmaster-General Sir Archie Parkhill and to Ray Whitrod Commonwealth Police Commissioner."

Collin Beach Road provides the only road access to the site. The nature of the current use means the site is secure and not accessible by the public. The gated entrance at the termination of Collins Beach Road provided secure access to the site. All parking requirements of the AIPM are currently accommodated on the site within the 37 car parking spaces. There is no parking available in Collins Beach Road with the exception of 3 car parking spaces at the gated entrance to the AIPM site.

The AIPM site and the broader North Head are known to be inhabited by a number of threatened species. Most significantly, the following endangered species listed under the Threatened Species Act 1995:

- Long-nosed Bandicoot (*Perameles nasuta*)- this species uses the grassed areas of the site, particularly the northern portion of the site, for foraging. It is noted that there are no known breeding habitats for the Long-nosed bandicoot within the AIPM sites.
- Little Penguin (*Eudyptula minor*)- this population is the only known breeding population on the NSW mainland. This species is known to breed along the foreshore and cliff face of Spring Cove at the base of the AIPM site. This area has been declared a Critical Habitat for this population.

The site's topography is such that the land falls from the southern boundary to the north and west by approximately 10 metres and 8 metres, respectively. The land then drops at the sandstone cliff top (northern boundary) down to Spring Cove. The natural levels of the land have been modified to accommodate the existing site development. As a result, the site has been predominantly cleared of native vegetation with the exception of a small patch of remnant vegetation on the southern boundary of the site adjacent to the existing Administration Building. This area supports a number of large native trees (Smooth-Barked Apple) and the Coastal Banksia (*Banksia integrifolia*). The northern portion of the site also supports a number of native trees including Smooth-barked Apple, Broad-leaved Paperbark and a Stringybark. The foreshore and cliff line is understood to support native and exotic vegetation with a dense understorey of exotic African Lovegrass and Lantana. As shown in **Figure 2**, the remainder of the site is predominantly lawn covered with scattered native trees and exotic species.

An existing creekbed is located at the southern boundary of the site adjacent to the existing library and runs north and freely drains to the harbour. There are currently no stormwater detention or retention facilities on the site.

1.2 Surrounding development

The AIPM site is predominantly surrounded by the Sydney Harbour National Park and the Sydney Harbour (refer **Figure 2**). The nearest land uses to the site comprise the North Head Water Pollution Control Plant and the former School of the Artillery and North Head Army Barracks located to the east of the site. To the north of the site is St Paul's College and the Manly District Hospital. The Old Quarantine Station is located south of the site within the Sydney Harbour National Park.

2. PROPOSED DEVELOPMENT

2.1 The Proposal

The Australian Federal Police (the Proponent) seeks approval of a Major Project Application for the AIPM site (MP07_0091), pursuant to Part 3A of the Environmental Planning and Assessment Act 1979 ('The Act'). The Major Project Application proposes the redevelopment of the AIPM site to meet the ongoing operational and management requirements of the Proponent.

A detailed description of the proposal is provided below. This section of the report describes the original Major Project Application, as detailed in the Proponent's Environmental Assessment (EA), in addition to detailing the amended project application as presented in the Proponent's Preferred Project Report (PPR) following the Proponent's consideration of public and Government agency submissions lodged in respect of the original Major Project Application. It is acknowledged that the amended project application represents a substantial rethink of the proposal by the AIPM and their consultant team in response to issues raised by the Department, Government agencies and the public. In this regard, the description of the original project application below is limited as it is considered more pertinent for this assessment report to focus on the amended project application (as presented in the PPR) and how it has responded to key issues raised in submissions in order to mitigate adverse environmental impacts.

2.2 Original Major Project Application

The Major Project Application, as detailed in the Proponent's EA (refer **Appendix B**) proposes the redevelopment of the site to accommodate new facilities for the continued operation AIPM site as a training facility for the Australian Federal Police. The project application was lodged on 30 November 2007 and has an estimated capital investment value of \$21 million.

The key features of the original proposal are illustrated in **Figure 4** and include:

- The demolition of the following existing buildings on the site (as shown in black)-refer **Figure 3**:
 - The barrack style accommodation buildings to the north of the Axial Hospital Group Building;
 - Kookaburra Cottage and Harbour Cottage.
 - The Syndicate Building in the south-eastern corner of the site; and
 - Miscellaneous buildings including storerooms, toilets and laundry buildings;
- The construction of eight new separate pavilion style accommodation cottages are proposed in the northern portion of the site with an additional 3 new pavilion style accommodation cottages located in the south-western corner of the site. The existing office building located in the south-eastern corner of the site is proposed to be demolished and replaced by a new 2 storey administration building.
- Refurbishment of the existing library and a new one storey extension of the building to the west.
- The retention and refurbishment of the following buildings:
 - The Axial Hospital Group; and
 - Spring Cove Cottage and Garden Cottage.

- Consolidation of the car park and new formal car parking areas in the south-eastern and south-western corner of the sites and adjacent to the western boundary providing parking for 43 vehicles.
- The new landscaping and associated works including boardwalks and pavements and the retention of the existing stonewall on the eastern boundary of the site.

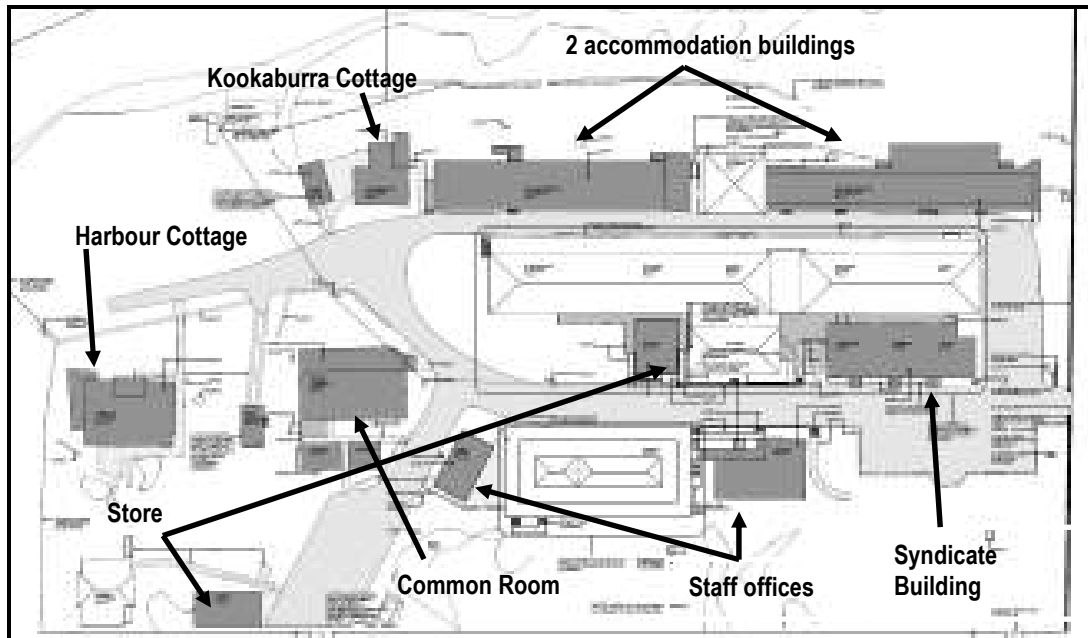


Figure 3: Existing site plan showing buildings to be demolished. *Source: Brewster Hjorth Architects*

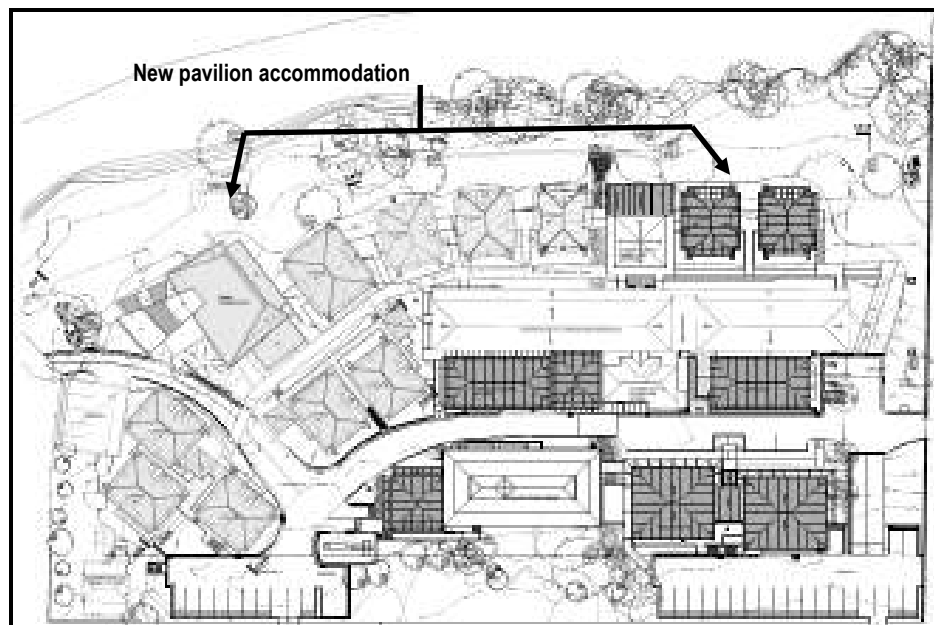


Figure 4: Original Project Application- redevelopment proposal *Source: Brewster Hjorth Architects*

The design approach, as illustrated in the project application, focused around the demolition of the buildings north of the Axial Hospital Group Building and the construction of a series of smaller pavilion style accommodation blocks. These pavilions were designed to take advantage of the northerly aspect.

Figure 5 illustrates the key northern elevation of the development showing the architectural form of the pavilion style accommodation. The existing buildings retained on the site can be seen in the background.

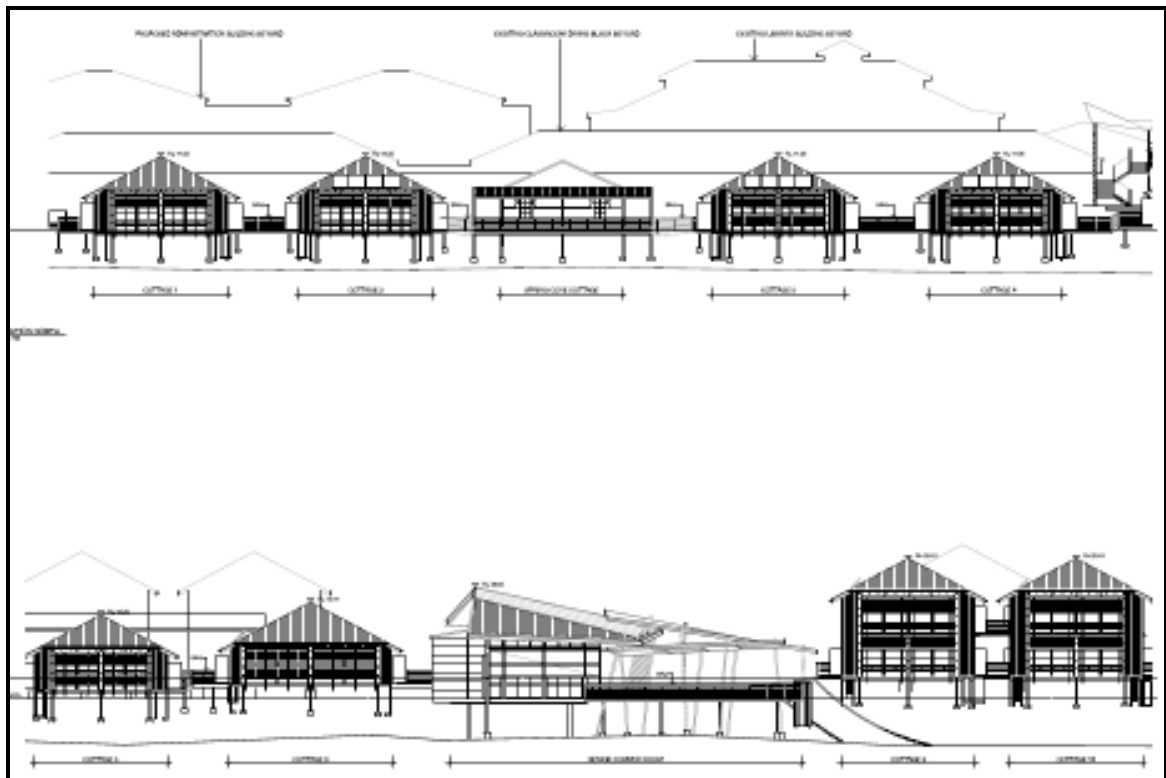


Figure 5: Northern elevation showing the proposed pavilion style accommodation- Original Project Application

Source: Brewster Hjorth Architects

2.3 Preferred Project Report

Following the public exhibition of the EA, the PPR responding to the issues in the submissions (Refer **Appendix D**) was prepared by the Proponent and submitted to the Department in December 2008. The PPR includes a revised proposal, a new suite of technical reports and a revised Statement of Commitments.

The amendments to the proposal represent a new design approach to the redevelopment of the site and a departure from the original proposal. Generally, the key amendments to the proposal include the following and as stated above, these amendments have largely been driven by the environmental and heritage concerns raised by the Department and the public and Government agencies in submissions received in respect of the original scheme:

- The deletion of all previously proposed pavilion structures on the northern portion of the site and in front of the Axial Hospital Group Building. The deletion of these buildings will provide increased fauna foraging areas for the Long-nosed Bandicoot and increase the building setback lines to the northern boundary of the site and the endangered habitat of the Little Penguin;
- The retention of all existing heritage cottages on site: Harbour Cottage, Kookaburra Cottage, Spring Cove Cottage and Garden Cottage;
- The relocation of all new visitor accommodation to the south-western corner of the site within 2 new two-storey buildings; and
- The retention of the layout of the heritage Jetty Road.

Figure 6 illustrates the current site layout. The structures proposed to be demolished to allow for the redevelopment of the site (amended scheme) are shown in grey. All structures to be demolished have been assessed by the Heritage consultant appointed to the project, Noel Bell Ridley Smith & Partners Architects, as being elements of 'little' significance. Refer to further discussion in **Section 5.3** of this report.

