

**Submission to**  
**Productivity Commission Inquiry into**  
**Conservation of Australia's Historic Heritage Places**

**on behalf of**

**Friends of Quarantine Station**  
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**and**

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**Submission in support of presentation by  
North Head Sanctuary Foundation and Friends of Quarantine Station to  
Productivity Commission Inquiry into  
Conservation of Australia’s Historic Heritage Places**

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This submission is prepared on behalf of two community sector organisations, each concerned with different aspects of the conservation and future protection of the national heritage values across the whole of North Head at Manly.

**North Head: Historic heritage context**

North Head has for a number of years, been listed on the Register of the National Estate as “an area of great cultural richness, diversity and natural interest”. Its history and past uses make it “a landscape with rich cultural associations”.

As the National Estate listing identifies “Views from North Head and individual sites and places within the peninsular are important for their historic, cultural, aesthetic, social, natural and symbolic values”. – surely one of Australia’s “historic heritage places”.

A nomination for listing of the whole of North Head on the National Heritage list was submitted by the North Head Sanctuary Foundation (the Foundation), with the full support of Manly Council and the National Trust NSW in July 2004. At the time of writing this submission, determination on that nomination is pending, the 12 month period for national heritage assessment being deemed to elapse on or about 16 August 2005.

## **North Head: A case study for Commonwealth commitment to the conservation of historic heritage places**

We use this case study to provide insight into the operation of current broad policy frameworks, including shortcomings, especially an inability to utilise emergent environmental and social trends offering better conservation approaches.

While the Issues Paper for this Inquiry makes clear that it will not examine the merits of conserving particular heritage places, the case for North Head is presented here as a case study intended to illustrate the importance of continuing Commonwealth commitment and involvement in conserving historic places in the public domain.

North Head defines the entrance to Sydney Harbour (Port Jackson), The Heads having been portrayed as an outstanding landmark by countless artists since the 1788 arrival of the First Fleet. Augustus Earle represents one of the earliest of such painters.

As the city of Sydney developed, the tied island that is North Head, largely surrounded by towering sandstone cliffs, has retained a deep sense of isolation due to its restrictive uses; and hence it has the largest area of unalienated bushland on Sydney Harbour foreshores.

While this Inquiry is focused on Australia's "historic heritage", even the ancient rock formations that make up the area have a fascinating history of their own, as does the traditional Aboriginal use of and respect for the area as a meeting place and a place of healing for peoples from across the Guringai homelands and further afield.

### **Complexities of land tenure**

**The land tenure of North Head's 300 ha is complex, all being publicly owned but occupied by different government agencies with different legislative constructs. The Commonwealth government exercised permissive occupancy of most of the area to the south-east of the sandstone walls for purposes of quarantine and defence in earlier years; but relinquished these at different times – 1984 and 2002 respectively. The current situation is of two major historic facilities on the headland, the North Head Quarantine Station and the School of Artillery, surrounded by relatively intact Sydney sandstone bushland now incorporated into Sydney Harbour National Park.**

**Catastrophically for the environment as well as for the public purse, the planning for these two major facilities, both historic icons in their own right, is driving them in diametrically opposite directions; whilst the existing policy framework seems not to allow for nor encourage an integrated solution.**

### ***Quarantine Station***

Having served continuously from 1828 to 1977 as a place of medical quarantine for people with infectious diseases, this group of some 60 historic buildings (most built between 1873 and the 1920s) reflecting the diverse ethnic, cultural and social backgrounds of the more than 13,000 new arrivals who passed through there.

Handed back by the Commonwealth to the State of NSW in 1984, the Quarantine Station is currently, and has been for several years, the subject of ongoing negotiations intended to secure its long-term (21 + 15 + 9 years) leasing to a private developer for use as a tourist hotel, restaurant and related facilities.

