

**Sydney Harbour Federation Trust**

**Management Plan - Mosman No. 3**  
Markham Close

9th DECEMBER 2003



**Australian Government**

**Sydney Harbour Federation Trust**

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## Introduction

The Trust's Comprehensive Plan sets out its vision for the harbour sites under its control and includes a process for the preparation of more detailed management plans for specific precincts, places or buildings.

The Comprehensive Plan proposes the creation of a Headland Park that integrates Middle Head, Georges Heights and Chowder Bay.

The vision for the park is a place where the area's rich natural and cultural heritage, including its early aboriginal and military occupation will be protected and interpreted and where access will be provided to areas that have long been inaccessible to most people.

The Trust has identified the creation of the Headland Park as one of its highest priorities. Its goals are to ensure that:

- The natural and cultural assets of Middle Head, Georges Heights and Chowder Bay are conserved;
- The bushland area is increased in size;
- A network of walking tracks is created that links the various former military precincts and other places of interest; and
- Existing facilities and buildings are adaptively re-used for appropriate educational, community, recreational and commercial uses.

Markham Close is a residential precinct adjacent to the proposed park. The Trust's Comprehensive Plan identified the need to formulate detailed planning controls to:

- Guide any future redevelopment of housing in Markham Close.
- Reduce the current visual impact of housing upon the ridgeline; and to
- Better integrate the precinct with the Headland Park.

The purpose of this Management Plan is to illustrate the way in which these objectives can be achieved and to detail specific planning controls to achieve these outcomes.

## Commencement Date

This plan was adopted by the Trust on 9 December 2003 and came into force on that date.

## Land to which the Management Plan Applies

The land covered by the Management Plan is shown by broken black edging on the plan at *Figure 1*. The land is known as Lots 1-19 DP233157, Lot 1 DP 831153 and part of Lot 202, DP 1022020. All of this land is in the ownership of the Sydney Harbour Federation Trust.

The plan includes some land that forms the edge of the proposed Headland Park - comprising the edge of Georges Heights Oval and One Commando Company HQ. These lands are also in the ownership of the Trust.

The plan applies to all development to be carried out on the site.



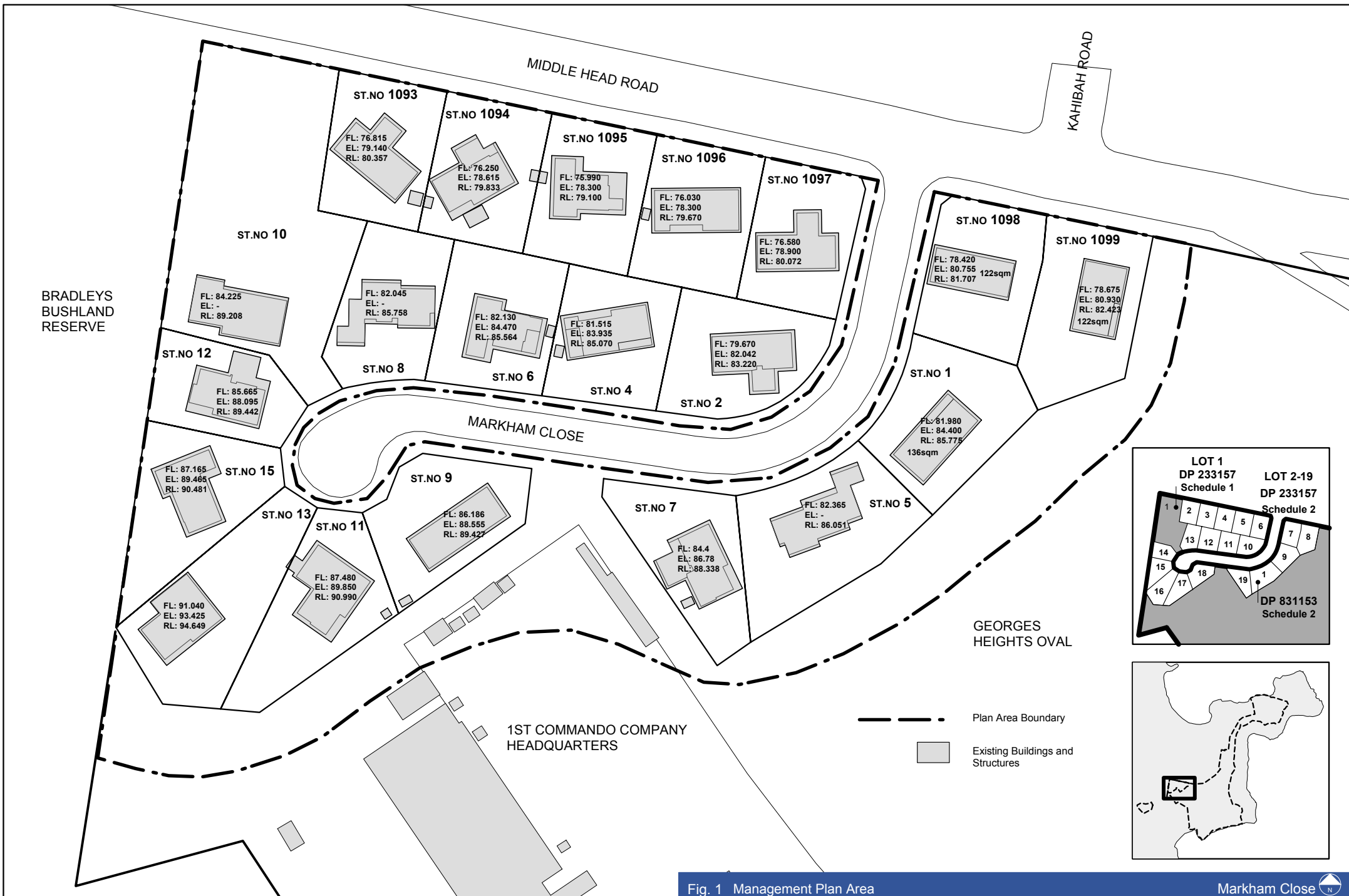


Fig. 1 Management Plan Area

## Aims of this Plan

The aim of this Management Plan is to:

- Control residential redevelopment in the Markham Close Precinct to ensure that it melds with the surrounding lands, particularly the adjoining Headland Park.

In doing this it aims to:

- Protect the visual integrity of the tree lined ridge and hillside running from Rawson Park to Georges Heights;
- Integrate the Markham Close precinct more successfully into the park;
- Regenerate the interface with the parklands; using plants that are indigenous to the area;
- Enhance the amenity of the surrounding parkland;
- Reduce the visual impact of the housing particularly on the public areas of Rawson Park and Georges Heights Oval;
- Preserve and enhance existing and potential view corridors especially those from public places;
- Provide pedestrian links through the Markham Close Precinct to the Headland Park and to Bradley Bushland Reserve;
- Protect the Bradley Bushland Reserve;
- Allow for the continued residential use of part of the precinct;
- Restrict development to single dwelling houses;
- Ensure that new development is consistent with the scale and character of the surrounding residential neighbourhood;
- Control the scale, form and height of buildings to achieve the aims of this plan;
- Improve the streetscape of Markham Close and Middle Head Road;
- Ensure that any development is consistent with the objectives and guiding principles set out in State Environmental Planning Policy No. 56- Sydney Harbour Foreshores and Tributaries (SEPP 56);
- Ensure that any development is consistent with Mosman Council's Residential Development Control Plan (DCP) 1999;
- Protect the rock ledges within the precinct;
- Apply Ecologically Sustainable Development (ESD) principles

## Relationship with the Trust's Comprehensive Plan

This Management Plan is the middle level of a three tiered comprehensive planning system developed to guide the future of the Trust's lands.

The other levels are:

- The Trust's Comprehensive Plan - this is an overarching plan that was prepared in accordance with the *Sydney Harbour Federation Trust Act (SHFT Act) 2001* and provides the strategic direction and planning context for all of the management plans; and
- Specific projects or *actions* - *actions* are defined in the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)* and are similar to the concept of *development* in the NSW planning legislation. Part 11 of the Trust's Plan requires a Management Plan to be in place before an *action* is determined by the Trust.



