

North Head Sanctuary Foundation Inc

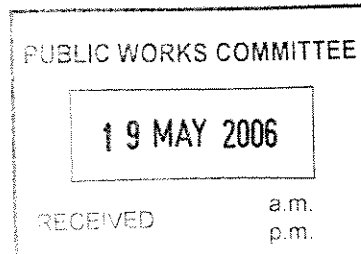
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P.O. Box 896, Balgowlah, NSW 2093

18 May 2006

SUBMISSION13.....

The Secretary
Public Works Committee
Parliament House
Canberra ACT 2600
Email: jcpw@aph.gov.au



Dear Sir/Madam,

Submission to Inquiry into Redevelopment of Australian Institute of Police Management, North Head Manly NSW

This submission is made on behalf of and in close collaboration with members of the North Head Sanctuary Foundation (the Foundation).

Formed in 2002, the Foundation is a not-for-profit, community based organisation whose members include a diversity of scientists and other professionals, working side-by-side with community members with expertise in research, education, and other aspects of natural, Aboriginal, built and cultural heritage.

The Foundation's vision is for the whole of North Head to be the Car-rang-gel Sanctuary (an ecological sanctuary with a strong educational focus): A flagship for Australia's environmental resolve and a celebration of our natural and cultural heritage. Our Mission is to secure a publicly-owned sanctuary of national significance for the whole of North Head, that is managed predominantly as a protected environment for its natural attributes; that celebrates our Indigenous, immigration and military heritage; and that provides a place of learning, research and contemplation.

Specific comments on the need, scope, and purpose of the proposed development will be addressed in this submission. However before addressing those issues, other matters of significant will also be addressed.

In summary

While the AIPM is to be commended for its recognition of the need for any new development to be sustainably designed, the need for a redevelopment of the scale proposed has not, in the view of the North Head Sanctuary Foundation been justified.

The purpose(s) for which redevelopment is proposed remain unclear, with commercial letting as a conference centre appearing to be inconsistent with the use of the site for police purposes, and the need for increased on-site accommodation not adequately justified.

Car-rang-gel Sanctuary - a flagship for Australia's environmental resolve and a celebration of our natural and cultural heritage

It is not possible for those outside the process to determine the AIPM's authority to undertake the proposed redevelopment, as this is predicated on a 1979 Land Exchange Agreement which is not publicly accessible.

Perhaps of greatest concern to the North Head Sanctuary Foundation is that the proposed development will increase human use pressures on North Head, and in so doing risks erosion of the outstanding National Heritage values for which the site has recently been recognised.

The case for integrated management across the whole of North Head is strong. The Foundation urges members of the Public Works Committee to reject any redevelopment on this site which facilitates intensification of use there. At a time when there is a growing recognition of and emphasis on the need for integrated management across the whole of North Head, too many unanswered questions remain about the proposed AIPM development for it to receive support in its present form.

The AIPM should be required to commit to use and management which is compatible with the development of the whole headland as an ecological sanctuary in which the natural, built and cultural values (both Indigenous and non-Indigenous) associated with past uses are respected and promoted.

A handwritten signature in black ink that reads "Judy Lambert". The signature is written in a cursive, slightly slanted style.

Dr Judy Lambert AM BPharm., BSc(Hons), PhD, Grad. Dip. Env. Management, Grad. Dip. Business Admin.
President, North Head Sanctuary Foundation

National Heritage listing

At the time of the AIPM Statement of Evidence to the Parliamentary Committee, the site was the subject of a nomination for entry on the National Heritage list (as acknowledged on p.21 of the AIPM Statement of Evidence). That nomination has since been accepted and on Friday 12 May, the Federal Member for Warringah announced on behalf of the Minister for the Environment and Heritage that North Head, including the AIPM site, has been entered on the National Heritage List.

The listing highlights a number of outstanding heritage values – including both natural and cultural values and the built and natural environment underpinning these values.

In making the announcement Minister Abbott noted that the National Heritage listing “should ensure that North Head’s environmental and architectural integrity is not wantonly disturbed”¹.

That the AIPM site is an integral part of this heritage is without question. It is an integral part of what makes this a site that has, as the Australian Government identifies, “special meaning for all Australians”.

