

Save Manly Oval Alliance

Submission in response to Proposed Manly Oval Underground Car Park

**Sydney Road, Manly
DA 116/2016 by former Manly Council**

17 June 2016

**Contact: Roger Freney (Hon. Sec)
24 Wanganella St
Balgowlah NSW 2093
Email: rogerfreney@optusnet.com.au**

INTRODUCTION

This submission is made by the Save Manly Oval Alliance (SMOA, the Alliance), a registered not-for-profit Association whose objectives are as follows:

- 1) The primary purpose of the Alliance is to conserve and protect, for the public interest, the heritage and environmental values of the Manly Oval and its surrounds in its historical context.
- 2) To support its primary purpose, the Alliance will strive:
 - a) to ensure best practice management for the conservation of the cultural significance, amenity, geology, flora and fauna of the Manly oval and its surrounds;
 - b) To prevent inappropriate developments that impact adversely on Manly Oval's public open space and the amenity it provides together with Ivanhoe Park and Gilbert Park
 - c) To facilitate the voluntary participation of the community in the conservation of the Manly Oval;
 - d) To engage the active support and participation of individuals and organisations with professional expertise relevant to the purposes of the Manly Oval;
 - e) To further formal heritage recognition of Manly Oval.
- 3) A further purpose of the Alliance is to oppose, by all available means including Court proceedings, any proposal or action by Manly Council or any other body, corporation or person which in the opinion of the Committee may increase the risk of development which impacts adversely on Manly Oval and its open space, including any proposal for the demolition and redevelopment of the Whistler Street car park site, the Manly Library site, or both.
- 4) A further purpose of the Alliance is to retain legal representation and to commence, prosecute, defend and intervene in legal proceedings in any Court in furtherance of its other purposes.

Contributing expertise

Barr, David BA(Syd), MA (Carleton), DipLaw (SAB)
Former Member for Manly and former Manly Councillor

Bavinton, Reon B Business (Local Government)
Certificates of qualification: Town Clerk, Principal Building Inspector; Health Inspector
Twenty five years service in Sydney metropolitan councils, including positions as:
Director Corporate Services; Deputy Chief Health and Building Surveyor. Now retired.

Bradley, Mike Economist – Contributor to Assessment of Financial Impact

Burgess, Rob Town Planner

Former Chief Town Planner @ Manly Council - 1972 to 1984

National Planning Manager to various National Property Development Corporations (including Queensland Government).

Specialist in Masterplanning & Development of Major Town Centres, Nationally 1984 to 2016

Conybeare, Darrel

Founding Director Conybeare Morrison. Architect, city planner and urban designer with over 40 years of broad-scale experience. Independent expert contributor.

Ferrarin, John

A construction management expert and quantity surveyor, John is Director at WT Partnerships International Ltd. – Contributor to Assessment of Financial Impact

Kitson, Bruce – M Forensic Accounting, M Legal Studies, M Dispute Resolution (with Distinction), B. Comm (Accountancy). Professional Membership Fellow of Australian CPAs Forensic accountant

Lambert, Judy AM BPharm, BSc (Hons), PhD, GradDipEnvManag, GradDipBusiness Admin. Self-employed environment consultant for past than twenty-three years, Judy's career includes being adviser to a former Federal Environment Ministerial, former research scientist and former local councillor

LeRoux, Terry – BSc (Stell), Hons BA (UNISA), MComm (Wits). Advisor, major infrastructure and energy projects.

O'Loughlin, Emmett – B Eng (Hons), M Eng Sci (UNSW), PhD (Iowa)

46 years experience in investigations and research in State and Commonwealth government agencies and universities, including 7 years in the USA. He has been employed by CSIRO since 1970, and attained the most senior scientific position in that organisation, Chief Research Scientist. Since 1982, he led CSIRO's research program in forest hydrology, most of which was concerned with issues of floods, water yield and quality. In 1991, he led the successful bid for the formation of the Cooperative Research Centre for Catchment Hydrology, and was appointed its founding Director. He has published over 140 refereed journal papers and book chapters, and edited four books.

Emmett developed methods for predicting a broad range of hydrologic effects that could result from a change in land use or management, or natural events such as fire.

Since retiring from CSIRO in 1995, he has been engaged in consultation for industry and government, working as an "honest broker" with emphasis on solving water and land management problems, by applying best research knowledge. This work has produced about 40 consultancy reports for various clients. Independent expert contributor.

Rochlin, Peter BEng (UNSW)

Peter is a civil engineer with 50 years experience as a consultant engineer and project manager. His expertise includes major project construction and costing and traffic management, including past work with Transfield. Much of Peter's work has involved high rise construction encompassing multi-level car parks. – Contributor to Assessment of Financial Impact

Samsa, Alan MIEAust, FAITPM, CTP, MITE

Alan is a Chartered Professional Engineer and an independent consultant with extensive experience in traffic planning and management. He is an RMS Accredited Road Safety Auditor, Level 3 Lead Auditor. Independent

Sharp, Ian BE (Hons), ASTC, MIE Aust, CP Eng (Ret)

Civil Engineer with over 40 years experience in investigation, planning, design, construction, operation and management of major water projects including the water and groundwater components of major civil and mining projects in Australia and overseas.

Smith, Craig B.Bus (Edith Cowan University)

Craig has held a number of senior executive positions with Wilson Parking since starting out in Perth in 1987 as a Development Executive, including State Manager NSW, General Manager of Australia and New Zealand and more recently Chief Executive Officer of Australia from 2008 to September 2015.

Wilson is the largest parking operator in Australia with over 320 sites and 120,000 bays across all States and Territories, a turnover of \$450 million and 650 employees. It covers a wide range of parking locations from simple open air lots to integrated commercial carparks, retail, hospital and airports. Wilson also owns 4 sites, including the 1176 bay Sydney Opera House car park which was purchased in 2014 for \$80m and the 692 bay Eureka Tower car park which was built by Grocon for Wilson in 2002.

Steggall, John

SMOA President, Former 1st Grade rugby player. Retired solicitor

Warr, Anne – PhD, FRAIA

Director of Anne Warr Heritage Consulting. Architect and planner specialising in heritage conservation. Anne has lived and worked in Sydney, the UK and Shanghai. She was for 10 years the Heritage Manager at NSW Department of Public Works and has also been Heritage Manager at City of Sydney.

Wunder, David BE – Engineering consultant

Civil Engineer with twenty years' experience in the construction of major infrastructure and facilities across most of Australia, including bridges, roads, steel recycling plant, cross country pipelines, power stations and buildings. A further eighteen years' experience in the design and project management of similar works, including tunnels and railways, highways, seawater desalination plants and specialised facilities for Department of Defence. Currently Project Director for 45km of Pacific Highway upgrade between Glenugie and Maclean, NSW.

It is the view of SMOA members that DA11/2016 as submitted is fundamentally flawed in several significant aspects. Areas of major concern include aspects of:

- Roads and Traffic
- Hydrology, Hydrogeology & Flooding
- Heritage
- Environment
- Sporting venue use
- Financial impacts on the community
- Permissibility, and
- Compliance

The remainder of this submission presents for the Joint Regional Planning Panel's (JRPP) consideration, our reasons for these assertions.

SMOA would welcome the opportunity to present to the JRPP representations in relation to these major concerns.

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Supporting Documents: Technical appendices

Provided as a separate electronic file (SMOA-DA116 2016 Submission)

Urban Design & Visual Impact Assessment DA116/2016

Independent expert Darrel Conybeare

Assessment of Economic Impacts on the Community

- Extract from the *Environmental Planning and Assessment Act 1979 – Section 79C*
- Extract from *The Capital Expenditure Guidelines (2010) of the Office of Local Government that refers to the need for a Business Case to be prepared.*
- Forecast of Operating Costs and Revenues for the Manly Oval Car Park – Estimated from the Community Strategic Plan Currently on Exhibition.
- Manly Oval Car Park – Capital Cost Estimate developed by David Wunder, Peter Rochlin and endorsed by John Ferrarin.
- Extract from the Report of Bitzios *Manly Oval Car Park Demand Forecasting Study* (25 November 2013)
- Forecast Revenues and Operating Costs for two Revenue Cases

ROADS & TRAFFIC

Areas of Non-compliance with BCA

There are (at least) two potential non-compliances with the Deemed-to-Satisfy provisions of the Building Code of Australia (BCA). One of these relates to travel distances to Fire Stairs, non-compliance with which is clearly evident from the drawings provided, and the other relates to ventilation, about which very little has been said.

None of the documents submitted in support of the Development Application addresses these issues, or suggests that an engineered solution will be provided. It appears they have not been considered.

Travel distances to Fire Stairs

Compliance with the Deemed-to-Satisfy provisions of the BCA, or in the event of non-compliance, the provision of an engineered solution, or at least the basis of such an engineered solution to achieve the intent of the BCA, should be a minimum element of an application for Development Approval.

The BCA 2016 sets maximum travel distances to fire rated exits for various classes of buildings. Car parks are classified within the BCA as Class 7a buildings.¹

Section D1.4 (Exit travel distances) of the BCA provides at sub-section (c), for Class 7 buildings:

No point on a floor must be more than 20 m from an exit, or a point from which travel in different directions to 2 exits is available, in which case the maximum distance to one of those exits must not exceed 40 m.

Scaling from the drawings (as no dimensions have been provided) indicates that about 199 car spaces, or just over 40% of the total number of car spaces provided, are positioned at more than 40 m from any exit, and therefore the design submitted as part of the Development Application does not meet the Deemed-to-Satisfy provisions of the Code. No basis for a fire-engineered solution has been provided, and indeed, any proposed solution involving central fire stairwells would be impossible due to the presence of the overlying football/cricket field, and fire-rated passageways would cause loss of car spaces, contrary to the project brief, and pose impossible restrictions in traffic circulation within the car park.

Car Park Ventilation

The Deemed-to-Satisfy requirements for smoke control and ventilation are listed in Parts E2.1 to E2.3 of the BCA.

There is no detail provided within any of the documents that would indicate whether a Deemed-to-Satisfy or a Performance solution is proposed. None of the drawings provided as part of the package of documents submitted by Council in support of the Development Application show any system of mechanical ventilation of the underground car park.

¹ BCA Part A3.2

However, there are two plant rooms shown,² one on each level of the car park, and each adjacent to Stair No.4 in the north-west corner of the car park.

A single Reduced Level is nominated at about the centre of each level of the car park, each presumably indicating floor level at that point. The level for Basement Level 2 (the lower level) is RL-0.15m, and the level for the upper floor is noted as RL2.45m, indicating a floor-to-floor height of 2.6m.

AS2890.1 requires that the minimum vertical clearance in a multi-floor car park should be 2.2 metres.³ Assuming 200 mm for slab thickness and a further 200 mm for additional band beam depth would enable this requirement to be satisfied. However, there is no indication of any ductwork arrangement that could be fitted into the 200 vertical space between soffit of slab and headroom clearance line, or indeed if any ductwork is even proposed. It is noted in Section 3.1.3 of the Project Management Plan⁴ that the constructor proposes to install 'jet fans, axial fans and room exhaust fans'.

Jet fans are typically used for smoke plume management are particularly effective in linear infrastructure such as tunnels, but far less effective, verging on totally ineffective, in managing smoke in large 2-dimensional spaces. In any case, jet fans require vertical space provisioning much greater than 200 mm.

Evidence of a Deemed-to-Satisfy solution or in the alternative at least the basis of an engineered solution to achieve the intent of the BCA should be a minimum element of any Development Application.

Design for Prevention of Flooding

Background and Proposed Design

The Cardno Flood Report⁵ states that the 1 in 100 year ARI flood level adjacent to the proposed entry and exit ramps in Sydney Road would be at RL 5.7m. The drawings submitted by Manly Council in support of its DA 116/2016⁶ show the levels of a number of potential floodwater ingress points to the car park are at or below this level. Specifically, these points are:

- the top of the eastbound exit ramp proposed for Sydney Rd, at RL 5.45m;
- the top of the cycle ramp into/out of the car park, at RL 5.72m;
- egress from the No 1 fire stair, at RL 5.80m.

No levels have been provided for the exit from stair No 3 on Raglan St, although the Cardno Flood Report notes that the flood level (2013 estimate) was RL 6.0m.

Statutory Requirement and Compliance of the Current Proposal

The NSW Government's *Floodplain Development Manual 2005* recommends that 500 mm freeboard should be added to all 1 in 100 year ARI flood levels provided to all developments

² BECA Drawings 2443740_AA_DA3102 and 3103

³ AS/NZS 2890.1:2004 Section 5.3.1

⁴ Manly Underground Carpark, Contract No ACI Project #N145, Project Management Plan 9 May 2016, by Abergeldie

⁵ "Review of 1:100 Yr ARI Impact on the Proposed Manly Oval Underground Carpark", Cardno (NSW/ACT) Pty Ltd, 4 November 2013

⁶ BECA Drawing 2443470-AA-DA3104 Rev B, submitted with DA116/2016 and dated 09 May 2016

as a risk mitigation measure. Manly Council has adopted this measure in its Interim Policy for Flood Prone Land.⁷

On this basis, the levels at the tops of the exit ramp, the cycle ramp and the No 1 fire stair are 750 mm, 480 mm and 400 mm respectively below the level required by Council.

The Cardno Flood Report, which was dated November 2013, also noted that its On-Site Stormwater Detention (OSD) recommendation (Option 2), which comprised 3,400 m³ of OSD on Manly Oval and 1,000 m³+ OSD in a tank integrated in the 2013 car park concept design would reduce the 100 year ARI flood level at Raglan St by 150 mm, from RL 5.9m to RL 5.75m.

However, Cardno's Option 2 recommendation has only been partially implemented, to the extent of about 1,000 m³ OSD below the surface of Manly Oval, with no provision for any further storage within the structure forming the subject of the Development Application. Therefore, Cardno's recommendation for raising the pedestrian ingress level on Raglan St to RL 6.25m is no longer valid, and should be somewhat higher, possibly as high as RL 6.4m.

Effect of Non-compliance

In the event of a 100-year ARI flood, uncontrollable floodwater would enter the car park and would cause major damage to plant and equipment and pose a high risk of drowning to anyone who happened to be in the car park at the time.

Solution

The design of the ramps can be modified, but this would come as an impediment to the effective and efficient operation of the car park. Firstly, the eastbound exit ramp into Sydney Road would have to be lengthened by about 19 metres to get up and over a 750 mm high crest and back down to road level without causing vehicles to "bottom out" at any stage⁸. This would put the exit ramp about 600 mm above footpath level and would require concrete walls about 1 metre high on each side to prevent the vehicles driving off the edge onto the footpath or onto the other traffic lane.

Critically, this solution would push the exit point so much closer to Belgrave Street that there would be insufficient distance for vehicles exiting the car park to change lanes safely into the centre lane to be able to make a right turn towards Manly Wharf.

This particular issue was raised by RMS and reported in the Bitzios Traffic Report⁹ when the distance of the proposed eastbound exit on Sydney Road was approximately 40 metres from the Belgrave Street traffic signal Hold line (confirmed by measurement of current proposal on Google Maps™). Halving this distance will prohibit any right turn towards Sydney Road for exiting traffic from the car park and would appear to be a major concern for RMS.

Relevance and suitability of the 1 in 100-year ARI criterion

A recent professional publication comments:

⁷ Interim Policy – Flood Prone Land 2013, Section 2.7, Manly Council, File No: MC/13/96673

⁸ Determined from the template provided in AS/NZS2890.1 and based on a ramp grade of 1:13 as per BECA Drawing 2443740_AA_DA3102 Rev B.

⁹ "Manly Oval Car Park Traffic Assessment" dated 15 April 2016, Bitzios Consulting, Section 6, Specific Issue No 5, raised by RMS Network Operations.

In NSW the Department of Infrastructure, Planning and Natural Resources (formerly DLWC) has responsibility for providing funding and technical advice to local authorities to carry out flood and floodplain management studies. The Department now requires that these studies consider the full range of flooding, up to the probable maximum flood (PMF). The Department also released a revised Floodplain Management Manual [NSW Government, 2001], which now defines terms such as 'flood liable land', 'floodprone land' and 'floodplain' as being all land susceptible to flooding up to the PMF.¹⁰

It continues by questioning if floods rarer than 1-in-100 year events should be considered in planning and design.

The paper gives a number of examples, not that far from home and not that long ago, when floods much greater than 100-year ARI have occurred.

Given the severe consequence should any flood event overtop the barriers for any underground car park, consequences that, at almost any time of the day would result in multiple deaths, and given the relative frequency of flood events in excess of 1-in-100 years size, and given also that major infrastructure is often designed to withstand the effects of the Probable Maximum Flood (PMF), I question if this should not be the guiding criterion.

Traffic Impacts

In addition to the comments on traffic impacts provided by Alan Samsa of Samsa Consulting Pty Ltd, we believe the following issues are all critical to a proper assessment of the Development Application.

The principal concerns are:

- The lack of clarity as to the actual design, given the inclusion of 2 options for traffic management at the intersection of Sydney Rd and Eustace St, being:
 - The proposal of a roundabout at the intersection of Sydney Rd and Eustace St, and the consequent increase in risk of serious traffic accidents involving downhill traffic in Sydney Road consequent upon the imposition of "roundabout rules" at the intersection;
 - In the alternative, the proposal of a right-turn lane for westbound traffic in Sydney Rd and the risks and consequences associated with that option
- The consequences of a very steep westbound exit ramp in Sydney and the effect on westbound traffic in Sydney Road being constricted to single lane running;
- Safety concerns associated with sight distances and visual obstruction caused by the barrier walls around the westbound exit ramp in Sydney Road;
- The impact on buses turning out of Sydney Road into West Promenade, and the fact that observed bus movements seem to be orders of magnitude greater than suggested in the Traffic Report;
- The overwhelming feeling that the traffic modeling reported in the Traffic Assessment, having been based on pre-existing traffic counts, does not and cannot take account of additional traffic generated by the car park *per se*, or the localized effect of the existing and additional traffic insofar as it will impact traffic elements such as the Eustace Street/Sydney Road intersection, downhill traffic in Sydney Rd

¹⁰ http://www.bewsher.com.au/pdf/CNF40P_1.pdf

wanting to enter the car park and blocking through traffic, and similarly with eastbound traffic in Sydney Rd.

The detailed concerns and objections are described below.

Construction of a Roundabout at the Intersection of Eustace St and Sydney Rd

One of the traffic options presented in the plans submitted by Manly Council includes a new roundabout to be constructed at the intersection of Eustace St and Sydney Rd¹¹. This roundabout will replace an existing Tee-intersection at that point. Eustace St joins Sydney Rd immediately at the bottom of a steep (12.9% grade) hill¹², and indeed the intersection is within the tangent points of the sag curve between the steep 12.9% section and the substantially flat section of Sydney Rd beyond Eustace St. The contour map at

Figure 2 shows this intersection and the comparison of slopes as shown by the contour lines.

T-intersection laws require all traffic entering Sydney Road from Eustace Street to give way to all traffic in Sydney Road. A new roundabout at the Eustace Street intersection would require all traffic in Sydney Road to give way to any traffic already in the roundabout. Given the 60 km/hr speed limit in Sydney Road, the steepness of the downhill grade and the potential effect of wet weather, the imposition of a roundabout at the intersection would significantly alter the risk profile of that intersection, for the worse.

The purpose of the intersection is to provide easy access for traffic to enter the car park through the only entrance to the car park, either by turning right out of Eustace St, or by encouraging westbound traffic in Sydney Rd to make, effectively, a U-turn to enter the eastbound entrance ramp. These proposed traffic movements would dramatically increase the traffic turns at the Eustace Street/Sydney Road intersection and greatly increase the risk of serious accidents at that intersection.

None of this additional turning traffic seems to have been modelled in the Bitzios Report,¹³ which seems to take no account of any increase in traffic in Eustace Street as a result of the changed circumstances (that is, access to the car park) or increased westbound traffic in Sydney Road for the same purpose.

Of equal concern is the potential for long delays for eastbound (downhill) traffic west of Eustace St on account of traffic circulating around the new roundabout, and the potential for greatly increased risk of accidents in the roundabout, and nose-to-tail accidents in the traffic queue eastbound in Sydney Road on account of sudden stopping to allow right of way to traffic entering the roundabout or, worse, making a U-turn in the roundabout without adequate warning.

Alternative of substituting a Right Turn Lane for the Roundabout at Eustace Street

Manly Council has proposed an alternative to the Roundabout at the Sydney Road/Eustace Street intersection, consisting of a right-turn lane westbound in Sydney Road to allow traffic

¹¹ BECA drawing 2443740-AA-DA310-B Rev B dated 9 May 2016

¹² Gradient measured over distance between RL 8.0m and RL 18.2m contours. Distance measured at 78m.

¹³ 'Manly Oval Car Park Traffic Assessment', dated 15 April 2016, Bitzios Consulting

wishing to enter the car park to make what would effectively be a U-turn to enter the eastbound kerb-side lane to enter the car park.¹⁴

This option appears to comprise a median barrier/kerb extending from west of West Promenade to west of Eustace Street, together with a right turn only lane at the same location on the southern side of Sydney Road.

The central median barrier is shown terminating to the west of Eustace Street and will therefore prevent any right-turns out of Eustace Street (Eustace Street is one-way, into Sydney Road). It will also make it virtually impossible for traffic out of Eustace Street to enter the car park other than at times of very low traffic in Sydney Road or when there is no traffic waiting to make a right-turn out of Sydney Road. Further, and while this configuration will be a much safer option in respect of eastbound downhill traffic in Sydney Road, compared with the roundabout option, it could be expected to cause significant queuing in the right-turn lane, which, given it is only about 50 metres long, sufficient to accommodate about 8-9 vehicles, could be expected to back up into the through westbound lane, which it would then block. There is no option to extend the right-turn lane further to the east, as that would block right-hand turns into West Promenade.

It is also a concern that the right turn would be on a very steep (12.9% grade) section of Sydney Road. There would be a real risk of cars rolling backwards or stalling halfway across the intersection, with potentially fatal results.

There is also the considerable risk that traffic could back-up in the entrance ramp to the car park, causing new traffic to block the through eastbound-lanes.

Finally, and possibly greatest concern of all, is the fact that traffic in the right-turn lane waiting to turn into the car park entrance ramp, will be partly unsighted by downhill traffic, due to the presence of the high barrier walls around the proposed westbound exit ramp extending uphill along Sydney Road. This would be particularly the case at night, when on-coming cars' headlamps would be obscured by the wall, potentially rendering on-coming vehicles invisible.

The same concern would apply to the roundabout option.

No evidence has been presented in the various submissions addressing this issue.

Consequences of a Westbound Exit Ramp in Sydney Road

The proposed design includes a new, westbound exit ramp from the car park. According to the submission, the ramp will emerge from the car park B1 level pointing southwards and immediately curving right under Sydney Road until it is heading westwards. At that point, estimated at about 20 m west of the centerline of Eustace Street, the ramp becomes an open channel structure, which progresses westwards until achieving grade parity with Sydney Road.

As noted above, the ramp would need to be surrounded with high barrier walls to prevent vehicles driving in to the open ramp, and to prevent errant pedestrians falling into the open ramp.

¹⁴ Abergeldie drawing 2443740-AA-DA3001-A Rev B dated 9 May 2016

The presence of these walls, especially the wall on the northern side of the ramp, will pose a sighting obstruction, potentially preventing drivers heading down hill from seeing vehicles about to turn across their path at the intersection near Eustace Street, and similarly preventing drivers wanting to turn across the path of downhill vehicles, being able to see far enough to determine if the road is clear to make the right turn.

The situation would be greatly exacerbated after dark when the wall would obscure the light from the vehicles' headlamps.

The ramp is shown at a gradient of 1:8,¹⁵ which is equivalent to 12.5%. The road gradient has been calculated at 12.9%, for about 70 metres west of Eustace Street, after which it flattens to about 9.5%, and then to about 4.5%. Therefore, the ramp will actually get marginally deeper over the first 50 metres or so until Sydney Road changes to the 9.5% grade, from which point onwards it will finally start to make some headway against the prevailing Sydney Rd gradient, before finally reaching grade with Sydney Road after a further 105 metres, making a total ramp length of 155 metres, instead of the approximately 40+ metres suggested by the DA submission drawings.¹⁶

The calculations and details of the ramp and road interfaces are shown in Figure 1.

Figure 1 assumes the open ramp floor level is about 3.0 metres below ground level when it emerges from tunnel portal (2.2m minimum vehicle height + 300mm additional height to avoid vehicle-bottoming through the grade transition + 300mm structural roof depth + 200 mm road pavement thickness = 3.0 m). This depth will increase to about 3.28 m by the top of the 12.9% grade section, and will not reach Sydney Road grade until a further 105 metres have passed. The total ramp distance will be about 155 metres, extending past No 73 Sydney Road.

