

Issues and Conclusions

Options Considered

- 3.1 At the hearing many witnesses raised the possibility of the AIPM utilising the School of Artillery site,¹ which has more space to accommodate the AIPM. The Committee requested that the AFP provide it with additional information regarding the various options that the AFP considered. The AFP requested that it be allowed to supply that information in writing. This confidential information was subsequently received by the Committee.
- 3.2 The Committee recognises that various factors such as security, land tenure and cost make relocation of the AIPM to the School of Artillery an unviable option.

Consultation

- 3.3 At the hearing, the Committee heard from the AFP that

¹ Appendix D, Official Transcript of Evidence, page 18

...consultation with key stakeholders has been a feature of the master plan development since the inception of the project in 2002, including meetings with a range of Commonwealth, state and local government agencies, federal and local members, local community groups and individuals.²

3.4 Ms Cathy Griffin informed the Committee that rather than consulting with the local community, the AFP attended meetings and presented their plans as a *fait accompli*.³ When the Committee enquired as to whether she felt that an agreement could be reached regarding issues of contention for the local community, Ms Griffin said that she believed an agreement could be reached.⁴

3.5 Manly City Council (Council) stated that their access to the plans for the proposed redevelopment had been as a result of the Public Works inquiry process.⁵ Council contrasted the level of consultation that the AFP had undertaken with consultation undertaken by the Sydney Harbour Federation Trust regarding the redevelopment of the School of Artillery Site.

By contrast, the School of Artillery, which is under the management of the Sydney Harbour and Federation Trust, has actually met with council and, has consulted council and the community quite extensively.⁶

3.6 Council stated that the proposal had been the subject of little community consultation, and that it was widely opposed by the local community.⁷ This was further illustrated by Mr David Barr MP, the local state member who informed the Committee that there was widespread community concern regarding the redevelopment.⁸

3.7 The Committee suggested that the AFP undertake further consultation with the community, as this would allow community concerns to be addressed.⁹ The AFP stated that it was

2 Appendix D, Official Transcript of Evidence, page 4

3 *ibid*, page 33

4 *ibid*

5 *ibid*, page 25

6 *ibid*, page 26

7 *ibid*, page 22

8 *ibid*, page 47

9 *ibid*, page 52

...happy to give the Committee an undertaking that it, using the Manly Council as its principal focus for such consultation, would undertake consultation around those issues.¹⁰

- 3.8 The Committee believes that much of the community concern and opposition to the redevelopment could have been avoided had greater and more timely consultation been undertaken by the AFP prior to referral to the Committee.

Recommendation 1

The Committee recommends that the Australian Federal Police as the agency responsible for the redevelopment of the Australian Institute of Police Management undertake further consultation with the Manly City Council and the local community in an attempt to address widespread community concerns regarding the redevelopment.

Community Complaints

- 3.9 At the hearing, the Committee heard that members of the local community were unsure of who they could communicate concerns to should issues such as noise at the AIPM site become a problem in the future.
- 3.10 The AFP assured the Committee that
- ...the institute would be very happy to receive complaints and would undertake to act on them in a fairly decisive way.¹¹

Environment and Heritage Considerations

Environment and Heritage Assessments

- 3.11 The AFP's main submission stated that the following assessments had been prepared:
- an Ecological Assessment;
 - a Heritage Assessment Report; and

¹⁰ Appendix D, Official Transcript of Evidence, page 52

¹¹ *ibid*, page 57

- a Heritage Impact Statement.¹²

Recommendation 2

The Committee recommends that the Australian Federal Police use the Ecological Assessment and the Heritage Impact Statement to guide their Master Plan for the Australian Institute of Police Management, and requests that the AFP provide the Committee and the public with copies of these assessments and the Master Plan.