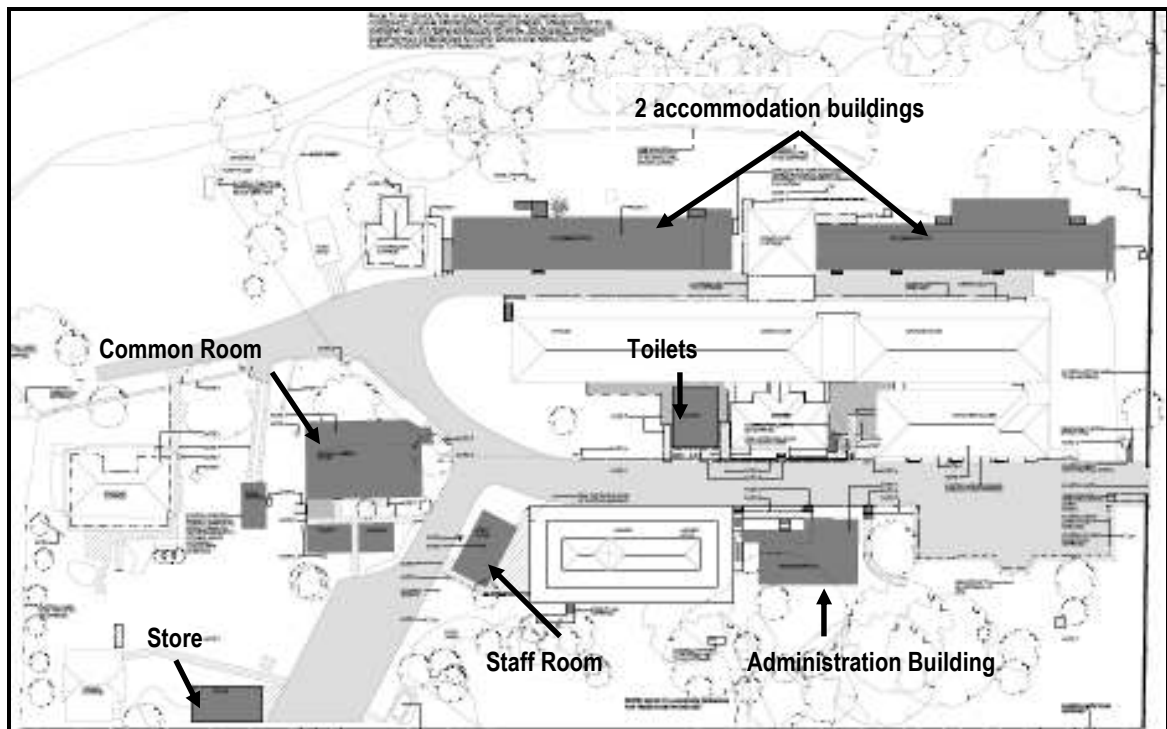


Figure 6: Demolition Plan- PPR

Source: Brewster Hjorth Architects

The key elements of the amended proposal are illustrated in **Figure 7** and are discussed in further detail below. Within **Figure 7**, those buildings identified with white roofs represent those buildings to be retained. Those buildings with black roofs represent proposed new buildings.

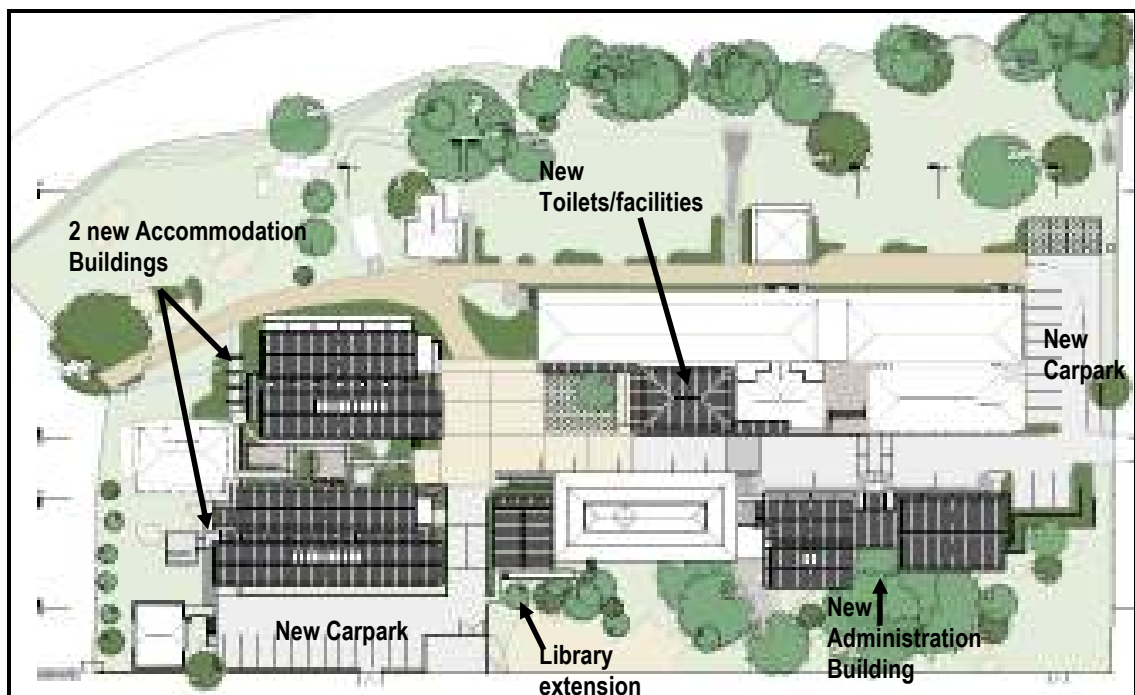


Figure 7: Roof Plan- PPR

Source: Brewster Hjorth Architects

Specifically, the PPR seeks approval for the following:

- The demolition of the following existing buildings on the site:
 - The dormitory style visitor accommodation blocks (north of the Axial Hospital Group Building);
 - The administrative office accommodation;
 - The senior common room facilities; and
 - The ancillary buildings.
- The construction of new visitor accommodation within 2 new two storey buildings in the south-western corner of the site. This accommodation will provide a total of 45 beds and one teaching room and is directly accessible off the main circulation courtyard.
- The refurbishment of the existing library building and the construction of a new modest extension of the library to the south-west. This extension is one-storey in height and fully integrated with the existing library.
- The retention and refurbishment of the Axial Hospital Group Building. The building is proposed to accommodate teaching rooms, dining areas, the Senior Common Room, and meeting areas.
- The retention and refurbishment of all existing heritage cottages on the site i.e. Kookaburra Cottage, Harbour Cottage, Garden Cottage and Spring Cove Cottage.
- An overall increase in visitor accommodation on the site from 30 beds to 54 beds and a total staff levels from 30 to 40 employees.
- Landscaping works to embellish the setting of the development and complement the native landscape. The proposal includes:
 - The removal of 29 trees;
 - New grassed areas to the north (where existing visitor accommodation blocks are demolished) to provide increased foraging areas for the Long-nosed Bandicoot;
 - The interpretation of the former Jetty Road;
 - The development of a 'natural creek' to the north of the site and opportunities for the filtration of stormwater;
 - The retention of the stonewall along the eastern boundary of the site;
 - New pathways and ramped access, as required, to ensure access arrangements to buildings and within the site to comply with AS 1428; and
 - Installation of rainwater tanks throughout the site with the rainwater being connected to the toilets. On-site water storage for fire hydrant system with a storage capacity of 22,000 litres.
- The reconfiguration of and new carparking on the site. A total of 34 car parking spaces and 1 service vehicle space will be provided within the new areas nominated on the south-western and eastern boundaries of the site.

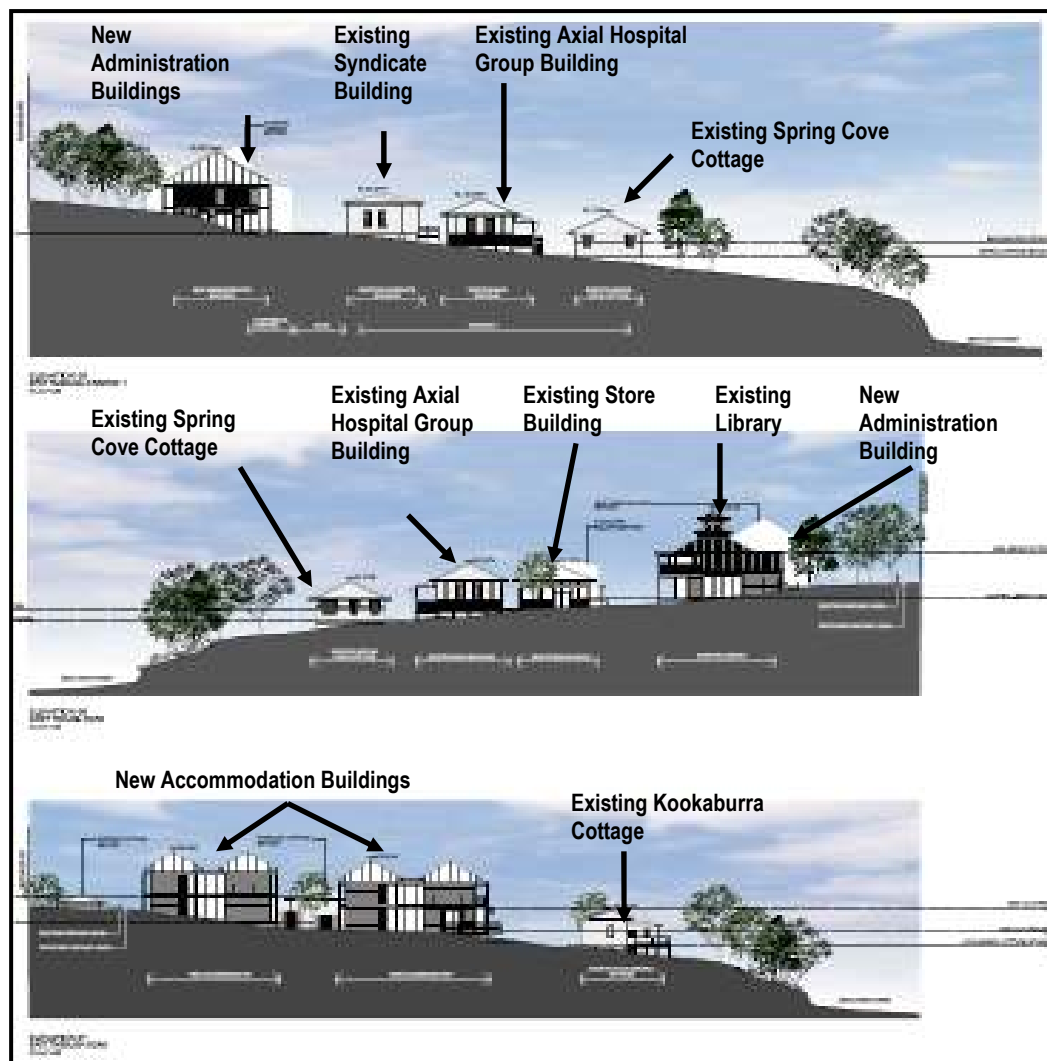
Table 1 provides key statistical information relevant to the amended proposal when assessed and compared against the existing development on the site and the original Project Application. Notably, the amended proposal represents:

- a reduction in the gross floor area (GFA) of development on the site when compared with the original scheme by 317sqm and a subsequent increase in landscaped area by some 519sqm. This is largely attributed to the consolidated form of the new accommodation blocks in the south-western corner of the site and the 'freeing-up' of land to provide increased landscaped areas and foraging opportunities for the Long-nosed Bandicoot to the north of the Axial Hospital Group Building. The combined GFA of all new buildings is 2610sqm or an overall increase in current GFA on the site by 604sqm to 4,368sqm; and
- a reduction in the intensity of accommodation on-site with 54 rooms being proposed as opposed to 60 rooms proposed in the original project application.

Table 1: Key Development Statistics

Statistic	Existing Development	Original Project Application	Amended Project Application
Site Area	18,396sqm	18,396sqm	18,396sqm
Site Cover (total Building footprint)	3,379sqm	3,485sqm	3,398sqm
Total area of paths, decks and roads	2,213sqm	2,727sqm	3,275sqm
Total area of boardwalks and decks	0sqm	980sqm	nil
Gross Floor Space	3,764sqm	4,685sqm	4,368sqm
Building height	1 and 2 storey	1 and 2 storey	1 and 2 storey
Landscaped area	12,804sqm	11,204sqm (excludes landscaping below boardwalks)	11,723sqm
No. of beds	30	60	54
Car parking	37	43 cars & 1 bus/service space.	34 cars & 1 bus/service space

Figure 8 illustrates the proposed eastern elevations of the revised scheme submitted by the Proponent with the PPR. These elevations show the general bulk, form and façade composition proposed for the new buildings in the context of the heritage buildings to be retained on the site. The materials and finishes proposed have been specifically selected to complement the heritage buildings whilst allow these buildings to read as new additions to the site.

**Figure 8: Eastern Elevation- PPR**

Source: Brewster Hjorth Architects

The amended project application is accompanied by a new suite of technical reports which have been modified to respond directly to the amended design and the specific technical requirements of the various Government agencies including DECC and DEWHA. The revised Statement of Commitments submitted with the PPR strengthens the Proponent's commitment to deliver the project in accordance with the recommendations of these technical reports. Key commitments include those in relation to:

- The implementation of the "Construction Environmental Management Plan" and the "Operational Environmental Management Plan" which include measures to protect the Long-nosed Bandicoot and the Little Penguin, to management *Phytophthora cinnamoni* and to control noise impacts and air emissions. These Plans also include associated mitigation and performance measures and auditing/monitoring requirements.
- The implementation of the recommendations of the "Bushfire Compliance Assessment & Recommendations Report" including the development of a "Bushfire & Vegetation Maintenance Plan" and the periodic review of the existing Emergency Procedures Handbook.
- The implementation of stormwater management control measures in accordance with the "Site Stormwater Assessment Report". This includes treatment devices for the removal of contaminants present within the stormwater discharged from the site; the installation of 2 x 9,000 litres and 2 x 8,600 litres water storage tanks across the development to collect and store roof rainwater; and soil and erosion control measures to be implemented prior to earthworks and construction commencing on the site.
- To undertake works and conservation management in accordance with the recommendations of the "Historic Heritage Management Plan".

Further details regarding this amended project application and its merits are considered in **Section 5.0** of this report.

2.4 Project Need and Justification

In order to justify the proposed redevelopment of the site, the AIPM considered a number of alternative development options to meet their current requirements. These options were considered by the Federal Parliamentary Standing Committee on Public Works in March 2006 into the redevelopment of the AIPM site. Arising from the inquiry process, the Committee recommended that the redevelopment proceed. However, the AFP were required to undertake further consultation with Council, other key stakeholders and the local community to resolve outstanding concerns. This consultation led to the development of an "Eco-Heritage" Master Plan. The scheme as presented in this Part 3A application (as detailed in the PPR) varies from the Eco-Heritage Master Plan in terms of building siting/site layout however, it is considered to provide an appropriate response the issues raised as a result of the consultation period.