As a consequence of:

- the proposed changes to the lane configurations in Sydney Rd westbound between Belgrave Street and Eustace Street, and
- the proposed roundabout at Eustace Street (or the alternative right turn lane), and
- the new exit ramp west of Eustace Street,

Sydney Road westbound will be reduced to single lane from Belgrave Street to a point about 178 metres west of Eustace St, a total length from Belgrave Street of about 280 metres. The impact on westbound traffic as a result of this constriction,

- the loss of the bus stop about 190 metres west of Belgrave Street, and
- traffic congestion resulting from slow vehicles or potential breakdowns or accidents in the single lane section, or
- loss of access in the garages at Nos 73 and 71 (known as No 80) Sydney Road, or
- inability of pedestrians to cross Sydney Rd over an extended length

does not appear to have been taken into account in the traffic report or in any of the other submission documents.

¹⁵ BECA Drawing 2443740-AA-DA310-B Rev B, dated 9 May 2016

¹⁶ BECA Drawing 2443740-AA-DA3001-B Rev B, dated 9 May 2016

LONG SECTION THROUGH SYDNEY RD AND PROPOSED WESTBOUND RAMP

- NOTES:
1. Portal position deduced from dng 2443740-A4-D13001-B BvB
 2. Road gradients calculated from center plan & hand-held clinometer
 3. Distances measured on Google maps
 4. Origin of change: western kerb Belgrave St.

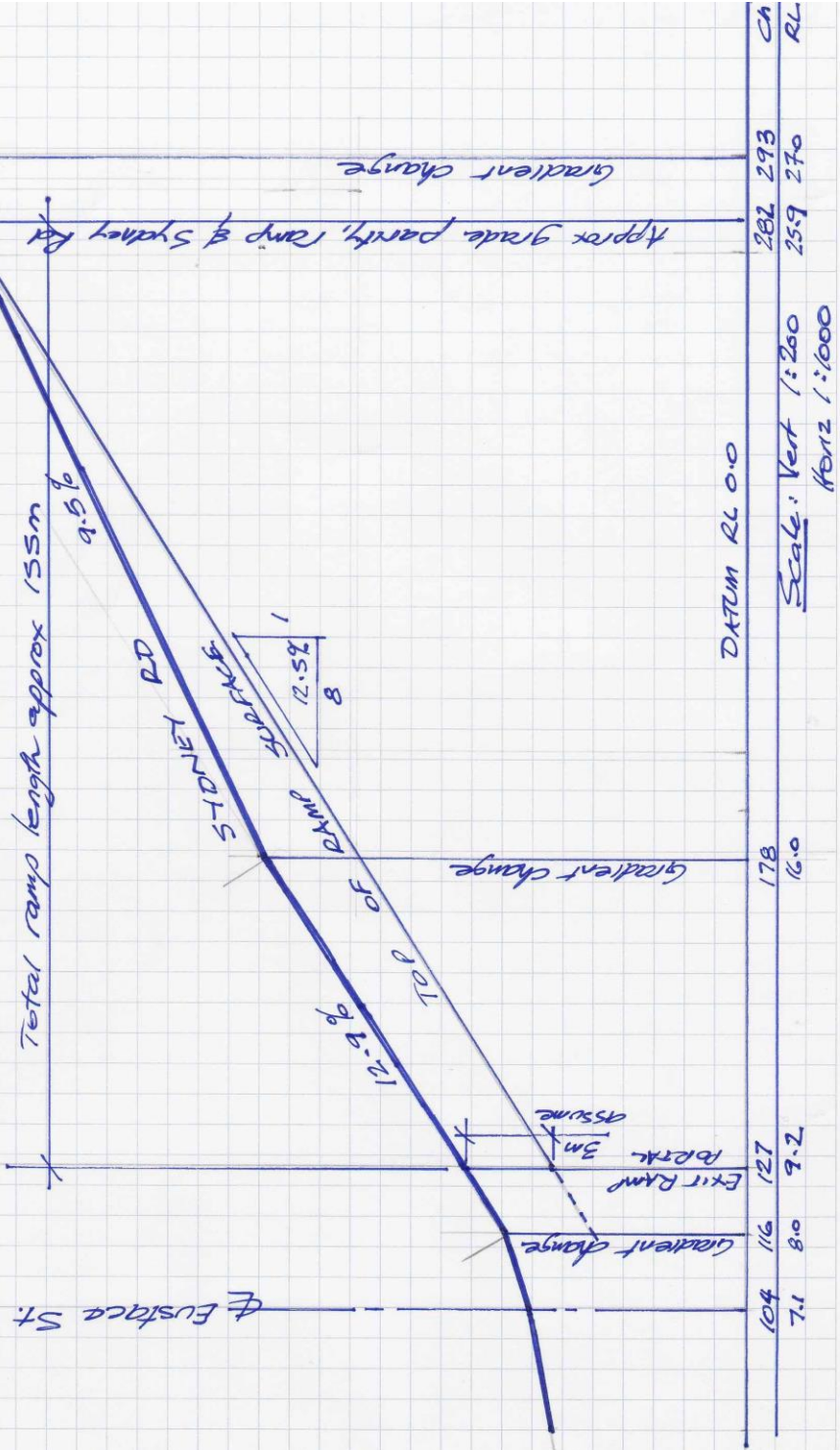


Figure 1 - Long section on Sydney Rd and westbound Exit Ramp

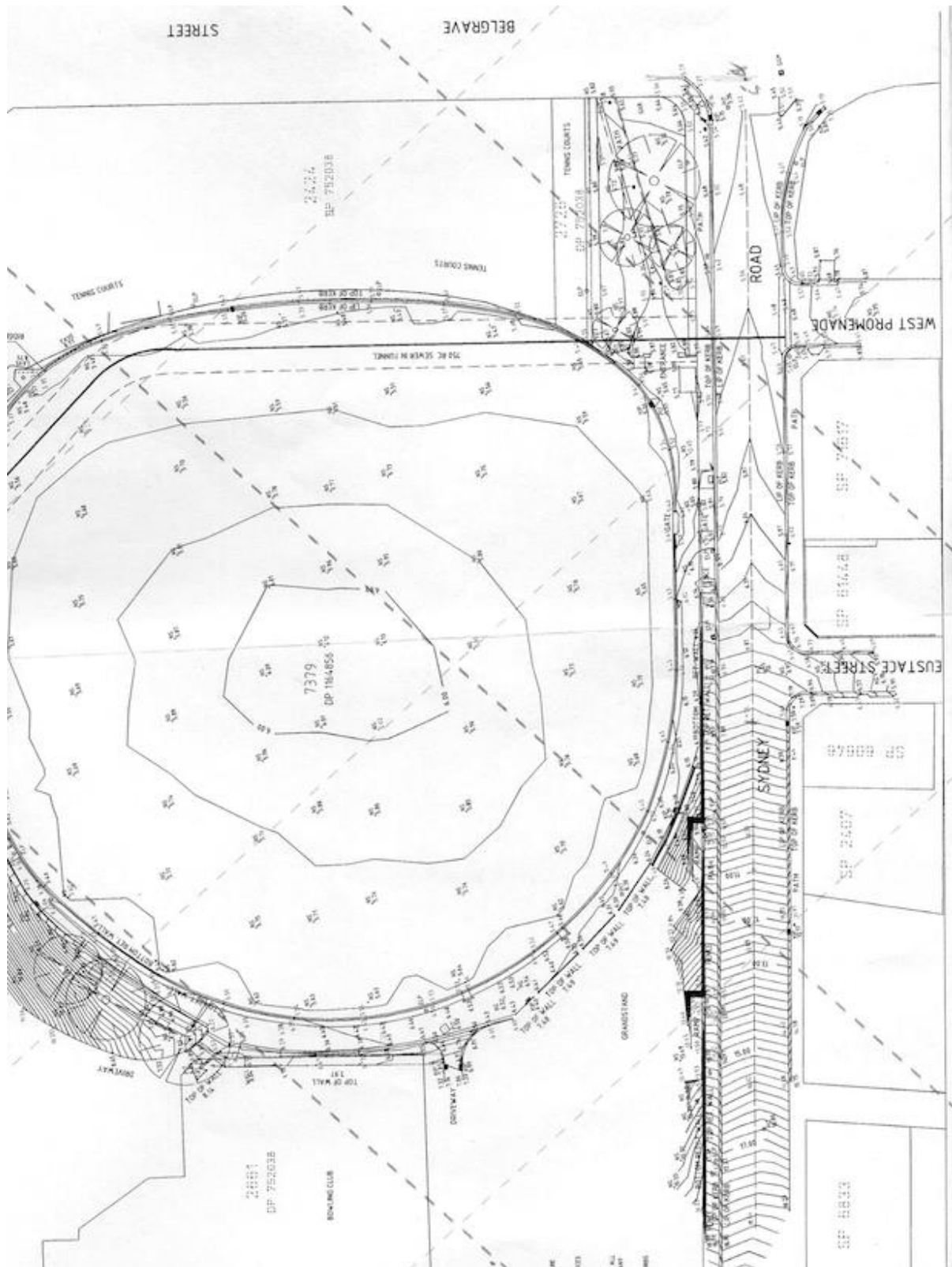


Figure 2: Contour map of Sydney Rd from Belgrave Street westwards

Impact on Buses turning out of Sydney Rd into West Promenade

At Action Item 6 in Section 6 of the Traffic Report,¹⁷ RMS commented on the suitability of the West Promenade/Sydney Rd intersection. The report comments:

‘STA verbally consulted. Only one route (142) uses the right turn from Belgrave Street to Sydney Road/West Promenade. STA is comfortable with proposal so long as swept paths demonstrate no conflict with other vehicles or infrastructure’.

We have taken a random count of the number of buses entering West Promenade from Sydney Rd between 3.30pm and 5.30pm on Monday 23 May 2016. The count is shown in

Figure 3 and shows, in fact, that 40 STA buses on 19 different route numbers, plus Not in Service, entered West Promenade off Sydney Road in the 2 hours surveyed. This is a long way from the somewhat different statement made in the Bitzios Report that only 1 bus route was affected

Time	East via Fairlight	West via Belgrave St	Time	East via Fairlight	West via Belgrave St
3.30		616 (Mackellar Girls' School)	4.32		420 ('Charter')
3.30	144		4.35	144	
3.40	616		4.36	143	
3.45	144		4.40		*NIS
3.45	143		4.45	E50	
3.45	723		4.45	143	
4.05	143		4.48		*NIS
4.05		*NIS (became 142)	4.50	144	
4.10	144		4.55	E70	
4.10		686 ('School')	4.55		E71
4.15	661 ('School')		5.05	144	
4.16		*NIS	5.10		E41
4.17	762		5.11	E50	
4.17	617		5.15	*NIS	
4.17	360		5.20	140	
4.20		*NIS	5.28	410 (charter)	
4.21		778 ('School')	5.29	E70	
4.25	144		5.29	155	
4.26		765	5.30	144	
4.30		*NIS	5.30	<u>143</u>	
				27 STA buses	13 STA buses

Figure 3: 2-hour bus count into West Promenade

¹⁷ 'Manly Oval Car Park Traffic Assessment' dated 15 April 2016, Bitzios Consulting

No Assessment of Environmental Effects arising from construction or operation of ramps in Sydney Road

The DA 116/2016 nominally covers the design and construction of the Manly Oval Car Park and the associated access and egress ramps in Sydney Road.

However, while the documents submitted in support of the Development Application go some way towards addressing and discussing the environmental effects of the construction of that part of the car park within the boundaries of Manly Oval, they make no mention of the environmental effects of constructing the ramps in Sydney Road.

For example, the documents submitted provide details of:

- The potential effects of dewatering the excavation within Manly Oval to construct the car park, and proposing mitigation strategies¹⁸. There is no such discussion for the ramps.
- The construction methodology for the car park is detailed and an approximate time-line is indicated,¹⁹ but there is no description of any methodology, timing or construction duration for the ramps.
- Predicted truck movements in and out of the car park site are shown and time-phased.²⁰ There is no such data for the ramps.
- The post-construction traffic is modelled and reported upon,²¹ but there is no assessment of the impacts on traffic from the construction of the Ramps in Sydney Road.

In short, issues of vital concern to residents and small businesses in Eustace Street and Sydney Road, and on nearby Tower Hill, issues such as:

- How the ramps are to be excavated, and, given that they are in sandstone, what levels of noise and dust and other pollution from excavation machinery exhausts can be expected?
- How long is the construction expected to take?
- What are likely to be the construction hours?
- What traffic diversions and lane closures will be required, and for how long, and where?
- How many truck movements, and in what direction, and over what duration, will be required to remove all the spoil and deliver the concrete?
- What will be the impact on bus routes into West Promenade and up Sydney Rd during the morning peak?

have not even been considered, let alone advised to residents or the public or to the JRPP.

David Wunder BE

30 May 2016

¹⁸ 'Report to Manly Council on Preliminary Geotechnical Investigation for Proposed Manly Oval Carpark', JK Geotechnics, 9 July 2013

¹⁹ 'Manly Underground Carpark, Project Management Plan 9 May 2016', Abergeldie Contractors Pty Ltd

²⁰ ibid

²¹ Manly Oval Car Park – Traffic Assessment, Bitzios, 15 April 2016

SAMSA CONSULTING

TRANSPORT PLANNING & TRAFFIC ENGINEERING

7th June 2016

Our Ref: *Manly Car Park_traffic review*
Direct line: 0414 971 956

Attention: Roger Freney
Secretary, Save Manly Oval Alliance

Dear Roger,

MANLY OVAL CAR PARK **Review of Traffic Assessment & Design Documentation**

BACKGROUND

Manly Council are proposing to develop and construct a two-level underground car park under Manly Oval with vehicular access off Sydney Road via ramps within and parallel to Sydney Road. This review of project documentation has been undertaken by *Samsa Consulting Pty Ltd*, Transport Planning & Traffic Engineering Consultants.

A staged development of the subject Project is proposed with details for each stage summarised as follows.

- Stage 1: Construction and operation stage of the proposed Manly Oval car park:
 - Construction of a 470 space car park with possible expansion to accommodate 760 spaces.
 - Access for the car park via Sydney Road, with a new roundabout in Sydney Road at Eustace Street to allow westbound traffic to U-turn to access the car park.
 - Modification of the Sydney Road / Belgrave Street signalised intersection layout.
- Stage 2: Demolition and redevelopment of the Whistler Street car park precinct after the full operation of the Manly Oval car park:
 - Redevelopment of the Whistler Street car park to a mixed used development with retail / commercial ground floor and residential units above.
 - Closure of Sydney Road between Belgrave Street and Whistler Street to general traffic.
 - Conversion of Whistler Street (between Raglan Street and Sydney Road) from the existing one-way arrangement to two-way traffic flow.

SAMSA CONSULTING Pty Ltd

46 Riverside Drive, Sandringham, NSW 2219, AUSTRALIA
PHONE: (+61) 414 971 956 • SKYPE: alan_samsa
E-MAIL: alansamsa@gmail.com • WEB: www.samsaconsulting.com

DOCUMENTS REVIEWED

The following documentation was reviewed:

- Australian Standard “AS 2890.1:2004, *Parking facilities, Part 1: Off-street parking*”
- Beca “*Manly Oval Underground Car Park*”, 9/05/2016
 - *Drawing No.2443740-AA-DA3001-A: Locality & Site Analysis Plan – Right Turn Bay Option*
 - *Drawing No.2443740-AA-DA3001-B: Locality & Site Analysis Plan – Roundabout Option*
 - *Drawing No.2443740-AA-DA310-A: Floor Plan: Ground Level, Right Turn Bay Option*
 - *Drawing No.2443740-AA-DA310-B: Floor Plan: Ground Level, Roundabout Option*
 - *Drawing No.2443470-AA-DA3102-B: Floor Plan – Level B1*
 - *Drawing No.2443740-AA-DA3103-B: Floor Plan – Level B2*
 - *Drawing No.2443470-AA-DA3104: Main Street Entry Ground Floor Plan*
 - *Drawing No.2443740-AA-DA4101-B: Street Elevations*
 - *Drawing No.2443740-AA-DA5101-B: Sections*
- Bitzios Consulting “*Manly Oval Car Park: Traffic Assessment*”, 15 April 2016
- Bitzios Consulting “*Manly Oval Car Park: Demand Forecasting Study*”, 23 November 2013
- Bitzios Consulting “*Manly Oval Car Park Protected Right-Turn Arrangement Modelling Assessment: Technical Note*”, 6/05/2016
- Bitzios Consulting “*Manly Oval Car Park Traffic Assessment: Parking Guidance Signage: Sign Locations*”, 26/04/2016
- Bitzios Consulting “*Manly Oval Car Park Traffic Assessment: Parking Guidance Signage: Sign A - Sydney Road Eastbound*”, 26/04/2016
- Bitzios Consulting “*Manly Oval Car Park Traffic Assessment: Parking Guidance Signage: Sign B - Pittwater Road Southbound*”, 26/04/2016
- Cardno “*Manly Oval Car Park – Review Of 1:100 Yr ARI Impact on the Proposed Manly Oval Underground Car Park*”, 4 November 2013 (and associated documentation)
- Cardno “*Drawing No.LA162001-01: Manly Oval Car Park – Landscape Concept Plan*”, 9/05/2016

REVIEW FINDINGS

The following detail identified issues / anomalies from the Project documentation as well as clarifications required.

- The exit ramp onto Sydney Road westbound is shown at a gradient of 1:8, which would require an approximate total ramp length of some 155 metres. This is significantly longer than the approximate 40+ metres suggested by the DA submission drawings. This has implications for the road network along Sydney Road, which will be reduced to a single lane flow to approximately 180 m west of Eustace Street (near no.75 Sydney Road). The single lane constriction would have the following impacts:
 - A constricted, single-lane section of major road such as Sydney Road creates a potential road network risk if a breakdown or some other type of blockage incident occurs. The main westbound exit from the Manly area would be blocked and alternative routes are relatively limited for the relatively high traffic volumes. Moreover, there is the potential for traffic congestion resulting from slower moving vehicles. This road network treatment is generally inappropriate for a major road.
 - A significant reduction (halving) of traffic capacity along Sydney Road westbound.
 - The loss / relocation of the westbound bus stop along Sydney Road about 90 m west of Eustace Street (opposite Ivanhoe Park) to a location east of James Street, with the next bus stop located west of James Street.
 - Potentially problematic access for the property garages and parking at no's 71 through to 75 Sydney Road with a relatively narrow single lane carriageway to exit and enter.
 - The loss of pedestrian connectivity across Sydney Road due to a physical obstruction caused by the exit ramp and its associated safety barrier walls.
- For traffic exiting the car park eastbound onto Sydney Road and approaching Belgrave Street, there is a potential road safety issue with respect to the weave manoeuvre required for those vehicles wishing to turn right at Belgrave Street. The potential additional ramp length, resulting from the flood hump height (essential, but yet to be considered in the design), will restrict this right-turn (southbound) option into Belgrave Street. The lack of weave length may result in unsafe manoeuvres by drivers wanting to turn south from the car park. Moreover, the layout shows the car park exit lane as having priority in its approach to the intersection rather than the Sydney Road traffic.
- In the SIDRA intersection analysis information in *Appendix A* of the Bitzios Traffic Assessment report, the Stage 2 Saturday Movement Summary for the Belgrave Street / Sydney Road intersection assessment indicates a queue length extending west back past the proposed roundabout at Eustace Street. Even with some reduction due to a 'no bus jump' scenario, the queue would still extend west by approximately 100 m.
- Clarification is required that the SIDRA intersection analysis for the new roundabout at Sydney Road / Eustace Street / new car park entry, undertaken as part of the Bitzios traffic assessment, includes single lane approaches and departures as per the layout proposed.
- The Sydney Road dual left-turn lanes into Belgrave Street appear to be problematic with respect to vehicle swept paths, especially if one of the vehicles is a longer / larger heavy vehicle or bus, for example.

- It is considered that the roundabout option is preferred to the right-turn bay option because:
 - it allows all controlled movements out of Eustace Street; and
 - it could potentially cause queuing in the westbound right-turn lane (which is relatively short and has suitable storage for only about 8 to 9 vehicles) where it may overflow into the adjacent westbound through lane and restrict Sydney Road westbound traffic flows.
- The eastbound entrance ramp to the car park is relatively short, providing storage for only about 5 to 6 vehicles, so queuing may extend back into the eastbound through lane and roundabout, restricting Sydney Road eastbound traffic flows and operations at the proposed roundabout.
- The eastbound Sydney Road lane layout downstream of the proposed roundabout shows a two-lane exit eastbound along Sydney Road with a lane-drop merge a short distance downstream. It is considered that this layout is flawed as it does not add any significant capacity to Sydney Road eastbound and introduces an unnecessary merge conflict.
- While the provision of safety barrier walls for the depressed westbound exit ramp along Sydney Road is necessary, they are likely to impede sight distance between vehicles travelling eastbound downhill along Sydney Road and vehicles within the roundabout – stopping sight distance is approximately 80 m (for cars) and approximately 100 m (for trucks) based on the 60 km/h speed zone and the downhill grade. The impeded sight distance may be exacerbated at night when vehicle headlights may be obscured. While the road safety risks are not considered to be a high risk (due to a combination of the relatively low travel speeds and congested urban road environment), it is recommended that an independent road safety audit be undertaken on the detail design and at pre-opening to assess the sight distance issue as well as other road safety issues. Appropriate road safety mitigation measures could then be developed to address any issues identified.
- The traffic volumes in the intersection analysis of the Bitzios Traffic Assessment report indicate relatively low entry flows for the proposed car park during Stage 1 weekday scenarios, eg. only approximately 66 vehicles entering in the AM and 39 vehicles entering in the PM, which seems low for such a large capacity car park. The exit flows were not able to be determined from information in the traffic modelling.
- There are a number of anomalies in the traffic flows used in the SIDRA intersection analysis for the Sydney Road intersections at Belgrave Street and the proposed roundabout at Eustace Street / car park entry:
 - There is a loss of vehicles between exiting the Eustace Street roundabout along Sydney Road eastbound and approaching the Belgrave Street intersection immediately downstream. This could possibly occur if there were more right-turn manoeuvres into West Promenade than there were vehicles exiting the car park to the east. However, some losses are quite pronounced, eg. during Stage 1 on Saturday, 616 vehicles exiting the roundabout eastbound reduce to 513 vehicles approaching Belgrave Street, which seems unrealistic.
 - Similarly, there is a loss of vehicles between exiting the Belgrave Street intersection westbound along Sydney Road and approaching the Eustace Street roundabout downstream. This could be as a result of left-turn manoeuvres into West Promenade, however, some losses are quite pronounced, eg. during Stage 1 in the PM peak, 438 vehicles enter Sydney Road westbound from the Belgrave Street intersection but only 341 vehicles enter the Eustace Street roundabout, which seems unrealistic.

- Based on *Table 3.2* of *AS 2890.1*, the proposed car park requires a category 4 access driveway width, which stipulates 6.0 m to 8.0 m for both entry and exit accesses. The proposed width for entry and exit driveways is approximately 3.0 to 3.5 m, which is sub-standard, even though there are two exit driveways proposed.
- The gradient on the car park ramps is unclear with variations / inconsistencies on various drawings. This requires clarification.
- It seems that the impact on buses turning out of Belgrave Street into Sydney Rd and then left into West Promenade, an issue raised by RMS, may be understated given the fact that observed bus movements seem to be orders of magnitude greater than those suggested in the Bitzios Traffic Assessment report. The Bitzios report stated that only one route (no.142) undertakes the right-turn from Belgrave Street to Sydney Road / West Promenade whereas two recent unofficial surveys indicated that 13 buses in a 2-hour survey and 12 buses in 1.5-hour survey entered West Promenade from Belgrave Street.
- The operational traffic is modelled and reported upon, but there is no assessment of the impacts on traffic from the construction of the underground car park and ramps in Sydney Road.
- In the response to RMS issues in the Bitzios Traffic Assessment report (no.9 on *page 36*), it is unclear where a pedestrian crossing would be able to be located so close to the roundabout. Moreover, any pedestrian crossing may experience sight distance issues to/from the eastbound downhill traffic along Sydney Road due to the safety barrier wall required for the depressed exit ramp.
- It is unclear what the last dot point on *page 23* of the Bitzios Traffic Assessment report means by “*queue propagation to the roundabout exits*”.
- In *Figure 4.5* (*page 27*) of the Bitzios Traffic Assessment report, the Stage 2 layout shows three approach through lanes for Belgrave Street (south) travelling into only two lanes in Belgrave Street (north).
- In the SIDRA intersection analysis information in *Appendix A* of the Bitzios Traffic Assessment report, the Stage 2 AM Phasing Summary for the Belgrave Street / Sydney Road intersection assessment is shown as Stage 1 Saturday Phasing Summary, which has been repeated from the previous page.

If you have any queries with respect to the above, please do not hesitate to contact the undersigned.