- 3.12 The AFP submitted that these assessments found that the redevelopment would not have a significant effect on the environment in terms of the *Environmental Protection and Biodiversity Conservation (EPBC) Act 1999*; however the AFP would be referring these assessments to the Department of Environment and Heritage (DEH) for consideration.
- 3.13 The Committee enquired as to the status of the referral to the DEH. The AFP responded that the DEH was currently determining whether or not the redevelopment is a controlled activity. This determination would influence the level of input and control that the DEH has over the redevelopment.¹³
- 3.14 Some witnesses at the public hearing raised concerns at not being able to access the Environment and Heritage Impact Assessments.¹⁴ The Committee questioned the AFP about this and heard that the AFP was under the impression that the reports had been made public. As this was not the case the AFP had undertaken to advise stakeholders of the means by which the reports could be accessed.¹⁵
- 3.15 The Committee enquired of the AFP if the assessments addressed the impact on the environment during the construction phase. The AFP responded that the impact assessments were the first stage in the process, and that a Construction Environment Management Plan would be developed. This plan would be influenced by the impact assessments and also any advice provided by the DEH. The AFP stated that it expected this plan to be formulated by November 2006. The Committee requested that

12 Appendix C, Submission No. 1, paragraph 90

13 Appendix D, Official Transcript of Evidence, page 55

14 *ibid*, pages 17 and 23

15 *ibid*, page 49

the AFP send it copies of the Construction Environment Management Plan.¹⁶

Recommendation 3

The Committee recommends that the Australian Federal Police release the Construction Environment Management Plan to the Committee and to the public, once it has been formulated.

Environment

3.16 In its submission, the AFP stated that the benefits of redeveloping the site include:

- protection and enhancement of the existing Little Penguin and long-nosed bandicoot populations;
- enhancement and maintenance of the distinctive aquatic and bushland character of Sydney Harbour and the Sydney Harbour (North Head) National Park; and
- improvements to the existing degraded landscape and rabbit infested grasslands.¹⁷

3.17 The site provides a habitat for a number of endangered populations, of particular importance the Little Penguin and long-nosed bandicoot populations.¹⁸

3.18 At the hearing, the AFP reiterated that

...the proposed redevelopment will therefore protect and ...to an extent enhance the important existing Little Penguin and long-nosed bandicoot populations at the site, as well as enhance and maintain the distinctive aquatic and bushland character of the adjacent Sydney Harbour and Sydney Harbour National Park.¹⁹

3.19 In her submission, Ms Cathy Griffin made reference to the proposed 35 square metre deck being built less than 25 metres from the largest

16 Appendix D, Official Transcript of Evidence , pages 53 - 54

17 Appendix C, Submission No. 1, paragraph 22, d - f

18 *ibid*, paragraph 92

19 Appendix D, Official Transcript of Evidence, page 3

concentration of Little Penguin Nests. She pointed out that Little Penguins are sensitive to light and noise disturbances during their nesting season.²⁰

- 3.20 The AFP submitted that the use of open deck entertaining areas will be limited to day time and early evening use.²¹ During the site inspection, the AFP assured the Committee that controls would apply, and that there would be no excessive lighting which would disturb the Little Penguins.²²
- 3.21 Council raised concerns about the impact of the redevelopment on the Sydney Harbour Aquatic reserve and the National Park, both of which border the site.²³ Council would like the AFP to provide a conservation management plan for the site. Further, Council has been working towards an integrated management plan for the whole of North Head, and has sought co-operation from all the North head stakeholders including the AFP.²⁴

Recommendation 4

The Committee recommends that the Australian Federal Police develop a Conservation Management Plan for the site, and that it provide the Manly City Council with copies of this plan once it has been formulated.

- 3.22 The AFP stated that
- Ecological and environmentally sustainable principles and energy management policies will be applied in the new and refurbished facilities and a coordinated environmental operational plan for site management will be developed, both for the building project and beyond.²⁵
- 3.23 The AFP also informed the Committee that it has developed and maintained a close relationship with the NSW National Parks and Wildlife Service and with the Officers on North Head.²⁶

20 Volume of Submissions, Submission No. 8, page 3

21 Appendix C, Submission No. 1, paragraph 61

22 Appendix D, Official Transcript of Evidence, page 20

23 *ibid*, page 23

24 *ibid*, page 27

25 *ibid*, page 4

26 *ibid*, page 7

North Head Sanctuary

- 3.24 The North Head Sanctuary Foundation (the Foundation) has a vision to turn the whole of the North Head into an ecological sanctuary. As such, the Foundation hopes any redevelopment is