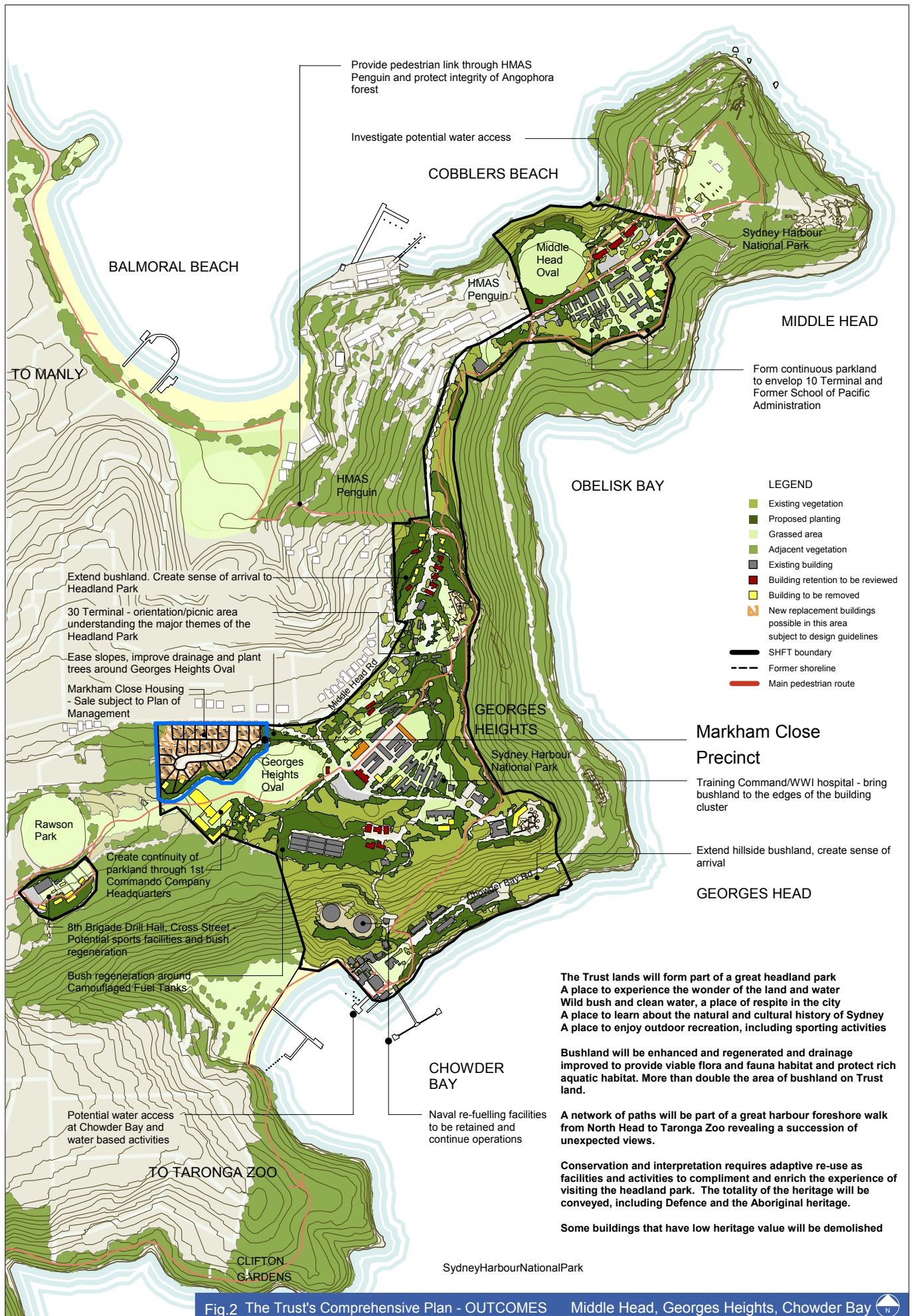


Fig.2 The Trust's Comprehensive Plan - OUTCOMES

Middle Head, Georges Heights, Chowder Bay



This Management Plan describes specific outcomes for the Markham Close Precinct. It interprets the Trust's Comprehensive Plan and guides its implementation by providing more explicit detail about the way the precinct is developed, adaptively reused or conserved.

The Management Plan must be consistent with the Comprehensive Plan. In particular it must be consistent with the *Outcomes* identified in *Part 7* of the Comprehensive Plan and must address the *Objectives and Policies* in *Part 3*.

The *Outcomes* identified in *Part 7* of the Comprehensive Plan for Middle Head, Georges Heights and Chowder Bay are reproduced at *Figure 2*.

## **Relationship with other Trust Management Plans**

This Management Plan is the third to be prepared by the Trust for land within the Mosman Local Government Area. All of the Management Plans must be consistent with each other as well as any plans for neighbouring lands.

## **Relationship with the Headland Park Design Framework**

The Design Framework for the Headland Park is shown at *Figure 3*. Of particular importance in this Management Plan are the edges - the boundaries between precincts, the borders to parks and gardens and the interfaces between the housing and the public domain.

The parkland will form a succession of spaces from open hill tops with a sense of openness and height above all the surrounding land – such as at the cairn at Rawson Park, through more enclosed areas in the saddles and valleys, to places on the cusp – along escarpment edges.

The housing in Markham Close is intended to be unobtrusive and form an attractive edge between the suburban areas of Mosman and the Headland Park. The extent of bushland around the edge of the housing is to be increased and this will help to knit together the precinct with the Headland Park and provide a cohesive sequence of spaces for public enjoyment.

## **Statutory Planning Context**

The *Sydney Harbour Federation Trust Act, 2001* specifically excludes any land owned by the Trust from the operations of state planning law. This includes Local Environmental Plans prepared by councils and State Policies and Regional Environmental Plans prepared by the State Government. This exclusion does not apply to land once it is sold by the Trust.

Notwithstanding this the Trust has prepared this plan so that it is consistent with both state and local plans. The relevant statutory plans are:



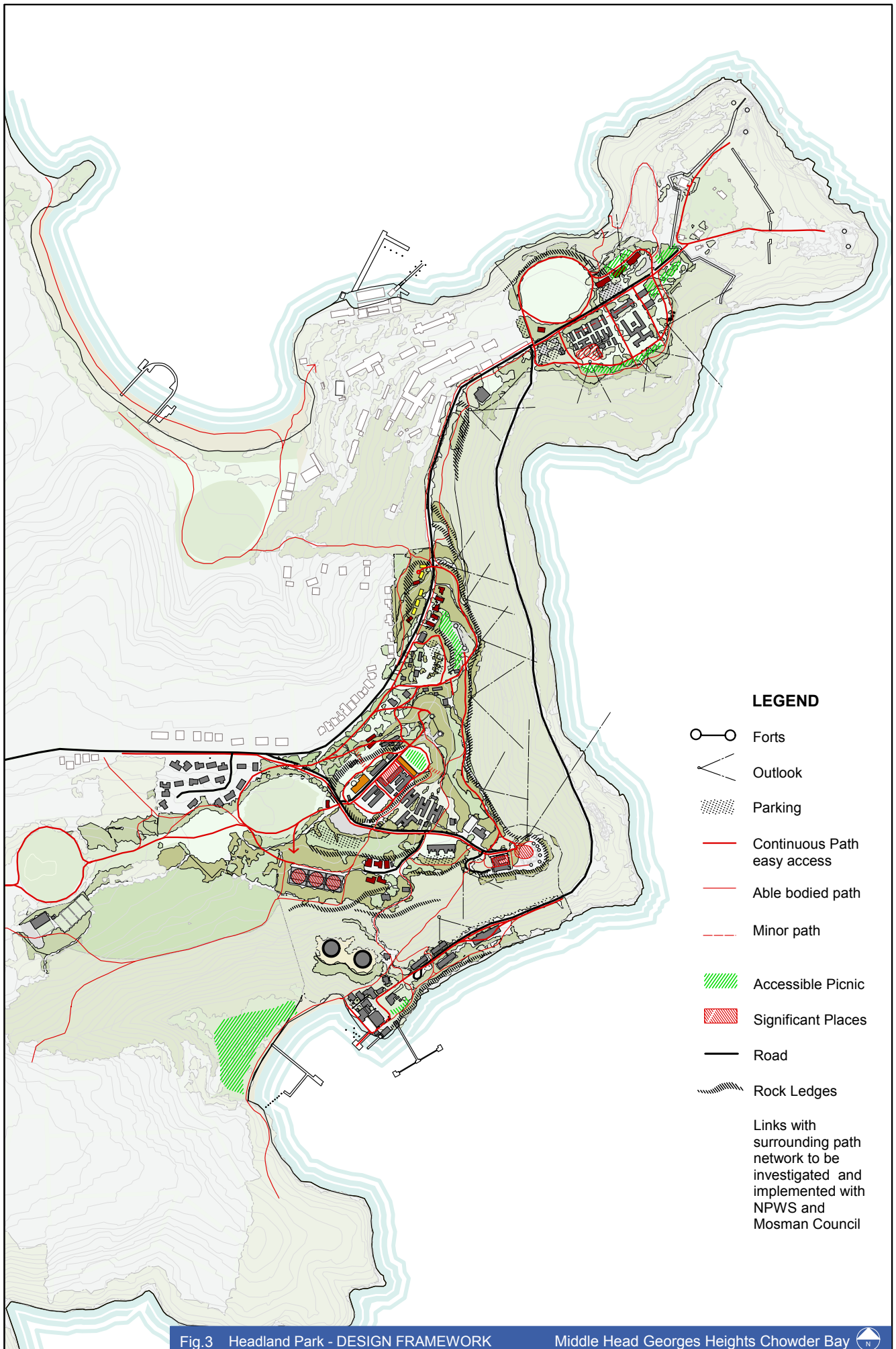


Fig.3 Headland Park - DESIGN FRAMEWORK



### Mosman Local Environmental Plan No.1

The Trust lands at Middle Head and Georges Heights are identified as a deferred matter in Mosman Council's current plan - *Local Environmental Plan (LEP) 1998*. This means that the previous plan - *Mosman LEP No.1*, applies to the land.