Yours faithfully,



ALAN SAMSA

Member Institute of Engineers Australia (MIEAust)

Chartered Professional Engineer (IEAust): NPER (1151361)

RMS Accredited Road Safety Auditor: Level 3 Lead Auditor (Auditor ID: RSA-02-0056)

Fellow, Australian Institute of Traffic Planning & Management (FAITPM)

Certified Transport Planner (CTP)

Member Institute of Transportation Engineers (ITE)

HYDROLOGY/HYDROGEOLOGY & FLOODING

Background

The drainage catchment above Manly Oval contains the steeply sloped Ivanhoe Park and a large fully developed urban area. The oval is low lying being only 5.5 to 6.1m above sea level.

The underlying material at the oval is predominantly sand over sandstone rock at a depth of 7.1m on its western side and 9.45m on its eastern side¹. Rock at much shallower depths of a metre or less was found in the north western area of the oval during the recent construction of a retention storm system by Council. The ground water table is at a depth of 3.5m to 4.0m². The water table under the oval is hydraulically connected to the ocean.

The major component of groundwater coming from the extensive elevated area above the oval currently flows through the permeable material (sand) below the oval to eventually flow into the ocean. Following heavy rain the groundwater level under the oval rises over a period of a month and then slowly returns to previous levels over a three to six month period as shown in JK Geotechnics Groundwater Level and Daily Rainfall 10 February 2016³. This shows that the movement of groundwater occurs very slowly at this location.

Surface water flows through the Council's stormwater system in adjacent streets. A 2008 study by Cardno¹ confirmed the poor performance of the existing drainage system in the area around Manly oval. Local flooding occurs frequently, up to 6 times per year. The one in 100-year flood level was estimated by Cardno in its 2013 letter to be 5.7m above sea level opposite the proposed Sydney Rd exit from the car park or about 200mm above the surface level.

To manage flooding Cardno recommended construction of an above ground 3,400 m³ detention tank and 1,000m³ tank integrated with the car park. Cardno also stated that 500mm freeboard was required above the 100-year flood level to comply with regulatory requirements for flood protection.

Council has constructed a storm detention system with a stated storage capacity of 1,000m³ under the western side of the oval. Storm flow will be diverted from the Raglan Street stormwater drains into the system and released into the sand below the oval via a seepage gallery of 12 slotted 900mm diameter PE pipes approximately 80m long surrounded by gravel fill.

Concerns

Flood Modelling

Future flood levels will be higher than predicted in the Cardno study as it is based on the 1988 *Australian Rainfall and Runoff Guidelines*, which do not allow for climate change. It is reasonable to adopt a 50 year time frame for the car park project. Consequently the probable occurrence of more intense storms due to climate change with more severe and frequent flooding events must be considered. Australian Rainfall and Runoff Interim Guidelines for Considering Climate Change November 2014⁴ recommend that where

¹ Cardno letter 4 Nov 2013 and information from 2008 Raglan Street Storm Water Report.

² JK, *Geotechnics, Geotechnical Reports*, 9 July 2013, 25 November 2013 and 9 March 2016

³ JK, *Geotechnics Groundwater Level and Daily Rainfall*, 10 February 2016

⁴ *Australian Rainfall and Runoff Interim Guideline for Considering Climate Change in Rainfall and Runoff*, November 2014

projects have serious consequences of failure the design should be tested for the 200 and 500 year events. Also, being close to the coast, the flood levels at the oval will be increased by storm surge from severe storms.

Flooding of an underground car park is a very serious event and there have been cases of loss of life in such circumstances. Being a small catchment of some 13 Ha the intensity of the 200- and 500-year storms are considerably greater than the 100-year storm when compared with large catchments. The disastrous Dungog flood in April 2015 and the recent Picton flood (June 2016) are examples of extreme floods caused by intense storms over relatively small catchments.

CSIRO projections⁵ show that by 2070 sea levels in Sydney will rise by 240 to 480mm with a median projection of 350mm. This increase will further exacerbate flood levels as well as raising water table levels in coastal areas including Manly Oval.

It is clear that more consideration of flooding is required, including detailed flood modelling and consideration of flood mitigation measures. This must be done before approving the Development Application as it is likely to have serious implications on the car park design, its cost and whether it remains viable.

Ground water Modelling

The current flow path of groundwater under the oval will be blocked to a large extent by the new car park. In addition the volume of groundwater will be increased by Council's recently constructed storm detention system. This will lead to a significant increase in the water table level under the oval after rain.

As stated previously, the groundwater level under the oval rises over a period of a month following heavy rain and then slowly returns to previous levels over a three to six month period. It is highly likely that this slow rate of dispersion, combined with the reduction in the ground water flow path by the car park, will limit in the capacity of the 1,000m³ detention system under the oval.

Groundwater modelling is required to obtain an acceptable understanding of the impact of the car park structure on groundwater flow and water table levels taking into account the additional water introduced by the Council's new storm detention system. Likely impacts are higher water tables that will increase surface runoff and in turn increase flood levels, the reduction in effectiveness and capacity of the Council's new storm detention system and other as yet unidentified impacts.

Settlement of Neighbouring Structures

In order to maintain a 'dry' excavation during construction, internal dewatering will be required. This is also likely to lower groundwater level outside the site which could result in settlement of neighbouring structures. Consequently it may be necessary to recharge groundwater levels outside the excavation, which would reduce the likelihood of settlement in those areas.

Detention Storage

As stated previously Council has constructed a storm detention system under the oval but this is unlikely to be able to provide the claimed capacity of 1,000 m³. Cardno also

⁵ CSIRO, *Climate Change in Australia Technical Report*, 2015

recommended a further 3,400m³ of detention capacity making a total of 4,400m³. There is no detail given in the Development Application of how and where the additional detention storage will be provided. Further it is probable that significantly more detention capacity and other flood mitigation measures will be required following completion of the previously mentioned detailed flood and groundwater modelling.

Conclusions

Further flood modelling is essential to meet requirements of the Australian Rainfall and Runoff Interim Guideline for Considering Climate Change November 2014⁴ and to consider the impact of storm surge and the CSIRO projections for sea level rise. The *ARR Interim Guidelines* require that, where projects have serious consequences of failure, the design should be tested for the 200- and 500-year events. Being a small catchment the intensity of the 200- and 500-year storms can be expected to be significantly greater than the 100-year storm used in the Cardno study. The flood modelling is essential to determine the detention capacity or other flood mitigation measures as well as design modifications to the car park required to ensure its safety. This must be done before the DA is approved and not dealt with as a condition of DA approval.

Apart from the additional 3,400m³ of detention storage required to meet the Council's consultant's recommendation, further detention capacity may be required to cater for the likely inadequacy of the recently constructed detention system. Over and above this, the impacts of climate change will require additional detention capacity or other flood mitigation measures. A detailed investigation is required to determine what is necessary and how and where these measures can be provided. Details of detention and any other flood mitigation facilities should be provided in the Development Application and not be dealt with as a condition of DA approval as they are an essential component of the project.

Detailed modelling of groundwater is required to understand the impact of the car park structure on groundwater flow and water table levels taking into account the additional water introduced by the Council's new storm detention system. This must be done before the Development Application can be approved as higher water tables will increase surface runoff and in turn increase flood levels. The modelling will also enable the effectiveness and capacity of the Council's new storm detention system to be assessed and may well identify other potential impacts of changes to groundwater conditions. Proper analysis of the sands under Manly Oval and determination of the flux rates through the sand as measured by pump tests in wells drilled for that purpose will be required to determine with confidence whether there would be any impact on nearby buildings when the site is dewatered during construction. In any case precautionary dilapidation surveys should be carried out on these buildings. There may also be detrimental impacts on surrounding vegetation in particular on mature trees in Ivanhoe Park

Ian Sharp
June 2016

MANLY OVAL CAR PARK – HYDROLOGICAL ISSUES

The proposed two-level car park beneath Manly Oval will experience serious flooding problems, and will cause increased flooding beyond the oval itself. This will endanger property and human safety. None of the documents listed on Council's website for the Development Application contain the hydrologic analyses needed to show the effect of the car park on flooding. The only study that has been done (Cardno, 2008 and 2013) is inadequate, and does not comply with design practice recommended by Engineers Australia.

This Report gives a brief statement of the likely impact that the car park will have on flooding, and the analysis that should be done before the DA is considered.

In preparing this Report, I examined all background documents for the DA on Council's website, as well as a draft submission prepared by Mr Ian Sharp. I agree with the statements made in Mr Sharp's report. I inspected the site on 8 June 2016.

Impact of the Car Park on Flooding

Heavy rain produces quick runoff from sealed surfaces, and slow infiltration into permeable surfaces like Ivanhoe Park or Manly Oval. Infiltrated water reaches the water table, then travels slowly towards the ocean. It takes months for the water table to drain.

If enough rain falls, the soil saturates, and infiltration stops; any further rain adds directly to surface flooding. This happens quickly if the soil is shallow. By constructing the car park with a thin soil cover (700 mm), storm runoff would be generated from the surface of Manly Oval when it had not occurred before, when the original soil depth was many metres. This will cause additional surface flooding. Existing drain capacity is known to be inadequate, and already causes backup and flooding at the site. The Cardno Report did not allow for the adverse effect of much thinner soil, and the consequent greater surface flooding.

Subsurface water flows from beneath the Oval towards the beach. Obstructing the flow path by a large underground structure will cause groundwater to back up. This will affect groundwater levels (increasing them), and the recently constructed subsurface detention storage will not operate as planned – its drainage will be seriously impeded. The result will be increased flood volumes and heights at the car park site.

None of these scenarios have been considered in any of the DA documents. Moreover, because surface and subsurface flows are interconnected, it is necessary to analyse both, to determine how they affect flooding. Only the surface flows have been analysed by Cardno. The effect of the underground structure on subsurface flows and surface flooding should be done for the pre and post car park conditions. This comparison is necessary to determine the impact of the car park on flooding. Because the car park structure will obstruct a large part of the flow path, its impact on flood levels is likely to be very significant. For this reason, these analyses should be done before the Development Application is considered.

Design for Climate Change

Engineers Australia recommends that significant structures such as this should be tested against the more intense rainfalls that are expected with climate change. They recommend doing flood analyses for the 200- and 500-year Average Recurrence Intervals, not just the 100 year analysis done by Cardno. These will show that flood levels will be significantly higher than those predicted by Cardno.

Sea level rise expected over the next fifty years will also affect flood levels at the oval. The anticipated rise of up to half a metre will cause backing up of subsurface flow, causing a permanent rise in groundwater level. This will directly increase flood levels at the oval and the car park.

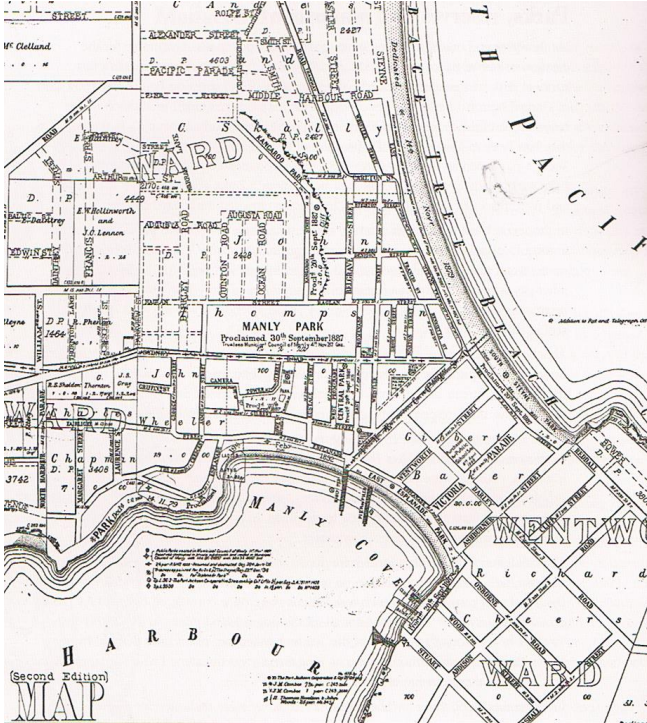
Predictions of flood levels at the car park must include the effects of more intense rainfalls and a higher sea level, as recommended by Engineers Australia. These have not been done. The predictions will be credible only if full analyses of surface and subsurface flows, accounting for more intense rain and higher sea level, are done.

Emmett O'Loughlin
1 Nicholas Grove
Rosedale, NSW.
13 June 2016.

Manly Oval

Ivanhoe Park

Manly NSW 2095



STATEMENT OF HERITAGE IMPACT

Prepared for Save Manly Oval Alliance
By Anne Warr Heritage Consulting
June 2016

HERITAGE IMPACT STATEMENT

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1.0 INTRODUCTION

This Heritage Assessment has been commissioned by the *Save Manly Oval Alliance* to assess the heritage impacts of a Development Application that has been submitted to Manly Council (prior to Council amalgamations) for the demolition of the existing Manly Oval, and its replacement with a car park with sports facilities on top. On 4th April 2016 Manly Council awarded the tender to proceed with constructing a 500 space, two level car park under our historic Manly Oval.

Save Manly Oval Alliance has been formed... 'to conserve and protect, for the public interest, the heritage and environment values of Manly Oval and its surrounds in the historical context.' (savemanlyoval.com.au). The immediate aim of the Alliance is to...

...stop Manly Council changing what has been public land for recreation for 145 years into a commercial car park site, reinstating an oval on top of a concrete slab. Council also intends to lease to developers for 99 years the Whistler Street car park site for shops and apartments (savemanlyoval.com.au).

This report has been prepared as an independent assessment, during May 2016, by:

Anne Warr, B.Arch (UNSW), MA (York), PhD (UNSW), FRAIA,
42 Kent Street
Millers Point 2000
mb 0418 619 639

2.0 EXECUTIVE SUMMARY

Since Manly Council was appointed as Trustees of Ivanhoe park and oval in 1887, they have overseen 130 years of public improvements to the oval, ranging from ground works, fencing, construction of pavilions, a banked bicycle track and finally a new grandstand in 2002. Over that time, the oval has been a focus, not just for a myriad of sporting events but also for community activities of all descriptions.

Manly Oval and its surrounding area are an integral part of the 100 hectare site acquired by the founder of Manly, Henry Gilbert Smith on 9 March 1853 to provide a public park and sporting facilities for the people of Manly. It was the intention of Smith that Manly be a place of pleasure and recreation for all Sydney siders, not just the local residents.

The current proposal by Manly Council to demolish the Oval and build a car park with landscaping at roof level is the first time in the last 130 years that the Council, as Trustee of the Oval, has proposed an idea that is not related to community or leisure activities of any kind. The car park is proposed for as a commercial public car park replacing the existing Whistler Street car park.

The development of Manly Oval as a central place of recreational activity in Manly represents a wider movement in the 19th century throughout Australian cities and towns to create a sense of community identity through sporting activities. This was a way that local communities celebrated all that was good about the Australian way of life – through outdoor pleasure and sporting prowess. In the late 20th century, the potential destruction of these community sporting venues by development proposals provided another avenue to bring local communities together in unified action to save and protect these precious and much loved community facilities. Parramatta Park, Sydney Cricket ground and the Domain are prime examples of this activity, along with the recent community protests against the development of Manly Oval as a car park by the Save Manly Oval Alliance.

The potential destruction of Manly Oval has galvanized local residents to research and understand the heritage significance of the Oval. By understanding the variety of community events that have taken place in the Park over the last 150 years, not just the significance of the place to Manly residents has been understood, but the significance of the place to the wider community, including the Aboriginal community of Australia, has now been highlighted.

This report finds that the proposed development of Manly Oval is **not** considered to be compatible with the heritage significance of the place for two major reasons:

1. **It detracts from the heritage significance of Ivanhoe Park and the adjacent streetscape and listed heritage items.**
 - Section 5.0 of this report assesses Manly Oval as having exceptional significance at local and state levels, making the Oval and adjacent Ivanhoe Park of State Significance.
 - Section 5.0 of this report shows Manly Oval to demonstrate 9 of the Australian and NSW Historical themes, including 'Peopling Australia' and 'Building settlements, towns and cities'. Manly Oval has significance for the people of Australia, not just at a local level, but also at state and national levels.

2. **It does not comply with the heritage provisions of Manly Council' s planning instruments**
 - It demolishes a heritage item, Manly Oval, which is clearly not allowed by Manly LEP 2013.
 - It does not follow the guidelines for new work to listed heritage items, as clearly stated in the Manly LEP 2013.
 - It has not produced an adequate heritage study, either a HIS or a CMP, so that Northern Beaches (Manly) Council can adequately determine the impact of the proposed works on the heritage significance of the Oval, as required by the 2013 LEP.
 - The heritage assessment has not been prepared by a suitably qualified heritage professional as required by the Manly LEP 2013.

3.0 DESCRIPTION

3.1 Location

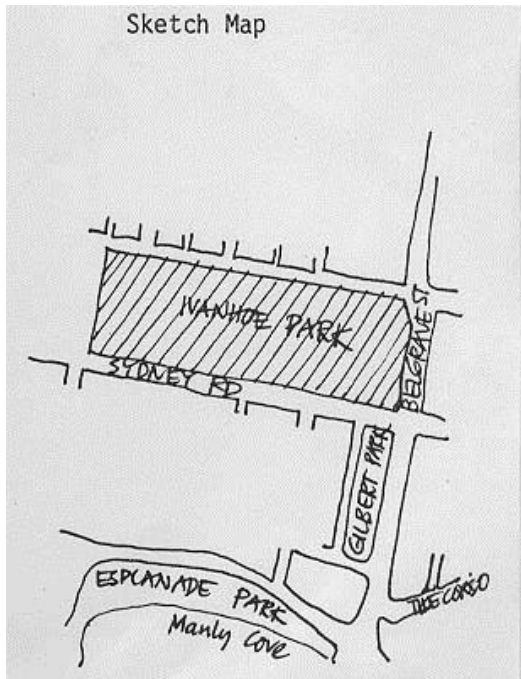


Fig 1.0 From Manly Heritage Study

Manly Oval is located at the eastern end of Ivanhoe Park, a listed Heritage Item on the Manly LEP 2013. The Park is bounded by Sydney Road to the south, Belgrave Street to the east and Raglan Street to the north. Gilbert Park faces Ivanhoe Park across Sydney Road to the south, and Kangaroo Reserve Park faces Ivanhoe Park to the north.

Henry Gilbert Smith, who purchased the 100 acres of land on which the Oval and Ivanhoe Park now stand in 1853, described the area in a letter to his nephew:

Its situation, seven or eight miles from Sydney by water, is as fine a thing as you can imagine and it takes in the only ground which has the sea beach on one side and a fine sandy cove on the other (Letters of Henry Gilbert Smith, 1827-1857, ML MSS 660, p.4.).

The aerial photo below, Fig 2.0, clearly shows this relation of the park to the sandy harbour beach on the south and the sea beach to the east.



Fig 2.0 Showing the importance of Ivanhoe Park, with it's adjacent landscape areas of Gilbert Park and Kangaroo Reserve, as a large open space within the increasingly dense suburban development of Manly.

3.2 Description

Manly Oval is nineteenth century parkland set aside for passive recreation and enjoyment of both the local community and visitors to Manly. The Oval has become one of only a few remaining examples of a classic 'village green', surrounded by a traditional white picket fence and situated within a Gardenesque setting provided by the remaining areas of Ivanhoe Park.

Located at the bottom of a steeply sloping catchment, much of which is occupied by the parklands of Ivanhoe Park, the Oval provides a picturesque entry point to the Manly CBD. An important venue for cricket and rugby since the 19th century, the Oval's place in the community is complemented by the nearby Manly Bowling Club.

The whole of Ivanhoe Park, which encompasses Manly Oval with its picket fence and memorial gateway, along with passive open space whose grassy slopes are home to a diversity of mature trees, both indigenous and cultural plantings is listed as a heritage item on the Manly Local Environment Plan.

Manly Oval, with its encircling white picket fence, is an early example of traditional "village green" situated in a Gardenesque setting, with strong parallels to the State Heritage listed St Leonards Park and Oval at North Sydney.

3.3 The setting

The relationship of the Oval to its setting is of prime importance. The setting includes the views to the ocean and harbour, views to surrounding streets and dwellings, and the important landscape setting of mature trees and more intimate gardens, with a ribbon of white picket fencing giving scale to the Park. Figure 3.0 encapsulates the 'village green' nature of Manly Oval with its encircling white picket fence, and views to the surrounding built landscape and streetscape.



Fig 3.0 Manly-Warringah versus Northern Districts at Manly Oval. Picture: Dallas Kilponen (SMH 11.11.2015)

4.0 HISTORY

4.1 Historical summary

The extract below is from the Northern Beaches (Manly) Council website:

Aboriginal heritage

At the time of European settlement the Manly area was the traditional home of the Guringai people. Initially, relations were good between the first colonists and the Guringai, but were soon soured. In 1789 a smallpox epidemic spread through the local Aboriginal tribes. By the 1830's, only a few Aborigines remained in the Manly area. Many Aboriginal sites have been recorded in the Manly area. The most common sites include shelter, midden sites, rock engravings, open midden sites, shelter cave art and open camp sites.

European Heritage

Manly was visited and named by Captain Arthur Phillip at the same time as Sydney, between 21st and 23rd January, 1788. Captain Arthur Phillip was impressed with the confident and manly behaviour of the Aboriginal people of the Cannalgal and Kayimai clans who waded out to his boat in North Harbour when he was exploring Port Jackson in January 1788. He gave the name Manly Cove to the place where they first met but its exact location is uncertain.

Manly remained isolated for many years. It was a long journey of 70 miles by road from Sydney - through Parramatta, Hunter's Hill, Lane Cove and Narrabeen. The other route involved crossing the water by punts at North Sydney and The Spit. There was a very small population which was able to eke out a living from fishing or farming when Henry Gilbert Smith, the founder of the village, arrived in 1853.

In June 1855, Henry Gilbert Smith wrote to his brother in England "the amusement I derive in making my improvements in Manly is, no doubt, the cause of my greater enjoyment, in fact I never feel a dull day while there. I should long ere this have been with you if it had not been for this hobby of mine, in thinking I am doing good in forming a village or watering place for the inhabitant of Sydney". (Manly heritage history)

Manly Oval

Manly Oval and its surrounding area are part of the 100-hectare site acquired by the founder of Manly, Henry Gilbert Smith on 9 March 1853 to provide a 'village or watering place for the inhabitants of Sydney' (ibid pp13-14).

As historian Pauline Curby describes: 'Smith's plans for Manly (or Brighton as he called it) were for a resort or watering place, modeled on those of Europe, with wide vistas, extensive parklands, and grand crescents lined with gracious mansions (Curby P. 2001, *Seven Miles from Sydney. A History of Manly*: 56).

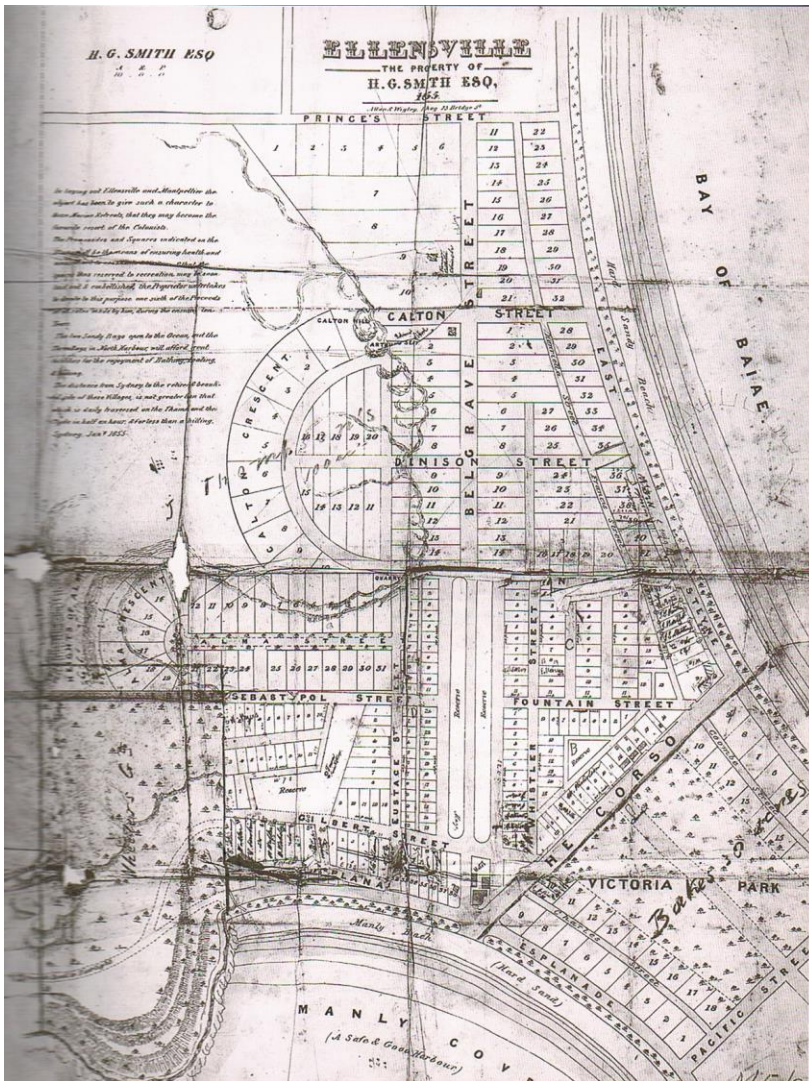


Fig 4.0 Ellensville Plan, 1855, of the property at Manly belonging to Henry Gilbert Smith. It includes a large area south of the Corso called 'Victoria Park' and an area marked 'Reserve' in the middle of the site, where Ivanhoe park and Oval are located today.