### ***School of Artillery site***

Existing as a 'crown' or 'hole in the doughnut' on the leeward side of the main ridge across North Head is the former School of Artillery site, which also has significant historic heritage associated with the important part the area played in the defence of Sydney during World War II. This land is now under the care, control and management of the Sydney Harbour Federation Trust (the Trust), the Commonwealth agency established as a statutory body to manage the surplus Defence Lands on the Sydney Harbour foreshore. Within its 10 year charter the Trust is required to protect, conserve and interpret the environmental and heritage values of these lands and to ensure that management of these lands contributes to enhancing the amenity of the Sydney Harbour region.

Also part of North Head are smaller areas currently occupied (under varying permissive occupancy and other tenure arrangements) by

- The Department of Defence, which retains control of the North Fort Royal Australian Artillery Museum
- The Australian Institute of Police Management (one of Australia's principal training centres for senior police personnel)
- The North Head Sewerage Treatment Plant (also one of the oldest such establishment in Sydney, and as such having its own historic heritage significance). This site is the subject of a current upgrade and expansion by the Sydney Water Corporation, further entrenching its presence in this location, from which it services approximately 40% of sewage from the Sydney Metropolitan region.
- A small parcel of unallocated Crown Land adjoining the STP site.

Adjoining to the west are Manly Hospital and the former St Patrick's College and Seminary, now owned by Lend Lease and home to the International College of Management and a recent housing development.

### **The need for integrated management of North Head**

Calls for integrated management of the natural, built and cultural heritage of the whole of North Head are not new. In 1999 a Committee set up by the NSW Government in 1995 recommended among other things, that

“...the Minister and DUAP take no actions that will permit further development of North Head until the recommendations of this report have been considered (Recommendation 1),  
... a new Local Environment Plan ... be prepared for North Head (Recommendation 2),  
and  
...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).

This integration has still not occurred, but at present there are proposals approved, or under consideration to

- Enable long-term leasing and development of the Quarantine Station as a tourist hotel, restaurant and for other associated activities
- Expand and upgrade the Australian Institute of Police Management, with new buildings on site and a doubling of the capacity of this facility
- Upgrade and expand the operations of the North Head Sewerage Treatment Plant

The Sydney Harbour Federation Trust is also preparing to call for Expressions of Interest for adaptive re-use of various of its facilities at the former School of Artillery site.

If the historic heritage of the North Head area is to be conserved, then someone must take a leadership role and ensure that the cumulative pressures of competing uses and expansion are controlled. To date the Sydney Harbour Federation Trust has taken a lead role and more recently the National Parks & Wildlife Division of the NSW Department of Conservation and Environment (DEC) is collaborating, although at the same time seeking to progress the leasing of the Quarantine Station.

### **Comparing & contrasting approaches to management of adjoining historic heritage precincts**

Two adjoining sites, the former School of Artillery site (SoA) managed by the Sydney Harbour Federation Trust (the Trust), and the Quarantine Station site (QS) managed by the NSW Department of Environment and Conservation's National Parks & Wildlife Division (NPWS) are part of the whole which is North Head. A comparison of approaches to the conservation management of these two public sites of historic heritage significance provides an interesting case study.

### ***Capturing the benefits of historic heritage conservation***

Both the Trust and the NPWS have obligations to conserve and foster appreciation of places of environmental and heritage significance, and to manage land accordingly, as defined respectively

in the Commonwealth's *Sydney Harbour Federation Trust Act 2001* and the *NSW National Parks and Wildlife Act 1974* as most recently amended.

The Trust has been in place essentially only since 2001. Already it has recognised the significance of North Head as a historic heritage place and identified that “The interconnectedness of so many of the elements that make North Head such a special place and the constraints reinforce the need for planning holistically for the headland”. (Plan S8-3).

By contrast, the NPWS has, since 1987, been seeking to enter into a head lease for the QS site, with the preferred tenderer being identified in January 2000 as Mawland Hotel Management. More than 5 years later, the QS site remains largely dormant, the heritage buildings are suffering neglect, and negotiations over the lease have not reached an agreed outcome.