...sympathetic with the whole area becoming an educationally directed ecological sanctuary that interprets the history and heritage of the site, that researches the natural values of the site, that is generally an educational precinct.²⁷

- 3.25 Council informed the Committee that it had voted in support of the establishment of the North Head Sanctuary. Council stated that it saw the sanctuary operating by stakeholders pledging themselves to integrated management guided by a set of principles and objectives.²⁸

- 3.26 Mr Barr raised the possibility of the North Head operating along similar lines to Ellis Island in New York. In this case, there are some commercial activities on the site, but the profits are used for the conservation of Ellis Island.²⁹ Mr Barr stated that

Whatever form it takes, it should be a public body whose prime concern with that site is for the benefit of the people of New South Wales and Australia, not for the benefit of shareholders as such.³⁰

Recommendation 5

The Committee recommends that the Australian Federal Police work with the Manly City Council and other stakeholders to ensure integrated management of North Head.

Heritage

- 3.27 The AIPM has a heritage relationship with the adjacent old Quarantine Station.³¹ Heritage factors of the AIPM site have been considered with regard to the planning of the site in order to minimise the impact on the built heritage.³² Central to this concept is the plan to “recapture the

27 Appendix D, Official Transcript of Evidence, page 21

28 *ibid*, page 28

29 *ibid*, page 47

30 *ibid*

31 Appendix C, Submission No. 1, paragraph 29

32 *ibid*, paragraph 30

original character of the five ward blocks and long verandah”³³ and to ensure that the “forms of the new buildings also respond to the nature of the retained heritage structures”.³⁴

3.28 The Committee heard that the proposed redevelopment would

...pay due respect to the Aboriginal cultural heritage at the site, the association with North Head and the identified heritage values of some of the current buildings and architecture.³⁵

3.29 The Foundation raised concerns that the heritage of the site was not only related to its built heritage, but also to its cultural heritage and its position as a culturally significant site.³⁶

3.30 Professor Bashford, who appeared in her capacity as an historian, expressed strong concerns about the proposed redevelopment. In her opinion, anything that increased the “visual difference” of the site, constituted a compromise to the heritage significance of the site.³⁷ The Committee heard that

What makes North Head such a historically interesting site is that the geography is the reason that has had these other uses. The AIPM and the police management could have had buildings anywhere. It is not of any particular significance to them that they were on Collins Flat. All the other uses have been to do with the particular historical geography of this remarkable headland between the harbour and the ocean – the Defence land, the quarantine land, the customs use.³⁸

3.31 Professor Bashford highlighted the increasing level of international interest in, and recognition of, the area as a historically significant area.³⁹

33 Appendix C, Submission No. 1, paragraph 46

34 *ibid*, paragraph 46

35 Appendix D, Official Transcript of Evidence, page 3

36 *ibid*, page 15

37 *ibid*, page 42

38 *ibid*, page 43

39 *ibid*, page 44

Land Use Issues

Land Use Agreement

- 3.32 Manly City Council is currently seeking clarification from the AFP regarding the Land Use Agreement of 1979 which allows the Commonwealth to use the land as a “Police College” until it is deemed to be surplus to Commonwealth requirements.⁴⁰
- 3.33 The Committee sought clarification from the AFP regarding the 1979 agreement and was informed that legal advice it had received ensured that the AFP was confident that
- ...the Commonwealth retains control and administration of the site for police training purposes until such time as the Commonwealth determines that it is no longer required for that purpose.⁴¹
- 3.34 The Foundation informed the Committee that it had had difficulty in tracking down a copy of the 1979 Land Use Agreement,⁴² and as a result was unaware of the exact nature of the agreement.
- 3.35 The Committee raised concerns with the AFP regarding the inability of members of the public to access the 1979 Land Use Agreement. The AFP responded that, due to the nature of the agreement, its preference would be for the agreement to be accessed through the State Government.⁴³

Commercialisation

- 3.36 Submissions to the Committee stated that the AFP advertises the AIPM as a conference facility on a Manly tourism website.⁴⁴ Further, in 2004/05 the AIPM Annual Report recorded between 24 and 31 enrolments in each of its residential courses.⁴⁵
- 3.37 Following enquiries from the Committee, the AFP stated at the hearing that the site would have 55 beds once the redevelopment was completed.⁴⁶