By the 1860s demand for sporting and leisure facilities had increased substantially as improved ferry services to Manly brought growing numbers of visitors on tourist excursions. The Sydney Morning Herald (23 Dec 1873) records that by 1871 Mr Smith had acquired from the Intercolonial Exhibition held in Prince Alfred Park in Sydney two refreshment pavilions (one large and one small) which were transferred to his land known as Ivanhoe Park. The larger pavilion was promoted as "the largest pavilion in the colonies" and its early uses included "a great variety of sports and amusements" in celebration of "Anniversary Day" (26 January 1871). In 27 February 1871 the new pavilion was the destination for participants in the Eight Hours League celebrants who followed their procession through Sydney with a ferry ride to Manly for celebrations in Ivanhoe Park (Illustrated Sydney News, 18 March 1871). A variety of other daytime attractions followed, as documented by historians George and Shelagh Champion in their 2007 report on Ivanhoe Park, Manly, see Fig 5.0 below. In that same report the Champions note that the then Premier of NSW,

the Hon. J S Farrell MLA acknowledged an existing public policy recognising the importance of public parks in centres of population. Furthermore, Premier Farrell pointed out the special claim that Manly could make as “the resort of thousands of visitors”.



Fig 5.0 Ivanhoe Park Pavilion, 1872, from *Illustrated Sydney News*.

Manly's Subdivision Plan in 1882 shows the eastern end of the land designated as “Reserved for Public recreation”. By 1883 Ivanhoe Park had been vested in the Queen (Manly Council minutes, 3 Jan 1884) as Crown Land. Manly Park [later officially named Ivanhoe Park] was, as the Champions record, officially proclaimed as such on 30th September 1887, and placed under the Trusteeship of Municipal Council of Manly on 4th of November 1887.



Fig 6.0 Map showing some of the parks for which Manly Council was responsible from the 1880s.

Early in its existence during the 1870s and 1880s, Ivanhoe Park became established as an important place of recreation, or pleasure ground, not just for Manly but more broadly for the people of Sydney and New South Wales.

The earliest reference to “Manly Oval” located in Trove is to a cricket match between the NSW and Victorian Telegraphic Departments played on 13 April 1888 (SMH 13 April 1888). Later that year the position of Caretaker for Manly Oval was advertised in the SMH (31 Oct 1888). The SMH (11 July 1891) reports that “a two-rail fence around the cricket ground was constructed in late 1891” and by 1894 “a good turf wicket was formed” (SMH, 18 Aug 1894). Minutes of a Manly Council meeting held on 30 July 1885 record the sowing of grass, filling in, putting up of a picket fence, and planting of shrubs and trees at Ivanhoe Park.

Manly Oval had become an early example of a classic ‘village green’ cricket and rugby ground with its picket fence, situated within a Gardenesque setting provided by the remaining areas of Ivanhoe Park.

Ivanhoe Park became an early venue for cricket, when in 1868 the first Aboriginal Cricket team played their last match in Australia at the Oval before the commencement of their UK tour; - the

first time an Australian sporting team of any kind had assembled for an overseas tour. In 1871, the Manly Beach Cricket Club held a match at the Oval to raise funds (SMH 16 Dec 1871). The Manly Cricket Club was formed in 1878 and the opening match of the cricket season is reported to have taken place at Manly Oval in October 1888. (Evening News, 9 October 1888). By 1895 Manly Federals are reported to have played rugby fixtures at the ground (Aust. Town and Country Journal, 3 June 1895). In 1899 it was proposed that the cricket and tennis clubs should pay for the caretaker of the Oval, with Manly Council providing a reduction in their annual rent for the area in return (SMH, 4 May 1899). In November 1899 Manly Bowling Club opened its new greens and pavilion (SMH, 11 Nov 1899).

Both cricket and rugby, along with athletics, have continued their association with Manly Oval throughout the whole of the twentieth century and to the present.

Among those who played cricket at Manly Oval are a number of outstanding Australian players, including Test all-rounder Jack Gregory (1895-1973), outstanding fast bowler Ray Lindwall MBE (1921-1996), all-rounder Keith Miller AM MBE (1919-2014) who has been described as “the greatest ever all-rounder”, Jim Burke (1930-1979) who completed more first grade innings without scoring a duck than has any other player, and leg-spin bowler Peter Philpott who was born in Manly.

It was also at Manly Oval that distinguished athletes John Treloar (1928-2012) and John Landy AC CVO MBE (1930-) set Australian record times. Treloar, a triple gold medalist at the 1950 Empire Games and an Australian Olympic sprinter equalled the Australian record over 100 yards in 1947 and again in 1948. Landy, a world record holder over both one mile and 1500 metres, broke the NSW Allcomers record for the 1500 metres in a scratch race at Manly Oval on 5 March 1953.

Given the high profile of sporting achievements in Australian cultural history, Manly Oval has a strong association with the life of persons important not only in NSW's cultural history, but also in our national cultural history.

But Manly Oval was more than just a sporting venue important in Australian culture. The beauty, accessibility and village atmosphere of Manly Oval and its surrounds made it an important destination for holiday-makers and those celebrating events significant in NSW and Australian history. Celebrations to mark the record reign of Queen Victoria were held there in 1897, with commemorative tree plantings recorded to have taken place at that time (Evening News 29 June 1897). Twelve hundred school children are reported to have celebrated Federation on a highly decorated Manly Oval in January 1901 (Sydney Morning Herald 12 January 1901). The Oval has continued to provide an important community venue for events large and small, with an annual Carols by Candlelight still attracting crowds in the lead-up to Christmas each year.

The first tram service from the Spit to Ivanhoe Park commenced in 1911, providing another important connection of the Reserve to visitors from far beyond Manly. The benched track route is one element of the local heritage listing of the Park. The former tram track at Ivanhoe Park, known as 'The Ivanhoe Loop' is listed as local heritage item no. 1161 on the Manly LEP 2013.

4.2 Construction in the park

A number of structures have been built in the Park over the years, as well as landscape works and ground works aimed at improving the amenity of the Park. Listed below are some of the works that have taken place in the Park over the past 150 years. All of the works relate to improving the Park and Oval as a place of passive and active recreation for the people of Manly and the enjoyment of the wider community at large.

- 1871 HW Wardle erected in Ivanhoe Park a large pavilion left over from the international exhibition held in Sydney in 1870 (Champion S&G, Manly Warringah and Pittwater 1850-1880, p169).
- 1875 The Ivanhoe Park Hotel was erected.
- 1880 The park was bought by hotelier Thomas Adrian, who however, failed to pay the cost
- 1883 The Mayor of Manly, Charles Hayes, bought up the land which was under threat from developers, and sold it to the NSW Government for 7,300 pounds, on condition that it be made into a park for Manly. The Council were appointed Trustees, and finally acquired the land in 1887.
- 1885 Manly Council tried to make improvements to Ivanhoe Park filling in uneven areas.
- 1887 The Government officially informed Manly Council that the control of all public reserved at Manly was now vested in Manly Council. The Council was permitted to charge admission to a portion of the Park with proceeds devoted to improvement of the Park.
- 1884-1909 The old hotel was used as Council chambers.
- 1890s Blasting removed some of the rocky area, drainage took place.
- 1891 Two rail fence constructed around the cricket ground
- 1894 A good turf wicket was formed (SMH 18 Aug 1894, p.40)
- 1894 Pavilion erected for the tennis club, on east side adjacent to tennis courts
- 1899 Manly Bowling Club's new green and pavilion opened.
- 1910 Trees were cleared from one side of the park to make room for the Spit tram route.
- 1911 Tramway from Spit to Manly was completed.
- 1924 The Old Court House building was removed, presenting an opportunity to enlarge the Oval area

- 1927 Plans for a Caretaker's residence were drawn up by architect Harold Mead, to a cost of 690 pounds.
- 1927 The Ossie Merrett Gates were officially opened to commemorate 'Ossie' Merrett, one of Manly's most respected sporting identities. Merrett was the manager of the triumphant 1924 Australian Olympic team which included three Manly gold medalists, Andrew 'Boy' Charlton, Dick Eve and Nick Winter. Merrett was a key officebearer and organiser of many local sports clubs and festivals, including Manly's famous Venetian Carnivals, of which he was director on four occasions; President of Manly Amateur Swimming Club; President of North Steyne Surf Life Saving Club; and President of Manly Athletic Club based at Manly Oval.
- 1928 A banked bicycle track was built, but removed in 1932/3 and the Oval restored to its original shape.
- 1945 Manly District Cricket Club urged the need for a new pavilion, as the old one was a 'disgrace'. (SMH 13 July 1945, p6). Manly Council enlarged the water service to the ground.
- 1946 The old bicycle track around the oval was removed. The practice wickets were moved 30 feet towards the boundary fence.
- 1951 A public meeting was called by Mayor Scharkie for the community to express their wishes for a memorial to the dead of WWII. A further public meeting overwhelmingly called for a memorial garden in Ivanhoe Park, to be called War Memorial Park.
- 1954 A letter from Dept of Lands stated that 'the Council is appointed as Trustee of the War Memorial Park iat Manly, being portion of Ivanhoe Park'. (Manly Council File 2148, Ivanhoe Park War Memorial Park, in Wellings Collection).
- 1998 The old grandstand was demolished after being declared unsafe
- 2002 The new grandstand was opened by the Mayor of Manly, designed by Group GSA Architects.



Fig 7.0 The Ossia Merrett Memorial Gates, 1927.

4.3 Events in the park

Since the early settlement of Manly in the 1850s, Manly Oval and Ivanhoe Park have played an important role in the both active and passive recreation not just of the people of Manly, but also for visitors arriving by ferry from Sydney, and from 1911 to 1939, by tram from the Spit.

In this section, three timelines of events at the Oval indicate the wide variety of activities, both local and international that have been held at the Oval over the past 140 years., demonstrating the place to be of importance, not just to the residents of Manly, but to the people of Sydney and NSW.



Fig 8.0 Goat Racing at Manly Oval, 1928

4.3.1 Local sporting events held on the oval

The following timeline of local sporting events held on the oval show it to have been host to a wide variety of sporting events including cricket, rugby, tennis, bicycling, Lacross and athletics events.



Fig 9.0 Rugby at Manly Oval, 1910s, with Ivanhoe Hotel in background.

- 1878 Manly Cricket Club was formed and laid down its first wicket there.
- 1881 Manly residents began agitating for a public park for sporting activities. The site at the bottom of Kangaroo Hill was first suggested as a possible park.
- 1883 First recorded mention of rugby in Manly (SMH, Sat 2 June 1883).
- 1884 Manly Lawn Tennis Club were using the Park.
- 1888 NSW vs Victoria Telegraphic Departments cricket match (SMH 13 April 1888, p.9)
- 1887 The first of annual bicycle race
- 1888 Demonstration Lacrosse match
- 1893 Tennis matches played under the auspices of the NSW Lawn Tennis Association.
- 1900 Baseball match played between Manly and Waverley.
- 1901 Cricket match between Victorians and Manly
- 1902 Manly played the NSW Parliament.

- 1903 Bicycle handicap races were held over one mile and a half-mile distance
- 1924 Manly Sporting Union was formed.
- 1947 Seven-a-side rugby matches were played at night under floodlights.
- 1947 John Treloar equaled the Australian record in the 100 yards, in 9.6 seconds.
- 1948 Herb McKenley of Jamaica set an Australian All-comers record of 31.5 seconds for the 300 yards, beating the previous mark of 31.8.
- 1953 John Landy broke the NSW All-comers' record for the 1500 metres in a time of 3min 57.6 seconds.



Fig 10.0 Manly Oval with Dalley's Castle behind, 1897.

4.3.2 Metropolitan, Regional, Interstate and International sporting events

Not only was the oval a venue for local sporting events, but it also hosted metropolitan, regional, interstate and international sporting events. Of particular note is the gathering of the First

Aboriginal Cricket team at the Oval in 1868 before their UK tour, and the re-enactment of the event in 1988, which has become a major symbol of Manly as a place of international sporting egalitarianism. It is hoped that an event to commemorate the 150-year anniversary of the Aboriginal team's tour can be held at the Oval in 2018.

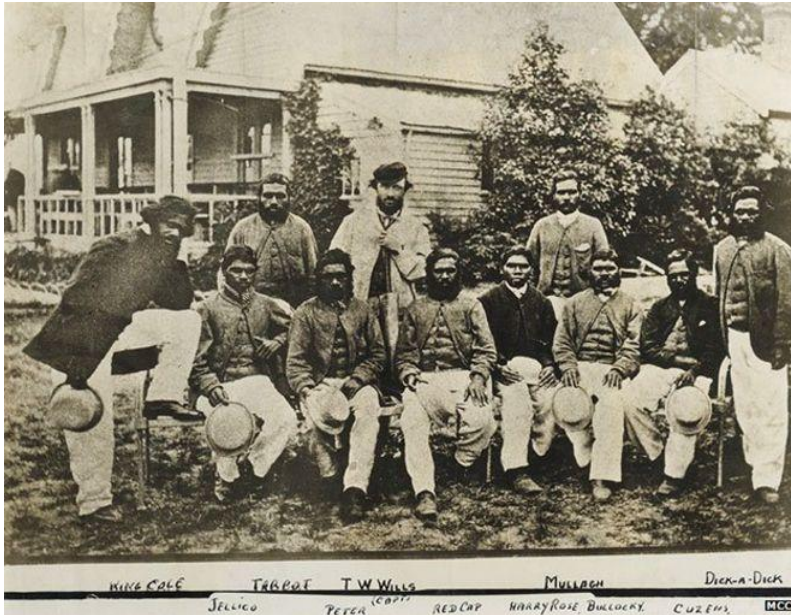


Fig 11. First Aboriginal Cricket Team and first Australian sporting team to tour internationally

- 1868 The first Aboriginal cricket team gathered at the Village green, on 12 February to play their final match in Australia before their tour of the United Kingdom.
- 1901 A match between Manly and New Zealand.
- 1909 Match between manly Waratahs and All Blacks.
- 1922 A Maori side played NSW
- 1923 New Zealand Maoris played Metropolitan. Included a demonstration of aerial stunting by Lt Holden in his plane (SMH 29 Aug 1923, p.16).
- 1924 Soccer match between Canada and a Metropolitan side.
- 1927 Metropolitan defeated a team from Japanese Universities
- 1946 Hockey match between NZ Army and Metropolis.
- 1949 The England Women's XI played a two-day cricket match with the Australian women.
- 1952 The touring Fiji rugby team defeated a City side.

- 1988 Re-enactment of the first Aboriginal cricket team's gathering at Manly Oval, which included Charles Perkins and Bob Hawke.

4.3.3 Cultural / local events in the park

Not only a centre for sporting events, the Oval has been, and continues to be, a focus for the cultural life of Manly. Picnics, dances, church outings, wildflower shows, celebrations for national events such as the Queen's long reign, Federation, wartime commemorations, and annual Christmas choral concerts have been held at the Oval and Ivanhoe Park.

The list of events demonstrates the Oval to be a focus for the community life of Manly, which was indeed the intent of the Park when first established. Sporting events have always been a focus for community pride and interaction, from junior athletics up to international meets. The oval however, has shown itself to be a focus, not only for a wider group of sporting events, including international matches, but as a focus for general community life through a host of non-sporting, community, activities.

- 1870s The pavilion in Ivanhoe Park was used for dances, picnics and church outings.
- 1880s-1890s The Manly Wildflower Shows were held in Ivanhoe Park, raising hundreds of pounds for local churches and for improvements to the park. The first Wildflower show was held in the pavilion in the park in Oct 1881. The pavilion was demolished in 1893 and future shows were held in temporary marquees, the last being in 1899.
- 1897 Celebrations to mark the record Reign of Queen Victoria were held at the ground. Commemorative tree plantings took place on the site of the old Ivanhoe Park Pavilion.
- 1898 The oval was the venue for exercises of the Manly University School Cadets Corp.
- 1900 The Relief of Mafeking was celebrated with a procession headed by Manly Fire Brigade.
- 1903 New bandstand in Ivanhoe Park opened.
- 1901 Commonwealth celebrations took place to mark Federation. 1200 school children were treated to a commemorative medal and a bag of cakes. The oval was decorated with flags, Venetian masks and other decorations. (SMH 31 January 1901, p.4)
- 1930 The pageant *The Triumph of Australia* was performed at Manly Oval on 8 and 9 November, featuring 1000 performers.
- 1940 The Returned Soldiers Volunteer Defence Corp paraded at Manly Oval.

- 1941 Recruiting rallies were held on the ground.
- 1950 Spectators at a match on 24 June heard an appeal from the club captain of North Steyne Life Saving Club appealing for volunteers to come to the beach to fill sandbags to try to save the clubhouse from being washed into the ocean.
- 1952 3000 spectators came to the Oval to watch the crowning of the Manly Queen of Mardi Gras.
- 1954 Manly Warringah Youth Association held its annual Youth Tattoo on the Oval featuring a parade of surf girls. (SMH 25 Feb 1954, p12).
- 2012 A crowd of 10,000 attended the Manly Council Christmas Choral Concert. (Manly Daily 8 Dec 2012, p11).



Fig 12.0 Jubilee stall at Manly flower show 1886. Manly art Gallery & Museum Collection.

Native wild flower shows were held in the pavilion in Ivanhoe Park which was also used as concert hall. The park had an oval cricket ground and bicycle track. Frances Myers describes it in 1885: 'rockeries, grottoes and ferneries, with flower beds, lawns and a series of little lakes in the gorge with the broad recreation ground below.' Some of the proceeds from the flower shows paid to improve the park.

5.0 ASSESSMENT OF CULTURAL SIGNIFICANCE

5.1 Current heritage Listings

Manly Oval, as a component of Ivanhoe Park, is listed as an item of local significance on the Manly Local Environment Plan 2013.

Suburb	Item name	Address	Significance	Item no
Manly	Ivanhoe Park	Ivanhoe Park (bounded by Sydney Road, Belgrave Street and Raglan Street)	Local	I162

The following adjacent items are listed as heritage items on Schedule 5 of the Manly LEP 2013:

Suburb	Item name	Address	Significance	Item no
Manly	The Ivanhoe Loop (former tram track route)	Ivanhoe Park	Local	I161
Manly	Natural escarpment	Kangaroo Reserve Park	Local	I164
Manly	Kangaroo sculpture	Kangaroo Reserve Park	Local	I165
Manly	Memorial Club	52 Raglan Street	Local	I216
Manly	St Andrew's Hall and manse	54 Raglan Street	Local	I217
Manly	St Andrew's Presbyterian Church	56 Raglan Street	Local	I218
Manly	Group of houses	62–72 and 76–84 Raglan Street	Local	I219

5.2 Comparative Analysis

A Comparative Analysis is useful in establishing the rarity, and therefore the significance, of an item. How many similar Ovals exist? Is it the only one of its kind?

To establish the comparative significance of Manly Oval, searches were undertaken through the State Heritage Inventory (SHI) using the themes 'Playing Ground/ Field' and 'Parks'.

Under the theme 'Playing Ground / Field', three sites were found:

1. Cumberland Oval, Parramatta park
2. Hawkins Oval, Wickham Park NSW (Newcastle)
3. Alamy Creek Reserve (near Grafton NSW).

Cumberland Oval, Parramatta Park, Parramatta, NSW 2150

Owned by Parramatta Park Trust (State Government)

All text in italics below is extracted from the SHI listings.

Cumberland Oval has been in this location since the 1880s first as Alfred Cricket Ground. The oval is significant in its representation of the formal recreational activities which have always taken place in the park. Now the site of the Parramatta Stadium it is also significant because it represents the history of annexation of park lands for other uses. The battle to prevent the construction of the stadium is a good indication of the social value of Parramatta Park to both the local and wider community.

The development of the Cumberland Oval to a stadium met with opposition from conservation groups. This opposition marked the beginning of vocal lobby groups opposing unsympathetic development of the park and alienation of park lands.

All archaeological evidence on this site would have been destroyed by the construction of the stadium.



Fig 12.0 Cumberland Oval within Parramatta Park. Serial photo showing relationship of the Oval to Parramatta and the wider Sydney area.

Hawkins Oval, Wickham Park

22 Albert Street, Wickham, NSW 2293

Sporting field, partly excavated and filled. Includes mature fig trees along Albert Street. An important open space area within the townscape.



Fig 13.0 Map showing relation ship of Wickham Oval and Park to the surrounding Newcastle suburbs

Alumy Creek Reserve

465 Lawrence Road, Alumy Creek, NSW 2460

The Alumy Creek Reserve has been used for sporting and social activities by the residents of the district for over a hundred years. It is representative of the reserves set a side for public recreation in the late 1880s.

This reserve was originally gazetted as an area covering 8 acres 3 roods 20 perches. It now contains a grassed area sufficient for social sports and an oval with a concrete cricket pitch; a weather shed; a restored tank shed, which was part of the original grandstand; picnic facilities; and a new eucalyptus plantation along the northern boundary.



Fig 14.0 Showing Alumni Creek Reserve and its setting within township of Alumny.

A search under *parks*, revealed more matches:

1. Sydney Cricket Ground
2. North Sydney Oval, St Leonards Park
3. Alan Border Oval, Mosman Park
4. Hurstville Oval and Velodrome

Sydney Cricket Ground is listed in the City of Sydney LEP as 'Sydney Cricket Ground Heritage Conservation Area' (LEP 2012, item no. C37)

Historical Significance:

'The historical significance of the Sydney Cricket Ground shows the original links to the British game and the original settlement by the British and their army. The ground has links not only to the British settlement but also to the area of land that was set aside for the residents known as Sydney Common. The Sydney Cricket Ground is a cornerstone of Sydney's sporting history.'

Associative Significance:

Strong continuous association with the game of cricket in Sydney from 1851 onwards.

St Leonards Park

Was gazetted on the State Heritage Register as an item of State Significance on 3 July 2015.

Statement of Significance reads:

St Leonards Park is of state heritage significance for its historical values as one of the earliest established public parks in NSW being set aside as a recreation reserve in 1838 and gazetted as a public park in 1867. It also contains one of Australia's oldest, continuously used cricket grounds and bowling clubs established in 1867 and 1887 respectively...

The site is of state heritage significance as a rare and representative example of a largely intact Victorian era park designed in the gardenesque style with its original layout still appreciable. It is also rare as a continuously used cricket ground and bowling club dating from 1867 and 1887 respectively. The post WWII music shell and Modern movement style Bowling Club are rare surviving examples of these types of structures.

Description

'St Leonards Park is a nineteenth century area of parkland that covers approximately 15 hectares. The dominant feature, other than the open areas of park is the North Sydney Oval complex with its playing field, grandstands and commercial spaces, the Parks depot and a childcare centre. North Sydney Oval (Oval No 1) - The original open village-green oval that has remained in existence since its dedication in 1867, making it one of the oldest cricket grounds in Australia. The National Trust Listing of 1993 refers to it as the oldest.'

History

William Tunks, the first mayor of the newly created township of St Leonards, made it his first duty to have the public reserve dedicated as a public park in 1867 as a centrepiece for the new

municipality. The first portion of land was dedicated in 1867 and set aside for public recreation and cricket, with the second section, not dedicated until 1869. The original cricket ground, now known as North Sydney Oval, was dedicated and the first pitch laid on 6 December 1867, making it one of the oldest continuously used cricket pitches in Australia.

Historical Significance

St Leonards Park is of state heritage significance for its historical values as one of the earliest established public parks in NSW being set aside as a recreation reserve in 1838 and gazetted as a public park in 1867. It contains one of Australia's oldest, continuously used cricket grounds and bowling clubs established in 1867 and 1887 respectively.

Social Significance

St Leonards Park has a high level of local social significance as a recreational facility for cricket and various forms of football.

Mosman Park – Oval and Park. Alan Border Oval

An item of local significance on Mosman LEP 2011

Description

This large park was dedicated in 1900 and now incorporates the Allan Border Oval, the War Memorial, the Grandstand, the Scoreboard, a childrens' play area and many well-landscaped elements. The oval is the dominant element in this part of Mosman Park.