The Mawland proposal for a tourist hotel, restaurant and related facilities will impact adversely on various aspects of the built, cultural and natural heritage of the site, as reflected in “almost all” of the more than 1300 submissions made to the Commission of Inquiry into the Adaptive re-use of the Quarantine Station. Furthermore, the proposed development has seen little integrated planning for compatibility with the future use of the SoA site and other parts of North Head, and the proposed activities will run counter to planning for an educational sanctuary.

As the Trust observed in its Plan published in 2002 “A sanctuary to protect the flora and fauna and provide restricted public access to enable visitors to study and appreciate the geo-diversity and scenic beauty of the area would ideally encompass all of the land in NPWS, public reserve and institutional ownership, south of the residential areas”. (Plan S.8-20).

### ***Role of the private sector***

One of the major community objections to the proposed leasing of the QS is that the lease proposed is a ‘head lease’ over the whole site, with the lessee gaining effective control of this important historic heritage site for an initial period of 21 years, with options for renewal totalling a further 24 years.

Although the terms of the proposed lease with Mawland Hotel Management or its subsidiaries are deemed Commercial-in-Confidence and therefore inaccessible to the public, all of the indications from the Commission of Inquiry and subsequent investigations, are that the proposed lease will likely not provide the financial returns on which it is predicated and that funds generated for restoration and management of important elements of historic heritage will therefore not likely to be forthcoming from this private sector venture. In the event that the proposed lease does proceed and these concerns become reality, the State Government will then be placed under pressure to allow expanded commercial operations within this important heritage site which requires careful management in order to conserve its values.

To the extent that information obtained through parliamentary questions and Freedom of Information requests demonstrates that the site has been operated profitably by the NPWS as a low key conference centre over several years prior to the closure of the site pending its leasing, it has been demonstrated that the private sector is not necessary to profitable management of the

QS site, nor does private sector involvement guarantee profitable conservation management of the site.

Given the advanced stage of planning for a low-impact educational sanctuary, based in the first instance on the SoA site, and a growing awareness (in the Sydney Metropolitan Strategy and elsewhere) of the importance of ‘green space’ and natural areas to the ‘livability’ of large urban areas such as Sydney, allocating private sector control over such a significant site is seen by many in the community as entirely inappropriate.

Although the Trust has not yet reached a point where the future use of its historic site has been fully defined, it is currently preparing the statutory management plans required for the site, and has indicated an intention to call for Expressions of Interest for use of some buildings consistent with the sanctuary proposal.

Unlike the NPWS and the State Government, the Trust has in place a clear and publicly accessible Vision for North Head. In preparing statutorily required Management Plans for the future use of the SoA site, it is expected that the Trust will make these consistent with its stated principles: (From Draft Conservation Plan 2004)

- A strong scientific basis for the sanctuary concept
- Sound financial management
- A core professional management and operating team
- “Professional volunteerism”

The Trust intends to involve the private sector in using various of its facilities in ways that are compatible with these principles. However, it is likely that this will be by way of a long-term head lease, and their more diversified investment in the site will make them less vulnerable to the vagaries of the tourism and other markets. The Trust will, most importantly, retain greater control over the day-to-day management of the site and will be in a better position to ensure that historic heritage values are not compromised nor placed at risk

The role of the private sector in conservation is fundamentally different from that of the government sector, in that the natural and accepted driving force and therefore the priority for the private sector is a return on shareholder investment, while doing their best at conservation. For the government sector, these priorities should be reversed, although given the right expertise they may well make a better job of both the conservation and the economics for the public purse.

### ***Role of community-based non-government organisations***

Community-based non-government organisations play a key role in the conservation of Australia’s historic heritage.

Larger groups such as the National Trust have, over many decades, taken primary responsibility for the acquisition and management of places of historic heritage significance, and have contributed to heightened awareness of the importance of places of heritage significance.