Under LEP No.1 all but one of the existing houses in Markham Close is zoned *Residential 2(a1)*. The exception is Lot 1 DP 831153, which is zoned *Special Uses Military Reserve*.

Similarly the interface with the park and One Commando HQ is zoned *Special Uses Military Reserve*.

### Mosman Residential Development Control Plan (DCP), 1999

Development Control Plans provide more detailed controls than those found in an LEP. Mosman Council's Residential DCP 1999 provides comprehensive planning and urban design guidelines to control residential development. The DCP applies to all land zoned residential.

This Management Plan adopts Mosman Residential DCP 1999. However, to achieve the Trust's objectives for the Markham Close Precinct, site-specific planning controls relating to building height, floor space ratio (FSR) and setbacks are necessary. Wherever there is a difference between the DCP and this Management Plan the planning controls in this Management Plan will prevail. A list of the Mosman Residential DCP 1999 clauses that are overridden is detailed in *Appendix 1*. This list is based on the current Mosman DCP dated September 1999 (as amended September 2002). Should the Mosman DCP be amended in the future and clause numbers changed, the same DCP controls will still be overridden and the site-specific planning controls shall prevail.

### State Environmental Planning Policy No. 56 (SEPP 56) – Sydney Harbour Foreshores and Tributaries

SEPP 56 is the prevailing state, statutory planning control. It was adopted by the State government in 1998 to co-ordinate the planning and development of land around the foreshores of Sydney Harbour and its tributaries.

All of the Trust land at Middle Head, Georges Heights and Chowder Bay is identified as a "*strategic foreshore site*" in Schedule I of the Policy. Development on any land identified in Schedule I is declared to be "*State significant development*" in accordance with the provisions of the *Environmental Planning and Assessment Act, 1979*.

As a consequence the Minister for Planning is the consent authority for all development and all development must be consistent with a Master Plan prepared and approved in accordance with the provisions of the State Policy.

Clause 11 of SEPP 56, stipulates that development consent must not be granted for any development that relates to land identified in Schedule 1 unless:

- There is a masterplan for the land, and
- The consent authority has taken the masterplan into consideration, and



- The development is consistent with the masterplan.

The Minister may waive compliance with the requirements of this clause because of the nature of the development concerned, the adequacy of other planning controls that apply to the proposed development or for any other reason as the Minister considers sufficient.

The State Policy requires that a master plan illustrate and explain, where appropriate, proposals for the following:

- a) Design principles drawn from an analysis of the site and its context
- b) Phasing of development
- c) Distribution of land uses including foreshore public access and open space
- d) Pedestrian, cycle and road access and circulation networks
- e) Parking provision
- f) Subdivision pattern
- g) Infrastructure provision
- h) Building envelopes and built form controls
- i) Heritage conservation
- j) Remediation of the site
- k) Provision of public facilities
- l) Provision of open space, its function and landscaping
- m) The impact on any adjoining land that is reserved under the *National Parks and Wildlife Act 1974*.

The Trust has prepared this Management Plan to satisfy both the requirements of its Comprehensive Plan and SEPP 56.

A response to the Guiding Principles of SEPP 56 is at *Appendix 2*.

## Plans Prepared for Neighbouring Lands

In addition to the Trust's policies and plans and the State statutory plans there are plans and policies prepared by neighbouring land managers that provide a context for this Management Plan. Most of these plans are identified in *Section 7* of the Trust's Comprehensive Plan. However, the following are particularly relevant to Markham Close:

### Manly – Mosman District Bushfire Management Plan

There are two sub-plans of the NSW State Bush Fire Plan made under the Rural Fires Act 1997 that apply to the Mosman local government area, including the Harbour Trust's land and the adjoining Sydney Harbour National Park. The Manly – Mosman District Bush Fire Management Plan 2000 deals with strategies to minimise bush fire risk such as hazard reduction. The Manly – Mosman Draft Bush Fire Operations Plan 2003 deals with the operational and management issues. Evacuation routes are determined under Local Emergency Disaster Plans.

There is also a Bush Fire Prone land map prepared under Section 146(2) of the Environmental Planning and Assessment Act 1979 that was approved by the NSW Rural Fire Service in 2003. This map identifies areas of bush fire prone vegetation and



vegetation buffer areas around the Markham Close Precinct. Particular developments proposed on bush fire prone lands can trigger the need to conform to the requirements of Planning for Bushfire Protection 2001 guidelines under the Environmental Planning and Assessment Act 1979.

The Trust has completed an assessment of bushfire risk for its sites at Middle Head, Georges Heights and Chowder Bay and this assessment informed the preparation of this management plan.

#### Plan of Management for Rawson Park and Surrounds, November 2001

Markham Close adjoins Rawson Park and an informal track through the Bradley Bushland Reserve connects the two. In 2001 Mosman Council commissioned Gutteridge Haskins & Davey Pty Ltd to prepare a Plan of Management for Rawson Park and Surrounds, including the Bradley Bushland Reserve.

The Plan of Management recognises the need to successfully combine the varied recreational and community uses with the opportunity to appreciate the environmental, cultural and historic values of the park. Community consultation established that major changes in the management and use of the park were undesirable and that future uses should be determined in accordance with the heritage significance of Rawson Park.

Bradley Bushland Reserve is a small area of bushland - less than 1 hectare, currently managed on behalf of Council by the Friends of Bradley Bushland Reserve. This community group has worked for many years to both conserve and regenerate the remnant bushland. The Plan of Management recommends that the improvement and ongoing protection of the ecological integrity of Bradley Bushland. As Markham Close borders the Reserve the Trust will take this into account.

## **Site Description and Identity**

The area covered by the Management Plan is illustrated in *Figure 1* and includes –

- 19 cottages in Markham Close and Middle Head Road identified in Schedule 2 of the SHFT Act;
- The disused Scout Hall, identified in Schedule 1 of the Act; and
- The interface with the proposed headland park comprising Georges Heights Oval and One Commando Company HQ.

The nineteen houses were built in the 1960's as officers' married quarters. The houses are the first part of the former Defence lands to be encountered traveling along Middle Head Road towards the headland. In appearance they relate more to the prevailing residential area despite differing from the other houses in design, siting and landscaping. They are on the Middle Head Road side of the ridge and in viewing the site they merge with the overall residential slope above Balmoral.

The Scout Hall is no longer used and is very dilapidated.

The precinct has no known biodiversity values.



What environmental value the precinct has is derived from its visual relationship with the adjoining ridgeline and the proposed headland park. Visual analysis indicates that the houses are not visible from the harbour nor the south side areas of Vaucluse and Watsons Bay. The houses are visible from Middle Harbour and its northern shores. However, when viewed from these points they form a small part of the hillside which is characterised by individual houses interspersed with trees.

Currently single storey houses at 1, 5 and 7 Markham Close and 1099 Middle Head Road back onto Georges Heights Oval. These houses have highly visible timber paling fences and relatively exposed backyards. From the edge of the oval, the existing roofs form the foreground to the western and northern view of the surrounding area. Although unattractive, these houses at their current heights do not interrupt the western view to the distant ridgeline or the northern view to the Middle Harbour shoreline and water.

Currently, the house at 13 Markham Close is a visually obtrusive element in the otherwise bushland dominated view from Rawson Park looking northeast towards North Head. The Trust's Comprehensive Plan proposes that this house is demolished.

## Site Analysis

### Heritage Conservation - Archaeology, Buildings, Places and Plantings

Markham Close forms part of a larger area, listed as the 'Defence Site at Georges Heights and Middle Head' on the Register of the National Estate (*refer to Australian Heritage Commission Database Number 102619*). This listing is in recognition of the area's historical significance as one of the locations of major defence works for Sydney Harbour during the 19<sup>th</sup> and 20<sup>th</sup> centuries and its subsequent military occupation.

Markham Close is not specifically identified as a significant site, nor are any of the individual buildings identified on the Register of the National Estate. This reflects the Australian Heritage Commission's general acknowledgement that while some places may be registered because they are within a larger registered area they may not necessarily possess intrinsic significance.

The heritage value of the houses at Markham Close was reviewed as part of the 1998 Godden Mackay Logan Heritage Assessment. It described the houses as being '*unexceptional architecturally but they are a consistent group of single storey brick bungalows of low scale and low visual impact.*' The relative heritage value of the houses was assessed as 4 – *low significance*, while the Scout Hall was assessed as having a similarly low heritage value. Godden Mackay Logan concludes that items identified as being of low heritage significance may be retained for practical reasons, or archivally recorded, prior to removal.

### Aboriginal Heritage

The Trust engaged the Australian Museum to undertake a survey to identify Aboriginal archaeological sites and any associated issues related to Aboriginal heritage for six sites at Middle Head. This included the land at Markham Close.

The Museum advised that no Aboriginal archaeological sites were found. However, as with other sites investigated at Middle Head and Georges Heights, the potential exists at



Markham Close for archaeological material to be uncovered during the exposure or excavation of superficial layers on undisturbed land. However, given the amount of site clearing and disturbance that has taken place at Markham Close, the likelihood of finding archaeological material is considered to be low.