The Proponent has advised that the redevelopment of the facility is necessary for the following reasons:

- The existing teaching, recreation, dining and administrative spaces are inadequate to satisfy increasing demand for AIPM programs;
- The Residential accommodation is substandard;
- The layout and functionality of the existing facilities results in operational inefficiencies;
- Many of the facilities are in poor and deteriorating condition and do not meet relevant current codes and standards;
- The age of the facilities is resulting in increasing operation and maintenance costs associated with their use; and
- The need to the preserve and protect identified built heritage elements on the site.

3. STATUTORY CONTEXT

3.1 Major Project

On 18 July 2007, the former Minister for Planning formed the opinion pursuant to Clause 6 of the State Environmental Planning Policy (Major Projects) 2005 (Major Projects SEPP) that the proposal is for the purpose of development described in Clause 4 of Part 8 of Schedule 3 (State Significant Sites) of that Policy being development within the North Head Federal Police Training site which has a capital investment value of more than \$5 million.

Consequently, the Project Application is subject to Part 3A of the *Environmental Planning and Assessment Act* (the Act) and the Minister is the approval authority.

3.2 Permissibility

Amendment 13 to the Major Projects SEPP was gazetted on 25 May 2007 and makes the site of the Australian Institute of Police Management a State Significant Site. Amendment 13 also identifies development on the land that is development to which Part 3A of the Act applies. Subclause 13(2) states that *"Division 3 (being provisions applying to development within North Head Federal Police Training site) applies to the site despite any provisions of Manly Local Environmental Plan 1988 or any other local environmental plan applying to that site."* Additionally, Pursuant to Clause 6 of Division 3, it is stated that development for the *"purpose of a police training facility and any ancillary development"* may be carried out with consent.

In line with the above, the development of the site for the purposes of a police training facility is made permissible with consent pursuant to the provisions of the Major Projects SEPP.

3.3 Bilateral Agreement

The Commonwealth Department of Environment and Water Resources (DEWR) determined that the proposed development is a "controlled action" under the EPBC Act on 25 June 2007. It was determined that the project is likely to have a significant impact on the environment pursuant to Section 28 of the EPBC Act. A copy of the Referral Decisions from DEWR is included at **Appendix B** of this report.

This report provides the assessment of the project under Part 3A of the Act. This assessment is in accordance with an equivalent process to that provided for by clause 13.2 of the Bilateral Agreement between NSW and the Commonwealth, made under the EPBC Act, relating to environmental impact assessment. The assessment has been done in the manner specified in Schedule 1 of the Bilateral Agreement.

The Department of the Environment, Water, Heritage and the Arts (DEWHA) has been consulted in relation to the project application. The comments of the DEWHA have been considered in the assessment and the determination of this application. In their response to the PPR, the DEWHA has advised that the amended proposal has addressed the environmental issues identified in their original response to the EA. **Section 4.0** of this report outlines the key issues raised by the DEWHA in their consideration of the application. These issues are further discussed in **Section 5.0** of this report where the key environmental issues associated with the development proposal are considered.

Once this project application has been determined by the Minister for Planning, a copy of this report, the Instrument of Approval and the Section 130 Certificate will be forwarded to DEWHA for accreditation in accordance with the terms of the Bilateral Agreement.

3.4 Environmental Planning Instruments (EPIs)

To satisfy the requirements of section 75I(2)(d) and (e) of the Act, this Report includes references to the provisions of the environmental planning instruments that govern the carrying out of the project and have been taken into consideration in the environmental assessment of the project application. Major Project SEPP is the key EPI covering the use and development of the site (refer to discussion **Section 3.2** above). A summary of compliance with the relevant EPIs is provided in **Appendix F**.

The development standards of Local Environmental Plans are not required to be strictly applied with in the assessment and determination of Major Projects under Section 75R of the Act.

3.5 Objects of the *Environmental Planning and Assessment Act 1979*

The objects of any statute provide an overarching framework that informs the purpose and intent of the legislation and gives guidance to its operation. The Minister's consideration and determination of a project application under Part 3A of the Act must be informed by the relevant provisions of the Act, consistent with the backdrops of the objects of the Act.

Of particular relevance to the assessment of the subject application is consideration of the Objects under section 5(a) of the Act. Relevantly, the Objects stipulated under section 5(a) (i), (vi), and (vii) of the Act are significant factors in forming the determination of a project application. The proposal does not raise significant issues with regards to and objectives of the Act.

The Department has considered the Objects of the Act, in the assessment of the project application. The balancing of the project in relation to the Objects is provided in **Section 5** of this report.

3.6 Director-General's Report

The Director General's report to the Minister for the proposed project application satisfies the relevant criteria under Section 75I of the Act and clause 8B of the *Environmental Planning and Assessment Regulation* as detailed in **Table 2**.

Table 2 – Section 75I(2) and Clause 8B Criteria

Section 75I(2) criteria	Response
Copy of the proponent's environmental assessment and any preferred project report;	The Proponent's EA and Preferred Project Report are located in the Report Appendices- refer Appendix C and Appendix D , respectively.
Any advice provided by public authorities on the project;	A summary of submissions provided by public authorities and copies of the submissions on the project for the Minister's consideration is set out in Section 5 of this report and located in the Report Appendices- refer Appendix C (EA) and Appendix D (PPR).
Copy of any report of a panel constituted under Section 75G in respect of the project;	A panel was not formed for this proposal.
Copy of or reference to the provisions of any State Environmental Planning Policy that substantially govern the carrying out of the project;	Each relevant SEPP that substantially governs the carrying out of the project is identified in the Report appendices. Refer Appendix F .
Except in the case of a critical infrastructure project – a copy of or reference to the provisions of any environmental planning instrument that would (but for this Part) substantially govern the carrying out of the project and that have been taken into consideration in the environmental assessment of the project under this Division,	An assessment of the development relative to the prevailing environmental planning instrument is located in the Report appendices. Refer Appendix F .
Any environmental assessment undertaken by the Director General or other matter the Director	This report represents the environmental assessment undertaken by the Director-

General considers appropriate;	General.
A statement relating to compliance with the environmental assessment requirements under this Division with respect to the project.	The Environmental Assessment (EA) for the project application addresses the Director-General's requirements.
Clause 8B criteria	Response
An assessment of the environmental impact of the project.	An assessment of the environmental impact of the proposal is discussed in Section 5 of this report.
Any aspect of the public interest that the Director-General considers relevant to the project.	The public interest is considered in Section 5 of this report, and addressed by the Statement of Commitments and Conditions of Consent.
The suitability of the site for the project.	The site is considered suitable for the development as discussed in Section 5 of the report.
Copies of submissions received by the Director-General in connection with public consultation under section 75H or a summary of the issues raised in those submissions.	A summary of the issues raised in the submissions is provided in Section 4 and Appendix H of this report.

4. CONSULTATION AND ISSUES RAISED

4.1 Public Exhibition

The Environmental Assessment Report (EA) was publicly exhibited in accordance with Section 75H of the Act for **66 days** from 12 December 2007 until 15 February 2008. The exhibition period was extended beyond the minimum 30 days statutory period specified in Section 75H(3) of Part 3A of the Act as it coincided with the Christmas and New Year period.

The EA was publicly exhibited at the following locations:

- Department of Planning (information Centre): 22-33 Bridge Street, Sydney
- Manly Council (Council Chambers): 1 Belgrave Street, Manly.

The Environmental Assessment was placed on the Department's website (www.planning.nsw.gov.au) and was also available for viewing on the AIPM website during the course of the exhibition period. A public notice was published in the Daily Telegraph, The Manly Daily and the Sydney Morning Herald advising of the public exhibition of the Major Project Application.

The Department has met all its legal obligations in respect to the administration of the Project Application pursuant to Section 75H(3) of Part 3A of the Act so that the Minister can now determine the Project Application.

4.2 Submissions

All public submissions received during the formal public exhibition period of the EA objected to the proposal. Key issues raised in the **51 public submissions** (including 30 pro-forma) received include the following:

- The detrimental impact on the critical habitats of the Little Penguin population and the Long-nosed Bandicoot and the marine environment.
- Impact of the heritage values of the site including the demolition of historic buildings.
- The proposal represents an over-development of the site.
- The AIPM site is unsuitable for the proposed use.
- Adverse traffic impacts.
- Loss of mature trees on site.
- Increased bush fire risk and the adequacy of the Asset Protection Zone

Consideration of these submissions and the Proponent's response to these key issues, as detailed in the PPR, are addressed in **Section 5.0** of this report. A detailed summary of public objections received is included at **Appendix H**.

4.3 Government Agencies

Submissions were received from the following **6 Government agencies**:

- Department of Environment, Water, Heritage and the Arts;
- Department of Environment and Climate Change;
- NSW Roads and Traffic Authority;
- NSW Maritime;
- NSW Rural Fire Services; and
- Manly Council.

The key issues common in the Government Agency submissions include the following:

- Significant and adverse impact on the endangered population of the Little Penguin population and the Long-nosed Bandicoot including from construction activities;
- The net reduction in the foraging area for the Long-nosed Bandicoot;

- Demolition of heritage cottages and the former Jetty Road alignment;
- Adverse impacts on the Sydney Harbour National Park including from increases to the Asset Protection Zone;
- Introduction and possible spread of *Phytophthora Cinnamomi* (fungal disease);
- Adverse construction and operational impacts; and
- Adverse impacts on the heritage significance and environmental significance of the site.

A detailed summary of the key issues raised in the Government agency submissions is provided at **Appendix E** along with copies of their submissions.

The submission from Manly Council is dealt with separately in **Section 4.4** below.

4.4 Manly Council

Manly Council indicated that it did not support the proposal and identified a number of issues that it considered should be addressed. The key issues identified by Manly Council include:

- The inclusion of all publicly owned land on North Head in the North Head Sanctuary;
- Negative impacts on the natural environment and built heritage;
- Potential adverse impacts on flora and fauna including the habitat of threatened species and tree loss
- Negative impacts on Aboriginal heritage significance and relics;
- The significant built form and visual impacts of the proposal on the site's natural setting;
- Increased traffic will have the potential significantly impact on the amenity of residents of North Head;
- The cumulative impacts of the proposal illustrates that the site with such environmentally sensitive issues is unsuitable for the proposed development; and
- Inadequate documentation and consultation.

Detailed consideration to the key issues raised by Manly Council is included in **Section 5.0** of this report, as they remain relevant to the Proponent's amended scheme.

A detailed summary of the key issues raised by Manly Council is provided at **Appendix E** along with a copy of their submission.

4.5 Preferred Project Report / Response to Submissions

A PPR and response to submissions was prepared by the Proponent (**Appendix C**). In accordance with Section 8G of the Environmental Planning and Assessment Regulation 2000, the PPR was made available to the public to view. In this regard, letters were sent to all previous objectors to the proposal on 23 January 2009 advising that the PPR was available to be viewed on the Departments and the AFP's websites or alternatively, at the following locations:

- Department of Planning (information Centre): 22-33 Bridge Street, Sydney
- Manly Council (Council Chambers): 1 Belgrave Street, Manly.

Relevant Government agencies were notified of the PPR on 23 January 2009 and invited to make submissions on the amended proposal by close of business on 13 February 2009. A total of **6 Government agencies submissions**, and **2 public submissions** were received. A late submission was also received from Manly Council.

The key issues raised in the Government agency submissions are summarised in **Table 3** below and further considered in **Section 5.0** of this report.

Table 3: Summary of Government Agency Submissions

Key Issues	Submission comments
NSW Department of Primary Industry <u>Resolution</u>	The NSW DPI has advised that the PPR including the stormwater treatment, and erosion and sediment control measures should adequately mitigate impacts on the adjacent aquatic environment. The Proponent's CEMP and OEMP include specific goals, mitigation measures, performance measures, monitoring/auditing requirements, and corrective actions to specifically minimise the impact of water movement on and off the site. The Department is satisfied with these Plans and the Proponent's commitment to implement them.
The Department of Environment and Climate Change <u>Resolution</u>	The DECC has advised that the proposal in its revised form is supportable and represents an improvement on the previous proposal, given the efforts that have been made to reduce impacts on threatened fauna and the Sydney Harbour National Park. Notwithstanding this, the DECC advise that: - any reduction in the net foraging area of the Long-nosed Bandicoot will need to be offset and agreed by the DECC prior to approval. - the PPR lacks detail in relation to Indigenous heritage management and more consultation with the local Aboriginal Group is required so that the management of the site can reflect their requirements. The frequency of access to the site be determined in consultation with the local Aboriginal groups and is not to be restrictive. Amendments to the Proponent's Construction Environmental Management Plan and the Operational Environmental Management Plan are recommended to address the following matters: - To require the proponent to liaise with the DECC in the event that construction times cannot be programmed around the vulnerable nesting, breeding and moulting period of the Little Penguin. - To require the Proponent to liaise with the DECC in relation to suitable landscaping if local seed stock and plants are not available. - 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. - To clarify that the Asset Protection Zone will not be extended into the Sydney Harbour National Park. - To require staff induction (prior to commencement of construction) to include reference to the identification of cultural material. The Statement of Commitments is to be amended to: - Require barriers to protect the rock/shelter art site but not prevent access for local Aboriginals; and - Require site inductions to include identification of cultural materials. Minor amendments to the Proponent's CEMP, OEMP and the Statement of Commitments are included in the Instrument of Approval to address the DECC's requirements.
Department of the Environment, Water, Heritage and the Arts	The DEWHA has advised that the modifications presented in the PPR have addressed the issues previously identified by the DEWHA and other agencies. Conditions are recommended to address the following: - The proposal is to be undertaken consistent with the designs and footprints indicated in the PPR; - The Environmental Management Plans are implemented and any changes to these are approved by the DECC; - An audit of compliance with the provisions of the Construction Environmental Management Plan and the Operational Environmental Management Plan. The DEWHA has advised that: - the Asset Protection Zone should not encroach further onto the Sydney

Resolution	Harbour National Park, in accordance with the DECC requirements; and the treatment and management of <i>Phytophthora cinnamomi</i> has been adequately addressed by the Proponent in their Environmental Management Plans. A number of conditions are recommended to address: changes to the CEMP to be approved by the DECC; auditing of compliance with the CEMP and OEMP; and no encroachment of the APZ further into the Sydney Harbour National Park. These requirements of the DECC have been incorporated in the Instrument of Approval. The Department is satisfied that appropriate monitoring and corrective actions are now proposed by the Proponent to ensure construction impacts are appropriately managed and regularly reviewed and, if required, construction/management procedures adjusted. The Proponent's Statement of Commitments includes an undertaking to implement the CEMP.
NSW Maritime Resolution	NSW Maritime has advised that their key concerns raised in respect to the original proposal have been satisfactorily addressed in the PPR. Despite NSW Maritime's endorsement of the PPR, the Department considers their initial comments regarding the potential to further develop the extent of foreshore vegetation to remain relevant. An appropriate condition is recommended to address this matter. A condition is also recommended to ensure that no construction access or deliveries to the site are carried out via the waterway/foreshore (i.e. in order to maintain the integrity of the foreshore).
Sydney Harbour Federation Trust Resolution	The Trust has advised that the revised proposal is superior to the original proposal in terms of environmental and heritage outcomes on the site. It is suggested that the visual impact of the new development be minimised by: - Selecting an appropriate colour scheme to help building facades and roofs blend into the landscape; and - Appropriate landscaping be planted near the proposed new accommodation buildings to reduce their visual dominance when viewed from the Harbour. The Department concurs with the comments of the Trust. Appropriate conditions are recommended to address the proposed colour scheme and to require additional landscaping adjacent to the new accommodation buildings.
NSW Rural Fire Service Resolution	The NSW RFS has raised no objection to the proposal. A series of standard conditions are recommended to ensure compliance with "Planning for Bush Fire Protection 2006". The conditions recommended by the NSW RFS have been incorporated into the Instrument of Approval. The Department considers that the Proponent's commitments (including to prepare a <i>Bushfire and Vegetation Management Plan</i>) adequately address the risk and management of bushfire related issues on the site.