There are also vast numbers of ‘Friends of...’ and related groups providing support to government agencies responsible for the management of public heritage places. For instance the

North Head Sanctuary Foundation has attracted a membership rich in professionals with relevance to heritage conservation. Architects, planners, lawyers, environmental scientists, educators and others are available and keen to offer their advice and to liaise with and assist the Sydney Harbour Federation Trust.

Foundation members also provide regular (monthly) volunteer work as bush regenerators, restoring the landscape surrounding the heritage buildings. They are preparing to become volunteer guides and to staff the Visitor Centre once these are in place at the SoA site.

When senior Trust staff returned from a tour of similar properties in New Zealand during 2004, they commented that most of these properties would not survive without the support provided by strong and committed volunteer groups. (One property boasted of 4000 volunteers- such is the sentiment when people are allowed to 'own' their heritage).

By contrast with the SoA site, the role of community-based non-government organisations in conserving the QS site has been one of watchdog and campaigner for protection. The State Government, through the NPWS, has been reluctant to involve community groups and individuals with relevant expertise in the process of conserving this site. The Friends of Quarantine Station, together with other interested groups and individuals has shown ongoing commitment to the proper conservation of this key historic heritage site in the face of ongoing resistance. The community has invested very substantial resources in trying to ensure

- that Conservation Management Plans for the site were adequate to provide a basis for conservation management consistent with the Burra Charter for conservation of cultural heritage places,
- that gaps in the Environmental Impact Study were addressed,
- in having a Commission of Inquiry into the proposed hotel development conducted, in seeking to ensure that the 233 Conditions of Consent arising from that Inquiry and the deliberations of the NSW Heritage Council addressed in the proposed long-term lease for the QS site (an outcome not yet achieved, and one understood to be a significant sticking point in negotiations between the NPWS and the hotel development proponent Mawland),
- in having a Community Consultative Committee established to oversee planning for the hotel development, and
- in raising community awareness of the risks to this historic heritage site through the proposed development.

Community organisations can play a vital role in heritage conservation where it is in public ownership and control – like a dual benefit in a two-way street –as they come to 'own' their heritage, and willingly contribute their resources. Such contributions are scarcely imaginable to a private enterprise operating for the benefit of shareholders.

### ***Government ownership & management***

Both the SoA site and the QS site, together with all other land on North Head are in public ownership. While both are technically also under government management, entry into the proposed long-term head lease for the QS site would markedly diminish the State Government's



day to day control over activities there, and as such could jeopardise aspects of historic heritage conservation.

State agencies are simply not resourced to provide staff and resources necessary to monitor and ensure compliance with the very large number of Conditions of Consent necessary to protect the historic heritage values of the QS site. The funds directed to this outcome are funds not available to conservation management at this or other heritage places.

As noted earlier in this submission, if the QS site is leased to a hotel developer and the site does not then provide the financial returns anticipated (but not assessable because they are not in the public domain for supposed Commercial-in-Confidence reasons), pressure will be brought to bear to have some of the more than 200 Conditions of Consent waived or varied to enable expanded operations.

### **Funding assistance**

Sustained Commonwealth investment in Australia's historic heritage is an important part of retaining our identity as a nation. In particular, places of historic heritage significance which remain in the public domain should, as the Preamble to the *Sydney Harbour Federation Trust Act 2001* recognises, be conserved and preserved "for the benefit of present and future generations of Australians". If they are to be transferred to State Government (or other agencies) they should be managed to "facilitate [their] return in good order".

Again, using the SoA and QS sites by way of example, it is commendable that the Commonwealth has allocated more than \$11 million to enable the Trust to meet this commitment prior to the expiry of its charter in 2011 (10 years after the Trust was established). By contrast, when the QS was handed back to NSW in an historic agreement between the Commonwealth and State Governments in 1984 it had been little used for approximately 7 years, and was suffering from lack of maintenance and neglect. Since then the State Government has not only failed to adequately invest in maintenance of this site, but has directed funds raised through conference lettings and tours of the site into consolidated revenue for management of sites across the Sydney region. In more recent times (on and off over at least the past 5 years) efforts by NPWS staff to raise funds through these activities have been thwarted as bookings have been curtailed in anticipation of the "imminent" private leasing of the site.