History

This area, known as 'Lennon's Paddock', was purchased by the Council from John Gouldsbury Lennon in 1900 and became Mosman Park in that year. Prior to that, the land had been subdivided into 53 building allotments. The first oval was formed in 1904, but the ground was not considered playable until 1908, when Mosman District Cricket Club was formed. The Pavilion or Grandstand was first erected in 1912,



Fig 15.0 Mosman Park and Alan Border Oval, behind War Memorial.

Hurstville Oval and Velodrome

30D Dora Street, Hurstville, NSW 2220



Fig 16.0 Hurstville Oval 1921

Image by: LMG Historic Photograph Collection

Image copyright owner: Hurstville City Council

Statement of Significance

Hurstville Oval is highly regarded amongst cricketers for its consistently well maintained wickets, outfield, surrounds, spectator areas and amenities, and has been recognised by the Sydney Cricket Association as the best ground in Sydney numerous times. Since opening in 1911, Hurstville Oval has played host to some of the country's best cricketers, including sporting legend Sir Donald Bradman and renowned left-handed batsman Arthur Morris, who made his 1930s debut for St George Cricket Club at the age of 14. Other important figures linked to the ground include household name Bill 'Tiger' O'Reilly and his protégé Ray Lindwall.

Historical Significance

The site has a strong historical association with cycling and other recreational and sporting activities in the Hurstville LGA. Penny-farthings once raced on what is now Hurstville Oval, even before the cycling club formed in 1909. The oval also has a proud history of cricket - Sir Donald Bradman was a member of the St George District Cricket Club for seven years until 1933 - and rugby league, which have co-existed with cycling for almost a century.

Listing

Hurstville LEP 2012, item no. 124

A report by City Plan Heritage 2012, recommends Hurstville Oval for nomination to the State Heritage Register.

Summary of Comparative Analysis

Within the Sydney area, Cumberland Oval, Sydney Cricket Ground, St Leonards Park, Hurstville Oval and Mosman Oval present comparative examples of similar Ovals built in the late 19th century, early 20th century to provide community playing fields for local residents. Cumberland Oval and Sydney Cricket Ground are not listed specifically on the SHR as state items, as they are covered by other heritage instruments. As a comparison of suburban ovals, Manly Oval can be compared with St Leonards Park, Hurstville Oval and Mosman Oval. Of these three, St Leonards Oval has recently been listed as an item of State significance, and Hurstville has been recommended for State listing. Mosman Oval is a good example of an oval of local significance. Manly Oval, however, has a number of links to events of state and national significance that make it important to the wider community, outside of Manly.

5.3 Assessment of Significance

This section considers all of the information collected in the previous sections and clarifies what the culturally significant attributes of the place are. All aspects of significance are discussed and assessed to formulate clear statements of cultural significance.

This is in accordance with the 'Guidelines to the Burra Charter: Cultural Significance' which states that, the assessment of cultural significance and the preparation of a statement of cultural significance, embodied in a report as defined in section 4.0 [of the Guidelines] are essential prerequisites to making decisions about the future of a place.

'Cultural significance' is defined in the Burra Charter as meaning the *aesthetic, historic, scientific, social or spiritual value for past, present or future generations*. These values are used as the basis for discussion in this report. The Charter further clarifies that *cultural significance is embodied in the place itself, its fabric, setting, use, associations, meanings, records, related places and related objects. Places may have a range of values for different individuals or groups*.

With the creation of the State Heritage Register under Part 3A of the Heritage Act, in April 1999, the NSW Heritage Office has developed a set of seven criteria against which the cultural significance can be assessed to determine the level of significance, i.e. State or local.

Understanding Heritage values

The NSW heritage assessment criteria encompasses the four values in the Australia ICOMOS Burra Charter, which are commonly accepted as generic values by Australian heritage agencies and professional consultants:

- Historic
- Aesthetic
- Scientific
- Social

Assessing the item against the seven criteria

An item will be considered to be of NSW state or local significance if it meets one or more of the following seven criteria, as set out in the NSW Heritage Office Guideline 'Assessing Heritage Significance':

Criteria	Description
(a) Historic	An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).
(b) Cultural	An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area).
(c) Aesthetic	An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).
(d) Social	An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons.
(e) Archaeological	An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area).
(f) Rarity	An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area).
(g) Representative	An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places; or cultural or natural environments, (or a class of the local area's cultural or natural places; or cultural or natural environments)

Different components of a place may make a different relative contribution to its heritage value.

Grading	Justification	Status
Exceptional	Rare or outstanding elements directly contributing to an item's local or state significance	<i>Fulfills criteria for local or state listing.</i>
High	High degree of original fabric. Demonstrates a key element of the item's significance. Alterations do not detract from significance.	<i>Fulfills criteria for local or state listing.</i>
Moderate	Altered or modified elements. Elements with little heritage value, but which contribute to the overall significance of the item.	<i>Fulfills criteria for local or state listing.</i>
Little	Alterations detract from significance. Difficult to interpret.	<i>Does not fulfill criteria for local or state listing.</i>

Intrusive	Damaging to the item's heritage significance	<i>Does not fulfill criteria for local or state listing.</i>
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Assessment of Manly Oval using Heritage Office Criteria

Criteria a) Historic significance

An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).

Manly Oval is important in the course of NSW's cultural history through:

- Demonstrating the development of townships remote from Sydney, through the building of public recreation and pleasure grounds.
- Demonstrating the importance of sport to community development in 19th and early 20th century Australia.
- Demonstrating the role of sporting venues in the larger life of a community.
- Manly Cricket club, established in 1878, followed not long after the first cricket club at Sydney Cricket ground in 1851 and St Leonard's Cricket club in 1867. It was established before the Mosman Cricket Club of 1908 and the Hurstville Cricket Club of 1911.

Manly Oval is important in the course of Manly's cultural history through:

- Being an important part of the development of township of Manly
- Being a focal point for many aspects of Manly's sense of community
- For its prominent siting and visibility from many parts of Manly.

The history of Manly Oval and adjacent Ivanhoe Park fall within the following Australian and NSW Historical Themes, as set out by the Heritage Council of NSW in 2001:

Australian Theme	NSW Theme	Manly Oval
1. Peopling Australia	Aboriginal cultures and interactions with other cultures.	In 1868 the first Aboriginal cricket team gathered at the Village green, on 12 February to play their final match in Australia before their tour of the United Kingdom. This was the first international tour by an Australian sporting team. This is an event of interaction between Aboriginal peoples and European culture of national significance.
1. Peopling Australia	Ethnic influences	The Oval has been a place of shared sporting traditions since the Manly Cricket Club laid down its first wicket in 1878. Since then, Rugby, soccer, tennis, hockey, baseball, and cycling tournaments have

		been held at the Oval, between a wide range of local, regional and international teams. These activities demonstrate common cultural traditions between peoples of shared descent, and exchanges between a variety of traditions and peoples.
3 Developing local, regional and national economies	Environment - cultural landscape	Manly Oval has been a focus of shared activities between people in Manly, and has been at the heart of the development of Manly as a place of pleasure and leisure for locals, Sydney-siders and visitors, both nationally and internationally.
3 Developing local, regional and national economies	Events	Manly Oval has shown itself to be a focus, not only for a wide range of sporting events, but as a focus for general community life through a host of non-sporting, community, activities. These events include celebrations for wartime achievements, Federation, annual Christmas Carols, Fairs etc.
4 Building settlements, towns and cities	Towns, suburbs and villages	Manly Oval and its surrounding area are an integral part of the 100 hectare site acquired by the founder of Manly, Henry Gilbert Smith on 9 March 1853 to provide a public park and sporting facilities for the people of Manly. By the 1860s demand for such facilities had increased substantially as improved ferry services to Manly brought growing numbers of visitors on tourist excursions.
4 Building settlements, towns and cities	Utilities	Activities associated with the provision of services, especially on a communal basis Manly Oval has provided a broad range of community services, from sports training to school events.
6 Educating	Education	The Oval has provided a venue for sports training and development for all ages.
8 Developing Australia's cultural	Leisure	Not only a centre for sporting events, the Oval has been, and continues to be, a focus

life		for the cultural life of Manly. Picnics, dances, church outings, wildflower shows, celebrations for national events such as the Queen's long reign, Federation, wartime commemorations, and annual Christmas choral concerts have been held at the Oval and Ivanhoe Park.
8 Developing Australia's cultural life	Sport	The Oval has been a venue, not only for local sporting events, but for a host of metropolitan, regional, interstate and international sporting events.

Pleasure Grounds

A particular theme of Manly and Manly Oval is as a 'Pleasure Ground'. Between April 2008 and March 2009, an exhibition entitled 'The Nature of Manly' was held at Manly Art Gallery & Museum. The exhibition explored the unique geology of Manly's natural environment, the changes over time to its natural elements, animals and plants, and to the built environment. One part of the exhibition entitled 'Pleasure Grounds' explored Manly's Pleasure Grounds. Here is a quote from the exhibition brochure:

Two parts of Manly became the centre of recreation Clontarf as at ground was easily approached by boat. New Brighton, the area between the beach and the harbour, offered multiple choices for open air activity. During this period the Saturday half holiday was introduced giving more leisure. There was a move to escape the smoke and dust of the city, where open space was very limited. People approached Manly to dance, ramble, picnic, eat and drink. They preferred the harbour to the ocean.



Fig 17.0 Henry Gilbert Smith's Resort Structure 1850s
 Manly Council Collection.

Assessment: **High** **State**
 High **Local**

Criteria b) Cultural significance

An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area).

Before European settlement, the place on which Manly Oval now stands was significant to the local Aboriginal Guringai people.

Manly Oval has a special association with...:

- Henry Gilbert Smith, as an early visionary who saw the potential of Manly as a popular suburban and recreational area for Sydney.
- The early layout and development of the township of Manly by Henry Gilbert Smith
- The development of sporting clubs in Manly including the Manly Cricket Club, Manly Lawn Tennis Club, Manly District Rugby Union Football Club, Manly Sporting Union, Manly Warringah Youth Association.
- The first Aboriginal Cricket team to tour as an international sports team for Australia.
- Commemorative events in Australia's history including Federation, the Boer War, First and Second World Wars,
- Community activities such as Christmas Carols in the Park, and as a rallying point for recruitment during WWII and for recruiting volunteers to help save the North Steyne LSC (1950).
- The residents in the surrounding streets. The Park acts as a classic town park, or village green, in a similar fashion to Centennial Park, being a setting for the surrounding residences who generally feel a sense of 'ownership' with the park.

Assessment: Moderate State
 High Local

Criteria c) Aesthetic, technical, creative significance

An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).

Manly Oval demonstrates aesthetic characteristics and a high degree of creative and technical achievement through:

- The beautiful siting of the park and oval, on a high point in Manly looking east to the Sea and south to the Harbour.
- The prominent setting reinforces the central role of the Park and Oval in the community life of Manly.
- The fact that the Park and Oval have been the setting for such a variety of sporting and community events highlights the creativity of the place for creatively accommodating numerous community activities.

Jim Boyce writes of the environmental importance of the Oval:

As befits a park that now includes a Botanical Garden, a War memorial Garden and a sporting area, the environment is now one of a cultured landscape with many introduced trees, shrubs, plants and grasses. These areas have been designated by the Manly Council, progressively, since the arrival of Henry Gilbert Smith in 1853. The provision of pleasure grounds was particularly important and the flat area now occupied by Manly Oval

was ventral to that concept, as it still is today with the presence of Manly rugby and cricket matches and the conduct of the annual Carols by Candlelight event in December. While the concept of the pleasure grounds may have changed over time, the availability of civic open, flat space has always been important as the various events performed on the Domain in the city, bear testimony.

Ivanhoe Park has a very impressive range of introduced plants and trees, not the least of which are the Norfolk Island pines. There is the extremely rare Empress tree from Brazil, which is east of the War Memorial and the Willow Myrtle in the grounds of the pre-school. Also near the Pre-school are 2 Red Cedars, which are important to the early history of the Peninsula with timber operations at Duffys Forest and Frenchs Forest. One could go on but one should mention the presence of mature Hoop pines and Bunya pines.

However it is Manly Oval, with the greenery of the park rising to the ridge behind, that creates an important vista for Manly and why it is such a logical venue for the annual Carols by Candlelight and other community events. It exemplifies the way the natural and cultural environment are such important elements for the character of Manly. (Jim Boyce July 2015)

Assessment: **Moderate** **State**
 Exceptional **Local**

Criteria d) Special Association (social)

An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons.

Manly Oval has a special association with...:

- The Aboriginal community of Manly who see the place as an 'earthen artifact of spiritual significance' (S.V.Krishnan, Aug 2015).
- The Aboriginal community of Australia who take pride in its association with the first Australian Aboriginal Cricket team, which was the first Australian sporting team to tour internationally.
- The community of Manly, for which it has been a focal point for community activities since it was built.
- The sporting community of Sydney and Australia, for which the Oval represents iconic moments in Australian sporting history.
- The wider community of Manly and Sydney for whom the Oval represents a focus for community activities of all kinds.

Jim Boyce, President Manly Warringah Pittwater Historical Society and Rugby International player, writes fondly about the ambience of Manly Oval – something hard to define and akin to intangible heritage:

‘...what is seldom mentioned is the way the ambience of the Oval is an important element in the ambience of the urban area of Manly. We like to think that Manly has a village feel and an important element of that is the Oval and Ivanhoe Park. Certainly there is no other Rugby ground in Australia that has that feel. I would imagine that there are a lot of Manly Cricketers, either at the nets or out in the middle who have a similar feel for the Oval. The Norfolk Island Pines and St Andrews Church peering out over the northern end gives the place a character all of its own.’ (Jim Boyce July 2015).

Assessment: High Local

Criteria e) Archaeological

An item has potential to yield information that will contribute to an understanding of NSW’s cultural or natural history (or the cultural or natural history of the local area).

- The site has potential to yield information about past structures and ground works such as the pavilion re-erected from the international exhibition, the Ivanhoe Park Hotel, the tramway from Spit to Manly, the Old Court House and the banked bicycle track.

Assessment: Moderate Local

Criteria f) Rarity

An item possesses uncommon, rare or endangered aspects of NSW’s cultural or natural history (or the cultural or natural history of the local area).

Manly Oval possesses the following uncommon aspects of NSW’s cultural history:

- Being the site of the final practice match in Australia for the 1868 Aboriginal Cricket team, being the first Australian Cricket team to tour internationally. The importance of this event was borne out in the re-enactment of the cricket match held in 1988. This is now an symbolic and landmark event for Aboriginal people in Australia, with the relationship to the natural earth being integral to this significance.

**Assessment: Exceptional State
Exceptional Local**

Criteria g) Representativeness

An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places; or cultural or natural environments, (or a class of the local area's cultural or natural places; or cultural or natural environments).

Manly Oval, within Ivanhoe Park, is:

- A representative example of a Victorian Park adapted to the Australian setting by becoming both a passive recreational 'Pleasure Garden' Park and an active sporting venue. The additional layer of war memorial to the park adds to the special Australian characteristic of sporting venues that aspire to take a higher and broader place in the cultural life of Australians.
- A representative example of a sporting venue that has become a focus for a range of community functions over time, and will continue to do so.

Assessment: High Local

Summary Table

Significance criteria	Grading	Level
(a) Historic	High High	State Local
(b) Cultural	Moderate High	State Local
(c) Aesthetic	Moderate High	State Local
(d) Social	High	Local
(e) Archaeological	Moderate	Local
(f) Rarity	Exceptional Exceptional	State Local
(g) Representative	High	Local

Fig 9.0 Summary levels of significance

An item is considered to be of NSW State Heritage significance if it meets one or more of the above criteria at a state level. Manly Oval and its setting can be considered to be of NSW State Heritage significance as it meets the state heritage criteria in 4 categories.

5.4 Statement of Significance

The development of Manly Oval as a central place of recreational activity in Manly represents a wider movement in the 19th century throughout Australian cities and towns to create a sense of

community identity through sporting activities. This was a way that local communities celebrated all that was good about the Australian way of life – through outdoor pleasure and sporting prowess.

The range of activities held at the Oval over the past 140 years covers the formal and informal, the transient and long-term, for locals and visitors. All these activities were held within an environment that offered splendid views to the ocean and the surrounding residential neighbourhood, through a garden landscape of grand pine trees and pleasure gardens contrasting against neat white picket fencing. For the visitor venturing to Manly by road, the steep descent down Sydney Road beside the Oval heralded the final arrival at their destination.

In the late 20th century, the potential destruction of these community sporting venues by development proposals has provided another avenue to bring local communities together in unified action to save and protect these precious and much loved community facilities. Parramatta Park, Sydney Cricket ground and the Domain are prime examples of this activity, along with the recent community protests against the development of Manly Oval as a carpark by the Save Manly Oval Alliance. The potential destruction of Manly Oval has galvanized local residents to research and understand the heritage significance of the Oval. By understanding the variety of community events that have taken place in the Park over the last 140 years, not just the significance of the place to Manly residents has been understood, but the significance of the place to the wider community, including the Aboriginal community of Australia, has now been highlighted.



Fig 17.0 Sydney Road and Manly Oval, 1880s.

6.0 THE PROPOSAL

Summary of Proposed Works

Manly Council describes the proposal as 'Construction of 2 [sic] level underground carpark for approx. 500 vehicles, including disabled spaces, bicycles and motor cycles spaces. Vehicular entry and exit off Sydney Road'.

In its Statement of Environmental Effects, Manly Council provides more detail, as follows:
'The proposal for which consent is being sought involves:

- i) Excavation under the central section of the oval;
- ii) Construction of a two level car park for some 501 car spaces including 22 spaces for persons with disabilities. Parking is also provided for 18 motorcycles and 203 bicycles;
- iii) At the street level on the corner of Sydney Rd and Belgrave St is a pedestrian and bicycle ramp to the car park, cyclist change rooms, amenities for persons with disabilities and a small kiosk;
- iv) Vehicular entry and exit ramps off Sydney Rd;
- v) Two options for vehicular entry and exit at the junction of Sydney rd and Eustace Street. These options are, either a roundabout or a protected right turn lane if travelling in the westerly direction;
- vi) Restoration of Manly Oval following completion of the construction of the car park; and Re-landscaping the existing park at the corner of Sydney Rd and Belgrave St. this will include retention and relocation of the Ossie Merit Entry Gates'.

7.0 IMPACT OF PROPOSAL ON ASSESSED SIGNIFICANCE

Major significance	Impact of Proposal on Significance
<i>The Oval as a heritage item within Ivanhoe Park</i>	The proposal seeks to demolish the Oval, which exists on natural ground, with a concrete structure topped with landscaping. This represents the complete destruction of a listed heritage item and its replacement with a structure that has no relation to the previous uses and activities of the site. Car parking is not a community activity, which has any relationship with the current use, or the historical use, of the Oval.

<i>The aesthetic setting of Ivanhoe Park.</i>	The car park will sever the aesthetic relationship of the Oval to the surrounding streets and residences. It will introduce activities that have no relation to the activities of the oval, thus destroying the aesthetic bond between the oval, the activities and the surrounding landscape of Manly.
<i>The historic significance of the place to the Aboriginal community of Australia.</i>	The significant historic event of 1868, when the Aboriginal cricket team played their last match in Australia at Manly Oval, before heading overseas for the first International tour by an Australian cricket team, is integrally related to the actual ground on which the Oval is built, which relates further back in history to the significance of the place to the Aboriginal inhabitants of Manly before the arrival of Europeans. Replacing the natural ground with a concrete car parking structure is a violation of this significant bond.
<i>The cultural significance as a place of numerous sporting and cultural activities.</i>	The replacement of a sporting venue that has long historical links with the development of Manly as a place of strong community ties evidenced through the variety of sporting and community events held at the Oval, with a concrete car park , will destroy the cultural significance of the Oval. The proposed work will not be reversible, so the cultural significance cannot be recovered.

8.0 COMPLIANCE WITH DEVELOPMENT AIMS AND RESTRICTIONS

Manly LEP 2013 5.10 Heritage Conservation		Project Compliance
(1) Objectives	(a) to conserve the environmental heritage of Manly	The proposal is demolishing an item of environmental heritage, not conserving it.
	(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,	The proposal will reduce the significance, not only of the Oval, which will be demolished, but of the adjacent remains of Ivanhoe Park, and the streetscape setting along Sydney Road, Raglan Street and Belgrave Street. Views to and from the heritage item will be diminished and reduced considerably.
(2)	(a) demolishing or moving any of the	The proposal will demolish a heritage

Requirements for consent	following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance): (i) a heritage item.	item – Manly Oval - demolish parts of the setting of the heritage item, and remove the commemorative gateway so that it becomes the new entrance to the carpark. Removing the commemorative gateway from its original setting and destroying its relationship to the Oval and park, and thus destroying its significance.
(4) Effect of proposed development on heritage significance	The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.	An adequate heritage assessment of Manly Oval has not been carried out by the Developers, therefore the consent authority cannot adequately assess the effect of the proposed development on the heritage significance of the item.
(5) Heritage assessment	The consent authority may, before granting consent to any development...require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.	A Heritage item as important as Manly Oval, should have a Conservation Management Plan prepared before any development is approved, so that the exact significance of the Oval and all its elements can be fully assessed. The DA for the proposed carpark does not even include a Statement of Heritage Impact, but relegates the heritage impact to one small section of the statement of Environmental Effects. The heritage statement in the SEE does not seem to have been prepared by a suitably qualified heritage practitioner, as required by the Manly LEP 2013.
(6) Heritage Conservation Management Plans	The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.	A Conservation Management Plan should be prepared for Manly Oval so that the full impact of the proposed development can be adequately assessed.

Requirements under Manly DCP 2013 Amendment 2.	Project Compliance
2.1.5 Heritage Management Documents	

2.1.5.1 Heritage Management Documents	
Heritage Management Documents may comprise either:	
(a) a Heritage Impact Statement which identifies heritage significance, assesses impact on that significance and measures to minimise that impact. In particular a Heritage Impact Statement will:	Neither a CMP nor a HIS have been prepared to accompany the DA. Therefore the impact of the proposed carpark cannot be fully assessed against the heritage significance of the site.
(i) demonstrate that all possible means of mitigating any negative impact on the item have been addressed and that the proposed works will not significantly alter the heritage significance of an item of the character of the locality;	The proposal is to completely demolish a listed heritage item. Therefore the heritage item will be significantly altered.
(ii) be prepared by a qualified heritage consultant...	It does not appear that a qualified heritage consultant has been employed to address the heritage issues.
3 General Principles of Development	
3.1 Streetscapes and Townscapes	
Objective 1) To minimise any negative visual impacts of walls, fences and carparking on the street frontage.	No. The scheme does not minimize negative impacts on the frontages to the heritage item.
Objective 2) To ensure any development generally viewed from the street complements the identified streetscape.	No. The scheme does not complement the identified streetscape.
Objective 4) To ensure that all parking provision is designed and sited to respond to and respect the prevailing townscape	No. The scheme does not respond to or respect the prevailing townscape.
Objective 5) To assist in maintaining the character of the locality	No. The character of the area is one of landscaped open space on natural earth. The new proposal will impose a built structure into an area that has been landscaped public open space for 140 years, and natural country to the local Guringai people for thousands of years before that. It will change the landscape irrevocably. It will not be reversible. Therefore the character of the locality will be changed irrevocably.
	The proposal includes 4 above-ground structures containing services including Lift,

	<p>stair & vent shafts, generally located in the 4 corners of the Oval as follows,</p> <p>NE corner- 12m x 4.5m (4.9m high)</p> <p>NW corner - 9m x 4.5m (4.9m high)</p> <p>SW corner - 14m x 4.5m (4.9m high)</p> <p>SE corner – 24mx 8m (4.9m high)- containing, services, toilets, change, cafe & stair to basement. This amenity & service building is at the Main Oval entry, replacing the Memorial Gates</p> <p>Ramp Structure: There are 3 major vehicular entry ramps off Sydney Road, which total in the order of 140m in length (depending on option & design). These ramps require safety protection either side resulting in a 280m length of 1m high concrete walls. A 4m wide & 20m long bike ramp to the basement dominates the small corner park. These ramp structures will present as ugly black holes at the entry to Manly and combined with the extreme length of safety walls will dominate the views on arrival to Manly and into the Oval. Further, these structures will obstruct pedestrian movement and destroy the integration of the oval with the Town Centre and surrounding urban fabric.</p> <p>The combined impact of the above ground structures will destroy the 'Village Green' character of the Historic Manly Oval and surrounds.</p>
3.1.1 Streetscape (Residential areas)	
3.1.1.1 Complementary Design and Visual Improvement	
a) Development in the streetscape (including buildings, fences and landscaping) should be designed to:	
i) Complement the predominant building form,	The predominant form of Manly Oval is of a

distinct building character, building material and finishes and architectural style in the locality;	landscaped natural earthen playing field. The character of the proposed carpark is of a concrete structure with minimal soil topping.
ii) Ensure the bulk and design of development does not detract from the scenic amenity of the area when viewed from surrounding public and private land...	The proposal includes a roof landscaped with a minimal soil coverage to a depth of 450mm. This is an inadequate coverage to ensure an adequate playing surface of minimal standards. Therefore it seems likely that the scheme will need to be raised by at least 2 metres, thus increasing the height and bulk of the development, and detracting from the scenic amenity of Ivanhoe Park and the surrounding streetscapes.
v) address and compliment the built form and style of any heritage property in the vicinity to preserve the integrity of the item and its setting.	The proposed concrete structure with a roof of minimal soil coverage cannot possibly compliment the adjacent natural landscaped heritage park.
3.1.1.4 Garages, Carports and Hardstand Areas	
a) Garages, carports and hardstand areas must be designed and sited in a manner that does not dominate the street frontage by:	No. The proposal does not meet this criteria. The entrance to the carpark will dominate the street frontage.
i) Its roof form, material choice and detailing by being subservient to the associated dwelling; and	No. The roof form of the carpark – concrete with a minimal soil layer of 450mm will dominate the surround historic park. The Oval will no longer be an element of natural landscape, but will be a built element with a minimally landscaped roof area.
ii) Being compatible with the streetscape and the location in relation to front setback criteria.	
3.2 Heritage Considerations	
Objective 2) To ensure any modification to heritage items, potential heritage items or buildings within conservation areas is of an appropriate design that does not adversely impact on the significance of the item or the locality.	The proposal will adversely impact on the heritage significance of the Oval by demolishing the natural landscape of the Oval and replacing it with a built structure. It will also adversely impact on what remains of Ivanhoe park adjacent to the carpark.
3.2.2 Alterations or Additions to Heritage items or Conservation Areas	
3.2.2.2 Retaining Significant Features and landscape Setting	
(h) Retain and maintain contributory landscape	The removal and re-siting of the

settings for heritage items and ensure new landscaping is sympathetic to the heritage significance of the item or place.	commemorative entrance gates above the new driveway to the carpark is a tokenistic gesture that diminishes considerably the heritage significance of the gates.
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The Statement of Environmental Effects (SEE) which formed part of the DA submission for the proposed carpark, was prepared by Eric Armstrong. No further information about Eric Armstrong or his professional qualifications for preparing a SEE are provided, in particular, no indication of the necessary professional Heritage qualifications were provided.