Public Submissions

Two (2) public submissions were received in response to the public notification of the PPR. The issues raised in these submissions are generally consistent with those outlined in **Section 4.2**. Additional issues include the following:

- The proposed 'detering wall' would represent a danger to the Little Penguins;

- The location of the development in the south-western corner of the site will reduce the Long-nosed Bandicoots foraging area;
- The proposal has not adequately addressed the potential adverse impacts on Aboriginal heritage.
- The determination of the application should be deferred until a public meeting is convened.

These matters are addressed in **Section 5.0** of this report.

Manly Council

A formal submission from Manly Council responding to the PPR was received following the close of the exhibition period and is included at **Appendix F**. The key issues raised in the submission are:

- The maintenance of the APZ on all boundaries of the site;
- The proposal is an over-development of the site and has limited access in the event of fire or other emergency;
- The Threatened species should be appropriately protected prior to the determination of the application;
- Legitimacy of the AFP occupation of the site;
- Questions whether the proposal will include wharf or upgraded access to Store Beach.
- Status of the Land Rights Claim over the subject land.
- Issues surrounding the National Heritage listing of the former Seaman's Isolation Hospital should be resolved prior to the determination of the application.

4.6 Conclusion

The key issues identified in the submissions to the EA and the Department's environmental assessment generally related to:

- the adverse impact of the proposal on the endangered populations of the Little Penguin and the Long-nosed Bandicoot including from construction activities and the continued use of the site;
- impacts on the marine ecology as a result of stormwater and drainage from the site;
- the net reduction in the foraging area for the Long-nosed Bandicoot;
- the demolition of heritage cottages and the former Jetty Road alignment;
- the adverse impacts on the Sydney Harbour National Park including from increases to the Asset Protection Zone;
- the introduction and possible spread of *Phytophthora Cinnamomi*;
- adverse construction and operational impacts;
- loss of trees;
- adverse impacts on the heritage significance (Indigenous and European) of the site;
- the continued use of the site by the AIPM;
- potential public use of the site for private functions; and
- adverse traffic impacts.

The Proponent's PPR has responded to these key issues by proposing substantial amendments to the design and siting of development principally to address the key environmental issues which have been found to constrain the development of the site. The key amendments include:

- The deletion of all previously proposed pavilion structures on the northern portion of the site to provide increased fauna foraging areas for the Long-nosed Bandicoot and increase the building setback lines to the northern boundary of the site and the endangered habitat of the Little Penguin;

- The retention of all existing heritage cottages on site: Harbour Cottage, Kookaburra Cottage, Spring Cove Cottage and Garden Cottage;
- The relocation of all new visitor accommodation to the south-western corner of the site within 2 new two-storey buildings; and
- The retention of the layout of the heritage Jetty Road.

The PPR is also accompanied by a comprehensive Construction Environmental Management Plan and an Operational Environmental Management Plan which identifies the requisite mitigation measures, performance measures, monitoring/auditing/reporting requirements and corrective measures to address the concerns of the DECC, the DEWHA and the public. On this basis, the Department is satisfied that the Proponent PPR has comprehensively and appropriately responded to mitigate key environmental impacts arising from the development. As appropriate, the Department has recommended a number of conditions to strengthen the urban design, heritage and environmental outcomes on the site and to qualify the timeframe for the completion for various technical reports critical to construction commencement.

Key issues identified in the PPR submissions are comprehensively addressed in **Section 5.0** of this report. At **Appendix F** is a concise response to all Government agency submissions received in respect of the PPR.

5. ASSESSMENT OF ENVIRONMENTAL IMPACTS

The EA, submissions and the PPR form the basis for consideration of the significance environmental issues associated with the development proposal. The key issues identified are assessed below.

5.1 ESD Principles

The *Protection of the Environment Administration Act 1991* provides five accepted ESD principles:

- (a) decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations (**the integration principle**);
- (b) if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation (**the precautionary principle**);
- (c) the principle of inter-generational equity - that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations (**the inter-generational principle**);
- (d) the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making (**the biodiversity principle**); and
- (e) improved valuation, pricing and incentive mechanisms should be promoted (**the valuation principle**).

The Department has considered the project application in relation to the ESD principles and has made the following conclusions:

- **Precautionary Principle**

Following an assessment of the Proponent's PPR, it is considered that there will be no threat of serious or irreversible environmental damage as a result of the proposal. The studies into stormwater management, flora and fauna impacts, bushfire threats, European Heritage and Aboriginal Cultural Heritage have not revealed any uncertainty regarding potential impacts. Impacts identified can be appropriately managed and have not been found to result in serious or irreversible environmental damage as a consequence of this proposal. The findings and recommendations of the flora and fauna report have identified opportunities that will improve the environmental attributes and qualities of the site, particularly in relation to the habitat of the Long-nosed Bandicoot, that would not otherwise be realised without redevelopment. Management procedures during construction and occupation that have been documented in the Construction Environmental Management Plan and the Operational Environmental Management Plan submitted with the PPR and have been found to incorporate appropriate safeguards, monitoring and management procedures to ensure the protection of the Little Penguin population and the Long-nosed Bandicoot. In addition, the level of the bushfire protection on the site has been determined by the NSW Rural Fire Services, subject to the implementation of the recommendation in the Proponent's Bushfire Assessment and Recommendations Report, to afford the site a greater level of bush fire protection than currently exists on the site.

The findings and recommendations of the range of specialist studies have not revealed the need to adopt the precautionary principle from an ecological point of view to either delay or prevent the project application from proceeding. The Proposal, as presented in the PPR has been supported by the DEWHA, DECC, NSW Maritime, the Sydney Harbour Federation Trust and the NSW Department of Primary Industry.

- **Integration Principle**

The social and economic benefits of the proposal are well documented. The Proponent has advised that the site, once redeveloped, will be available for the public during selected open days to enable greater appreciation and understanding of the heritage, cultural and environmental significance of the site.

The environmental impacts are and will be addressed through the proponent's Statement of Commitments. The Department's assessment has duly considered all issues raised by the community and public authorities. The proposal, as recommended for approval, does not compromise nor hinder the opportunities of a particular stakeholder.

- **Inter-Generational Principle**

It is considered that the development of this site will have positive social, economic and environmental impacts and as a result will maintain and improve the environment for the benefit of future generations. The proposal, as represented in the PPR, has been designed to ensure that it does not impose a burden on future generations whilst realising the benefits for both the existing and future use of the site including:

- The provision of improved facilities on the site for participants in the Federal Police training schemes;
- Implementation of stormwater and drainage monitoring systems;
- Integration of natural ventilation, passive solar/thermal design and efficient water and energy design practises in the development design;
- Improved infrastructure provisions;
- The protection of the sites heritage and environmental significance; and
- Improved landscaping and environmental sensitive integration of the development on the site.

- **Biodiversity Principle**

The conservation of the biological diversity and ecological integrity of the site was a fundamental consideration in the Proponent's preparation of the PPR. Issues associated with biodiversity, ecology and the protection of threatened species were considered and resolved as part of the concurrent consideration of the application by the Commonwealth under the Bilateral Agreement pursuant to the EPBC Act. The terms of the DEWHA have been incorporated into the Instrument of Approval.

The selection of appropriate species in the landscape plan, water efficient design elements and monitoring programs will assist in maintaining the biological diversity and ecological integrity of the site now and into the future.

- **Valuation Principle**

It is difficult to assign a monetary value to the environment of a locality, or environmental resources not exploited for commercial use. A monetary value could not be placed against the greatest proportion of environmental attributes of the site which may be affected. The more appropriate approach adopted for this project is to manage environmental impacts by identifying appropriate safeguards to mitigate adverse environmental impacts. This cost of implementing these safeguards is included in the total project cost as a means of pricing the protection of the environmental attributes of the site.

- **Climate Change**

The existing levels of the AIPM site range between approximately RL6.50 (AHD) and RL20 (AHD) from the cliffline to the southern end of the site, respectively. The new development is proposed to be located on the higher levels of the site ranging between approximately RL12 (AHD) and RL16 (AHD). There are no existing flood related issues on the site and furthermore, given the elevated nature of the site, it is not anticipated that

the development will be adversely impacted by any changes in sea level resulting from climate change.

5.2 Flora and Fauna Impacts

Impact on the Little Penguin Population

Manly is known to provide the only breeding ground for the Little Penguin population in NSW. The Little Penguin population is identified as an endangered species pursuant to the *Threatened Species Conservation Act 1995*. The Little Penguins breed and nest in the sandstone cliff above Spring Cove which forms the northern boundary of the AIPM site. This area has been declared a 'critical habitat' for this species by the NSW National Parks and Wildlife Service. Understandably, considerable concern was raised during the exhibition of the EA in respect of the potential impact of the development proposal on this species including from construction activities; building siting; and the ongoing use and management of the facility.

As detailed in **Section 4.2** of this Report, Manly Council, the DECC and DEWHA also raised concerns to the proposal on these grounds. The advice from the DECC was provided directly to the Proponent advising of measures to reduce the likelihood of adverse impacts on the Little Penguin population for incorporation into the PPR. Such measures included those in relation to the building footprint; monitoring; construction times; and noise and light barriers. These measures were endorsed by DEWHA.

The DECC advised that the proposed cottages and Common Rooms along the northern foreshore will encroach within 10m of the known Little Penguin nesting areas on the site, significantly closer than existing structures. The DECC also advised that construction will deter Penguins from nesting in this area and furthermore, that during the operation of the facility, the proposal is likely to result in an increased level of disturbance to penguins nesting and moulting in the area. The DECC advised that whilst the proposal includes a number of measures to reduce impacts, that the measures proposed in the EA are unlikely to satisfactorily mitigate the adverse impacts on the Little Penguin population.

Having regard to the above, the DECC recommended that:

- Footprint: Development not encroach further north than existing structures.
- Monitoring: Monitoring should take place weekly for the first 3 months of construction, if construction is occurring in the breeding session. The results should be reviewed at the end of the 3 month period to determine whether more substantial mitigation measures are required.
- Construction Times: No construction is to occur in the northern section of the site during the breed periods July to February.
- Noise and Light Barrier: The barrier proposed to be constructed between the cottages and the foreshore is to be permanent and constructed to facilitate fauna movement.

The Proponent's response to the submissions, as detailed in the PPR, is considered to appropriately respond to submissions, in particular the comments of the DECC as stated above. The Proponent's PPR includes the following key elements aimed at mitigating adverse impacts to the Little Penguin population:

- The breeding habitat of the Little Penguin will not be removed as part of the development and the redevelopment will not occur in areas known to support the breeding habitat.
- The current scheme will result in additional building setbacks being achieved to the north of the breeding areas.
- Specific measure will be implemented to prevent stormwater and sedimentation from entering the breeding area.
- The Proponent's revised Construction Environmental Management Plan (CEMP) includes detailed mitigation measures, performance measures, monitoring/auditing/reporting

requirements and corrective measures in response to the DECC requirements. The key measures include:

- Site induction of all personnel;
- The installation of advisory and regulatory signs indicating 'sensitive habitat/restricted access';
- No part of the foreshore nesting/breeding area and no vegetation in the vicinity (10-12 metres) of the known active breeding burrow above the cliffline will be cleared during the project.
- The retention of the two existing northern accommodation buildings during construction to provide a physical, visual and acoustic barrier between works and the Little Penguin foreshore nesting/breeding area.
- Regular inspection of all pits/holes/trenches.
- An 8kph speed limit will be enforced for all vehicle movements within the site.
- The monitoring of night lighting levels below the cliffline prior to the start of works.
- Establishment of a monitoring regime during construction in accordance with DECC requirements.
- The Proponent's revised Operational Environmental Management Plan (OEMP), which will be implemented at the completion of development, includes detailed mitigation measures, performance measures, monitoring/auditing/reporting requirements and corrective measures in response to the DECC requirements. The key measures include:
 - The AIPM will continue to work with DECC in the management of the northern boundary of the site and the Little Penguin population.
 - Inductions for all staff including access limitations/protocols, and Little Penguin protection and management measures to be observed.
 - The southern (upper) edge of the Little Penguin foreshore nesting/breeding area will be signposted as an 'environmentally sensitive zone'.
 - Any night or security lighting will be directed away from the Little Penguin nesting/breeding area.
 - The AIPM will notify the DECC immediately if the Little Penguin colony is disturbed in any way.
 - DECC organised monitoring of the Little Penguin population within the facility will continue as/when required by the DECC and will preferably be undertaken by the DECC.

The Department submits that the original project application had the potential to adversely impact on the Little Penguin population largely as a result of the siting of development and inadequate measures being proposed to mitigate impacts to the species during the construction and ongoing operation and management of the facility. The PPR is considered to address the key concerns raised by DEWHA and DECC and will ensure that community concerns regarding the endangerment of the species can be mitigated. The DEWHA and DECC have advised of their support for the current scheme as presented in the PPR subject to the implementation of the Proponent's CEMP and OEMP.

The Department has thoroughly reviewed the Proponent's submission as it relates to the Little Penguin population and is now satisfied that the species will be protected during and after construction subject to compliance with the recommended conditions. The implementation of the CEMP and OEMP is fundamental to the protection and minimisation of disruption to the species and its breeding cycles. The Department acknowledges that the Proponent has committed to implementing these management plans.

