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Dear Sir

REFERENCE: EPBC 2014/7194
TITLE: Middle Head Healthcare Pty Ltd. Proposed Residential Aged Care Facility, Middle Head Rd, Mosman

I write in relation to the Middle Head Health Care Seniors Development 10 Terminal Complex & Barracks Middle Head.

I am firmly opposed to this development.

Inconsistency with the Objects of the *Sydney Harbour Federation Trust Act 2001*

The proposal (as the applicant concedes at pg 1 of the Planning Assessment Report (“PAR”)) must be assessed against the objectives of the *Sydney Harbour Federation Trust Act 2001* (“the ACT”) which provides:

s.6 Objects

The objects of the [Trust](#) are the following:

- (a) to ensure that management of [Trust land](#) contributes to **enhancing the amenity of the Sydney Harbour region**;
- (b) to **protect, conserve and interpret the environmental and heritage values of [Trust land](#)**;
- (c) to **maximise public access to [Trust land](#)**;

(d) to establish and manage suitable [Trust land](#) as a **park** on behalf of the Commonwealth as the national government;

(e) to co-operate with other Commonwealth bodies that have a connection with any [Harbour land](#) in managing that [land](#);

(f) to **co-operate with** New South Wales, [affected councils](#) and **the community** in furthering the above objects.

The proposed development is a private development on and alienating Trust land.

I can see no single objective in s6 which is consistent with the development proposal. Indeed approval of the development will hinder the attainment of the objectives in s6 in each respect.

The Proponent's argument to the contrary is nonsensical. Adaptive re-use of structures in poor current condition and the introduction of "public paths" to access the "**rest** of the Trust land" whilst destroying trees and building new buildings for a private development on Trust land is irrational and farcical.

Inconsistent with the adopted Plan of Management

The Aims of the adopted Management Plan are to:

(a) "**Conserve** and interpret the **Commonwealth Heritage values** of Middle Head;

(b) **Maximise public access**;

(c) Facilitate the adaptive re-use of the precinct's buildings for **appropriate uses**; and,

(d) **Integrate** the precinct **with** adjoining lands as part of a **unified Headland Park** and network of open space"

The Plan of Management for the Land does not contemplate this private development. It is inappropriate to prepare a Plan under the Act and then to propose development which is inconsistent with the Plan and then remedy that situation by amending the plan. That is to reverse best practice planning (for such a valuable community asset).

Accordingly, this objection should also be taken as an objection to the amendment of the Plan of Management as well.

A new retirement village is not a reflection of any heritage value of Middle Head.

A private development is antithetical to maximising public access.

The use proposed of existing buildings is not an appropriate use.

The alienation of the Precinct to a private development is not to integrate it with a unified Headland Park.

Highly Important Public Land

The 10 Terminal Complex, the main 10 Terminal Building 3 and The “Barracks” are all important buildings in an important Precinct. The Precinct follows the ridge of a significant Harbour headland. The development site is adjacent the Sydney Harbour National Park, remnant bushland and historic fortification structures and batteries. Cobblers Beach and other foreshore land is nearby. The setting is unique and irreplaceable. The “Defence Site – Georges Heights and Middle Head” on the Commonwealth Heritage Register and as an historic place on the Register of the National Estate.

A private Seniors Living development of the kind found commonly across metropolitan Sydney is not appropriate on this important landmark.

Private Development of Public Land to be Avoided

A private Seniors Living Development in this setting and place is a complete anomaly. It is certainly contrary to the objective in the Act to maximise public access to the land in the Trust’s care.

Tree Removal

Eighteen (18) of the 101 trees are to be removed from Trust land. An objective of the Act is to **conserve the environmental values** of the land. Tree removal is the consequence only of trees being within 3m of the proposed building footprint. That is no justification at all to remove established trees from Trust land. The trees are a **constraint** to development and should not be destroyed.

Conservation of biological and ecological integrity

The Headland *does* contain threatened species. The 2003 ecological study relied upon by the Proponent is outdated and must be done again in 2014. The Headland is frequented by threatened fauna especially at night and the new development interfere with the ecological value of the bushland.

Visual Impact

Notwithstanding that this is development on Commonwealth land, the provisions

of State legislation inform what the community expects of new development. The provisions of **Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005** (now a deemed State Planning Policy) have not been considered and should be.

The objectives of clause 2(1)(a) of the SREP are obviously relevant - as are other provisions of the Plan. They provide:

(1) This plan has the following aims with respect to the Sydney Harbour Catchment:

(a) to ensure that the **catchment, foreshores**, waterways and islands of **Sydney Harbour** are recognised, **protected**, enhanced and maintained:

- (i) as an **outstanding natural asset**, and
- (ii) **as a public asset of national and heritage significance**, for **existing** and **future** generations.

The Project has No Justification - Conclusion

The proposed adaptive re-use of the former 10 Terminal Complex and re-building of the Barracks for the purpose of a seniors living development is contrary to the objectives of the *Sydney Harbour Federation Trust Act 2001*, The Comprehensive Plan and Management Plan No.7 – Mosman for Middle Head and the public interest.

Housing for Seniors can take place in most urban zones across Sydney. No justification exists for using this unique and special Trust land for such a pedestrian development.

Significant adverse impacts to heritage values, the landscaped character of the Precinct, threatened and environmentally significant species are anticipated as a result of the proposal.

There is a real bushfire threat. Fire barriers have to be erected to give even basic protection. No vegetation management plan has been prepared and no emergency evacuation plans have been exhibited for public comment. Such plans need to be prepared now - not after any approval: *Weal v. Bathurst City Council* [2000] NSWCA 88.

The proposal **if located elsewhere** will offer the exact same employment opportunities and have the exact same housing and social outcomes.

The removal of 18 trees is a significant impact on the natural environment. A private facility on Trust land is not in the public Interest. Improvements to stormwater run-off quality and the remediation of any contaminated soils can be

effected at any time without this private development.

In conclusion, the proposal has no merit and it is recommended that the Plan of Management be applied without amendment and the proposed Action refused.

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