The SEE provides minimal information about the heritage impact of the proposal, indicated by the summary of heritage comments in the SEE, copied below:

5.2.3 Heritage Considerations.

(1) In respect of Ivanhoe Park

Comments

The construction of an underground car park will not impact on the heritage significance of this item. It should be noted that although not heritage listed the Ossie Merrit memorial gateway is being retained.

5.2.4

The above assessment of the proposal against the requirements of the Manly Development Control Plan 2013 demonstrates that by and large the proposal complies. In those few cases where compliance is not fully satisfied it is proposed to take these into consideration during the construction design development stage.

Clearly, the addressing of heritage issues in the SEE is not adequate and does not meet the requirements of Manly LEP 2013.

9.0 CONCLUSION

The proposed development of Manly Oval is **not** considered to be compatible with the heritage significance of the place for the following reasons:

1. It detracts from the heritage significance of Ivanhoe Park and the adjacent streetscape and listed heritage items.

- Section 5.0 of this report assesses Manly Oval as having exceptional significance at local and state levels, making the Oval and adjacent Ivanhoe Park of State Significance.

- Section 5.0 of this report shows Manly Oval to demonstrate 9 of the Australian and NSW Historical themes, including 'Peopling Australia' and 'Building settlements, towns and cities'. Manly Oval has significance for the people of Australia, not just at a local level, but at state and national levels.

2. It does not comply with the heritage provisions of Manly Council's planning instruments

- It demolishes a heritage item, Manly Oval, which is clearly not allowed by Manly LEP 2013.
- It does not follow the guidelines for new work to listed heritage items, as clearly stated in the Manly LEP 2013.
- It has not produced an adequate heritage study, either a HIS or a CMP, so that Northern Beaches (Manly) Council can adequately determine the impact of the proposed works on the heritage significance of the Oval, as required by the 2013 LEP.
- The heritage assessment has not been prepared by a suitably qualified heritage professional as required by the Manly LEP 2013.

Anne Warr
Heritage Architect
May 2016

ENVIRONMENT & AMENITY ISSUES

There are a number of important environmental matters not adequately addressed in the Development Application for the proposed 501-space car park under Manly Oval.

1. Principles of Ecologically Sustainable Development (ESD)

The **Environmental Planning & Assessment Act 1979** (EP&A Act) has among its Objects (S.5a):

- The protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities; and
- 'Ecologically sustainable development', which is strongly underpinned by:
 - (a) The precautionary principle – requiring
 - '(i) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment; and
 - (ii) an assessment of the risk-weighted consequences of various options'.
 - (b) Inter-generational equity
 - (c) Conservation of biological diversity and ecological integrity ('a fundamental consideration')
 - (d) Inclusion of environmental factors in the valuation of assets and services.

The **Local Government Act 1993** (s.7) requires 'councils, councillors and council employees to have regard to the principles of ecologically sustainable development in carrying out their responsibilities' and council's charter (s.8) includes 'to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development' and 'to have regard to the long term and cumulative effects of its decisions'.

Furthermore, '**the principles of Crown Land management** as defined in S.11 of the Crown Lands Act 1989 are:

- a) That environmental protection principles be observed in relation to the management and administration of Crown land;
- b) That the natural environment of Crown Land (including water, soil, flora, fauna and scenic quality) be conserved wherever possible; and...
- e) That, where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained in perpetuity'...

While Manly Council's Statement of Environmental Effects¹ (S.5.1.4 and S.5.2) addresses other aspects of the EP&A Act, it fails to take account of these fundamental principles that underpin development considerations. The following sections address how DA116/2016 is deficient in its consideration of several of the Objects (S.5a) of the EP&A Act, the Local Government Act (S.7) and/or the Principles of Crown Land management (Crown Lands Act S.11).

¹ Armstrong E (May 2016), *Statement of Environmental Effects* (SEE). Underground Car Park, Manly Oval, Sydney Rd, Manly.

2. Floodplain management & impacts of climate change

The hydrological impacts of the installed detention tank and excavation for and construction of the proposed car park are of such significance that they are addressed in a separate section (Hydrology, Hydrogeology & Flooding). As discussed in that section, in the face of projected increases in frequency and intensity of major storm events in the Sydney region as a result of human-induced climate-change, the significance of hydrological and hydrogeological impacts is escalated. Serious consideration of the 'Precautionary Principle' is essential when considering the appropriateness of the proposed developments.

A significant body of case law in New South Wales addresses the application of the Precautionary Principle to environmental protection. Seminal among these is the *Leatch v. National Parks & Wildlife Service*,² in which Justice Stein highlighted the importance of 'common sense' in ensuring that if there are threats of serious or irreversible damage, lack of full scientific certainty should not be a reason for postponing measures to prevent environmental degradation. Justice Stein stated that:

Where uncertainty exists concerning the nature or scope of environmental harm (whether this follows from policies, decisions or activities), decision makers should be cautious.

In a subsequent case, *Telstra Corp Ltd v. Hornsby Shire Council*,³ in the Land & Environment Court Chief Justice Preston reinforced the importance of the Precautionary Principle in avoiding environmental harm.

As indicated in sections of this submission relating to Roads & Traffic and to Hydrology, Hydrogeology & Flooding, serious concerns exist as to the likelihood of flooding associated with the construction of the car park as proposed. The consequences of such flooding would potentially be catastrophic. Manly Council fails to demonstrate any consideration of the Precautionary Principle in this regard.

Furthermore, the predicted changes to the hydrogeology of the floodplain indicate that the proposal are unlikely to ensure that the land and its resources are sustained in perpetuity, as required under the principles of the Crown Lands Act.

3. Acid Sulphate Soils

In the Environmental Investigative Services report prepared for Manly Council by Jeffrey & Katauskas (3 Dec 2013),⁴ these authors report on the presence of Acid Sulphate Soils 'present on the site from a depth of approximately 4.8m below existing site levels'. The report goes onto comment on the potential impacts of Acid Sulphate Soils on concrete and steel structures (a consideration significant to the construction of the proposed car park). At page 31 of the Jeffrey & Katauskas report they identify the need for a Remediation Action Plan to address this issue.

No such document is included among the documents attached to DA116/2016.

² Stein J, *Leatch v. National Parks & Wildlife Service*. 81 LGERA 270, 281ff

³ Preston CJ (24 April 2006), *Telstra Corp Ltd v. Hornsby Shire Council*, 67 NSWLR 256, 125ff

⁴ Jeffrey & Katauskas Pty Ltd (3 Dec 2013). *Report to Manly Council on Preliminary Environmental Site Assessment for Proposed Car Park Development at Manly Oval, Sydney Road and Raglan Street, Manly*. Ref E26654Krpt

The absence of such a Management Plan is of increased environmental concern because of direct connections of discharges from the site to both the Ocean Beach and Manly Cove. As indicated in the section of this submission on Hydrology, Hydrogeology & Flooding, increased frequency and intensity of storm events will increase leakage to the ocean and harbour.

In failing to address these issues, Manly Council's DA has not given due regard to the ESD requirements of either the EP&A Act 1979 or the Local Government Act 1993.

4. Contaminated soils

Various references relating to Manly Oval record the use of fill to level the Oval. Given that such works were conducted decades ago, it is possible that fill from the former Manly Gasworks was used as part of that fill. Such use of gasworks waste as fill has been demonstrated in various other sites around Manly and it is noted that the Jeffrey & Katauskas report (p.23) makes reference to "slag" included in the fill. As that report goes on to advise (p.31) an Environmental Management Plan addressing the management of contaminated waste is required as part of making the site suitable for the proposed development. No such plan is included in the documents attached to DA116/2016.

Once again, in failing to address these issues, Manly Council's DA has not given due regard to the ESD requirements of either the EP&A Act 1979 or the Local Government Act 1993.

5. Threatened species and their habitats

While the Manly Oval is a highly modified environment, the immediate vicinity of the Oval (including the adjoining Manly Botanic Garden in Ivanhoe Park) encompasses numerous mature trees and other native vegetation likely to provide habitat for threatened species. Reference to the Atlas of Living Australia (www.ala.org.au) indicates the presence of Grey-headed flying fox (a nationally vulnerable species listed both under the Environment Protection and Biodiversity Conservation Act 1999 and the NSW Threatened Species Conservation Act 1995). This species is already under significant pressure as a result of loss and fragmentation of its habitat and the proposed car park development should not be allowed to exacerbate that threat.

Particularly at risk are three mature pine trees immediately adjoining Manly Oval on its north-west corner which receive little, if any, attention in the car park DA and mature trees by the south-east corner of the site. The Floor Plan for Ground Level provided as part of the DA documentation indicates that the latter will be removed (although that seems not consistent with the Landscape Plan also provided as part of Manly Council's DA documentation). This will further destroy the heritage park-like flow and amenity of the Gilbert Park-Oval Ivanhoe Park landscape. It will also detract from the visual ambience of the area.

The eucalypts on the Telstra site opposite the south-east corner of the site are also scheduled for removal as part of approved redevelopment of the Telstra site at that corner, thus denuding the surrounds of that intersection.

Added to this are concerns about the potential draw-down of groundwater as a result of construction requirements (see section on Hydrology, Hydrogeology & Flooding). The aesthetics of Ivanhoe Park derives in significant part from the presence of a diversity of

mature trees providing important green space, shade and shelter which enhance the amenity of the area. Should significant changes to the water table occur, many of these trees may be adversely affected.

As discussed in more detail in other sections of this submission (Heritage; Sporting Venue, Permissibility and Compliance), Manly Oval has been the 'home' of rugby in Manly for more than a century. The changes resulting from the proposed car park construction will reduce not only the amenity of the area for that activity, but also the available space required for a safe playing field, thus resulting in dramatically changed amenity of the area and its community associations.

6. Built & cultural heritage

The whole of Ivanhoe Park, including the Manly Oval area proposed for car park development, is listed as a local heritage item in Schedule 5 of the Manly LEP. As discussed in some detail in the Heritage section, while this listing is important, it undersells the significance of the Manly Oval site and its surroundings. Contrary to the views expressed in Manly Council's Statement of Environmental Effects, the proposed car park development will impact adversely on many of the qualities that give Manly Oval its heritage significance.

Aboriginal significance of the site

Manly Council's Statement of Environmental Effects (S.5.2.3) acknowledges briefly the potential Aboriginal heritage of the site. Given extensive evidence of Aboriginal occupation and use of the Manly area prior to and immediately following European settlement, this must be addressed through advice from the Metropolitan Local Aboriginal Land Council, archaeological and other research prior to progressing any construction.

7. Traffic, noise & air pollution

The impacts of the proposed car park on traffic in Sydney Rd and surrounding areas are of such significance that these are addressed in a separate section of this briefing (Roads & Traffic). From an environmental perspective, significant concerns exist as to the increased noise, and air pollution that will result from traffic congestion and from the exhausts from the car park.

A significant body of scientific evidence exists demonstrating that congestion leads to substantial increases in vehicle emissions – an effect that impacts adversely on health and the environment.

As indicated in the Roads & Traffic section of this submission, no detail is included in the DA documentation provided by Manly Council to indicate the nature of ventilation intended for the car park. Plant rooms are indicated on each level of the car park, reference is made in the Project Management Plan provided by successful tenderer Abergeldie to a proposal to install "*jet fans, axial fans and room exhaust fans*".

The nature and location of the exhaust fans will potentially affect the amenity of nearby residents. **Noise generated by the fans will presumably be an ongoing impact in an area adjoining a densely settled residential area.**

The height of exhaust vents above ground level and, the nature of the exhaust systems and evidence of modelling of the dispersal of exhausts from the vents are currently lacking.

Given that the car park is located at the bottom of a steep catchment in an area important for public recreation adjoining the Manly CBD and within an area subject to weather-induced atmospheric inversions, these omissions again represent a failure to adequately address the ESD requirements of the EP&A Act 1979 and the Local Government Act 1993.

There is also a significant amenity issue arising from proposed barrier safety walls associated with the entry and exit ramps from the car park. As indicated in the Roads & Traffic section earlier in this submission, these walls will present a substantial enclosure of the main entry route to Manly. Not only will this cause safety issues associated with diminished sight-lines. It will also degrade the open, welcoming green 'gateway' to Manly.

The Save Manly Oval Alliance urges the JRPP to take full account of these environmental matters in its assessment of the appropriateness of this development proposal.

Dr Judy Lambert

14 June 2016

MANLY OVAL: A SPORTING VENUE

1. History

- (i) The iconic Ivanhoe Park including the Village Green rugby and cricket grounds has been used as a sporting venue since the early 1800s. It was the centre of community life with the Ivanhoe Park Hotel on it.
- (ii) As early as 1877 it existed as a cricket ground on which the 1st Aboriginal cricket team practised before leaving on their tour of England.
- (iii) In approximately 1880 the NSW Government acquired the property known as Ivanhoe Park, becoming Crown Land with Manly Council appointed as its Trustee.
- (iv) From 1878 the Manly Cricket Club played cricket in the Park.
- (v) In 1883 the Manly Football Club (rugby) joined the Southern Football Union with Ivanhoe Park as its home ground.
- (vi) In 1892 the Manly Cricket Club played a 2-day match in the Park against the touring English Cricket Team.
- (vii) Manly Rugby and Cricket Clubs have used Manly Oval as their home ground continuously to date.

2. Present

- (i) Manly Rugby Club uses the Oval as its home ground in the Shute Shield grade competition and for training. It has approximately 20 teams including 4 grade teams, Colts and sub-district clubs.
- (ii) The Oval is used for rugby training as well as matches.
- (iii) Manly-Warringah Cricket Club used the Oval as its home ground for matches and training until December 2015 when it was required by Manly Council to temporarily move to Graham Reserve whilst the Council installed a detention tank under the western side of the Oval.
- (iv) The Oval is regularly used by other sporting groups for athletic training, start up soccer games between local backpackers and students, early morning gym/fitness groups, primary school children from St Mary's Catholic School for recess breaks and the general public for relaxation.
- (v) The Oval is one of only 2 genuine 'Village Greens' in Sydney along with Mosman Oval and its development from its present form as proposed by the DA will destroy this characteristic forever.
- (vi) The Merrett Memorial Gates: The sandstone gates are a memorial to 'Ossie' Merrett, a local sporting hero who was the Manager of the Australian Olympic Team to Paris in 1924. They were erected in his memory in 1927 as the entrance to the Oval and are more particularly detailed in paragraph 4 of the Manly Rugby Club Submission, Annexure C.

3. Effect on Ivanhoe Park and Manly Oval if DA Approved

(i) Council plans lodged with the DA (Annexure A attached) show quite clearly that the existing picket fence around the perimeter of the Oval is to be relocated at the southern end of the Oval. The plan notes the position of the 'RELOCATED PICKET FENCE' and a shaded area showing the amount of the existing oval being excised. This is obviously needed to cater for the width of the ramps, the shoulders surrounding the ramps, the reinstated footpath and the walkway from the new Oval entrance to the grandstand. It appears that the existing picket fence at the southern end of the Oval will have to advance between 3 and 4 metres.

(ii) Rugby has formulated the World Rugby Laws (Annexure B attached) and the NSW Rugby Union has requirements for a first division playing field. The playing field try-line to try-line should be 100m with a tolerance to be reduced to no less than 94m if circumstances require a reduced field. The dead ball line should be at least 10m from the try-line with a tolerance to be reduced to 6m.

(iii) Manly Rugby Club has measured the try-line to try-line as 96m (Annexure C attached) and the dead ball area 6m. The north-western point of the dead ball line (closest to Raglan Street) is only 1.3m from the concrete wall under the picket fence and the north-eastern point is only 1.6m. The south-western point of the dead ball line (closest to Sydney Road) is 3.10m from the picket fence and 3.30m on the south-eastern point.

(iv) Even in its present position substantial padding is required on the concrete base and picket fence to reduce the risk of injury to rugby players. To reduce the area behind the dead ball line will substantially increase the risk of injury to players which the Rugby Club fears could result in the NSW Rugby Union declaring the Oval unfit and unsafe for grade rugby matches and the club having difficulty obtaining an insurance cover (See Annexure C).

(v) As can be seen from Annexure A the boundary line at the southern end of the Oval will be a reduced distance from the wicket and thus make it much easier for cricketers to score 4's and 6's.

(vi) Even with the existing boundary/picket fence the Oval is small for first grade cricket as is evidenced by the frequent 6's hit over the boundary onto Sydney Road and onto the residential buildings on the south side of Sydney Road, one of which my wife and I own with resultant broken windows. There will be increased danger with cricket balls landing on vehicles and pedestrians using Sydney Road.

(vii) It appears from the plans lodged with the DA that the playing surface of the Oval will in part be on soil deposited on the concrete slab top of the car park and in part on the normal soil base. This will probably affect drainage particularly after heavy rain. I know of no successful playing surface on a concrete base. The playing surface above the Domain Car Park can only be described as a 'dirt track' with little turf growth.

(viii) The change in subsurface conditions due to the construction work at the oval will create three very different surface conditions across the oval. The area above the car park will have a well drained shallow soil and will dry out quickly during dry periods. The area above the storm water detention system may also dry out in extended dry periods. Both areas will require a high level of irrigation during these dry periods. The area above the storm water detention system will

become boggy during wet periods. Conditions in the area not affected by subsurface construction may not change significantly. Consequently all three surface areas will require a different maintenance regime and it will be extremely difficult, if not impossible, to maintain an acceptable playing surface.

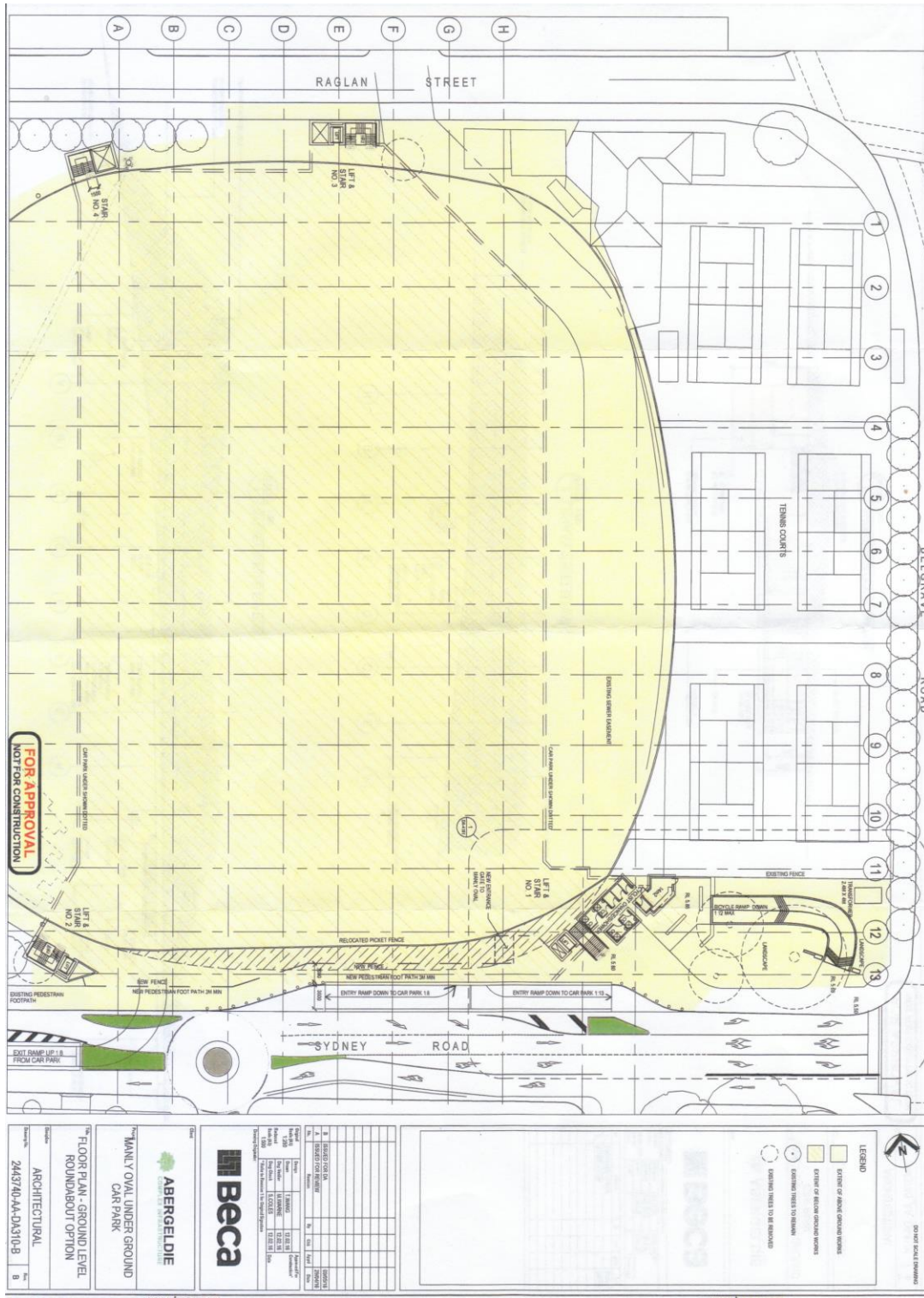
(ix) The DA proposes that the Merrett Memorial Gates are to be removed from the entrance to the Oval and re-erected in a position over the commencement of the bicycle ramp leading down to the bicycle storage, toilets and shower rooms. This is a totally inappropriate place for them and shows the lack of respect for the memory of 'Ossie' Merrett and the history of the Gates.

4. Submission

The Development Application for the construction of a 2-storey car park under Manly Oval should be rejected in its entirety. If it is approved the Oval will lose its iconic Village Green status and place risk of it being dealt with as a sub-standard sporting field by sporting organizations, teams and the public. It is too valuable to lose.

John (Jack) Steggall
Retired Manly Solicitor
Former 1st Grade Rugby Player

ANNEXURE A: Changes to Oval Dimensions



ANNEXURE B: World Rugby Rules

6/8/2016

World Rugby Laws - World Rugby's Law Education Web Site: Law 1: The Ground

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Laws of the Game Rugby Union

"Annexure 1"

Home

Playing Charter

Laws by section

Laws by number

Variations

Referee signals

More...