In the sections addressing Heritage Considerations and Historical Background the AIPM Statement of Evidence focuses heavily on the heritage significance of particular buildings. It is certainly important that buildings of significance are retained and that their heritage character is not significantly modified.

However in assessing the appropriateness of the proposed development, it is also important that proper account is taken of **the context of the site** and its relationship to the Quarantine Station, of which it was an integral part. The National Heritage listing makes clear that one element of the significance of the site, as assessed against Criterion (a)(the place’s importance in the course, or pattern, of Australia’s natural or cultural heritage) is that it has “a rich and diverse character which stems from the layering and aggregation of uses that overlay the relict and evolving cultural landscape of the Quarantine Station”². As Foley³ makes clear in her history of the Quarantine Station “One important addition [to the original Quarantine Station] was the erection of the Seamen’s Isolation Hospital at Collins Flat, above Collins Beach in Spring Cove, for the treatment of crew members and passengers who were infected with venereal disease”. It is this site which has since become the AIPM site that is the subject of this development proposal.

The AIPM Statement of Evidence makes reference to “a process of expert heritage study and review”. It is understood from other documentation relating to this development proposal that this study was undertaken by heritage consultants Peter Freeman & Associates. However, in the absence of access to this study, it is not possible to assess the extent to which the terms of reference of the study addressed cultural heritage and context, rather than simply requiring an assessment of the built heritage on site. The AIPM Statement of Evidence (p.7) makes reference to a requirement for “retention and upgrade of **key heritage elements...**” (emphasis added), suggesting that **the focus may simply have been on the**

¹ Abbott, The Hon Tony (12 May 2006). Heritage listing for North Head: Media release.

² Commonwealth of Australia (12 May 2006). North Head, Sydney, NSW National Heritage List values, p.1

³ Foley, J.D. (1995). In Quarantine. Kangaroo Press, p.103-104.

built form, rather than on the cultural context and integrity of heritage values across the wider Quarantine Station precinct and North Head.

Furthermore, the Design Concepts section of the AIMP Statement of Evidence again focuses on the “identified heritage significance of the built environment” but appears to take no account of the importance of context and cultural significance.

This should be addressed before any development is allowed to proceed.

The case for integrated management across the whole of North Head

The need for integrated management across the whole of North Head has long been recognised and is supported by various specialist bodies, including:

- The majority of members of a Section 22 Committee formed under the provisions of the *NSW Environmental Planning and Assessment Act* in 1995 to ensure that the potential changes of use of the various parcels of land managed by different agencies on North Head were planned within a common framework. In its final report in 1999 the majority of this committee recommended inter alia “... that planning for National Park, Quarantine Station and the School of Artillery land be undertaken in an integrated manner before any changes are made to any of the sites...” (Recommendation 7).
- The NSW Auditor General, in a 2003 Performance Audit Report on Disposal of Sydney Harbour Foreshore Land (p.28) identified a need for “coordination and reconciliation” and note that “project level assessment does not provide an adequate mechanism to consider the cumulative impacts of developments that may all be impacting on the same geographic area. This applied particularly to the use of foreshore land in the context of Sydney Harbour”.
- The Commonwealth’s Sydney Harbour Federation Trust, which in its Concept Plan for the sites under its control stated that “North Head lends itself to be planned and managed as one entity aimed at creating an ecological sanctuary” (p.ii). The Trust went on to note that “The interconnectedness of so many of the elements that make North Head such a special place and the constraints reinforce the need to plan holistically for the headland” (p.8-3).
- Manly Council, at its meeting on 8 May 2006 resolved that “the AIPM be encouraged to ensure that planning, redevelopment and future use of its site be done in ways which maximise integration with, and minimize impacts on heritage values and the proposed ecological sanctuary”.

Now that the National Heritage significance of North Head has been formally recognised, it is important that integrated management is achieved consistent with the provisions of the National Heritage management principles in Schedule 5B of the *Environment Protection and Biodiversity Conservation Regulations 2000* and the management planning requirements contained in Schedule 5A of these Regulations.