### Bushland and Natural Values

The precinct has no known biodiversity value nor does it contribute to the biodiversity values of any adjoining areas.

The landform in the area has been significantly altered, however the Trust is mindful of the site's proximity to the plateau and ridge. The impact of the housing upon the bushland is negligible. The land is in the northern catchment and drains to suburban area, not to bush.

The exposed rock ledges are an attractive natural feature of the precinct and will be protected.

### Existing Landscape Character Elements

The UDAS report assessed the existing landscape of Markham Close. It concluded that the ridge top including Rawson Park and Georges Heights Oval is an altered landscape not in a pristine geophysical or landscape form. There has been significant leveling and removal of indigenous plants to produce the sports fields and areas for Defence operations such as One Commando Company Headquarters.

Rawson Park is a popular recreation place and many people currently walk around the park enjoying the experience of dramatic views to the city skyline, harbour and Middle Harbour alternating with the sheltered areas edged with trees and heath planting. The cut-in, picket fenced oval is ringed with trees and offers a sheltered, picturesque landscape. As one walks east around the picket fenced oval, the land rises, opens out and reveals excellent views back towards the city and across the Harbour. Walking towards the cairn and onto the central ridge, the eye is drawn north along the ridge with the World War 1 Hospital and WRAAC buildings on the horizon. From the open grassed areas around the cairn and memorial area, there is a magnificent, panoramic view including Dobroyd Head, North Head, the ocean and the South Head ridge. Continuing east, the land drops onto the leveled playing fields area ringed with heath vegetation. In the future, One Commando Company will relocate to another site and this walk will continue along the ridgeline to connect with Georges Heights Oval. This will provide the opportunity to continue the parkland as a succession of spaces enclosed by bushland with some openings defining view corridors and opening out to broad panoramas.

In contrast, although Georges Heights Oval is a well used sports facility and provides a sense of openness with views from some of its edges, it does not attract as many casual recreation users. This is partly explained by the fact that it is very exposed to the elements and that the One Commando Company Headquarters site currently prevents people walking directly between Rawson Park and the Oval.



### Bushfire Risk

In 2002 the Trust commissioned Geospatial Integrity to undertake an interim review of the fire risks and to identify necessary mitigation works for the lands at Middle Head, including the Bradley Bushland Reserve. This assessment informed the preparation of this management plan.

Bradley Bushland Reserve directly abuts the rear boundaries of some of the properties in Markham Close. Dense coastal woodland species grow up the boundary of the houses. The report recommended that an asset protection zone be maintained by clearing existing vegetative fuel in a 25m vicinity of properties. This would mean the removal of species such as *Banksia* spp, *Melaleuca* spp, *Leptospermum* spp and their replacement with fire retardant native species indigenous to the area. Some suggested species are *Acmena smithii*, *Glochidion ferdinandii*, *Synoum glandulosum*, *Elaeocarpus reticulatus*, and *Cupaniopsis anarcardioides*.

The Trust will consult with Mosman Council and the Friends of Bradley Bushland about fire mitigation strategies within the Reserve and in particular the recommendations made by Geospatial Integrity.

### **Outcomes**

The Trust commissioned the Urban Design Advisory Service (UDAS) of the Department of Infrastructure, Planning and Natural Resources to develop controls for future residential development in the Markham Close Management Plan area. This was done to ensure that any future development blends into the landscape and does not detract from the Headland Park.

### Desired Future Character

Based on this work it is proposed that the desired future character of the area includes the following elements:

- Retention of views and sense of openness from the ridge. The ridge top park experience from Rawson Park to Georges Heights Oval of views from open areas alternating with more sheltered, vegetated areas is enhanced by the addition of new parkland, selective re-instatement of some vegetation and adherence to planning controls to protect views. This landscape strategy of contrasting openness with sheltered, vegetated areas has been complemented by any new houses, which are screened by vegetation and do not compromise views;
- Views from public areas such as Rawson Park and Georges Heights Oval to the Harbour, Middle Harbour and distant ridges have been preserved and new development is visually unobtrusive;
- The view from Rawson Park towards North Head is greatly improved by the removal of House No 13 and additional vegetation maturing on new parkland (partial land from houses 11,13 and 15) without obscuring the broad panorama from Rawson Park;
- Retention of a landscaped ridge, rather than buildings and roofs, when viewed across Middle Harbour; and similarly retaining a tree lined ridge top and bushland slope when viewed from the Harbour and south shore. A leafy, attractive precinct of detached houses in gardens that melds with the existing landscape;