Impact on the Long-nosed Bandicoot

The Long-nosed Bandicoot is identified as an endangered species pursuant to the *Threatened Species Conservation Act 1995*. This species is known to inhabit and frequent the northern portions of the AIPM site. The species utilises the open grassed areas in north of the Axial Hospital Group Building for foraging. Notwithstanding this, there are no known

breeding habitats for the Long-nosed Bandicoot within the AIPM site. The DECC has advised that this type of habitat is limited within the neighbouring Sydney Harbour National Park.

The potential impacts of the original development proposal on the foraging areas of the Long-nosed Bandicoot was a key concern raised in public objections to the development. It is acknowledged that the original scheme would result in the loss of approximately half of this foraging area by proposing to locate the accommodation pavilions in the northern portion of the site directly to the north of the Axial Hospital Group Building. DEWHA in considering the application advised that the proposal would result in the significant loss of foraging habitat and furthermore, that the current measures proposed are inadequate to protect the species. DEWHA advised of its support for the recommendations made by DECC in relation to offsetting, monitoring, traffic and site excavation to minimise adverse impacts. Based on the original design, the DECC made the following recommendations:

- Offsetting: greater consideration needs to be given to reduce the loss of significant foraging habitat particularly in those areas that are heavily utilised (i.e. south corner). However, if options to reduce the foraging habitat are not possible, then the reduction in foraging offset will need to be offset elsewhere in the SHNP.
- Monitoring: increased monitoring be undertaken on-site prior to construction commencement and monthly monitoring for the first three months after the commencement of construction.
- Traffic: the CEMP and OEMP should be amended to include a reduction in current speed levels along the access roads. Performance measures should be in the documents to ensure that traffic calming measures can be reviewed if required as a result of on-site monitoring.
- Site Excavation: a nominated AIPM person is to be adequately trained in identifying, handling and removing bandicoots from trenches and to check trenches daily prior to construction. Performance measures should be included in the documents to ensure that new measures can be introduced in the event that Bandicoots are frequently found in trenches.

The Proponent's PPR positively responds to the issues raised above by presenting a revised approach to the redevelopment of the site. Fundamental to the scheme is the removal of the existing accommodation blocks north of the Axial Hospital Group Building in addition to relocating the new accommodation blocks (two 2-storey buildings) in the south-west corner of the site away from the known foraging areas where key ecological impacts can be mitigated. The consequence of this approach is to substantially expand the foraging areas for the bandicoot by approximately 470sqm as a result of not locating any new development north of the Axial Hospital Group Building- refer **Figures 9 and 10** (over page). The Proponent's landscape plan further embellishes this area and includes low shrub planting which will provide additional refuge areas for the Long-nosed Bandicoot.

In response to the previous submission by DECC, the following comments are made in respect of the revised proposal as presented in the PPR:

- The increase in the foraging area for the Long-nosed bandicoot negates the need for an offset area elsewhere within the SHNP (i.e increase of 470sqm).
- The Proponent's revised CEMP includes detailed mitigation measures, performance measures, monitoring/auditing/reporting requirements and corrective measures in response to the DECC requirements. Key measures include:
 - Site induction of all personal.
 - The retention of the two existing accommodation blocks during construction to provide a physical, visual and acoustic barrier between much of the works and the northern foraging area.
 - All pits/holes/trenches will be regularly checked during construction.

- An 8 km/hour speed limit will be enforced for all vehicle movements within the site.
- Implementation of an extensive monitoring program during demolition and construction.

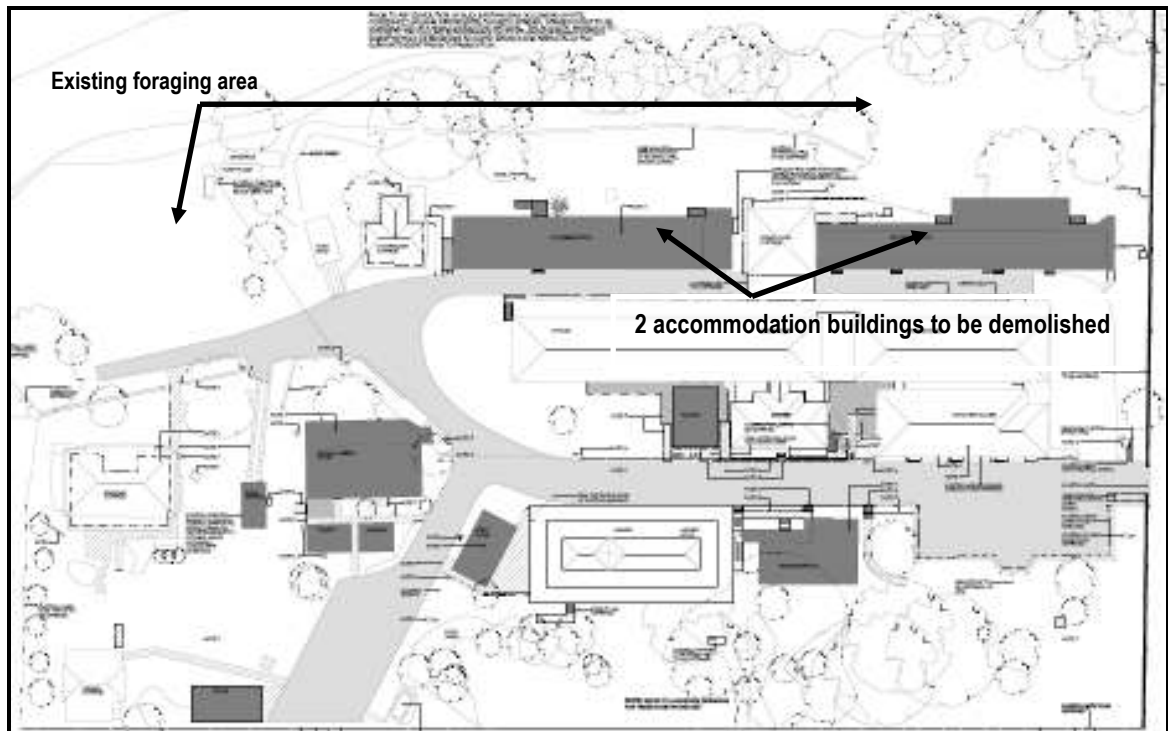


Figure 9: Existing Site Layout showing foraging area.

Source: Brewster Hjorth Architects

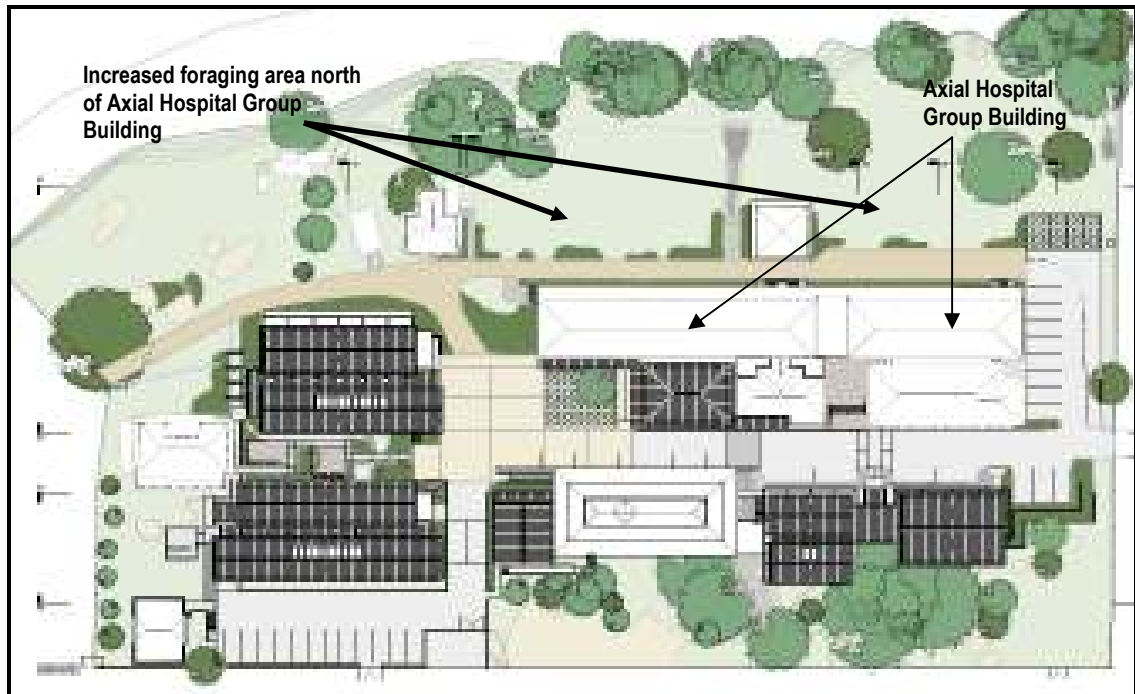


Figure 10: Proposed Site Layout (PPR) showing increase in foraging area. Source: Brewster Hjorth Architects

- The Proponent's revised OEMP includes detailed mitigation measures, performance measures, monitoring/auditing/reporting requirements and corrective measures in response to the DECC requirements. Key measures include:
 - Inductions for all staff and long-term contractors/service providers on the protection and management protocols to be observed.

- DECC organised monitoring within the facility will continue as/when required by the DECC.
- Any night or security lighting will be directed away from the grassed foraging areas.
- A 10km speed limit will apply and be enforced for all vehicular movements within the facility.
- Advisory and regulatory signs will be installed at the entrance to the AIPM Facility and along the southern edge of the bandicoot foraging area to advise that this area is an 'environmentally sensitive' area.

The Department considers that the PPR and the implementation of both the CEMP and the OEMP will ensure appropriate protection of the habitat and foraging area of the Long-nosed Bandicoot. The increase in the foraging area and the subsequent building setbacks from the northern boundary of the site proposed are considered to represent substantial improvements in the redevelopment of the site with consequent ecological benefits. With respect to the management and monitoring procedures introduced into the CEMP and the OEMP, the Department is satisfied that these appropriately respond to the previous concerns of the DECC and DEWHA and will ensure the long term protection of the species.

The requirements of the DECC and DEWHA regarding compliance auditing and minor amendments to the CEMP and the OEMP are incorporated into the recommended Instrument of Approval, as detailed in **Section 4.4** of this report.

Impact of development on Marine Ecology

The Marine Environment relative to the site includes a number of species listed under the Schedules of the *NSW Fisheries Management Act 1994* and the *NSW Threatened Species Act 1995*. Accordingly, the Proponent commissioned Brewster Hjorth Pty Ltd to prepare a Marine Ecology Assessment for the specific purpose of determining the off-site and on-site impacts of the development proposal on the adjacent marine environment. This report identifies that a number of threatened and protected marine species are known in the area including Syngnathiformes (seahorses), Southern Right Whale, Humpback Whale, Australian Fur Seal, Green Turtle, Leathery Turtle and Grey Nurse Shark. It is noted that a number of these species are mobile and only frequent waters in the area during migration.

A number of public submission have stated that the proposal will contaminate Spring Cove and that changes to the stormwater flows across the site will impact on the marine environment. The Ecological Report has made an assessment of the proposed stormwater and drainage regime proposed for the site. The key conclusions of the Report are as follows:

- The overall quality of stormwater discharging from the site is predicted to be a higher quality than the current stormwater. This is largely due to the introduction of gross pollutant traps, humecaptors (to remove pollutants/contaminants from the site) and anti-scouring devices (to dissipate the energy of stormwater across the site) which form part of the integrated stormwater and drainage solution.
- The introduction of stormwater retention, which will capture stormwater for reuse on the site, will result in the post-development discharge from the site effectively equalling the pre-development volumes.
- The existing landscaping and the introduction of new planting on the site will intercept and settle minor surface runoff.
- The implementation of the CEMP and an Erosion and Sediment Control Plan during construction including employing sediment control fences and vehicle wash down areas will ensure construction impacts are mitigated and the marine environment will not be impacted.
- The stringent implementation of the OEMP will assist in the protection of the marine ecology of Spring Cove and Sydney Harbour.

The Proponent's revised Statement of Commitments includes the implementation of the CEMP and the OEMP. These plans include specific goals, mitigation measures, performance measures, monitoring/auditing requirements, and corrective actions to specifically minimise the impact of water movement on and off the site and to:

- mitigate associated erosion, sedimentation and potential pollution effects;
- to ensure no discharge of contaminated stormwater and no water pollution incidents from the facilities operation;
- minimise adverse impacts for stormwater quality and volumes leaving the site;
- maximise on-site re-use of stormwater; and
- ensure no accidental spills or discharge, or uncontrolled stormwater discharges affecting the Little Penguin foreshore nesting and breeding area and or the water quality of Spring Cove.

Having regard to the above, the Department is satisfied that the Proponent's stormwater and drainage regime is appropriate for the site. The Department of Primary Industry is satisfied that the revised stormwater treatment, and the proposed erosion and sediment controls will adequately mitigate impacts on the adjoining marine environment. The Department is satisfied that no further action is required in relation to this matter.

Tree loss and scope of new landscape works

A number of public submissions and Manly Council' submission, received in respect of the project application, raised concern regarding the loss of mature trees on the site required to accommodate the development proposal. No objection has been raised by DECC or DEWHA to this aspect of the proposal.

The revised scheme for the site, as presented in the PPR, will result in the loss of 29 trees on the site of varying species and health and in height from 1.5 metres. There have been threatened flora species identified on the site under the *Threatened Species Conservation Act 1995*.

The trees earmarked for removal to accommodate the development proposal are identified in blue in **Figure 11** below. The majority of these trees are located in the southern portion of the site. Predominantly, the removal of the trees is required to accommodate the new accommodation buildings and the administration building. Notwithstanding this, the Proponents arborist, Moore Trees, has advised that of the 29 trees recommended for removal 4 trees are exotic species, 14 trees are less than 5 metres in height and 2 trees have been planted or self sown in locations where they will eventually cause infrastructure damage.



Figure 11: Tree Removal Plan- Preferred Project Report

Having regard to the Arborist's Report and the landscape plan proposed for the site, the Department considers that the removal of these trees is warranted in the circumstances. The Department submits that the replacement landscaping will embellish the site having regard to site constraints including bush fire protection and the protection of native fauna.