Avoidance of erosion of heritage values through cumulative impacts

The need for integrated management of the whole of North Head, in order to ensure that the National Heritage values that have now been formally recognised are not eroded is a 'live' current issue. Current pressures on the area include:

- The long-standing State Government endeavour to lease the North Head Quarantine Station to Mawland Hotel Management or its subsidiaries, for the development of a 90 bed tourist hotel, 150 seat restaurant and related tourist facilities. While the economic security of this proposal is in some doubt, the State Government's stated intention is that a lease for development of the site will be finalised by 30 June 2006.
- Sydney Water has approval for and is progressing an upgrade of the North Head Sewage Treatment Works, which handle approximately 40% of metropolitan Sydney sewage. In addition to meeting performance standards required by the NSW Department of Environment and Conservation, this 'upgrade' also includes expansion of the installations and the addition of a cogeneration plant generating biogas which will require an excess gas burner and associated flare adjacent to the National Park.
- Major Land & Environment Court approved residential development currently occurring on the nearby St Patrick's Estate, both north and south of Darley Road
- The Sydney Harbour Federation Trust's plans for an ecological sanctuary for the former School of Artillery site, which while intended to have a strong ecological focus, will still bring increased traffic and human use pressures to North Head.
- There are plans being formulated for a new museum building on the North Fort site.

Manly Council, at its meeting on 8 May 2006, resolved that "The AIPM be encouraged to support the proposed Joint Statement of Intent for the future management of North Head".

At a time when this substantial redevelopment (which doubles the floor space on site) is under consideration, it is of some concern to the Foundation that the AIMP has been a reluctant participant in endeavours by Manly Council and the Foundation to have all land managers on North Head (both State and Commonwealth managers of different parcels of public land) commit to a Joint Statement of Intent for the integrated management of the whole area.

Need

The AIPM, in its Statement of Evidence (p.1), presents a number of objectives for the proposed redevelopment, including

- substantially improving operational efficiency and long-term sustainability of the AIPM
- expanding functional capacity
- modernising security
- "to the extent possible" achieving compliance with relevant codes and standards.

This site and the greater North Head area of which is an integral part, has through its National Heritage listing, been identified as being among the places of outstanding natural and cultural heritage significance to all Australians. It is therefore imperative that any

redevelopment not simply achieve some level of compliance with relevant codes and standards, but rather (except to the extent that they impact adversely in the National Heritage values of the place) comply fully with such codes and with the heritage provisions of the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* and related Regulations..

Whether or not increased on-site accommodation is necessary to the operations of the AIMP must be considered in the context both of recent announcement of expansion to other national policing facilities in the ACT, and in the context of available heritage accommodation at other sites on North Head (both the North Head Quarantine Station with which this site has direct historic connections, and the former School of Artillery site currently managed by the Sydney Harbour Federation Trust).

The AIPM Statement of Evidence (p.3) indicates that the principal reason for discarding the Relocation Option is a “strong police connection to” and affinity for the current site. Given the other concerns outlined in this submission and recent recognition of the National Heritage significance of the whole of North Head as a single isolated island-like entity, this justification is not strong.

The need for the proposed redevelopment and expansion must also be weighed against the impacts of the proposed redevelopment, not simply on site, but by way of cumulative impacts with other developments occurring or being proposed on North Head.

Of particular concern is the observation that the AIMP has, at various briefing sessions over the past 1-2 years, expressed an intention to let the site commercially for other conference and related activities when not in use for police training purposes. This intention is backed up by the Revenue section (clause 89, p.20) of the AIPM Statement of Evidence in which it is stated that “a small increase in net revenue may result from the Institute’s increased operating capability following completion of the redevelopment”.

Given a recognised need for integrated management of the whole of North Head as a single entity and substantial community and professional concerns about the cumulative impacts of development at this and other sites, the potential to substantially increase those impacts if the redeveloped site were to be let for commercial purposes is significant and must be taken into account when considering the justification of need, particularly when there are other accommodation opportunities available on adjoining sites.

Purpose

As noted above, **the Foundation has significant concerns** that the purpose of the site, while “primarily focused on improving the operating environment of the AIPM” (p.20) also **appears to be in part to establish an additional commercial conference facility**. At a time when the adjoining Quarantine Station site continues (albeit currently at a low level) to provide on-site accommodation and conference facilities, and planning is well advanced for the development of an ecological sanctuary with a strong educational emphasis at the School of Artillery site, planning for the AIPM redevelopment should not contemplate such commercial use.