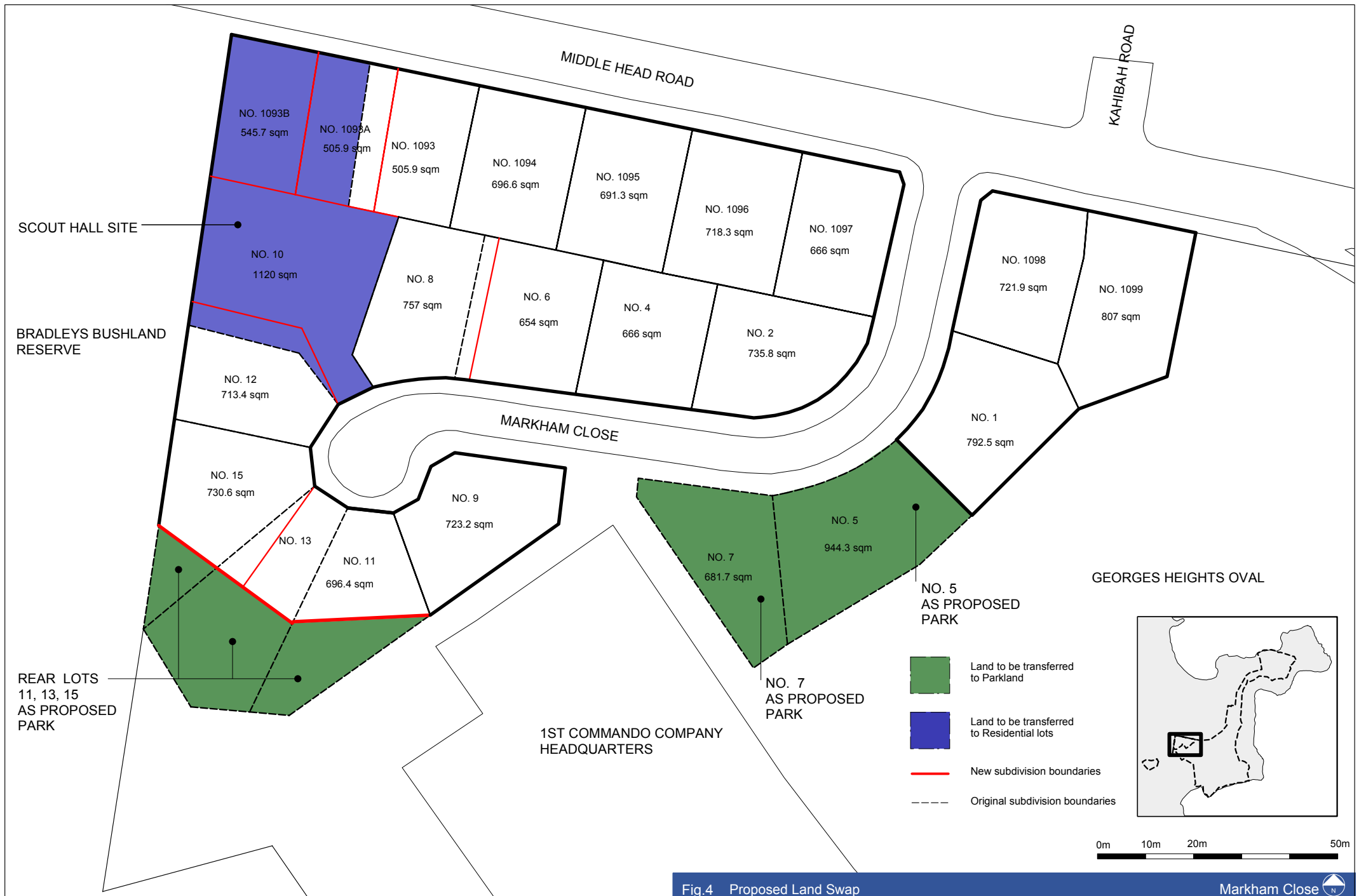


Fig.4 Proposed Land Swap



Fig.5 Outcomes

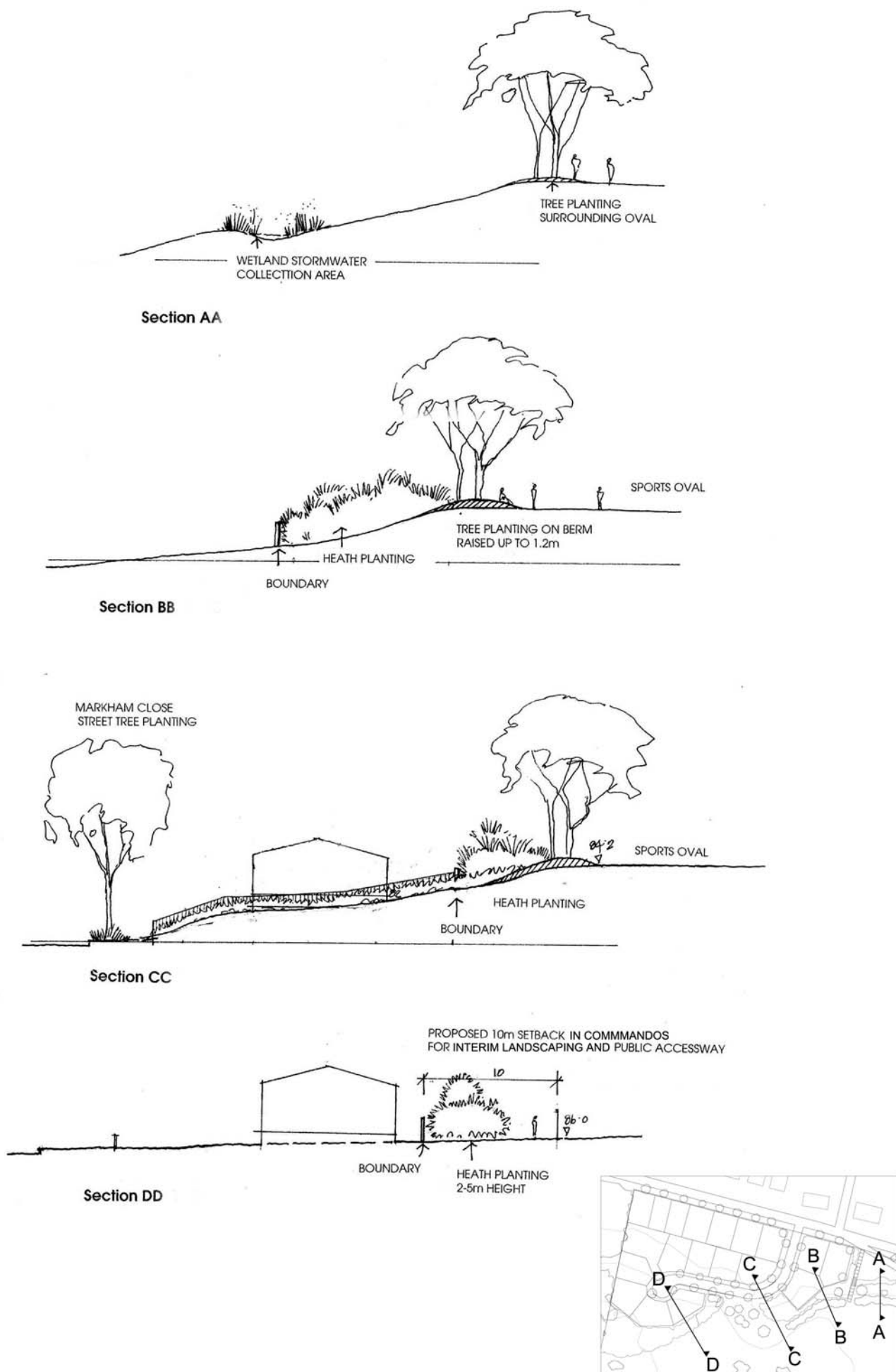


Fig.6 Public Domain Interface-Landscape Concepts

- Housing to be of a similar character to that of the adjacent residential areas and streetscape fits with the townscape character;
- The Middle Head Road streetscape is similar to the existing Balmoral townscape character of houses within garden settings behind low, attractive front fences, with many of the mature trees preserved and new trees growing;
- Markham Close is an attractive cul-de-sac fronted by single detached houses in garden settings with street trees and landscaping maturing to achieve a native landscape ambience befitting the location beneath the plateau;
- The edge of the park to be planting/landscape not buildings. Over time, landscaped buffers around the Georges Heights Oval mature and the fences and houses bordering the oval visually recede behind heath-type vegetation. Lot numbers 5 and 7 have become parkland and the houses demolished so that park extends down to Markham Close;
- Pedestrian linkages through, and to, the park are improved, including Bradley's Bushland Reserve.

### Design Concept

The main elements of the design concept include:

- Amending the existing subdivision pattern, the demolition of some of the houses and a land swap with the scout hall land - see *Figure 4*;
- Implementing site-specific controls for new development– these are detailed in the next section of this plan; and
- The preparation and implementation of a landscape masterplan for the interface with the park.

The elements of the design concept are summarised on the drawings at *Figures 5 and 6*.

### Site-Specific Development Controls

The Markham Close development controls consist of the specific controls outlined in this Management Plan and the Mosman Residential Development Control Plan 1999.

The site-specific controls relate primarily to building heights, floor space ratio (FSR) and building set backs.

Where view preservation is an objective, it is important to control the height of future buildings relative to other site features and view elements. These site-specific development controls therefore use the Australian Height Datum (AHD) to set actual maximum building heights. This provides a better level of certainty for view protection than wall and building height controls as defined in the Mosman DCP.

The maximum height of development is determined by the site-specific AHD specified in the planning control drawing and the maximum height above ground as included in the Mosman LEP/DCP (whichever is the lesser).

The site-specific controls assume new dwellings. However, it is possible that alterations and additions to the existing dwellings will be proposed. To ensure that these alterations and additions achieve the objectives for the precinct:



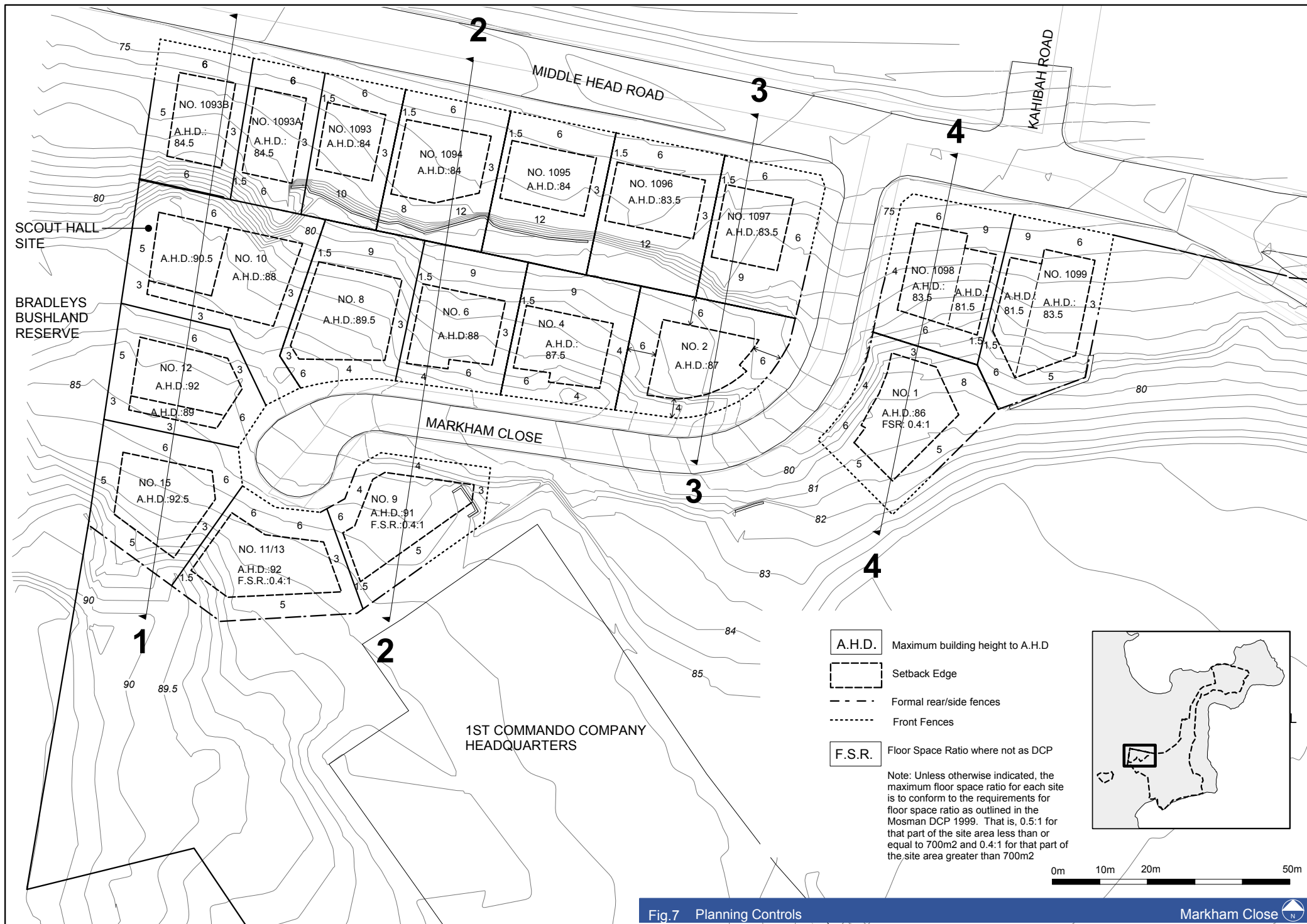
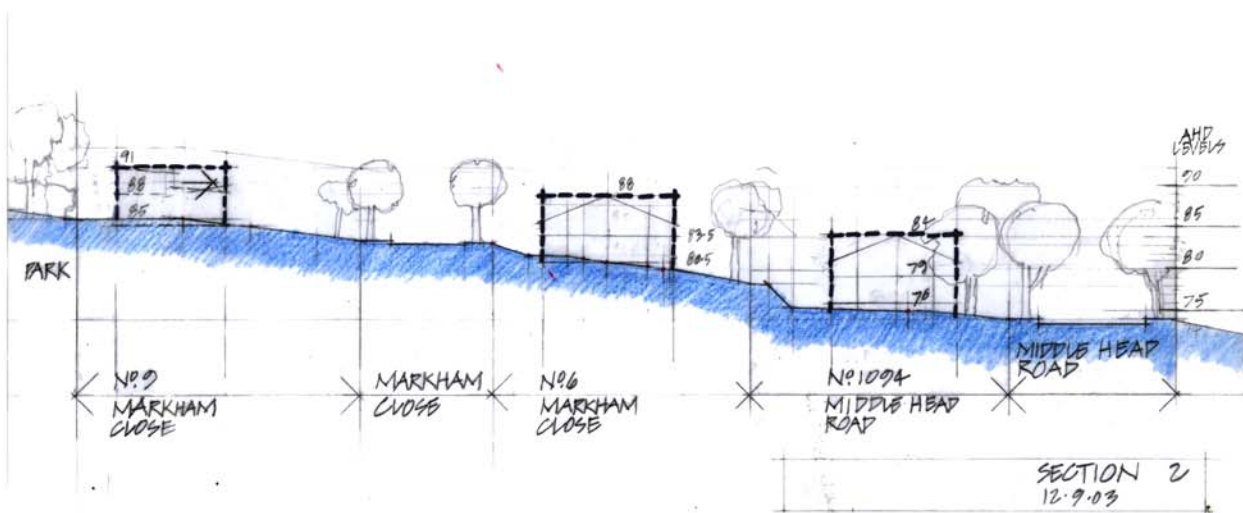
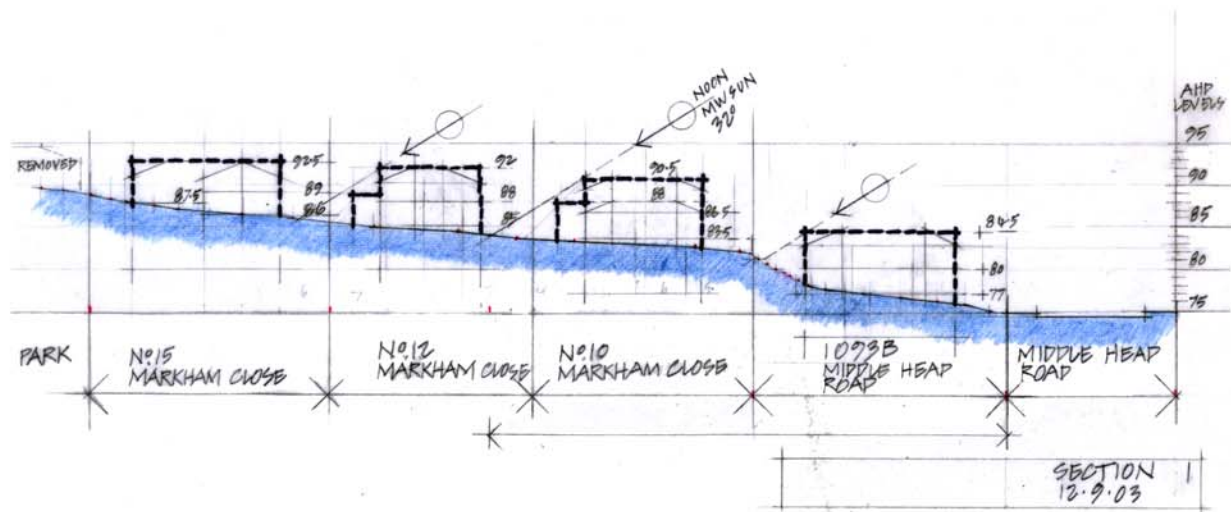
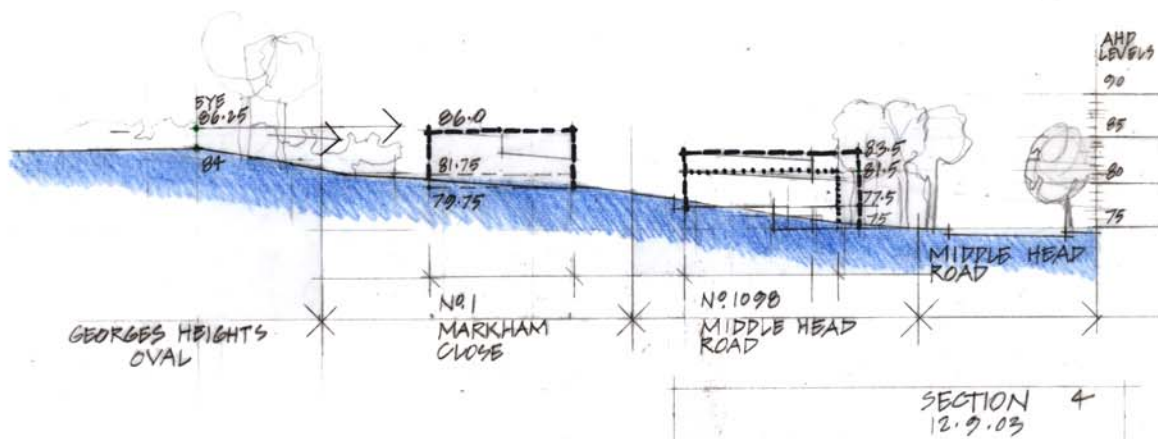
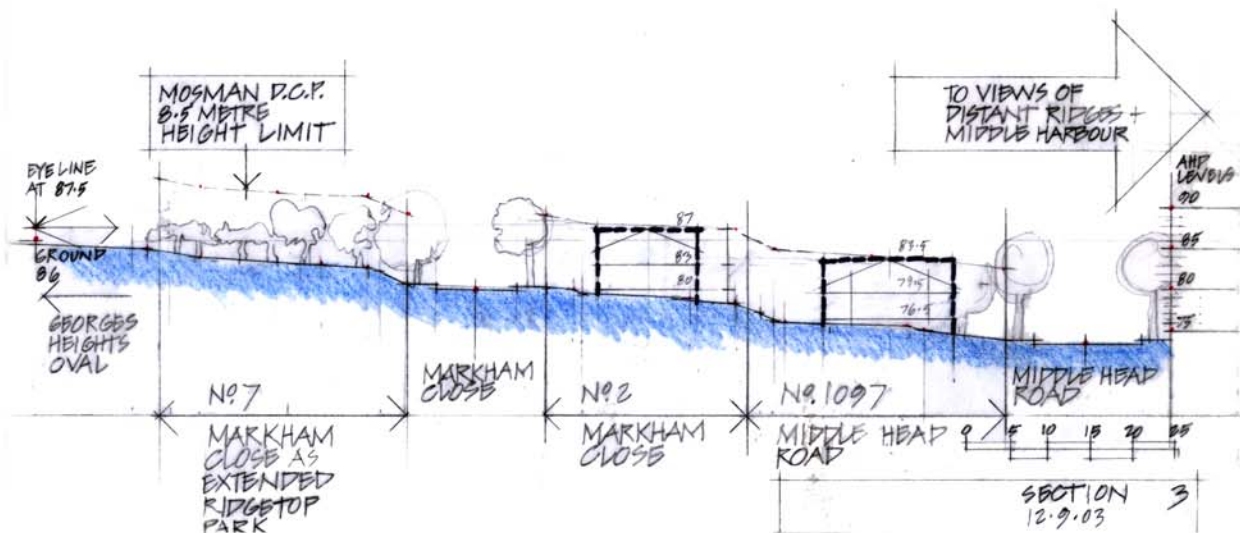


Fig.7 Planning Controls



Note: For section lines in plan, refer to Fig. 7

Fig. 8 Planning Controls-Sections 1 & 2



Note: For section lines in plan, refer to Fig. 7

Fig. 9 Planning Controls-Sections 3 & 4

- Height controls apply for all new building work including additions or alterations; and
- Where alterations and additions propose a 50% increase of existing gross floor area, all site-specific planning controls will apply.

The site-specific controls are summarised in the drawings at *Figures 7,8 and 9*.

The controls are:

### **1. Retention of views from public places**

The following views have been identified as significant views from public places. These views are important because in accordance with the Headland Park landscape strategy of alternating enclosure with openness, these views will be choreographed into the landscape experience.

#### **1.1 View from Rawson Park towards North Head, the ocean and Middle Head.**

##### **Viewing point**

The area of the cairn and memorial within Rawson Park.