Go to Law exam

1 The Ground

Definitions

1.1 Surface of the playing enclosure

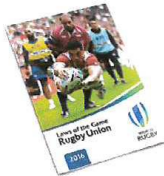
1.2 Required dimensions for the playing enclosure

1.3 Lines on the playing enclosure

1.4 Dimensions for goal posts and crossbar

1.5 Flag posts

1.6 Objections to the ground



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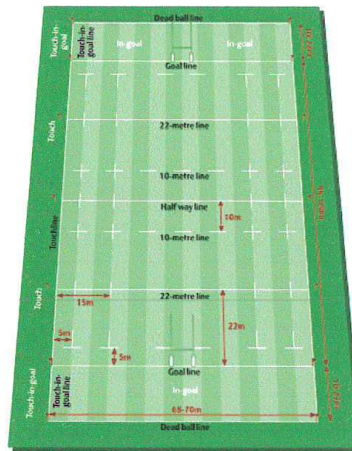


iPhone

and



iPad



The Plan



Field of play



Playing area



Playing enclosure



Perimeter area



In-goal



The 22

DEFINITIONS

The **Ground** is the total area shown on the plan. The Ground includes:

The **Field of play** is the area (as shown on the plan) between the goal lines and the touchlines. These lines are not part of the field of play.

The **Playing Area** is the field of play and the in-goal areas (as

ANNEXURE B: World Rugby Rules

6/8/2016

World Rugby Laws - World Rugby's Law Education Web Site: Law 1: The Ground

shown on the plan). The touchlines, touch-in-goal lines and dead ball lines are not part of the playing area.

The **Playing Enclosure** is the playing area and a space around it, not less than 5 metres where practicable, which is known as the perimeter area.

In-goal is the area between the goal line and the dead ball line, and between the touch-in-goal lines. It includes the goal line but does not include the dead ball line or the touch-in-goal lines.

The **22'** is the area between the goal line and the 22-metre line, including the 22-metre line but excluding the goal line.

The **Plan**, including all the words and figures on it, is part of the Laws.

1.1 Surface of the playing enclosure

- (a) **Requirement.** The surface must be safe to play on at all times.
- (b) **Type of surface.** The surface should be grass but may also be sand, clay, snow or artificial grass. The game may be played on snow, provided the snow and underlying surface are safe to play on. It shall not be a permanently hard surface such as concrete or asphalt. In the case of artificial grass surfaces, they must conform to World Rugby Regulation 22.

1.2 Required dimensions for the playing enclosure

- (a) **Dimensions.** The field of play does not exceed 100 metres in length. Each in-goal does not exceed 22 metres in length. The playing area does not exceed 70 metres in width.
- (b) The length and breadth of the playing area are to be as near as possible to the dimensions indicated. All the areas are rectangular.
- (c) The distance from the goal line to the dead ball line will preferably be not less than 10 metres.
- (d) In respect of:
 - (i) Matches between the senior national representative team or the next senior national representative team of a Union against the senior or next senior national representative team of another Union; and
 - (ii) International seven-a-side matches;the dimensions should be as close to the maximum sizes as possible, and not less than 94 metres in length for the field of play, 68 metres in width, and with a minimum in-goal length of 6 metres. Unions wishing to vary minimum or maximum dimensions should apply for dispensation to World Rugby.
- (e) The perimeter area should not be less than 5 metres where practicable.

1.3 Lines on the playing enclosure

- (a) **Solid Lines**
 - The dead ball lines and touch-in-goal lines, both of which are outside the in-goal areas;
 - The goal lines, which are within the in-goal areas but outside the field of play;
 - The 22-metre lines; which are parallel to the goal lines
 - The half way line which is parallel to the goal lines; and
 - The touchlines which are outside the field of play.
- (b) **Dash Lines**
 - All lines other than solid lines are dash lines all of which are 5 metres in length.
 - There are two sets of dash lines which are 10 metres from, and parallel to, each side of the half way line. These are called the 10 metre dash lines. The 10 metre dash lines intersect the dash lines which are 5

ANNEXURE B: World Rugby Rules

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World Rugby Laws - World Rugby's Law Education Web Site: Law 1: The Ground

metres and 15 metres parallel to each touch line.

There are two sets of dash lines which are 5 metres from, and parallel to, each touch line. They run from the 5 metre dash lines, which are parallel to each goal line and intersect both 22 metre lines, both 10 metre dash lines and the half way line. These are called the 5 metre dash lines.

There are two sets of dash lines which are 15 metres from, and parallel to, each touch line. These dash lines run from the 5 metre dash lines which are parallel to each goal line, and intersect both 22 metre lines, both 10 metre dash lines and the half way line. These are called the 15 metre dash lines.

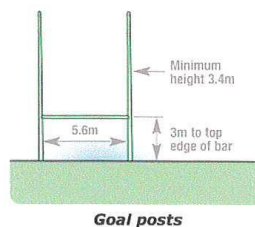
There are six dash lines 5 metres from, and parallel to, each goal line. Two dash lines are positioned 5 metres and 15 metres from each touch line. A further two dash lines are positioned in front of each goal post so that there is 5 metres between these dash lines.

(c) Centre

There is one line 0.5 metre long that intersects the centre of the half way line.

1.4 Dimensions for goal posts and crossbar

- (a) The distance between the two goal posts is 5.6 metres.
- (b) The crossbar is placed between the two goal posts so that its top edge is 3.0 metres from the ground.
- (c) The minimum height of the goal posts is 3.4 metres.
- (d) When padding is attached to the goal posts the distance from the goal line to the external edge of the padding must not exceed 300mm.



1.5 Flag posts

- (a) There are 14 flag posts with flags, each with a minimum height of 1.2 metres above the ground.
- (b) Flag posts must be positioned at the intersection of touch-in-goal lines and the goal lines and at the intersection of the touch-in-goal lines and the dead ball lines. These eight flag posts are outside the in-goal area and do not form part of the playing area.
- (c) Flag posts must be positioned in line with the 22-metre lines and the half way line, 2 metres outside the touchlines and within the playing enclosure.

1.6 Objections to the ground

- (a) If either team has objections about the ground or the way it is marked out they must tell the referee before the match starts.
- (b) The referee will attempt to resolve the issues but must not start a match if any part of the ground is considered to be dangerous.



SUBMISSION (2443470-AA-DA 3104 B)

1. Preamble

- 1.1 The Manly Rugby Football Club (MRFC) has been a tenant at Manly Oval for over 100 years. The Club plays in the premier rugby union division known as the “Shute Shield” and has provided over the 100 years of its tenancy at the Manly Oval a unique profile within the district.
- 1.2 The Club fields, each week, during the 20 weeks of the winter season, some 8 teams including 4 Grade side and 3 Colts (Under 20) sides.
- 1.3 In addition the MRFC affiliates with the Manly Junior Rugby Union (MJRU) which has at least 6 junior clubs under its banner including Manly Roos, Manly Vikings, Allambie Heights Jets, Forest, Harbord Harlequins and Seaforth Raiders. Junior teams start from under 6 and go through to under 18.
- 1.4 In addition local suburban clubs such as Manly Life Savers, North Steyne and Balgowlah have relied upon the use of Manly Oval.
- 1.5 Manly Oval is also used by the local Primary schools and High Schools in the District as an ideal location for their rugby games.
- 1.6 The ground has a very wide spread coverage for local rugby sides and this has occurred over a very long time.
- 1.7 In the local area there are very few other grounds for usage and only Keirle Park and Bantry Bay Oval are used for the playing of rugby.
- 1.8 The loss of Manly Oval as a playing ground will have a significant adverse impact on the local environment and needs to be carefully considered in the proposed Development Application (DA).

ANNEXURE C; Extracts from Manly Marlins Rugby Club submission

- 1.9 Section 79 (c) of the Environment and Planning Act set out criteria which must be taken into account which includes:

“Impacts on natural environment, the built environment and social impacts and the natural environment”

- 1.10 The Local Environment Plan clearly places an obligation on the consent authority to take into account the following aspects of the development:

“To ensure the development appropriately responds to the environment constraints and does not adversely affect the character, amenity or heritage of Manly or its existing permanent residential population.”

2. In summary

- 2.1 The Environmental Impact Statement (EIS) provided with the DA application has numerous errors and misrepresentations in that the impact of the DA has not been properly assessed against the loss of the sporting oval during the construction stage nor has the proposed reduction in the ground size of Manly Oval been adequately assessed against the consequences to the stakeholder users of a ground which does not meet the required playing standards and dimensions.
- 2.2 The EIS further misrepresents that the MRFC has reached an understanding with the former Manly Council with respect to the relocation of the MRFC during construction and also the MRFC's return to the Manly Oval following completion of the development.
- 2.3 The MRFC seeks to enter a binding agreement with the Council with respect to its relocation in the terms of the Memorandum of Understanding (MOU) attached to this submission **(Annexure 2)**.
- 2.4 The proposed relocation of the Merrett Gates to a location entrance off the bicycle entrance to the carpark does not give adequate respect to the historical purpose of the memorial and consideration should be given to further locations either closer to the entrance of the ground or in a more prominent location at the intersection of Sydney Road and Belgrave Street.

3. Boundaries to the Ground

- 3.1 The DA plans to reduce the size of the ground at the Sydney Road boundary **(Diagram 1)**. The plans show:
- 3.1.1 The external walkway **(Diagram 2)** will be removed and replaced as the entrance to the carpark.
- 3.1.2 The internal walkway **(Diagram 3)** will become the external walkway for members of the public.

ANNEXURE C; Extracts from Manly Marlins Rugby Club submission

- 3.1.3 The boundary of the current picket fence will be moved by around 3.5 meters onto the ground as marked in red to make way for an internal entrance to the ground (**Diagram 4**).
- 3.2 The ultimate boundary of the picket fence will be located on the current dead ball line, which will force a change to the dead ball line reducing the size of the ground and creating a potential safety risk unless the current distance between the dead ball and the picket fence (currently at 3 meters in the middle and less than 1 meter at the edges) is retained.
- 3.3 A reduction by 3.5 meters will have the effect of reducing the size of the Oval and may potentially mean that the ground is unable to be used by the MRFC as a first division ground.
- 3.4 The International Laws (**Annexure 1**) set out the dimensions that are allowed by the NSW Rugby Union for a first division playing field. The rules provide a tolerance in size (i.e. the ground should be 100 meters in size but can reduce to 94 meters whilst the dead ball must be at least 10 meters in size but can reduce to 6 meters in size.) The current size of the Oval is around 96 meters and with a width of 68 meters.
- 3.5 It may be possible for the ground to be relocated to meet the requirements of the laws of the game of rugby and consideration should be given to reducing the public access at both Sydney Road and Raglan Street for this purpose.
- 3.6 Consideration could also be given to an alternative entrance to the ground during game days (20 Saturdays at the most).
- 3.7 The EIS makes no reference to this issue and the MRFC seeks that approval of the DA is conditional upon the planning authority being satisfied that the ground size itself will not be compromised simply to provide an entrance to the car park.

4. Merrett Memorial Gates

- 4.1 Part of the history of Manly, which is widely recorded, is the memorial to Ossie Merrett, as signified by the memorial gates to Manly Oval. This has been recognized in the DA.
- 4.2 Ossie Merrett was a remarkable person and it would be inappropriate for his memorial not to be placed in a conspicuous place.
- 4.3 In 1927, after Merrett having taken the Australian team across to the London Olympics, the then Manly Council created the stone work gates at the Sydney Road entrance to Manly Oval.
- 4.4 In 1969 the gates were relocated to their current position on the Belgrave street side of the entrance to the ground ironically to make way for a proposed widening of Sydney road, which did not eventuate.
- 4.5 The proposed relocation of the Memorial to the entrance of the bike track does not give effect to the historic significance of the memorial gates and therefore does not give adequate consideration to the amenity of the area or its residential population.

ANNEXURE C; Extracts from Manly Marlins Rugby Club submission

4.6 Further consideration should be given to the position of the memorial gates in a more prominent and visible location and the DA should provide a condition that agreement is reached on its location before approval is provided.

5. Relocation of MRFC

5.1 Since June 2011 the MRFC has sought dialogue with the Manly Council in relation to its relocation, during the construction period for the building of the car park.

5.2 The EIS erroneously suggests that the former Council and the MRFC have reached agreement as to the terms and conditions of such a relocation.

5.3 This has not occurred despite repeated requests from the MRFC for Council to enter a MOU with the MRFC to cover the relocation and return to the Manly Oval at the end of the construction.

5.4 The MRFC has been denied this commitment despite repeated assurances that this would occur.

5.5 Attached to the submission (**Annexure B**) is a proposed Memorandum of Understanding (MOU) which seeks to cater for this relocation.

5.6 The MRFC does acknowledge that meaningful dialogue has proceeded over the last three months at the instigation of the former Mayor Jean Hay and former General Manager. However this dialogue has now ceased given the fact that the council no longer exists in its previous form.

5.7 The EIS therefore misrepresents the true picture when it records that Council and the Manly Rugby Club have reached agreement on its relocation.

5.8 It has not.

5.9 The circumstances facing the MRFC and the MJRU and their many participants and supports is an inadequate ground at Keirle Park with the following immediate issues, all of which will require significant financial commitments of which the previous council has made no provision in its forward budget.

- The state of the ground at Keirle Park will require a full time curator to ensure that the playing field is level, safe and adequately maintained.
- The dressing sheds at Keirle Park are primitive. The dressing sheds do not provide hot running water for the showers. The toilets are not functional. The state of cleanliness in the sheds themselves are appalling and are a health hazard to their users.
- Keirle Park does not have adequate storage space to store equipment.
- No plans have been made to accommodate a large crowd of up to 4000 people who usually attend Shute Shield games such as the local derby between Manly and

ANNEXURE C; Extracts from Manly Marlins Rugby Club submission

Warringah teams. No plans are in place to cover issues such as the amenities for the public, sanitary, traffic, safety, security and parking.

5.10 The MRFC seeks to reach a binding agreement in accordance with the issues raised in its MOU so that it is able to return to Manly Oval as a ground which complies with the playing requirements and with a term of lease which is commensurate in costs and tenure with its current arrangements.

6. Proposed Conditions to the DA

The MRFC seeks a deferment of or conditions placed within the DA which reflect the following:

6.1 The DA is conditional upon the consent authority being satisfied that the proposed changes to the dimensions of the boundaries of the ground do not prevent the MRFC from playing on the ground because of those changed dimensions or such changes are neither unsafe or do not comply with the relevant rules required as such a first division rugby ground.

6.2 The current proposed location of the Merrett Memorial gate is deemed unsatisfactory and that the DA is amended to provide another location for the memorial either closer to the entrance of the ground or in a more prominent location at the intersection of Sydney road and Belgrave Street.

6.3 Consideration of the DA is deferred until agreement is reached between the local authority and the MRFC by way of a MOU dealing with the MRFC's to Keirle Park and its ultimate relocation back to Manly Oval following completion of the development.

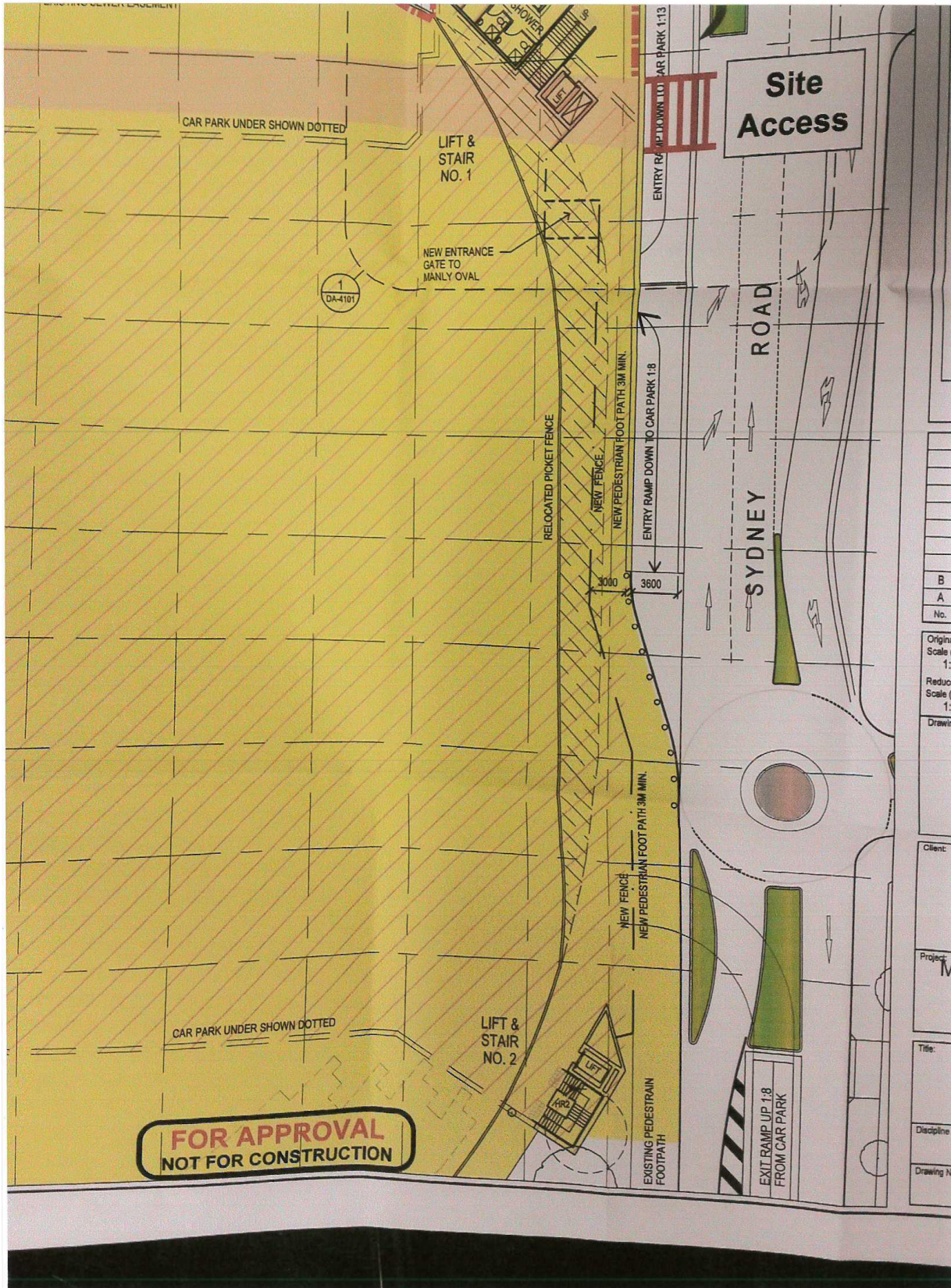
The MRFC seeks the opportunity to address Council prior to any decision being made with respect to the DA.

Yours faithfully

Anthony Bergelin, Vice President

10 June 2016

"Diagram 1"



ASSESSMENT OF THE FINANCIAL IMPACTS ON THE COMMUNITY OF THE CONSTRUCTION OF THE MANLY OVAL CAR PARK

Contributors:

Craig Smith
Michael Bradley
Terry le Roux
Bruce Kitson
David Wunder
Peter Rochlin
John Ferrarin
Ian Sharp

1 Executive Summary

- The Oval Car Park does not provide any meaningful increase in car parking capacity in Manly.
- The total cost of the construction cost for the car park is estimated by the Alliance to be \$43.3 mill, but could easily rise to \$50 mill. This is substantially higher than the tender price of \$27.7 mill of Abergeldie.
- In the financial analysis undertaken by the Alliance, it is assumed that the construction cost is fully funded by the Council – with no loan or interest repayments charged against the operations of the Oval Car Park.
- Assuming that 26% of the total users of the Whistler St Car Park transfer to the Oval Car Park on its completion (an assumption based on the interviews of parking users interviewed by Bitzios in 2013), the Oval Car Park will operate at a net cash loss for each year of its operation. The Net Present Value (using a discount rate of 5%) of the cash flows over twenty years of its operation is estimated at -\$48 mill.
- Even if 70% of the users of the Whistler Street Car Park transfer to the Oval Car Park, the Net Present Value of the cash flows is -\$36 mill and the Internal Rate of Return is -9.3%.
- The Northern Beaches Council's net borrowing position will be much worsened by borrowing to fund the construction, to fund any annual cash flow shortfalls and the consequential debt servicing obligations. This will have a large negative economic impact on the ratepayers of the Northern Beaches Council and is certainly not in the public interest.

2 introduction: Scope of the financial analysis

A. Justification for the Financial Analysis from Sec 79 C of the EP&A Act (1979)

In Clause 79C of the EP&A Act (1979) it is stated that:

a) In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

b) the likely impacts of that development, including environment impacts on

both the natural and built environments, and social and economic impacts in the locality.

c) the suitability of the site for development

e) the public interest

Appendix 1 contains a full extract of the relevant section of the EP&A Act (1979)

We appreciate that the JRPP is not required under the Act to have regard to the potential impact of the project on the finances of the Applicant – the Northern Beaches Council. However, we proposed that the potential impact on the ratepayers in the Northern Beaches Council need to be taken into account by the JRPP in assessing the economic impact of the project.

We are strongly of the view that the very poor finances of the project mean that the project will have a negative economic impact on the ratepayers of the Northern Beaches Council and it is therefore not in the public interest for it to proceed.

We acknowledge that the relocation of the car parking capacity of the Whistler St Car Park that is convenient to the retailers in the vicinity of the Whistler Street Triangle will have a negative impact on the economic welfare of the retailer in the vicinity of the Whistler St Triangle. However, we also acknowledge that under the Act, the JRPP is not required to include the impact of this impact in its deliberations.

B Lack of any Financial Analysis for the Project Provided by Manly Council

The *Capital Expenditure Guidelines (2010)* of the Office of Local Government state that prior to making any decision on major capital expenditure (ie a project where the capital cost exceeds \$15 mill) a Business Case needs to be prepared and provided to the Councillors and to the residents. No Business Case was prepared for the Councillors prior to the decision taken by Councillors at the meeting of Manly Council on 12 April to accept the tender of Abergeldie. Prior to this decision, residents requested that a Business Case for the Oval Car Park be provided and a Motion to this effect was tabled by one of the Councillors. The Notice of Motion for the Business Case was deemed “illegal” and “out of order” by the Mayor.

Appendix 2 contains an extract from *The Capital Expenditure Guidelines (2010)* of the Office of Local Government that refers to the need for a Business Case to be prepared and of the issues that need to be included in a Business Case.

The only Financial analysis of which we are aware is the “Financial & Commercial review of Manly Council analysis” prepared by KPMG and dated 13 December 2013. This was for a 760 space car park with an estimated construction cost of \$30.4 million. The current project is based on a 500 space car park with a tender cost of \$27.8 mill which is not a fixed price contract – see discussion in Section 3.

As no formal evaluation of the finances of the proposed Oval Car Park is available, the Alliance has prepared its own evaluation.

C. Forecast of Operating Costs and Revenues for the Manly Oval Car Park: Estimated from the Community Strategic Plan (CSP)

In the absence of a Business Case for the 500 space car park for which a tender was issued, it is possible to develop an estimate of the future revenues and operating costs

assumed by Manly Council in the CSP that is currently on exhibition for review by the community.

Appendix 3 contains an estimate in the CSP of the revenues and operating costs from the operation of all parking garages controlled by Manly Council. The notes to the CSP provide no detail on the assumptions behind the estimates. However, it can be assumed that these forecasts can be taken as a proxy for Manly Council's Business Case.

The analysis in Appendix 3 leads us to conclude that the forecast increase in revenue reported in the CSP from the operation of parking garages once the Oval Car Park starts operating is overstated and is incorrect.

D. Description of the Project

The Project is the design and construction of a fully functioning car park of 500 spaces under Manly Village Oval, with the contractor responsible for obtaining all approvals and permissions from all relevant Government Authorities for the Project – including carriage of the Development Application with the JRPP.

This has since been changed so that Council will be responsible for some aspects of the construction costs and will also be responsible for obtaining the approvals from the relevant authorities and for preparation of the DA and obtaining approval from the JRPP.

The successful contractor is also required in its design to provide for an increase at a future date of the capacity to 800 car parking spaces. The tender of Abergeldie Complex Infrastructure ('Abergeldie') does not appear to have addressed this aspect and no estimate of likely costs for this future expansion have been provided.

E. Methodology of the Financial Analysis

The financial analysis consists of estimating the future cash flows for the project assuming that the project is funded out of equity – ie no project-specific loans for the Oval Car Park are raised, but the Northern Beaches Council will fund the project.

The capital costs used in the analysis will be based on our estimates of all the costs for the Council to implement the project, excluding the costs spent prior to the time of the decision to accept the tender of Abergeldie.

The forecast revenue from paying users of the Oval Car Park will be based on our assumptions using:

- The results from the survey of the users of the Whistler Street Car Park as reported in the Report of Bitzios *Manly Oval Car Park Demand Forecasting Study* (25 November 2013) that will relocate to the new Oval Car Park once the new car park is operational and the Whistler Street Car Park is closed.
- Average cost per paying user of the Whistler Street Car Park – as reported by Manly Council for 2015 and escalated at the rate of inflation.
- Continuation of the trend of 26% of all users of the Whistler Street Car Park actually paying parking fees.