40 Volume of Submissions, Submission No. 18, Appendix 1

41 Appendix D, Official Transcript of Evidence, page 51

42 *ibid*, page 17

43 *ibid*, page 51

44 Volume of Submissions, Submission No. 18, Appendix 2

45 Volume of Submissions, Submission No. 8, page 3

46 Appendix D, Official Transcript of Evidence, page 11

- 3.38 The Foundation raised concerns about the potential for commercial letting of the site when it was not being used for police purposes.⁴⁷
- 3.39 Further, Council raised concerns regarding
...whether this is to be a training facility or a quasi conference centre and an intensification and commercialisation of the use.⁴⁸
- 3.40 Council added that
...the concern of the community is that, if we move down that direction [commercialisation], we are going to lose control.⁴⁹
- 3.41 The Committee raised these concerns with the AFP when it was recalled, and the AFP informed the Committee that
...the total number of days in the year where the institute is in use for courses is 270. Of that, private non-government commercial use is about 40 days, or about 16 per cent of the time.⁵⁰
- 3.42 The Committee also enquired as to the nature of the agreement with Charles Sturt University (CSU), who have a campus on the AIPM site. The AFP stated that the Australian Graduate School of Policing from the CSU is located at the site, and that the courses that it offers at the AIPM site are “all related to policing”.⁵¹

Bushfire Asset Protection Zone

- 3.43 Council raised concerns with the Committee that the 20 metre buffer zone that is required by NSW Bushfire Protection guidelines would not be fully provided on the AIPM site. It was particularly concerned that eight metres of the 20 metre buffer would be provided by the adjoining National Park, and the Committee heard that Council was unsure if the AIPM had gained consent from the NSW National Parks and Wildlife Service to do this.⁵²
- 3.44 The Committee sought assurances from the AFP that it had an agreement with the NSW National Parks and Wildlife Service to provide eight metres

47 Appendix D, Official Transcript of Evidence, page 18

48 *ibid*, page 22

49 *ibid*, page 29

50 *ibid*, page 55

51 *ibid*, page 55

52 *ibid*, page 25

of the bushfire buffer in the National Park. The AFP assured the Committee that the agreement is formalised and that it

...is an exchange of letters based on a fairly extensive set of negotiations between the AFP and the national parks representatives. Indeed, it is endorsed by the NSW Rural Fire Service.⁵³

- 3.45 The Committee requested that the AFP provide copies of this correspondence to Manly City Council.⁵⁴

Site Design Issues

Building Footprint

- 3.46 The AFP noted in its submission that construction of the new administration building will involve extending the current footprint to the south.⁵⁵ The AFP adds that the

...project also considers the ongoing development of the site beyond the current scope so that identified spaces for potential future developments are incorporated in an integrated and responsive Master Plan.⁵⁶

- 3.47 However, the AFP submitted that the overall site plan is environmentally sensitive and functionally responsive as it has been created through better Master Planning relationships and “limitation of building footprints”.⁵⁷
- 3.48 In response to questions about the building footprint, the AFP stated that there would be a 2.4 per cent increase in the footprint of the site.⁵⁸ The AFP added that in an attempt to limit the impact of the redevelopment on the existing habitat, it has had to consider building upwards, rather than outwards, which has raised additional challenges.⁵⁹
- 3.49 The AFP notes in its submission, that removal of the existing residential accommodation will result in

53 Appendix D, Official Transcript of Evidence, page 56

54 *ibid*

55 Appendix C, Submission No. 1, paragraph 35, C, iv

56 *ibid*, paragraph 36

57 *ibid*, paragraph 41

58 Appendix D, Official transcript of Evidence, page 6

59 *ibid*, page 5

...increased separation between the AIPM facilities and the Little Penguin breeding nests, and an enlarged grazing area for the long-nosed bandicoots.⁶⁰

3.50 Ms Griffin stated that

...the building line is actually, in my view, moving forward on to the south-west corner, which is closer to where the colony breeds and the penguins are.⁶¹