Scope of proposed redevelopment

If the AIPM is to remain in this site and to ensure that its impacts on the National Heritage values of North Head are minimised, it is the view of the Foundation that any redevelopment be limited to that which is necessary to improve the operational efficiency and sustainability of the existing buildings, and to the extent necessary modernise security, without substantially increasing the built space and capacity of the site.

Increased accommodation has been addressed in The Need (see above), and **expansion of car parking and vehicle access are contrary to the objectives of protecting the whole of North Head within an ecological sanctuary.**

The proposed expansion of hard-surfaced car-parking areas and their location on a slope from which any uncaptured runoff will enter Spring Cove is contrary to sustainable design principles. The Spring Cove area below the AIPM is an area of considerable significance for its seagrass beds – a marine habitat which is particularly vulnerable to siltation and widely recognised (including by NSW Fisheries) as requiring protection.

Increasingly, the opportunities for retrofitting of heritage buildings and contributory items are being recognised not only as feasible, but also as desirable from a sustainability perspective. This is an opportunity available to the AIPM to meet the essential aspects of its stated needs without increasing pressures on the site and beyond, but not canvassed in the Statement of Evidence (pp.3-4).

Tenure of the site

The rights of the AIPM to redevelop this site appear to rest heavily on a 1979 'Land Exchange Agreement' referred to in clause 26 of the AIPM Statement of Evidence. Efforts by Manly Council and by members of the Foundation to access that Agreement have, to date, not been successful. As a consequence the conditions of continued use of the site as a 'Police College' are not known. It is therefore difficult to assess the validity of the claim by the AIPM that is acting within its charter in seeking to progress this proposal.

This is a matter to which the Foundation urges the Inquiry to direct its attention, in order to make transparent any Commonwealth-State arrangements with such long-lasting potential impacts on local residents and the national heritage significance of the place.

Other comments specific to the AIPM Statement of Evidence

Acoustics (p.14)

Throughout this section the emphasis is on providing acoustic amenity for the AIPM and its operations. Past experience from other sites in this area (most notably intermittent use of the Wharf precinct at the Quarantine Station for functions) clearly demonstrate a **need to ensure that activities at this site do not impact adversely on residents in the Eastern Hill area of Manly across Spring and Little Manly Cove.** This is particularly important given an intended intensification of on-site use, provision in the plans for outdoor social activities (on a deck or balcony) and the fact that noise carries across the water.

ESD (p.15)

The AIPM is to be commended for its inclusion of Ecologically Sustainable design elements within its proposed redevelopment. However, as noted elsewhere in this

submission, there is a **growing recognition that greater sustainability outcomes can frequently be obtained by retention and retrofitting of existing buildings**, especially when whole of product/materials lifecycle analysis is considered.

It is also of concern that clauses 64 and 65 of the AIPM Statement of Evidence commit only to “the potential for rainwater harvesting” and to “comply[ing] with current Government policy”. In a rebuild of the extent proposed it should be possible for the development to go far beyond the somewhat minimalist standards currently set by Commonwealth and State requirements. As a site within a place that is one of only 29 places on the National Heritage list, this site should, **if** redeveloped at all, showcase sustainability initiatives and their application to places of outstanding heritage significance.

Busfire Protection (p.17)

Widely accepted principles of bushfire protection would require that bushfire protection measures such as Strategic Fire Protection Zones be located on the site being protected. Concessions to this normal practice have potentially become necessary because of the complexity of existing land tenures, uses and developments at North Head. However **it is important that the proposed redevelopment and expansion of the AIPM not increase pressures for further clearing of native vegetation on National Park land**, as proposed buildings encroach closer to the boundary of the AIPM site.

Construction workforce (p.19)

Given the potential for adverse impacts on flora and fauna, and on the heritage fabric of the site, it is imperative that any construction workforce on site be fully briefed and appropriately supervised in their work so as to minimize that potential for impacts.

Any redevelopment on the site should be done with suitably qualified heritage experts (having regard to natural, built and cultural heritage) on site at all times.

Impact on local community (p.19)

That the AIPM Statement of Evidence addresses traffic impacts is positive. However the use of vehicle counts passing through the AIMP security gate undoubtedly provides an unrepresentatively small number of vehicles accessing the site. Personal experience of Foundation members indicates that many who visit the site for meetings, briefing sessions etc. park in the public area outside the security gate.