However, it is considered that further opportunities may exist to increase the number of trees and canopy spread on the site without unduly impacting on the level of fire risk, compromising safety and ecological outcomes. In particular, opportunities may exist in the southern and south-western sections of the site to incorporate additional trees into the landscape scheme to offset the proposed removal of existing trees in these sections of the site and additionally, to the north of the new accommodation buildings to assist in reducing their visual impact (given the lack of established landscaping in this areas). The Department therefore recommends a condition been incorporated into the Instrument of Approval to require the Proponent to liaise with the DECC and NSW Rural Fire Services to investigate whether additional mature trees native to the area can be incorporated into the Landscape Plan without compromising the ecological and fire safety outcomes on the site. The revised Landscape Plan is to be submitted to the Department for approval prior to the commencement of any landscaping works.

It is noted that Performance Criteria 3.4 of the Sydney Harbour Foreshores and Waterways DCP requires that '*development should ensure that the key features which contribute to this landscape are protected*'. Additionally, the performance criteria state that "*development is to be sited and designed to maintain the visual dominance of the tree canopy...*" As stated above, it is considered that the revised proposal, whilst resulting in the loss of a number of trees from the site, also presents an opportunity to enhance the foreshore and the quality of the tree canopy on the site. On balance, the Department is satisfied that the proposal meets the intent of the DCP, subject to the imposition of the recommended conditions.

Phytophthora cinnamomi

Both the DECC and the DEWHA have raised concerns regarding the potential presence of *Phytophthora cinnamomi* (*Pc*) on the site and furthermore, the potential risks associated with the spread of *Pc* on the site. *Pc* is a fungal disease that attacks roots of susceptible trees causing root rot, inhibiting the uptake of water and ultimately leading to the death of the trees. *Pc* is known to be prevalent in the local area and to cause death and disease to the tree species known to be present of the site including Smooth-barked Apple, Bangalay and Sydney peppermint. *Pc* has been identified by the Proponent's ecologist, Alison Hunt & Associates Pty Ltd, as having the potential to exist on the site.

In order to mitigate the risk of introduction and/or spread of *Pc* on the site, the Proponent's CEMP includes mitigation measures, performance measures, monitoring/ auditing/ reporting and corrective actions specifically to address *Pc*. Fundamental to controlling the risk is the preparation of a *Phytophthora cinnamomi* Dieback Management Plan that will be based on the precautions, guidelines and management responses set out in the *Management of Phytophthora cinnamomi for Biodiversity Conservation in Australia: Part 2 National Best Practice Guidelines* produced by the Sydney Harbour Dieback Working Group. The preparation of such a Management Plan is consistent with the requirements of the DECC, as stated in their submission.

The Department advises that some of the other mitigation measures included in the CEMP to manage *Pc* on-site include:

- Site induction of all personnel on the risks and implications of *Pc* and measures in place and procedures to be adhered to prevent its introduction/spread;
- Vehicles will be restricted to sealed and otherwise hardened/surface routes;
- The washdown facilities will be in place and operational from the commencement of demolition works;

- The Contractor will liaise with the DECC regarding procedures on the site, as required;
- All fill and landscaping material brought onto the site must be certified *Pc*-free; and
- Site personnel will be restricted from entering bushland and foreshore areas surrounding the site without first undertaking the wash down procedures.

These comprehensive mitigation measures have been supported by DECC and the DEWHA.

Having regard to the above, it is considered that the risks associated with the spread on *Pc* on the site have been adequately addressed by the Proponent in the CEMP and by the preparation of the *Phytophthora cinnamomi Dieback Management Plan*. The Proponent's *Statement of Commitments* includes an undertaking to implement the environmental management program, as detailed in the CEMP. Accordingly, the Department is satisfied that this matter has been appropriately been addressed.

5.3 Heritage Issues

Impact on the Heritage Significance of the Place

In response to the exhibition of the EA, the DEWHA acknowledged that the draft Conservation Management Plan (CMP) concludes that the former Seaman's Isolation Hospital has possible National and likely Commonwealth Heritage values. Accordingly, the DEWHA recommended that a Management Plan be prepared to protect and conserve the heritage values of the place. The DEWHA advised that the draft CMP prepared by the Proponent and exhibited with the EA did not satisfy the statutory requirements for such a Management Plan and also noted the following:

- That although not included in the National Heritage values of North Head, the former Seaman's Isolation Hospital (SIH) is directly linked to and formed part of the former Quarantine Station. The National Heritage listing excludes the SIH from the values of the place despite its link to the Quarantine Station.
- If it appears to be the case that the former SIH is of national significance, then the heritage assessment of the North Head may require revision to consider whether to include these elements in the National Heritage values of the place.
- The draft CMP needs to give more attention to the overall significance of the place and its historic layered qualities.
- The draft CMP contained policies that did not appear to provide suitable protection to the heritage values of the layered significance of the site as a whole.

A number of public submission and the submission from Manly Council raised similar concerns as the DEWHA. In response, the Proponent's PPR included a Statement of Heritage Impact and a Historic Heritage Management Plan prepared by Noel Bell, Ridley Smith & Partners. These documents were prepared in consultation with the DEWHA. Having reviewed these documents, the DEWHA has now advised that their previous concerns have been satisfactorily addressed in these reports.

The Proponent's Statement of Commitments includes the implementation of the conservation management and recommendations in the Historic Heritage Management Plan. This includes undertaking further consultation with the DEWHA regarding the likely Commonwealth Heritage Listing values of this historic place. In this regard, Recommendation 8 of the Historic Heritage Management Plan states the following:

"Recommendation 8: as the Australian Institute of Police Management site has likely Commonwealth heritage values: its management should be provided for in the Australian federal Police's 'heritage strategy': it should be listed on its 'heritage register' on which its condition should be monitored and it should be recommended to the Australian Heritage Council for consideration for inclusion on the Commonwealth Heritage List."

The Department is satisfied that the Proponent's commitment to implement the Historic Heritage Management Plan has adequately addressed this issue.

Demolition of buildings of Heritage Significance

The original project application proposed the demolition of a number of existing buildings on the site including Garden Cottage, Harbour Cottage, Kookaburra Cottage and the 2 dormitory buildings as illustrated on **Figure 3** in **Section 2.2** of this report. The Historic Heritage Management Plan submitted with the PPR identifies these cottages as having 'moderate' heritage significance. Additionally, the two dormitory buildings north of the Axial Hospital Group Building have been identified as having 'little' heritage significance.

The Proponent's PPR has sought to respond to the concerns of the DECC and DEWHA directly and now proposes the retention, conservation and adaptive re-use of all of the cottages. The Historic Heritage Management Plan identifies that much of the architectural character of the interiors of the buildings have been compromised by past modifications. However, the Plan also identifies that opportunities now exists to recover the values of these buildings and the place as a whole. The Historic Heritage Management Plan puts in place a number of Recommendations in respect to these building as follows:

Recommendation 42: the Garden Cottage, Kookaburra Cottage and Harbour Cottage should be retained as examples of the staff accommodation provided at the former Seaman's Isolation Hospital.

Recommendation 43: the adapted parts of the interiors of the cottages may continue to be adapted to suit compatible uses.

Recommendation 44: the exterior form of the Garden Cottage should be restored and reconstructed as far as possible by the recovery of the northern verandah and eventual renewal of original materials where these have been lost. This should be informed by detailed physical investigation of the fabric.

Recommendation 45: the rear verandah of the Garden Cottage may be infilled as long as any infill is identifiable as introduced and is of a simple contemporary design.

The DECC and DEWHA have raised no objection to the amended proposal as presented in the PPR and have commented that the PPR now appropriately addresses their previous concerns (as detailed in **Section 4.3** of the report).

Amended details submitted by the Proponent have confirmed the scope of works proposed to be undertaken to the heritage buildings on the site. The Department has reviewed this information and is satisfied that the proposed works are consistent with the Recommendations in the Historic Management Plan.

The Department considers that the amended proposal represents an appropriate response to the heritage significance of the existing buildings on the site.

Jetty Road and Quarantine Station Road

The DEWHA, in commenting on the original project application, advised that there should not be overbuilding or obscuring the alignments of the Jetty and Quarantine Station Roads and that the former road alignments should be protected and conserved in order to better understand the former circulation movements on the site.

The original alignment of Jetty Road and Quarantine Station Road is illustrated in the extract from the 1947 plan of the site (refer **Figure 12**). The DEWHA has recommended that the development proposal should consider options for utilising these alignments. The current alignment of the bitumen roadway through the western section of the site is thought to generally align with the original location of Jetty Road. However, archaeological testing undertaken by the Proponent of this existing road alignment at its western end (via a series

of test trenches) revealed no evidence of the former roadway. Testing further west of the alignment revealed gravel which appears to be part of the gravel surfacing assumed to represent the pre-bitumen form of the roadway. However, no early road surface finish was revealed.

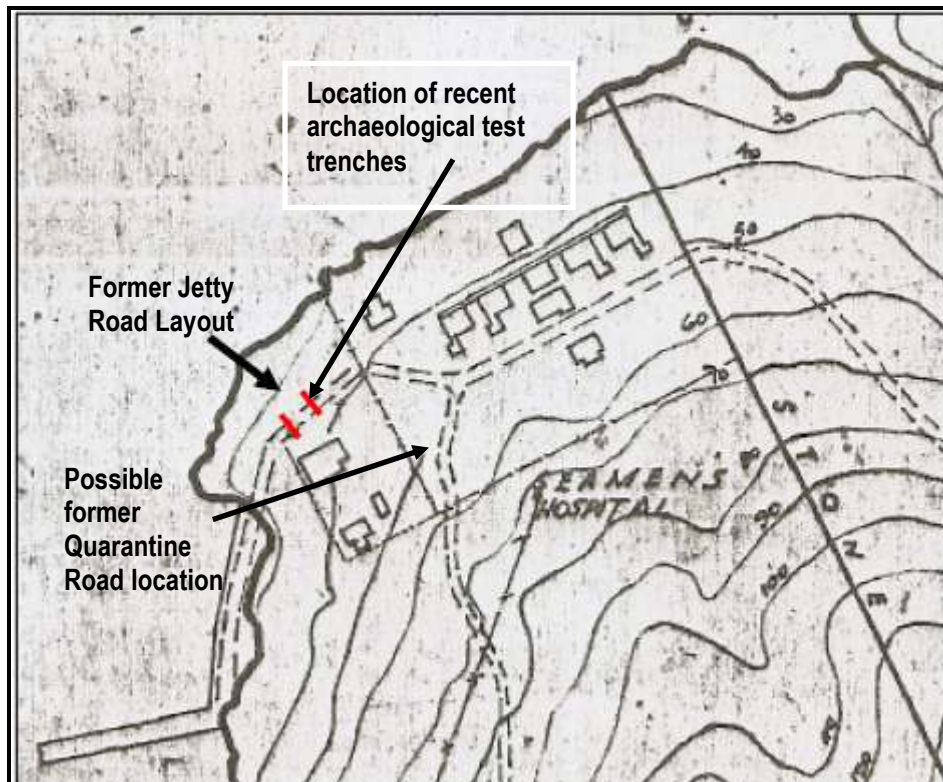


Figure 12: 1947 Plan showing the location of the former Jetty Road.

As a result of the above, the Proponent's PPR retains the existing Jetty Road alignment as recommended by the DEWHA and continues the alignment to the juncture with the western boundary of the site (in line with the former location). The existing roadway and all associated kerbing is proposed by the Proponent to be demolished and washed aggregate concrete surface is proposed to be constructed, as detailed in **Figure 13**. The Quarantine Station Road will form part of the site interpretation.

The Historic Heritage Management Plan includes the following recommendations in respect of the Former Jetty Road and Quarantine Station Road:

***Recommendation 28:** The former Jetty Road should be retained and recovered as open space as far as possible and supplemented with interpreted material.*

***Recommendation 47:** Further archaeological advice should continue before and during construction if excavation is proposed for the Jetty Road or Quarantine Station Road.*

***Recommendation 48:** In the case of unforeseen discovery, work should cease and expert heritage advice should be called upon to assess the nature and significance of the discovery. As a minimum, the discovery should include a recording of it.*



Figure 13: Proposed Landscape Plan for AIPM.

The proposal is generally consistent with Recommendation 28, in that the road alignment is retained. The Proponent's Statement of Commitment includes undertaking the proposed works in accordance with the Historic Heritage Management Plan which will include the implementation of Recommendations 47 and 48. Additionally, the CEMP includes measures to protect and manage the historic values of the site and any archaeology unearthed during the construction.

Based on the above, the Department is satisfied that the alignment proposed for the road in conjunction with the site interpretative strategy will enable the future users of the site to appreciate the significance of both roads.

Aboriginal Heritage

The Proponent commissioned the preparation of an Indigenous Archaeological Assessment by McCardle Cultural Heritage Pty Ltd. This report includes a review of previous cultural heritage investigations undertaken in the area; a review of relevant statutory registers and inventories for cultural heritage, consultation with the Aboriginal community and a site survey. The key objective of this assessment was to identify if the site contains any areas of indigenous cultural heritage value and furthermore, to develop appropriate mitigation and conservation measures.

The survey work identified no 'sites' of aboriginal cultural significance and furthermore, no potential archaeological deposits or areas of archaeological sensitivity. Due to site disturbances (resulting from past and existing occupation/use of the land) the report concludes that there is no potential for sub-surface deposits on the site. However, the Department advises of the presence of a rock shelter which has since been confirmed on the AIPM site- this matter is addressed further below.

In accordance with recommendations of the Indigenous Archaeological Assessment, the CEMP includes measures to protect and manage any Aboriginal heritage sites/values that may be discovered on the site during construction. The Proponent's Statement of Commitment further undertakes to implement the recommendations of both the Indigenous Archaeological Assessment and the CEMP.

The Department concurs with the Proponent's advice and management procedures and has recommended that a standard condition be incorporated into the Instrument of Approval requiring that excavation works stop immediately should any Aboriginal relics be discovered on the site and for the Proponent to inform the National Parks and Wildlife Service in accordance with the National Parks and Wildlife Act, 1974.

It is noted that the DECC has previously informed the AFP of the existence a significant indigenous site within the AIPM site. This indigenous site is located within the cliff face of the site and therefore is remote from the area of the site proposed to be redeveloped. This site comprises a large rock shelter and the NSW National Parks and Wildlife Service (NSW NPWS) Site Card also identifies the presences of shell and a faint fish engraving in the rock above the shelter. The DECC has recommended that a barrier be installed to prevent access to the rock shelter although, the precise location of the rock shelter could not be identified by the DECC. The Department is aware that existing sensitively designed and unobtrusive barriers already exist on the northern boundary of the AIPM site in the vicinity of the rock shelter. The Proponent has advised that the NSW NPWS has allocated an officer with the responsibility of maintaining the rock shelter/art in partnership with the local indigenous representative.

Having regard to the above, the Department is satisfied that there are no indigenous heritage issues that require further investigations or actions or which would preclude development of the site. Furthermore, the Department considers that appropriate measures are in place to ensure ongoing access by the local indigenous community to the site.