3.51 In response to community concerns about the position of the building line, the Committee questioned the AFP regarding the proposed building line. The AFP responded that the building line would not be moving forward.⁶²

Visual Impact

3.52 The Committee heard that the intention of the AFP was that

...there will be use of colour, materials, balustrades and balconies et cetera...to tie the entire site together, not to produce a discordant block on a corner of the site...and tie them into the context of the building.⁶³

3.53 Ms Cathy Griffin raised concerns at the hearing about the visual impact that the redevelopment would have

...apart from rhetoric about making sure it is painted an appropriate colour and using all sorts of buildings, it will still have a visual impact on the site...because of height and of their bringing the buildings forward onto the south west corner of the site.⁶⁴

3.54 Professor Bashford re-iterated the responsibility of the Commonwealth to minimise the visual impact of the redevelopment,⁶⁵ as she felt that any changes in the visual impact of the site would have an impact on the heritage of the site.

60 Appendix C, Submission No. 1, paragraph 31

61 Appendix D, Official Transcript of Evidence, page 36

62 *ibid*, page 56

63 *ibid*, pages 10 and 11

64 *ibid*, page 34

65 *ibid*, page 42

Recommendation 6

The Committee recommends that the Australian Federal Police use the Heritage Assessments to guide the redevelopment in order to ensure that it has little visual impact on the site, and preserve the existing heritage values of the site.

Hard Stand Surfaces

- 3.55 The AFP submitted that the proposed redevelopment includes the consolidation of surface car parking into a less obtrusive location and a general reduction of paved areas.⁶⁶
- 3.56 At the hearing, the Committee heard that there will be a 13 per cent reduction in the hard paved surfaces⁶⁷ and that the number of car parking spaces will remain the same at 48 spaces.⁶⁸ The AFP stated that:
- ...the current paths, decks and roadways on the site represent around 2,213.72 square meters, and under the proposed redevelopment the proposed paths, decks and roadways will reduce to 1,986 square meters.⁶⁹
- 3.57 Council informed the Committee that it believed that the car parking at the entrance to the site would actually be extended.⁷⁰ Further, another witness, Ms Cathy Griffin, raised concerns that this extension of the car parking represented a corridor between the prime bandicoot foraging areas.⁷¹
- 3.58 The Committee sought clarification from the AFP when it was recalled, and the AFP stated that study of the plans would show that the hard stand will replace the current building footprint, and that the car park will extend no further than the current building line.⁷²

66 Appendix C, Submission No. 1, paragraph 34, d

67 Appendix D, Official Transcript of Evidence, page 4

68 *ibid*, page 6

69 *ibid*, page 13

70 *ibid*, page 24

71 *ibid*, pages 33 to 34

72 *ibid*, page 56

Recommendation 7

The Committee recommends that the Australian Federal Police clarify with Manly Council the extent of the car parking that will be provided at the entrance to the site, and that efforts be made to ensure that the provision of car parking in this area does not negatively impact on the long-nosed bandicoot population at the site.

Traffic

- 3.59 At the hearing, the Committee enquired as to the impact of vehicles on Collins Beach Road during the construction period. The AFP stated that it would develop a traffic management plan to control construction traffic. Further, the AFP stated that it would develop the traffic management plan in consultation with Council Authorities, the NSW National Parks and Wildlife Service, local police and stakeholders.⁷³
- 3.60 The Committee heard that the
- ...philosophy with the site is that residents join a program on the site, and then essentially stay on site for the duration of the program.⁷⁴
- 3.61 In response to this statement, the Foundation raised concerns that, while the AIPM could control the movements of police officers who are at the site for training, when the site is commercially let, the AIPM would in fact have a limited ability to control the movements of those users.⁷⁵

Recommendation 8

The Committee recommends that the Australian Federal Police develop a Traffic Management Plan, to manage traffic on North Head during the construction period, and for those occasions when the site is commercially let.

73 Appendix D, Official Transcript of Evidence, pages 9 and 10

74 *ibid*, page 6

75 *ibid*, page 19

Recommendation 9

The Committee recommends that the redevelopment of the Australian Institute of Police Management proceed at the estimated cost of \$16.224 million.

Hon Judi Moylan MP

Chair

6 September 2006