##### **View Description**

The outlook from the open, grassy high point of Rawson Park is a magnificent, panoramic view from Middle Harbour, Dobroyd Point, Manly skyline, North Head, Middle Head ridge, the ocean and Watsons Bay ridge. The portion of the view including Markham Close focuses on North Head. Currently, the house at number 13 Markham Close is a visually obtrusive element in the predominantly vegetated foreground - see *Figure 10*.

##### **Objectives**

To preserve the view from the cairn and memorial area of Rawson Park looking towards North Head and ensure the foreground appears as wholly bushland.

##### **Controls**

- 1.1.a 11/13 Markham Close – development has a maximum height of AHD 92.0m.
- 1.1.b 15 Markham Close – development has a maximum height of AHD 92.5m.
- 1.1.c 12 Markham Close – development has a maximum height of AHD 92.0m.

#### **1.2 View down Kahibah Road from Georges Heights Oval**

##### **Viewing point**

The northern edge of Georges Height Oval at approximately AHD 84.5m to the left of the existing fig tree.

##### **View description**

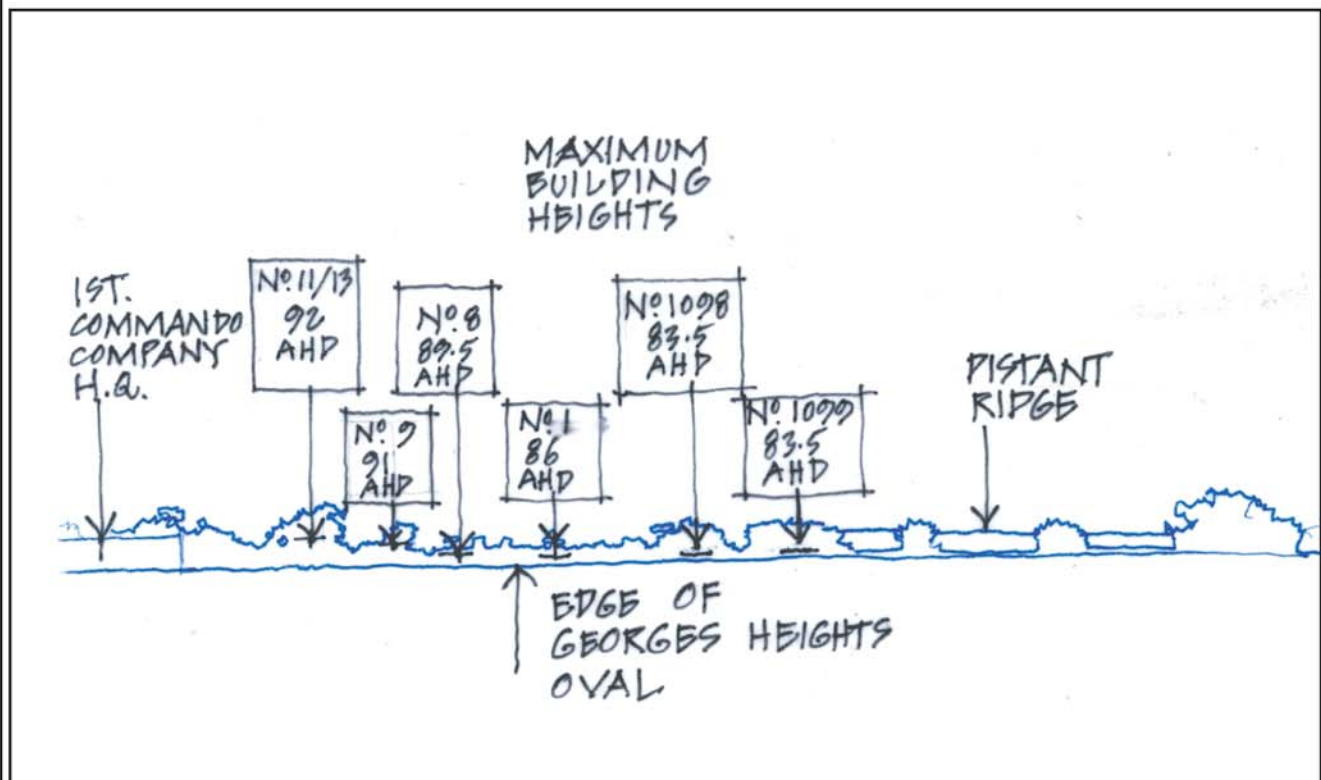
Although partially obscured by the tree in the front yard of 1099 Middle Head Road, the vista down Kahibah Road offers the most complete view of Middle Harbour, extending from the ridgetop, to shoreline, to water to the foreground of a light canopy of street trees at the end of Kahibah Road. To the right, between Kahibah Road and the existing fig tree, the view extends from the ridgetop, to shoreline to the foreground of existing roofs of houses fronting Kahibah Road.



# VIEW FROM THE EASTERN EDGE OF GEORGES HEIGHTS OVAL LOOKING WEST



EXISTING



ESTIMATED EFFECT OF CONTROLS

Fig.10 View from edge of Georges Heights Oval looking west

This view offers the only opportunity from the Oval to see down a street to the water immediately beyond in Middle Harbour.

### **Objectives**

Preserve all of the water view along the Kahibah Road vista by restricting buildings to appear below the existing road barrier at the north end of Kahibah Road. Between Kahibah Road and the existing fig tree, preserve the view of the shoreline by restricting building to appear within the existing outline of the Kahibah Road roofscape.

### **Controls**

- 1.2.a 1099 Middle Head Road – On the western portion of the lot in the foreground of the Kahibah Road vista, development has a maximum height of AHD 81.5m and a front setback of 9m to ensure building bulk does not obstruct views. The “western portion of the lot” is defined by a line projected from the eastern boundary of the Kahibah Road street reserve to the rear of the lot;
- 1.2.b 1099 Middle Head Road – On the eastern portion of the lot in the foreground of the remainder of the view, development has a maximum height of AHD 83.5m and a front setback of 6m. The “eastern portion of the lot” is defined by a line projected from the eastern boundary of the Kahibah Road street reserve to the rear of the lot;
- 1.2.c 1098 Middle Head Road – On the eastern portion of the lot in the foreground of the Kahibah Road vista, development has a maximum height of AHD 81.5m and a front setback of 9m to ensure building bulk does not obstruct views. The “eastern portion of the lot” is defined by a line projected from the western boundary of the Kahibah Road street reserve to the rear of the lot;
- 1.2.d 1 Markham Close – Development has a rear setback of 8m to 1099 Middle Head Road and a side setback of 5m to the park.

### **1.3 View to Dobroyd Head and Manly from One Commando Company Headquarters area of ridge top park**

#### **Viewing point**

In the future ridge top park, on the path at approximately AHD 86.0m. In the interim when the Commando Company Site is still occupied, from the new park area near Markham Close at approximately AHD 85.0m.

#### **View description**

The central view looks between 2 and 4 Markham Close over an outline of trees to the Sydney Harbour National Park ridge extending down to Dobroyd Head and the shoreline, water and the Manly skyline with the bushland ridge of Middle Head framing the view to the right. Dwellings at 2 and 4 Markham Close form a significant part of the foreground and future development on these lots present the greatest threat to this view. The left part of the view, towards the north looking back on the developed slopes of Balmoral and the distant ridgeline is partially obscured by trees and is less dramatic.