Site Interpretation

Given the heritage significance of the site (both European and Indigenous), the Department considered that the redevelopment of the site provides an appropriate opportunity for the Proponent to acknowledge this significance and prepare an interpretative strategy which will be of benefit to the current and future users of the site. The Department also considers it appropriate for the current site (prior to commencement of demolition works) to be photographically recorded in accordance with the NSW Heritage Office guidelines. Conditions are included in the Instrument of Approval to address these matters.

5.4 Bushfire Risk

The subject site is currently surrounded by an Asset Protection Zone (APZ) on its western and southern boundaries. The APZ is located in the Sydney Harbour National Park boundary and via an agreement with the National Parks, is maintained and managed by the AIPM in consultation with the NSW National Parks and Wildlife Service. The location of the APZ is shown in **Figure 14**.

The APZ and the general management of fire risk on the site were raised in a number of public submissions. In addition, the DECC has advised of the following in relation to the APZ's and the impact on the Sydney Harbour National Park:

"The Bushfire Risk Mitigation advice provided as part of this development proposal recommends an asset protection from the development of 22m, 10m and 20m along the southern, eastern and western boundaries respectively. Most of these APZ can be accommodated within the existing APZ. However, these distances cannot be accommodated in the area around the Garden Cottage (southern boundary) and along parts of the eastern boundary. Any further encroachments by an APZ along the southern boundary into the Sydney Harbour National Park must not occur. Along parts of the eastern boundary with Sydney Harbour National Park, the APZ must be within 3m being the existing footprint of the previous disturbance for the creation of and maintenance of the sandstone wall."



Figure 14: Existing Asset Protection Zones

Source: FPA Australia

The Proponent has taken into consideration these concerns. In response, a *Bushfire Compliance Assessment and Recommendations Report* has been submitted by the Proponent with the PPR. This Report includes an assessment of the hazard and threat to the site. It also identifies the associated standards and bushfire mitigation measures that should be incorporated into the redevelopment of the site to ensure compliance (where reasonably practicable) with the Building Code of Australia DTS, the NSW document Planning for Bushfire Protection 2006 (PBP) and the *NSW Rural Fires Regulation 2002, Clause 44-Application for Bushfire Safety Authority*. In relation to the bushfire mitigation measures, the proposal recommends a package of measures including retention of the existing APZ's, access and egress requirements, construction standards, water supplies, environmental protection and emergency risk management including a evacuation and property maintenance planning.

A number of the key recommendations of the Report include:

- The existing and proposed APZ areas are to be maintained over the National Park land directly adjacent to the development site (i.e. 10m adjacent to the western and southern boundaries and 1m adjacent to the eastern boundary along the masonry wall section south of the main entry point, should be managed in accordance with the PBP.
- A Bushfire & Vegetation Maintenance Plan be developed, in consultation with the local fire authorities.
- A 2.0m high radiant heat barrier e.g. a non-combustible fencing, masonry wall be installed between the Garden Cottage and the bushfire vegetation within the Sydney Harbour National Park (i.e. south-west corner of the site).
- Exposed glazing on existing buildings located within 20m from the bushfire hazard or within view of the adjacent bush fire hazard should be either entirely covered by attenuation screening or toughen glass. This recommendation applies to:

- The south and western facades of the Harbour Cottage;
- The south, west and eastern facades of the Garden Cottage; and
- The eastern wall of the Axial Hospital Group Building and the Syndicate Building.

The NSW Rural Fire Services has assessed the PPR and the *Bushfire Compliance Assessment and Recommendations Report*. The NSW RFS has advised of its support for the incorporation and implementation of the recommendations in the Report. Furthermore, the RFS has acknowledged that the completed development will afford a greater level of bush fire protection than currently exists for the site. The NSW RFS recommend that a *Bushfire and Vegetation Management Plan* be developed in consultation with the DECC as well as local fire authorities. The standard conditions recommended by the NSW RFS to ensure compliance with "Planning for Bush Fire Protection 2006 have" been incorporated into the recommended Instrument of Approval.

Having regard to the above, the Department considers that the proposal adequately addressed the risk and management of bushfire and related issues. In accordance with the recommendation of the RFS, a condition has been incorporated into the recommended Instrument of Approval to require the preparation of a *Bushfire and Vegetation Management Plan*. An additional condition is recommended to address the design of the 2.0m high radiant heat barrier to be installed between the Garden Cottage and the Sydney Harbour National Park (south-west corner). This condition requires that the radiant heat barrier be finished in a colour that is recessive and complementary to the surrounding native landscape. Such details are to be approved by the Certifying Authority prior to the issue of a construction certificate for the works.

It is noted that the Proponent has committed to implementing the recommendations of the *Bushfire Compliance Assessment and Recommendations*.

At the DECC request, a condition is recommended to require the Operational Environmental Management Plan for the site to be amended to clearly state that *'the current extent of the external APZ within the Sydney Harbour National Park will not be extended'*.

5.5 Land use

Nature of Use

In response to a number of concerns raised by the public in relation to the use of the site for non-AIPM purposes, the Proponent has confirmed in the revised Statement of Commitments that the use of the site will not cater for private commercial functions such as wedding receptions and parties. Notwithstanding this, the training facilities will be made available for corporate training if and when the facilities are not required by the AFP. The Proponent states that such use will be less than 5% of the facilities business each year and furthermore, will assist in contributing to the financial viability of the facility.

The Department is satisfied that the Proponent's commitment has adequately clarified the future of the site and responded to concerns raised by the public. Therefore, concerns associated with increased traffic, noise and environmental impacts as a result of private commercial functions can be dismissed.

Notwithstanding the above, it is noted that the subclause 7(m) of Schedule 3 of the Major Projects SEPP makes *"the temporary use of land for special events, but only if the use of land is carried out for no longer than 3 consecutive days for each special event"* exempt development. Accordingly, despite the objection from the public to the use of the facility for non-police and training purposes, *State Environmental Planning Policy (Major Projects) 2005* make such uses permissible on the site subject to compliance with terms of Clause 7(m).

Alternative sites

It has been suggested in a number of public submissions and the submission from Manly Council that the Former School of Artillery (North Head) and AFP Majura Site (Canberra) be considered as alternative sites. The Department submits that there are numerous sites where the AIPM could relocate to.

The relocation of the AIPM to an alternative site was considered by the Parliamentary Standing Committee (the Committee) on Public Works in 2006. The relocation of the AIPM to an alternative site was generally ruled out by the AFP due to the association of the police with the current site since 1960 and the costs associated with relocation. Additionally, the Committee considered the relocation of the AIPM to the former School of Artillery. This option was ruled out by the Committee as it recognised that various factors including security, land tenure and cost made the relocation an unviable option.

Whilst the original proposal as detailed in the EA was the subject to considerable public and agency objections, the amended scheme as detailed in the PPR has addressed the fundamental environmental and heritage concerns. The submissions in respect to the exhibition of the PPR from the DECC, The NSW Maritime, The Department of Environment, Water, Heritage and the Arts and the NSW Harbour Federation Trust all acknowledge that the proposal is supportable and that the amended development proposal and the supporting technical reports (namely, the CEMP and OEMP) will provide the appropriate protection to the environment warranted on this significant site. On this basis, the Department is therefore satisfied the site is capable of accommodating the development proposal and recognises that there are benefits compared to the existing building footprint in terms of heritage and environmental outcomes.

The Department also advises that the amended development proposal will result in the following positive site outcomes which would have not eventuated in the short term but for the redevelopment of the site:

- The conservation and restoration of all heritage buildings and site interpretation;
- Improvements to the fire safety;
- Improvements to the quality of stormwater leaving the site; and
- Improvements to the monitoring of and environments of the Little Penguin Population and the Long-nosed Bandicoot.

Land Tenure

With regard to the land tenure issues raised in a number of public submissions, the Department understands that the Australian Federal Police has occupied the site under a permissible occupancy since the 1960s. A "1979 Agreement" between the then Prime Minister Malcolm Fraser and the then NSW Premier Neville Wran, allows continued Commonwealth use of the site for "police college" purposes on an on-going basis until surplus to Commonwealth needs. Notwithstanding the concerns raised in respect of land tenure, the Department confirms that the use of the site by the AFP is permissible pursuant to Schedule 3 of the Major Projects SEPP (refer **Section 3.2** of this report).

5.6 Built Form and Visual Impact

The amended proposal, as presented in the PPR, has sought to reduce the impacts associated with the redevelopment of the site by concentrating new development in the southern portion of the site. In doing this, the environmental benefits associated with the freeing-up of land in the northern portion of the site are acknowledged and have been addressed in **Section 5.1** of this report.

The Proponent has submitted that the height of the new buildings (2 Accommodation Buildings and the Administration Building) has been limited to 2 storeys to minimise the visual impact of the development when viewed from the Harbour. In this regard, the new Administration Building is proposed to have a maximum height to RL25.21 which is below the height of the uppermost point of the existing Library Building (RL26.10) and similar to the height of the Library roof ridgeline of RL24.62. The proposed new accommodation buildings (which will accommodate 54 beds, currently 30 beds on-site) range in height between RL22.70 to RL23.90 to ensure that the library remains the tallest building on the site. (refer **Figure 8**).

The siting of the new development in the southern portion of the site has raised a number of issues in respect to the visual impact of the development when viewed from the Harbour (short, medium and long distance views) and the bulk, form and scale of the new development relative to the existing buildings on the site. Additionally, a number of public submissions and the submission from Manly Council (to the original project application) suggested that the development represents an over-development of the site. In respect to these matters, the Department makes the following observations:

- The land at the southern portion of the site is elevated relative to the northern boundary of the site. This land is approximately 10 metres higher than the foreshore cliffs and therefore, any new development on this portion of the site is likely to be prominent and form a backdrop to the lower lying development in the foreground.
- The existing heritage buildings on the site are all one storey in form and are located predominantly on lower lying land. Therefore, any new development in the southern (and higher) portions of the site will be visually prominent.
- The AIPM site has largely been cleared of remnant vegetation (due to past activities) and the existence of a continuous tree canopy along the foreshore is extremely limited. This particularly applies to the south-western corner of the site. Subsequently, any new development in the short-term will be exposed until any new landscaping can assist in integrating the development into the site.
- The decision not to locate development in the northern portion of the site has considerable advantages to the native fauna on the site (as detailed in Section 5.1 of this report). This has also allowed for an improved visual appreciation of the Axial Hospital Group Building when viewed from the north.

Having regard to the above points, it is inevitable that new development will be visually prominent in views of the site and furthermore, will appear to be of a scale larger than the one storey cottages on the site. The Proponent considered opportunities for reducing the height of the new Accommodation Buildings by sinking the development further into the site. However, the negative impacts on the native fauna associated with increased excavation works and the potential interference with the established ground floor plane relative to the Jetty Road and the neighbouring circulation paths were considered to outweigh the benefits of any limited reductions in height.

Notwithstanding this, the Department considers the form, scale and articulation of these buildings to be acceptable. They use a contemporary architectural language that is considered to be compatible with the Federation period buildings on the Axial Hospital Group Building. In order to assist in reducing the visual impact of the new development, the Department recommends that the colour of the roof materials be revised to ensure that it blends into the native landscape and is therefore, are more sympathetic to the setting. Additionally, as detailed in **Section 5.2**, the Department has recommended that the Proponent amended their Landscape Plan to increase the tree coverage and canopy spread on the site.

Having regard to the site constraints and, subject to the imposition of the recommended Conditions, the Department considers on balance that the revised proposal will provide an acceptable built form outcome. The Department also notes that these recommended conditions will assist in the developments compliance with the intent of the Sydney Regional Environmental Plan (Sydney harbour Catchment) 2005 and the Sydney Harbour Foreshores and Waterways Area DCP in relation to maintaining, protecting and enhancing the visual qualities of the Harbour.

5.7 Traffic Impacts

Increase traffic generation

The original Project Application proposed an increase in the number of residential visitor accommodation on site from 30 to 60 beds. The PPR proposes a reduction in the number of residential visitor accommodation on site from 60 beds to 45 beds and a total number of staff from 35 (as existing) to 40. As a consequence of this increase in residential accommodation on site, albeit it minor, a number of public submissions to the original project application raised concerns regarding the adverse traffic impacts that will result from the proposal. Additionally, Manly Council advised that the increased traffic from non-police uses will have the potential to significantly impact on the amenity of residents of North Head and, furthermore, that the increase traffic will create new hazards for the threatened populations of the Little Penguin and the Long-nosed Bandicoot.

Given the size of the facility and furthermore, given that the training courses and use of the facility is for organised and co-ordinated sessions, the Department considers that the vehicle movements to the site will be infrequent and that opportunities to utilise shared transport should be encouraged. It is estimated that the total traffic volumes generated by the new development on the site is likely to be in the order of 14 to 16 trips per course arrival and departure however, a number of courses may run concurrently.

The *Traffic and Parking Report* submitted with the PPR suggests that the increased traffic volumes on Collins Beach Road resulting from the development will be minor and will not affect the operation of the existing road network. On this basis, the Department considers the proposal to be acceptable from a traffic generation perspective.

The Proponent's revised Statement of Commitment includes an undertaking to utilise, where possible, organised transport (i.e. mini buses) to minimise the number of traffic movements to the site. The mitigation measure is also reflected in the OEMP for the site. As detailed in **Section 5.1** above, the Proponent's revised CEMP and the OEMP now incorporate measures to limit traffic speeds on the site (both during and after construction) to mitigate impacts to the Long-nosed Bandicoot and the Little Penguin. The Proponent's Statement of Commitment also confirms that the site will only be used by the Australian Federal Police and other Commonwealth and State Government Safety and Regulatory Agencies in accordance with Commonwealth policy and guidelines. In this regard, the Department considers that it is unlikely that the use of the site will result in adverse traffic impacts on and off the site. The Department considers that such measures and commitments by the Proponent have adequately addressed the previous concerns raised by Manly Council and the public in relation to the traffic impacts.

The standard conditions recommended by the RTA, as detailed in **Section 4.3** of this report have been incorporated into the recommended Instrument of Approval.

Car parking

The *Traffic and Parking Report* submitted with the PPR has estimated that the additional parking requirements for the site (course members and staff) based on the new development is 4 to 6 car parking spaces in addition to the existing 48 spaces currently provided on the site. The current scheme proposes the provision of 34 carparking spaces or an overall reduction in the existing number of spaces on the site by 14. In order to compensate for the reduction in on-site parking, the Traffic and Parking Report has recommended that the increased use of minibuses and alternative transport measures (i.e. taxis and public transport) be encouraged in order to minimise the use of on-site parking. Such an approach is consistent with the recommendations of Council in respect to encouraging a shuttle bus service to the site.