The operating and maintenance costs for the Oval Car Park will be based on the Council's reported costs for the Whistler St Car Park, adjusted for the known differences in costs between an above-ground car park like the Whistler St Car Park and a car park in an

underground location with known service requirements and challenging hydrology conditions.

3. Capital Costs

A. Tender Price of Abergeldie – Potential Problems

The tender price from Abergeldie is reported to be \$27.8 mill for the construction of a fully-functioning car park under Manly Oval. We have not reviewed/studied the contract and cannot therefore know exactly what the contracted amount covers or does not cover.

From our contacts in the contracting industry we have formed the view that the following cost items are not included in the \$27.8 mill:

- Any costs for preparation of the DA and for its submission to the JRPP (including the costs for any reports from independent experts).
- Internals to the car park – for security (for example, CCTV), the ticket-less parking system, communications hardware to connect with the Council Chambers and other unspecified items.
- Relocating utilities under and alongside Sydney Road as a consequence of changes to the pedestrian walkways and the perimeter of the oval.
- To manage flooding Councils consultant (Cardno) recommended an above ground 3,400m³ detention tank and 1,000m³ tank integrated with car park. Council has constructed a storm detention system with a stated storage capacity of 1,000m³ under the western side of the oval. There is no indication given in the DA of how and where the additional 3,400m³detention storage will be provided and we assume that the tender price of Abergeldie does not provide for the additional storm water detention.

In addition there would be a number of variations and changes to the contract price that the contractor could legitimately claim as a consequence of problems encountered. These would be specified in the contract and could include:

- Costs associated with changes to the entrance and exit arrangement on Sydney Road following reviews by the RMS and the JRPP. It is our understanding that in the tender of Abergeldie, there is a provision of \$1.5 mill for the entrance and exit arrangements. It is therefore assumed that whatever design option is finally adopted following reviews by the RMS, RTA and the JRPP the resultant cost will be treated as a variation to the contract price.
- Water encroachment problems caused by unusual weather events.
- Future flood levels will be higher than predicted in the Cardno study as it was based on the 1988 Australian Rainfall and Runoff Guidelines which do not allow for climate change. Current guidelines (2014) recommend that where projects have serious consequences of failure, the design should be tested for the 200- and 500-year events. Rising sea levels will further increase flood levels. Flooding of an underground car park is a very serious event and there have been cases of loss of life in such circumstances. We believe that the design and the tender price of Abergeldie takes neither of these factors into account and the additional cost to the project would be very large.
- Other unknown events.

The estimate of the capital costs for Oval Car Park in Appendix 4 has been prepared by

David Wunder and Peter Rochlin, civil engineers with a combined 60 years experience in the construction industry. The estimates have also been endorsed by John Ferrarin, the recently retired CEO of WT Partnership, Australia's largest firm of Quantity Surveyors.

The Alliance is very strongly of the view that the tender price of \$27.8 mill of Abergeldie is highly unrealistic.

B. Realistic Capital Cost Estimate

From the estimate provided by David Wunder and Peter Rochlin (and endorsed by John Ferrarin), we propose to assume a total all-in capital cost of \$43.2 mill. Justification for this is found in **Appendix 4**. This is considered a realistic estimate, though it is entirely possible that the final cost could be as high as \$50 mill.

We have made no assumptions about possible 'scope creep' – a common problem with projects that have been pulled together at short notice.

4. Revenue Forecasts

A. Methodology for Estimating Future Revenues

As the paying users of the Oval Car Park are assumed to be paying users currently using the Whistler Street Car Park, assumptions need to be made about:

- The total number of users of the Whistler Street Car Park in 2015 was 425,387.
- Only 26.5% of the total users of the Whistler Street Car Park are actually paying users.
- A proportion of total users of the Whistler Street Car Park (that is, paying and non-paying) that will transfer to the Oval Car Park once the Whistler Street Car Park closes. According to Bitzios (see page 5 of the Bitzios Report in Appendix 5), their estimate of the proportion of total parkers that will transfer to the Oval Car Park figure is 26% – this estimate is based on their interviews with users of the Whistler Street Car Park in late 2013. This assumption is supported and endorsed by Craig Smith, the recently-retired CEO of Wilson Car Parking. This assumption is used to determine the 'Base Case Revenue Forecast'.
- The fee paid by the paying parkers in the Whistler Street Car Park in 2015 was \$12.28 per stay.
- The annual increase in visitors to the Oval Car Park has been assumed to be 3.5% per year (the same assumption as Bitzios) – and the proportion of those who pay for parking is expected to remain at 26.5%.
- The rate of increase in the fee paid by the paying parkers is assumed to be at the rate of inflation.

B. Revenue Forecast

i) Base Case Revenue Forecast

The forecast in total revenue to the Council from operating the Oval Car Park in the first full year of operation is \$0.45 mill. The forecast in revenues in future years is contained in Appendix 6.

ii) Best Case Revenue Forecasting

An important assumption in determining the future level of revenues for the Oval Car Park is the proportion of total users of the Whistler Street Car Park who are prepared to transfer to the new Oval Car Park. In the Base Case above, the Bitzios estimate of 26% (which based on the results of their interviews with users of the Whistler St Car Park).

For the **Best Case Revenue Forecast**, the financial model will assume a transfer from the Whistler Street Car Park to the new Oval Car Park of 70% – giving a forecast revenue in the first year of operation of \$1.22 mill. The forecast in revenues in future years for the Best Case Revenue Forecast is contained in Appendix 6.

5. Operating Cost Forecasts

A. Methodology for Estimating Future Operating Costs

Manly Council reported that in 2015 the operating (including maintenance) costs for the Whistler Street Car Park was \$0.36 mill.

We are assuming that the operating costs for the Oval Car Park will be higher than the operating costs for the Whistler Street Car Park for the following reasons:

- Power and maintenance costs for dewatering pumps, ventilation and exhaust extraction fans.
- Power for lighting, security systems and additional lifts.

The estimate of the additional operating costs have been provided by Craig Smith, the recently retired CEO of Wilson Car Parking. He has had more than 30 years' experience in the management and operation of parks in Australia.

B. Operating Cost Forecast

The resultant forecast in operating costs for the Council from operating the Oval Car Park in the first full year of operation (2019) is \$0.84 mill. The forecast in operating costs in future years is contained in Appendix 6.

6. Future Net Cash Flows and Net Present Values for the Manly Oval Car Park

A. Base Case Revenue Forecast

The future net cash flows for the Oval Car Park are set out in Appendix 6 – only five years of forecast are shown.

It is assumed that the construction cost of \$43.3 mill is fully funded by the Council, with no loan or interest repayments charged against the operations of the Oval Car Park, with borrowings against its balance sheet.

For the Base Case it can be seen that the car park operates at a cash loss for every year of its operation – starting at a loss of \$0.39 mill in the first year of operation and increasing to \$0.65 mill in the 20th year of operation. As a consequence, the Council will be required to divert finances from other operations or use loans to fund the shortfall in those years when there is one. The total amount of the additional funding is \$10.4 mill.

The Net Present Value (NPV) of the cash flows for 20 years for the Oval Car Park is estimated to be –\$48 mill. A discount rate of 5% was used.

The Council will face cash shortfalls in each year of its operation.

The Northern Beaches Council's net borrowing position will be much worsened by borrowing to fund construction, to fund the annual cash flow shortfalls and the consequential debt servicing obligations.

This will have a very large negative economic impact on the ratepayers of the Northern Beaches Council and it is certainly not in the public interest.

B. Best Case Revenue Forecast

If it is assumed in the revenue forecasts that 50% of the car parkers (rather than the 26% of users who told Bitzios they would transfer) will transfer from the Whistler Street Car Park to the Oval Car Park when it closes, the gross revenue for the Council will double. It can be assumed that there will be no change to the operating costs for a higher number of cars entering the car park.

It is assumed that the construction cost of \$43.3 mill is fully funded by the Council – with no loan or interest repayments charged against the operations of the Oval Car Park.

For the Higher Revenue Option it can be seen that the car park operates at a small cash margin for every year of its operation.

The Net Present Value (NPV) of the cash flows for 20 years for the Oval Car Park is estimated to be -\$36 mill and an Internal Rate of Return of -9.3%. A discount rate of 5% was used.

The Council will have a small cash surplus each year of operation.

The Northern Beaches Council's net borrowing position will be much worsened by borrowing to fund construction and the consequential debt servicing obligations.

Even with doubling the revenues in the Best Case Revenue Option, there will be a large negative economic impact on the ratepayers of the Northern Beaches Council and it is certainly not in the public interest.

7. Conclusions

The financial analysis undertaken by the Alliance shows that the Oval Car Park Project is a financial disaster and this has a major negative impact on the finances of the Northern Beaches Council and has the potential to have negative impact on the ratepayers.

Appendices: (Provided as a separate electronic file)

1. Extract from the *Environmental Planning and Assessment Act 1979 – Section 79C*
2. Extract from *The Capital Expenditure Guidelines (2010) of the Office of Local Government that refers to the need for a Business Case to be prepared.*
3. Forecast of Operating Costs and Revenues for the Manly Oval Car Park – Estimated from the Community Strategic Plan Currently on Exhibition.
4. Manly Oval Car Park – Capital Cost Estimate developed by David Wunder, Peter Rochlin and endorsed by John Ferrarin.
5. Extract from the Report of Bitzios *Manly Oval Car Park Demand Forecasting Study (25 November 2013)*
6. Forecast Revenues and Operating Costs for two Revenue Cases

PERMISSIBILITY

1 Introduction

Manly Oval is located at the eastern end of a Crown Land Reserve, known as Ivanhoe Park, and is the whole of land comprised in Lot 7379 Deposited Plan 1164956. Title to the land is vested in the State of New South Wales.

Ivanhoe Park, together with the Oval land, is a Crown Reserve for public recreation and community purposes. The former Manly Council was appointed as Trustee of a Reserve Trust in December 1887. The land is also classified on Title as a 'Reserve within the meaning of Part 5 of the Crown Lands Act 1989, with restrictions on transfer and other dealings in the land under that Act'.

The subject land is zoned 'RE1 Public Recreation' under the Manly Local Environment Plan 2013. Any change of purpose, or zoning, would require the consent of both the Minister for Lands and the Northern Beaches Council (as successor to the former Manly Council).

Manly Oval is bounded by the Ivanhoe Park Botanic Gardens and a portion of a Perpetual Lease to a bowling club to the west, and a portion of a Perpetual Lease to Manly Tennis Club to the east.

Manly Oval is a well used sporting asset, which provides for rugby union, cricket, and athletics and is used by local schools for other purposes.

Manly Oval is one of only two 'Village Greens' known to exist within the Sydney Metropolitan Area, and forms part of the gateway precinct to the Manly Village.

This section of the submission addresses, firstly, the provisions of the Manly Local Environmental Plan relative to the objectives of the zoning of the land on which the development is proposed, and cites a line of analogous cases which it is considered support the view that the construction of a 500+ space car park is an improper use of the land. Secondly, it addresses provisions of the Crown Lands Act relative to the dedication of the land for 'public recreation and community purposes', and correspondence regarding the car park proposal from the Department of Primary Industries in 2013, in response to inquiries from Manly Council at that time.

2 Objectives of the zoning of the land comprising Ivanhoe Park

Ivanhoe Park, the proposed location of the car park, is zoned RE1 Public Recreation, and objectives of the zoning relevantly include:

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

3 The Statement of Environmental Effects submitted with the development application incorrectly advises (at page 24):

The proposed car park is permissible within the Manly Local Environmental Plan 2013 Zone RE1 Public Recreation Zone and within the SP2 Infrastructure zone with

Council's consent. The proposal to provide a community facility satisfies the primary objective of this zone which is 'to provide a range of retail, business, entertainment and community uses that serve the needs of the people who live in and visit the local area. (Underlining as per the document).

In fact, this objective applies to the B2 Local Centre zoning, which comprises the Town Centre and commercial areas in Sydney Road and Belgrave Street, adjacent to Ivanhoe Park, not the zoning for Ivanhoe Park.

4 Permissible uses are subject to examination of their purpose

Car parks are a permissible use, with development consent, in the RE1 Public Recreation zoning. However, as Preston CJ said in *Chamwell Pty Limited v Strathfield Council* (2007) 1511 LGERA 114:

27 In planning law, use must be for a purpose: *Shire of Perth v O'Keefe* [1964] HCA 37; (1964) 110 CLR 529 at 534-535 and *Minister Administering the Crown Lands Act v New South Wales Aboriginal Land Council* (1993) 80 LGRA 173 at 188. The purpose is the end to which land is seen to serve. It describes the character, which is imparted to the land at which the use is pursued: *Shire of Perth v O'Keefe* [1964] HCA 37; (1964) 110 CLR 529 at 534.

28 In determining whether land is used for a particular purpose, an enquiry in to how that purpose can be achieved is necessary: *Council v Royal Newcastle Hospital* [1957] HCA 15; (1957) 96 CLR 493 at 499-500. The use of land involves no more than the 'physical acts by which the land is made to serve some purpose': at 508.

The purpose of the proposed car park was set out in Council's invitation for expressions of interest for the construction of a Manly Oval Car Park, which advised that the Manly 2015 Master Plan 'identified Manly Oval as the location for an underground car park to replace the existing CBD car park at Whistler Street. This will complete an earlier town centre plan that placed all car parks at the edge of the CBD'.

5 Consideration of the impact of the proposal

In *George Eddy Holdings Pty Limited v The Council of the Municipality of Kiama* [2010] NSWLEC 1240 (27 August 2010) Brown C with Johnson AC concluded:

42 ... To accept Ms Brown's evidence the Court would have to find that the proposed activities on Lot 3 are consistent with the requirement that these uses are compatible with the rural use of the land. Ms Brown is correct in stating that there are a range of innominate uses that include non-rural uses that are permissible within the 1(a) zone. That, however is not the end of the argument. The fact that these uses are permissible does not guarantee that they would be compatible with the rural use of the land, as this will depend on the particular characteristics of that use. For example, a 'caravan park' is permissible within the 1(a) zone, however the size and extent of a caravan park would most likely be a critical determinant in whether a caravan park would be compatible with the rural use of the land (see *Wygrien v Kiama Municipal Council and Anor* [2008] NSWLEC 1233).

43 ...We do not accept that the form and size of this development could reasonably be seen as being compatible with the rural use of the land when compared to the existing use of the land by either the Schaffer Corporation test or the Dem Gillespie's test.

44 On this basis the proposed development would be inconsistent with zone objective (d) and pursuant to cl 9(3) development consent could not be granted.

6 The scale of the proposed car park construction reflects its intended purpose as a major commercial facility, and impacts on the site itself and on the surrounding area accordingly. As detailed elsewhere in this report, there are negative impacts that include:

- No apparent physical capability to comply with the fire safety requirements of the Building Code of Australia regarding egress from the car park and then to the street.
- Proposed lack of compliance of the proposed development with 1 in a 100-year flood requirements.
- Loss of playing field space, particularly in regard to recognised Rugby Union field size requirements.
- No adequate or safe means of pedestrian movement in the vicinity of the vehicle entry and exit points.
- Traffic congestion and danger to road safety.

This list is intended to be indicative, not definitive.

7 Local councils' obligations regarding income from land used for public recreation and enjoyment

The car park is proposed to be privately operated, and residual profits, if they are treated, as is presently the case with the Whistler Street car park, will go to general revenue.

In *Council of the Municipality of Randwick v Rutledge* [1959] HCA 63; (1959) 102 CLR 54 (30 November 1959)[1959] Windeyer J said:

29. In principle, for land to be used for public recreation and enjoyment ... which is what the Act contemplates (see, in addition to the definition, ss. 344-355) - and to be on that account exempt from rating, two conditions must be fulfilled. The land must be, in the relevant sense, open to the public generally as of right; and it must not be a source of private profit.....

30. As to the second requirement, that the land must not be a source of private profit. In the underlying theory of rating legislation, land in public occupation is exempt from rating because it does not produce rent or profits for its owner or occupier. If members of the public have to pay to enter the land it may still be a public reserve, provided that the moneys thus obtained are all devoted to its maintenance. Walsh J. referred to this also as a material consideration. It is more than that. It must always - or nearly always - be a decisive consideration. The general obligation of trustees of public parks and reserves to apply to their maintenance and improvement all moneys paid by the public for the right to enjoy them is recognized by the Local Government Act 1919, s. 352; and it lies at the root of decisions to be mentioned (at p.89).

8 Local councils' responsibilities in relation to the control and management of public parks

In *Woollahra Municipal Council v Minister for the Environment* (1991) 23 NSWLR 710 LGRA 379 (the 'Simon University Case'), Gleeson CJ said, at 715-716:

The appellant submitted that, although the licensing powers in question are not as

closely confined as the powers of leasing granted by s 151 they are, nevertheless, not at large. They are controlled by the nature and scope of the legislation conferring them, and are to be understood as powers to advance the objects of that legislation: *Swan Hill Corporation v Bradbury* (1937) 56 CLR 746 at 758. Those objects are to be deduced from the long title to the Act, the scheme of the legislation, and specific provisions such as G s 8 (which identifies various powers and functions of the Director) and s 72 (which states the objectives of a plan of management of a national park). This argument was supported by reference to a line of authority, in a cognate area of law, which establishes that local councils which are given the control and management of public parks may only erect upon them improvements whose purpose is to promote or is ancillary to the use and enjoyment of the land in question as a public park or for public recreation: for example, *Attorney-General v Corporation of Sunderland* (1876) LR 2 Ch D 634; *Storey v North Sydney Municipal Council* (1970) 123 CLR 574 and *Waverley Municipal Council v Attorney-General* (1979) 40 LGRA 419.

9 The requirements of the Crown Lands Act and the Department of Primary Industries

As Manly Oval is located on Crown Land, any dealings with the land require the consent of the Minister, pursuant to the Crown Lands Act 1989:

- Section 92 of the Act provides for establishment of a Reserve and appointment of a Trustee.
- Section 95 of the Act provides for the appointment of a Council as Trustee.
- Section 98 of the Act prohibits a Council (acting as Trustee), from classifying a Public Reserve as Operational Land.
- Section 121A of that Act provides for the Minister to authorise an additional purpose for a Reserve provided that:
 - (a) The Minister is satisfied that the additional purpose is compatible with the declared purpose of the Reserve.
 - (b) It is in the public interest for the Reserve to be used for the additional purpose.

10 Letter to Manly Council dated 5 July 2013

In this letter the Department of Primary Industries referred to Council's 'recent notification concerning a development application for construction of a public car park under Manly Oval, part of Ivanhoe Park R89199', and advised that 'It is the responsibility of the Trust as 'proponent' to take into consideration at the time of preparation of (and prior to) lodgement of the Development Application the following issues:

- Whether the proposed development is consistent with the declared purpose of the reserve
- Pursuant to Section 87 of the Crown Lands Act 1989 – whether the proposal is consistent with any plan of management which may have been adopted for the reserve'

and further advised that Council 'should also give consideration to an additional purpose of 'urban services' being notified over the reserve to accommodate use of the reserve for car parking purposes. In this regard, a formal request should be made under section 121A of the Crown Lands Act, 1989 to the Department'.

11 There is no available record of a response from Manly Council to the advice from the Department of Primary Industries.

There has not been any Plan of Management prepared for Ivanhoe Park in accordance with Part 5 of the Crown Lands Act permitting any additional purpose, and there has not been any gazettal on the part of the Minister of the use of the reserve for an additional purpose of urban services.

12 In *Friends of King Edward Park Inc v Newcastle City Council* (No 2) [2015] NSWLEC 76 (11 May 2015), Sheahan J said:

99 Where land has been dedicated or reserved for a particular purpose, the use of the land for some other purpose is not authorised: *Minister Administering the Crown Lands Act v New South Wales Aboriginal Land Council (Goomallee Claim)* ('Goomallee') [2012] NSWCA 358; 84 NSWLR 219, per Basten JA (at [37]).

267 The obligation of a decision-maker to consider mandatory relevant matters requires a decision-maker to engage in an active intellectual process, in which each relevant matter receives his or her genuine consideration (see *Tickner v Chapman* ('Tickner') [1995] FCA 1726; (1995) 57 FCR 451; 89 LGERA 1 at 462). More 'than a mere formalistic reference' to the relevant considerations is required (see my decision in *Pitty v Bega Valley Shire Council* [2012] NSWLEC 242; 191 LGERA 204).

12 Recommendations

That consent for Development Application No. 116/2016 for the construction of a car park in Ivanhoe Park be refused on the grounds that:

1. The purpose of the proposed car park is not to 'enable land to be used for public open space or recreational purposes', 'provide a range of recreational settings and activities and compatible land uses', or 'protect and enhance the natural environment for recreational purposes', and it is therefore contrary to the objectives of the RE1 zoning of Ivanhoe Park for 'Public Recreation' under the Manly Local Environmental Plan 2013.
2. The proposed construction of a car park for the purpose of providing off-street paid parking for people who may or may not be attending Ivanhoe Park constitutes a separate, other purpose to the declared reservation of Ivanhoe Park for 'public recreation and community purposes', pursuant to the provisions of the Crown Lands Act 1989, and can not be said to be in furtherance of, or incidental to, those declared purposes.

Reon Bavinton
June 2016

COMPLIANCE ISSUES

Throughout this submission, several contributing authors have identified significant compliance issues relating the DA116/2016, submitted by the former Manly Council for Manly Oval Underground Car Park at Sydney Road, Manly.

This section collates these compliance concerns, in order that the cumulative effects of these issues might more easily be considered by the Joint Regional Planning Panel.

As detailed in the **Roads & Traffic** section of this report, DA116/2016 appears to be **non-compliant with the BCA** in relation to:

- Travel distances to the fire stairs
- Failure to provide a Deemed-to-Satisfy solution in relation to car park ventilation
- Failure to meet freeboard requirements in relation to flood risk mitigation

Concerns about these issues are further elaborated in the section on **Hydrology/ Hydrogeology & Flooding**.

As part of her independent **Heritage Impact Statement**, heritage expert Dr Anne Warr assesses the proposed car park development against both the Heritage Conservation aspects of the Manly LEP2013 and the Manly DCP 2013 Amendment 2. She concludes that:

It [The proposed development of Manly Oval] does not comply with the heritage provisions of Manly Council's planning instruments.

- *It demolishes a heritage item, which is clearly not allowed by Manly LEP 2013.*
- *It does not follow the guidelines for new work to listed heritage items, as clearly stated in the Manly LEP 2013.*
- *It has not produced an adequate heritage study, either a HIS or a CMP, so that Northern Beaches (Manly) Council can adequately determine the impact of the proposed works on the heritage significance of the Oval, as required by the 2013 LEP.*
- *The heritage assessment has not been prepared by a suitably qualified heritage professional as required by the Manly LEP 2013.*

As the **Environment & Amenity** section of this submission identifies, DA116/2016 fails to take account of:

- Ecologically Sustainable Development (ESD) requirements within section 5a of the Environmental Planning & Assessment Act 1979
- Council obligations to have regard to the ESD requirements contained in section 7 of the Local Government Act 1993
- The principles of Crown Land Management as contained in section 11 of the Crown Lands Act 1989

Further, no Remediation Action Plan for the management of Acid Sulphate Soils is included in the DA and supporting documents.

As identified in the section on **Manly Oval as a Sporting Venue** proposed changes to the oval dimensions mean that it will no longer meet the World Rugby Laws and the NSW Rugby Union requirements for a first division playing field, resulting in significant safety issues.

The section on **Financial Impacts on the Community** of the proposed car park construction highlights the lack of a Business Case for the proposal, thus failing to adequately address the requirements of section 79(c) of the Environmental Planning & Assessment Act 1979. The lack of a Business Case is also contrary to the *Capital Expenditure Guidelines (2010)* of the Office of Local Government.

As addressed in the section on **Permissibility**, the purpose of the proposed car:

- Is contrary to the objectives of the RE1 zoning of Ivanhoe Park (including the Manly Oval) for 'Public Recreation' under the provisions of the Manly Local Environmental Plan 2013; and
- Is contrary to the declared purposes of Ivanhoe Park (including Manly Oval) for 'Public recreation and community purpose' under the provisions of the Crown Lands Act 1989, and cannot be considered in furtherance of, or incidental to those declared purposes.

Save Manly Oval Alliance submits that, together, these non-compliances represent such serious issues for the proposed development, that it should not proceed.

CONCLUSIONS

Having carefully assessed DA116/2016 as submitted by the former Manly Council, it is the considered view of the Save Manly Oval Alliance Inc that the proposed development should not be approved.

In the opinion of the experts that have contributed to this submission, fundamental flaws in the application, as addressed in this submission, are such that the risks associated with the proposed development are too great.

Save Manly Oval Alliance therefore urges the Joint Regional Planning Panel to reject the Development Application.

17 June 2016

J.W. Steggall
President
Save Manly Oval Alliance
24 Wanganella St
Balgowlah NSW 2093