It should also be recognised that any increase in on-site accommodation and potential use as a commercial conference centre will add to an already unsatisfactory situation with respect to impacts on the nearby residential community living on Eastern Hill at Manly. Vehicle traffic on Darley Road, which is the only access route to North Head, has already reached unacceptable levels in its impacts on residents, and this will be exacerbated as heavy vehicles access this site for redevelopment works.

It is imperative that the AIMP, before any redevelopment occurs, liaises with Manly Council and with other public authorities whose developments are adding to current heavy vehicle impacts on both safety and amenity.

Flora and Fauna

Little Penguin population

While the AIPM has taken account of some of the needs of this Endangered population, other factors remain to be addressed.

The section fails to address a need to minimize **noise and light disturbance** from the proposed expanded on-site use at times when the birds are coming ashore to feed their young. Reference to plans provided by the AIPM indicate the provision of a large entertainment/recreational deck area extending forward to within close proximity to the cliffline above Spring Cove. This is one of the most important areas in which the Endangered Little Penguin population nests and breeds, nesting birds having been found high up the cliffline here in recent years. As the recent National Heritage listing acknowledges "... the penguin colony now appears to be recolonising the shoreline below the Police College".

This section fails to take account of the need to protect the Endangered Little Penguin population not only during the breeding season, but also during moulting, when the adult birds are more vulnerable to disturbance.

Long-nosed Bandicoot population

As with the Little Penguin population, the AIPM has not comprehensively addressed issues likely to impact on the Endangered Long-nosed Bandicoot population.

Increased vehicle access to the site and removal of grassed areas close to bushland required for cover, in order to expand on-site parking both **pose risks to the population**

Both the Little Penguin and Long-nosed Bandicoot population are listed as Endangered at State level and each has become an icon of the natural values of North Head as an outstanding natural area at the gateway to Sydney Harbour and Australia's most populous city. As pressures for development escalate, open space and natural areas become increasingly valued by society and it is to this end that the Sydney Harbour Federation Trust, the North Head Sanctuary Foundation and others are working to secure an ecological sanctuary, as a place of education, restoration and renewal.

The Red-crowned toadlet (*Pseudophryne australis*) which is listed as Vulnerable to extinction at State level, has also been reported to occur in stream areas within or close to this site and it is important that any changes to water flows in the area do not impact adversely on the potential habitat of this species.

Indigenous Considerations (p.22)

As with built and cultural heritage, the AIPM Statement of Intent focused only on specific 'sites' of Aboriginal significance. However, as has been repeatedly highlighted in Indigenous heritage literature, it is important not to focus simply on physical 'sites' but also to understand places within their landscape context, and to recognise places of spiritual and cultural importance.

That the whole of North Head, and the Spring Cove area in particular have strong cultural and spiritual associations for Aboriginal people is reported in various publications (see for

instance Darwala-Lia⁴. The site is believed to have been an important summer campsite for the Koradji and their support group, novices and families.

In describing North Head, the National Heritage listing comments on the presence of “rock engravings, rock shelters with deposits and/or art, open camp sites, middens and burials”. It goes on to record that “Most sites are concentrated on the western, harbour-side of North Head, generally in association with the small coves and beaches, close to fresh water sources and more accessible areas”. It is in this context that Aboriginal members of the Foundation have expressed concerns that the rock overhangs in this area should have at least a 25 metre exclusion zone for all who do not have an Aboriginal association with and responsibility for these important sites. The Foundation also expresses its concerns that if, as is indicated in the AIPM Statement of Intent, the site is let for commercial conference purposes, ability to ensure proper protection of important Aboriginal sites in this area will be diminished.

It is the strongly held view of the Foundation that the AIPM should be required to show due diligence in protecting the Indigenous values of the area, not simply with respect to physical ‘sites’ but also to the cultural and spiritual significance of the place.

In conclusion

The North Head Sanctuary Foundation appreciates this opportunity to comment on the proposed redevelopment of the AIPM site at North Head Manly, and if required will make available one or more of its members to present to the Public Works Inquiry during its deliberations.

⁴ Darwala-Lia (Feb 2001). The community approach to recording Aboriginal heritage: A case study at North head, Sydney Harbour National Park, NSW. Report prepared for the Metropolitan Local Aboriginal Land Council and the NSW National Parks & Wildlife Service by Emma Lee and Associates.