The Department has recommended a condition to address this matter. In this regard, it is recommended that the Proponent prepare an Operational Transport Management Plan for the on-going use of the facility which is to include strategies to encourage non-private car based travel to the site i.e. the use of mini-buses, taxis and public transport etc.

The Department submits that the overall traffic movements and need for on-site parking will be minimal as a result of the development. The proposed layout for the AIPM has been designed to provide for safe and convenient access from on-site parking areas to the various buildings within the facility. On this basis, the Department raises no objection to the proposal and supports the design as currently proposed.

5.8 Contamination

The Proponent has commissioned a number of reports over recent years to investigate forms of potential contamination on the site. The overall objective of these investigations has been to determine the suitability of the site for future development. A Phase 2 Environmental Assessment was undertaken by DASCEM Pty Limited in October 2005 and an additional Environmental Site Assessment Works was undertaken by DASCEM Pty Limited in January 2006.

The findings of the early Phase 2 Environmental Assessment concluded that the current use and condition of the site represents minimal health and environmental risks. The presence of heavy materials, organo chlorine and organo pesticides compounds and other contaminant on the site were generally reported to below the health assessment criteria for this area. These results were complied following an assessment of 27 soil samples taken across the site and an assessment of an area of fill material adjacent to the northern building infrastructure. There was no asbestos present in any of the soil samples taken.

Notwithstanding the above, on-site investigations and sampling identified the presence of concentration of benzo(a) pyrene and heavy metals in the vicinity of a fill material area adjacent to the northern building infrastructure (being the 2 accommodation blocks proposed to be demolished). As a result, DASCEM recommended that any future excavation on this section of the site to a depth of greater than 0.2m be subject to the following:

- Works supervised by an appropriately qualified environmental consultant.
- The use of appropriate personal protective equipment by excavation workers.
- Waste classification according to the NSW EPA Waste Collection guidelines and appropriate disposal at a NSW EPA licensed facility.
- Implementation of an appropriate Environmental Management Plan of the works (sediment controls such as bagging etc).

The Additional Environmental Assessment Works Report undertaken by DASCEM identified that the extent of fill material on this northern portion of the site is expected to be approximately 30 cubic metres in volume. In order to remediate this section of the site,

DASCEM has recommended the bulk excavation of the contaminated fill material, validation sampling of the base of the excavated pit and the subsequent disposal of the material. The Proponent's CEMP deals broadly with the issue of site contamination. Accordingly, the Department recommends the imposition of the following conditions to address in order to ensure compliance with *State Environmental Planning Policy No. 55- Remediation of Land*:-

- The preparation of a Remediation Action Plan; and
- The preparation of a Site Audit Summary Report, Site Audit Statement and Validation Report.

The Proponent also commissioned DASCEM in June 2005 to undertake a Hazardous Materials Re-Audit Report of the site. The report identified the presence of asbestos, lead based paints, polychlorinated Biphenyl (identified in light fittings) and nickel/cadium batteries in buildings on the site. The Department has recommended an appropriate condition to address hazard materials handling and removal. The Proponent is also required to prepare a Hazardous Materials Management Plan in accordance with their CEMP prior to the issue of a construction certificate/commencement of works.

5.9 Construction Impacts

Having reviewed the submissions relevant to construction impacts and the Proponent's PPR, the Department is satisfied that the implementation of the CEMP will afford an appropriate level of protection to the significant flora and fauna, the marine environment and heritage buildings on the site. Furthermore, during the construction period, it is submitted that appropriate monitoring and corrective actions are now proposed by the Proponent to ensure that construction impacts are appropriately managed and regularly reviewed and procedures adjusted in the event that adverse construction impacts arise. The Statement of Commitments includes an undertaking by the Proponent to implement the CEMP.

The Department acknowledges that the CEMP is a comprehensive document and includes provisions to address the following matters, in addition to the flora and fauna requirements detailed in **Section 5.2** of this report:

- *Hazardous materials*- to reduce the potential risks associated with contamination including the contamination of water from contaminated soil on the site (refer discussion in Section 5.8 of this report).
- *Noise and Vibration*- to reduce the potential demolition/construction noise impacts to neighbouring sites, Long-nosed Bandicoot and the Little Penguin including no disruption to the Little Penguin Population particularly during the breeding and moulting periods.
- *Traffic and Parking*- to provide a safe working environment and to ensure no traffic impacts on retained heritage buildings or environmentally sensitive areas and significant wildlife including limiting traffic speeds on the site to an 8 kph and preparing a *Traffic Management Plan* to address access to the site, construction traffic routes, minimising potential disruption to the local road network and parking needs for construction on vehicles.
- *Waste Management*- to minimise the generation of waste and to ensure that waste is disposed of at approved locations, as authorised.
- *Water Quality, Stormwater and Erosion*- to minimise the impact of water movement on the site and its associated erosion, sediment and pollution effects.
- *Environmental Training and Induction*- of all contractors and visitors including the role of the CEMP, identification and management of sensitive areas, flora and fauna, heritage buildings, waste management and water quality.

The CEMP has comprehensively addressed the issues raised in public submissions (namely, traffic, flora and fauna and environmental impacts). In reviewing the PPR, the DEWHA has recommended no further modifications to the CEMP. Minor amended to the CEMP proposed

by the DECC as detailed in **Section 4.4** have been incorporated into the Instrument of Approval.

In order to address the requirements of the NSW Maritime, the recommended Instrument of Approval includes a condition to ensure the integrity of the foreshore and tidal areas adjacent to the site area fully protected during construction works by requiring that no construction access or deliveries to the site are carried out via the waterway/foreshore.

In addition, the Department has recommended that the CEMP be amended to include a new section to specifically address the management of the construction site in terms of construction parking, establishment and location of site sheds and construction facilities and, the storage of waste and construction materials in order to minimise such impacts on sensitive areas (heritage flora and fauna) on the site. A condition is also recommended to require the Proponent to develop a Works Program to confirm construction staging on the site.

5.10 Consultation

A number of public submissions and the submission from Manly Council have raised concerns with the level of public consultation undertaken by the Proponent. Whilst the Director General's Requirements stipulated that the Proponent must undertake public consultation, the extent of consultation is largely at the Proponent's discretion.

The Proponent has advised that a number of meetings have been convened with selected groups and members of the public during and design development and compilation of the PPR. In addition, a public Open Day was held on 28th March 2009 to allow public access to the AIPM site and advise of the future development plans which are the subject of this project application.

As detailed in **Section 4.0** of this report, the EA and the PPR was publicly exhibited in accordance with Section 75H of the Act. The Department is satisfied that the public exhibition of the proposal in conjunction with the Proponent's consultation has enabled the public adequate opportunity to consider the application.

5.11 Submitted Documentation

A number of public submissions in respect of the original Project Application raised concerns about the adequacy of the Proponent's EA. The DECC and DEWHA also requested additional information pertaining to the scope of the ecological and heritage assessments. The Proponent's PPR, which contains a comprehensive set of revised technical report, has addressed prior objection to the proposal and comprehensively responded to the Government agency submissions.

The Department is satisfied that the PPR contains a sufficient level of information to enable the full and proper considered assessment of the project application. As detailed throughout this report, where relevant, conditions have been incorporated into the Instrument of Approval to address additional design development and construction issues. These conditions are not considered to be fundamental to the assessment of this application and the Department considers it to be appropriate for such matters to be addressed following the determination of this project application.

5.12 Future Reports

The Proponent's *Statement of Commitments* includes commitments to the preparation of future plans and strategies either arising from the recommendations of the consultant reports undertaken as part of the project application preparation or in order to ensure the future construction and operation of the facility is managed to mitigate adverse environmental impacts. Such plans include: the CEMP, OEMP, the Bushfire Vegetation Maintenance Plan;

the *Pyhyphthora Cinnamomi* Dieback Management Plan, the Hazardous Management Plan, the Noise and Vibration Plan and a Construction Traffic Management Plan.

In most instances, whilst the Proponent undertakes to prepare the plans in accordance with the *Statement of Commitments*, there is no trigger mechanism for the preparation of these documents or an approval authority linked to their future endorsement.

In order to ensure these documents are completed in a timely manner, the Department considers it pertinent to include a condition to require the preparation of such documentation prior to the commencement of works. And furthermore, to require such documents to be prepared in consultation with relevant Government agencies.

6. CONCLUSION AND RECOMMENDATION

The Department has reviewed the EA and the PPR and duly considered advice from public agencies as well as issues raised in general submissions in accordance with Section 75I(2) of the Act. All the relevant environmental issues associated with the proposal have been extensively assessed.

It is recognised that the proposed site is constrained by a number of factors, particularly in relation to the heritage significance of the site and its buildings; and the environmental qualities of the site. However, following consideration of these constraints, the Department is satisfied that the amended proposal can proceed without any significant adverse environmental impacts. In assessing the proposal, the Department has recommended a number of modifications and/or conditions to ensure the appropriate resolution of outstanding environmental impacts prior to the commencement of construction.

The Department considers that the Statement of Commitments and the implementation of the CEMP and OEMP will collectively deliver an environmentally sensitive and high quality development. This position is supported by Key Government agencies including the DEWHA and the DECC. The Department, through modifications to the Project Application, further strengthens these environmental commitments.

The PPR will result in improvements to the environmental and heritage outcomes on the site, most significantly as a result of the demolition of the existing accommodation buildings north of the Axial Hospital Group Building. This will result in a subsequent increase in the net foraging area for the Long-nosed Bandicoot by approximately 470sqm and will provide for improved views to the Axial Hospital Group Building (heritage building). In addition, improvements to the on-site training facilities and the refurbishment of the existing heritage buildings are also considered to be key benefits arising from the amended proposal.

Considering the above, the Department is satisfied that the site is suitable for the proposed development and that the project application is in the public interest and will provide environmental, social and economic benefits to the region. Consequently, the Department recommends that the Project Application for the redevelopment of the AIPM be approved, subject to modifications provided in **Appendix A**. The reason for the imposition of these conditions is to encourage good urban design, maintain the amenity of the local area and adequately mitigate environmental impacts of the development.

Consequently, it is recommended that the Minister:

- (a) consider the findings and recommendations of this report; and
- (b) approve the project application for the proposal under section 75J(1) of the *Environmental Planning and Assessment Act, 1979* (the Act) subject to the recommended conditions.

Endorsed by:

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APPENDIX A – INSTRUMENT OF APPROVAL

APPENDIX B – NOTIFICATION OF REFERRAL DECISION - DEWR

APPENDIX C – ENVIRONMENTAL ASSESSMENT

APPENDIX D – PREFERRED PROJECT REPORT / RESPONSE TO SUBMISSIONS

APPENDIX E – GOVERNMENT AGENCY SUBMISSIONS- EA

APPENDIX F – GOVERNMENT AGENCY SUBMISSIONS-PPR

APPENDIX G – ENVIRONMENTAL PLANNING INSTRUMENTS

The table below provides the Department's assessment of compliance against Environmental Planning Instruments, including State Environmental Planning Policies that substantially govern the carrying out of the development.

<i>State Environmental Planning Policy (Major Projects) 2005</i>	
State Environmental Planning Policy (Major Projects) 2005 outlines the types of development declared a major project for the purposes of Part 3A of the EP&A Act. For the purposes of the SEPP certain forms of development may be considered a Major Project if the Minister (or his delegate) forms the opinion that the development meets criteria within the SEPP.	On 18 July 2007, the former Minister for Planning formed the opinion pursuant to Clause 6 of <i>State Environmental Planning Policy (Major Projects) 2005</i> that the proposal is a Major Project and subject to Part 3A of the Act, having satisfied himself that the proposal met the criteria for development described in Clause 4 of Part 8 of Schedule 3 (State Significant Sites) of that Policy (being development within the North Head Federal Police Training site which has a capital investment value of more than \$5 million).
SEPP Major Projects Amendment No.13 aims to make the land to which the Policy applies, being the Australian Institute of Police Management, a State Significant Site; and establishes appropriate development controls for that land to facilitate the redevelopment of that land; and identifies development on that land that is development to which part 3A of the Act applies; and makes provision for exempt development on that land.	The Project Application is consistent with the SEPP Major Projects Amendment as follows: • the subject site is the Australian Institute of Police Management; • development for the purposes of a police training facility and any ancillary development may be carried out with consent on land within the North Head federal Police Training site in accordance with Clause 6 of the Part 8; and • the subject site is that land shown edged in black on Map 6 to Schedule 3.
<i>State Environmental Planning Policy No. 55 – Remediation of Land</i>	
SEPP 55 promotes the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated.	The Proponent has conducted a Stage 2 Environmental Site Assessment. On-site investigations and sampling identified the presence of contaminants in the vicinity of a fill material area adjacent to the northern building infrastructure. As a consequence, a further Environmental Assessment Works Report was prepared to identify the extent of this fill material and recommend appropriate remediation measures. To remediate this section of the site, the Report recommends the bulk excavation of the contaminated fill material, validation sampling of the base of the excavated pit and the subsequent disposal of the material being undertaken. In order to ensure compliance with SEPP No. 5,

	conditions have been recommended to require the Proponent to prepare: • a Remediation Action Plan; and • a Site Audit Summary Report, Site Audit Statement and Validation Report.
<i>Environmental Protection and Biodiversity Conservation Act 1999</i>	
The EPBC Act provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places — defined in the Act as matters of national environmental significance. The objectives of the EPBC Act are to: • provide for the protection of the environment, especially matters of national environmental significance • conserve Australian biodiversity • provide a streamlined national environmental assessment and approvals process • enhance the protection and management of important natural and cultural places • control the international movement of plants and animals (wildlife), wildlife specimens and products made or derived from wildlife • promote ecologically sustainable development through the conservation and ecologically sustainable use of natural resources	Matters relevant to the assessment of the Proposal pursuant to the EPBC Act 1999 will be undertaken by the DEWHA as part of the Bilateral Agreement. Refer to discussion in Section 3.3 of this report.
<i>State Environmental Planning Policy (Infrastructure) 2007</i>	
The main objectives of the SEPP for Infrastructure are to facilitate the effective delivery of infrastructure by improving regulatory certainty through consistent planning management for infrastructure and providing greater flexibility in the location of infrastructure and service facilities.	Noted.
Schedule 3 of the SEPP lists traffic generating development that is required to be referred to the Roads and Traffic Authority (RTA).	The Roads and Traffic Authority (RTA) have been consulted accordingly. Their comments have been duly considered and their suggested conditions of approval have been incorporated into Project Application approval.

APPENDIX H – SUBMISSIONS SUMMARY