As the QS case study illustrates, there is also a need for support for community-based non-government organisations to prepare detailed nominations sufficient to meet Commonwealth requirements for National Heritage listing. The results of a July 2004 nomination for listing of the whole of North Head as National Heritage are not yet known. However, it should be noted that, when a request for an emergency listing was considered by the Federal Minister for the Environment and Heritage in December 2004, his assessment report included comments that there was "insufficient information" in relation to likely impacts on several of the values for which the site was nominated. The submission requesting an emergency listing as National Heritage was prepared by members of the North Head Sanctuary Foundation who do have relevant professional expertise, but who were acting in an entirely voluntary capacity when preparing both this and the initial nomination for listing. Had they had funding to employ

professionals to contribute more research time to the nomination it may well have been a stronger document in which those insufficiencies of information were addressed. In the absence of such funding support, it is hoped that the Australian Heritage Council has done additional research prior to making its final determination with respect to National Heritage listing.

As the Quarantine Station example illustrates, community-based non-government organizations and individuals with a commitment to conserving our historic heritage are required not only to resource National Heritage nominations, but also extensive input to Environmental Impact Assessments, Commissions of Inquiry, State Heritage deliberation processes ad infinitum. These resource demanding activities would greatly benefit from receiving Commonwealth funding to foster conservation of our historic heritage.

### **In conclusion**

North Head at Manly is a spectacular place steeped in historic heritage dating back to pre-European settlement, and closely associated with settlement since the arrival of the First Fleet. It is part of Australia's national identity, just as Ellis Island is part of the national identity in the USA.

North Head is probably not typical of National Heritage places because of the complexities of tenure, richness of heritage associations and interactions between built, cultural (both Indigenous and non-indigenous) and natural heritage, of the area. However, it is a place which is entirely within public ownership and management at present, and as several past studies have shown, it is a place whose significance lies in part in its integrity as a single entity.

It is a place which surely warrants ongoing public commitment to the conservation of its historic heritage. All of the current indications are that without substantial public investment, the place will fall subject to the private control in which obligations to provide a return to shareholders takes precedence over heritage conservation. As the Quarantine Station leasing process illustrates, it is not possible in such a complex site, to put in place conditions of approval that ensure heritage protection.

In assessing the role of the Commonwealth in conserving historic heritage, account should be taken not only of the economic costs and benefits of these places. As cities become more congested, lifestyles more pressured and demand for places that provide sanctuary and contribute to livability for residents, historic heritage places offering substantial open space, peace and opportunity for healthy outdoor recreation will grow in non-economic value. Associations with our past – where we've come from and how we arrived at our present place in existence are also of growing importance to many Australians.

The role of Government in maintaining these intangible, or non-monetary values should not be under-estimated, even if current methods of ascribing monetary value to these qualities are at best controversial.

As the Sydney Harbour Federation Trust's work to date illustrates, it is possible to plan for sensitive adaptive re-use of some aspects of these historic heritage places. However, as is also apparent from the long-running community opposition to development of a hotel complex at the North Head Quarantine Station illustrates, insensitive planning, which fails to take proper account of the non-monetary values of historic heritage sites will likely bring costs outweighing any benefits from such proposals. Although no figures are available, it is estimated that planning for the lease of the North Head Quarantine Station may well have cost the State Government and its agencies \$ 3-4 million already, and in the interim a piece of our national heritage is being allowed to degrade through neglect.

Where appropriately managed, short-term sensitive licensing or leasing of some aspects of heritage sites for uses compatible with the broader objective of heritage conservation and restoration, can be combined with retention of public ownership and control, backed up by significant voluntary contribution. Inappropriate development proposals and loss of public control of sites will almost inevitably lead to loss of community support and cooperation.