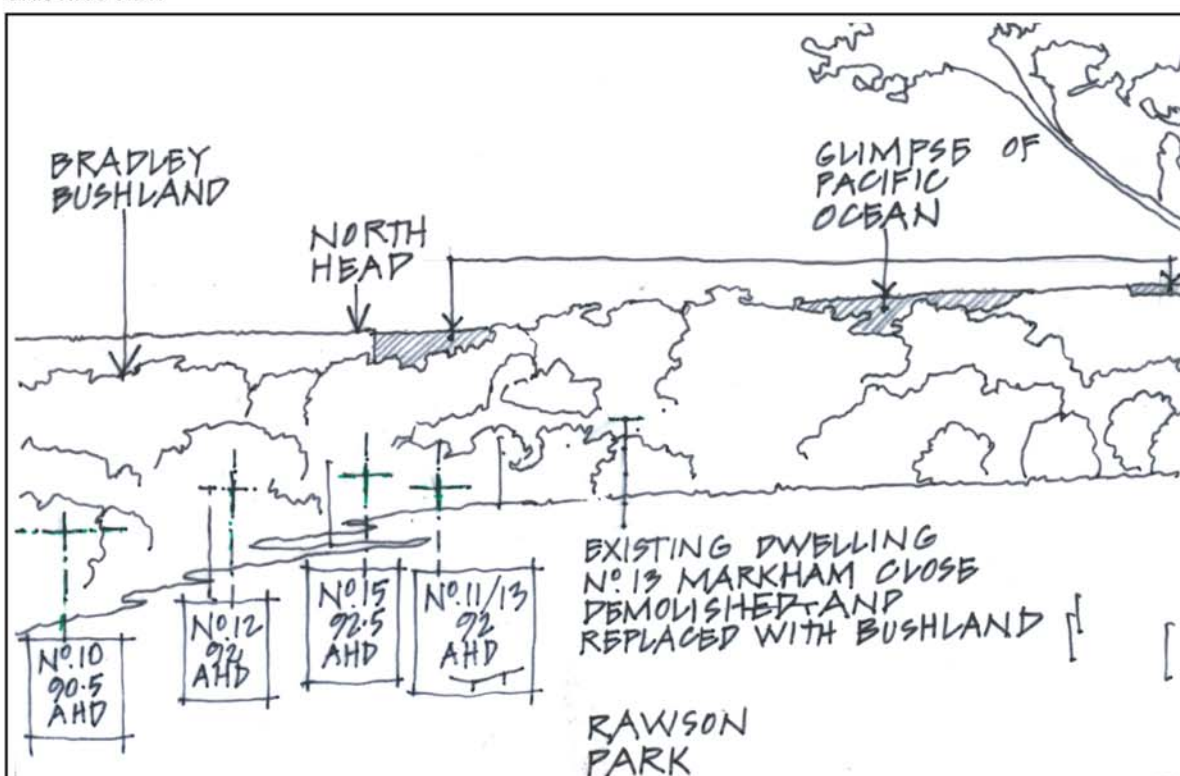
# VIEW FROM RAWSON PARK TOWARDS NORTH HEAD, THE OCEAN AND MIDDLE HEAD



PANORAMA



EXISTING VIEW



ESTIMATED EFFECT OF CONTROLS

## **Objectives**

Preserve the central view including the elements of the National Park ridge and shoreline, Dobroyd Point, water and the Manly skyline by restricting buildings to appear below the existing tree outline and the Middle Head ridgeline.

## **Controls**

- 1.3.a 4 Markham Close – development has a maximum height of AHD 87.5m with an eastern side setback of 4m.
- 1.3.b 2 Markham Close – development has a west boundary side setback of 6m and maximum height of AHD 87.0m to ensure building appears below Middle Head ridge.

## **1.4 View from the eastern edge of Georges Heights Oval looking west**

### **Viewing point**

The south eastern area of Georges Heights Oval at approximately AHD 83.0m at approximately the location of the proposed ridgetop walk.

### **View description**

The view is mostly grassed foreground with existing development and vegetation forming a visually dark band in the middle ground to distant views of the Mosman/Military Road ridge. Currently houses at 1, 5 and 7 Markham Close are below the tree canopy outline – see *Figure 11*.

## **Objectives**

To maintain the treed skyline and not have buildings dominating or intruding upon the skyline.

## **Controls**

- 1.4.a 1 Markham Close – development has a maximum height of AHD 86.0m;
- 1.4.b 9 Markham Close – development has a maximum height of AHD 91.0m;
- 1.4.c 11/13 Markham Close – development has a maximum height of AHD 92.0m;
- 1.4.d 15 Markham Close – development has a maximum height of AHD 92.5m;

## **1.5 View of the Georges Heights ridgeline from afar.**

### **Viewing points**

From various places in the Sydney Harbour region, but particularly from Middle Harbour looking south towards the Balmoral slopes.

### **View Description**

A mix of house roofs, trees and bush with a natural, tree lined ridge outlined against the sky.

In the vicinity of Markham Close, the ridgeline varies from approximately AHD 91.0 at the eastern edge of Rawson Park, to 86.0m in the middle of the Commandos site through to 84.0m in the middle of the Georges Heights Oval. Tree heights varying from



3m in the Rawson Oval heath area to 6m around Georges Heights Oval create the vegetation outline.

The residential lots on the highest ground, 9, 11/13, 15 and 12 Markham Close potentially affect the treelined ridge view.

### **Objective**

To maintain the view of varying house roofs amongst tree canopies. To maintain the visual integrity of the Georges Height ridgeline as a treelined ridge when viewed from afar.

### **Controls**

1.5.a Setbacks, maximum heights, FSRs, landscape area controls across all lots create a precinct of landscaped areas, supporting existing and new trees interspersed with visually unobtrusive single dwelling houses.

## **2. Minimise visual impact of housing from Georges Heights Oval and Rawson Park**

### **2.1 Georges Heights Oval**

#### **Objectives**

To minimise the visual impact of housing from Georges Heights Oval;

To have a scale of development which is not excessive, particularly in lots that are immediately adjacent to parkland; and

To have suitable side and rear setbacks to allow for deep root planting that will assist in the screening of dwellings and privacy for the occupants.

#### **Controls**

- 2.1.a 1 Markham Close – development has a maximum height of AHD 86.0m, a maximum FSR of 0.4:1 and side and rear minimum setbacks of 5m.
- 2.1.b 1099 Middle Head Road - development has maximum heights of AHD 81.5m and 83.5m, a minimum rear setback of 5m and a side setback of 3m.
- 2.1.c 1099 Middle Head Road and 1 Markham Close – rear and side fences on the boundary with parkland shall be constructed as a masonry or brick low wall (eg 300mm high) and piers with infill panels to an overall maximum height of 1.8m.

### **2.2 Rawson Park and the Commandos Site Park Link**

#### **Objectives**

To minimise the visual impact of housing from Rawson Park and the Commandos' site park link; and to have suitable side and rear setbacks to allow for deep root planting that will assist in the screening of dwellings and privacy for the occupants.

#### **Controls**

- 2.2.a 9 Markham Close – development has a maximum height of AHD 91.0m, maximum FSR of 0.4:1 and minimum rear setback of 5m and side setback of 3m;
- 2.2.b 11/13 Markham Close – development has a maximum height of AHD 92.0m, maximum FSR of 0.4:1 and minimum rear setback of 5m;
- 2.2.c 15 Markham Close – development has a maximum height of AHD 92.5m, and minimum rear and side setbacks of 5m;



- 2.2.d 9, 11/13, 15 Markham Close – rear and side fences on the boundary with parkland shall be constructed as a masonry or brick low wall (eg 300mm high) and piers with infill panels to an overall maximum height of 1.8m.

**3. Create a precinct similar in character to the surrounding neighbourhood of single family houses in garden settings.**

**3.1 Middle Head Road Streetscape**

**Objectives**

To create an attractive Middle Head Road streetscape in keeping with the prevailing character and to reduce the visual impact of garages on the streetscape.

**Controls**

- 3.1.a Development fronting Middle Head Road has a minimum front setback of 6m;
- 3.1.b 1097, 1098 and 1099 Middle Head Road are prominent corner sites and therefore shall present a front façade presentation to both the primary frontage and continuing around the corner to at least 50% of the length of the secondary boundary;
- 3.1.c Lots fronting Middle Head Road shall have front fences constructed as a masonry, brick or stone low wall (to a maximum height of 300mm) and piers with picket infills (or similar) to an overall maximum height of 1.2m;
- 3.1.d Fences on side boundaries in front gardens, that is between the front boundary and 1.0m behind the front building line, shall be a maximum height of 1.2m;
- 3.1.e Front fences at 1097 and 1098 Middle Head Road shall extend for a minimum distance of 50% of the Markham Close boundary from the corner – see *Figure 7*.

**3.2 Markham Close Streetscape**

**Objectives**

To create an attractive Markham Close streetscape of single detached houses in garden settings with street trees and landscaping maturing to achieve a native landscape ambience befitting the plateau location.

**Controls**

- 3.2.a Lots fronting Markham Close to have front setbacks as shown on *Figure 7*;
- 3.2.b 3.2.b Garages erected on lots fronting Markham Close, to have a minimum front setback of 6m;
- 3.1.c As prominent corner sites 1 and 9 Markham Close shall have a front façade presentation to both the primary frontage and continuing around the corners to at least 50% of the length of the secondary boundary/ies as shown on *Figure 7*;
- 3.2.d Lots fronting Markham Close shall have front fences to a maximum height of 1.2m;
- 3.2.e Fences on side boundaries in front gardens, that is between the front boundary and 1.0m behind the front building line, shall be a maximum height of 1.2m;
- 3.2.f Front fences on 1 and 9 Markham Close shall extend for a minimum distance of 50% of the nominated side boundaries from the corner as shown on *Figure 7*.



### 3.3 Tree preservation and creating garden settings

#### Objectives

To protect the existing canopied and vegetated landscape character of the precinct, to protect existing mature trees and to have adequate side setbacks to provide spatial relief between buildings and to maintain public and private views.

#### Controls

- 3.3.a Existing trees shown on *Figure 5* are to be retained and incorporated into the proposed landscape design;
- 3.3.b New building footings and/or ground level disturbance shall be setback from the dripline of existing retained trees;
- 3.3.c In the front garden (the area between the front boundary and front façade) of all lots, a minimum of 50% of this area shall be “landscaped area”. “Landscaped area” is defined in the Mosman RDCP 1999 (page 34, Section 4.4 Landscaping), with the additional condition that natural rock outcrops preserved in a garden may be included as “landscaped area”;
- 3.3.d Lots will have side setbacks as shown in *Figure 7*. Generally, each lot has one 3.0m side setback to create a minimum space between buildings of 4.5m, therefore avoiding the “chasm” effect when adjacent two storey buildings both use a 1.5m side setback;
- 3.3.e Native eucalyptus species are encouraged for new tree plantings to integrate the visual quality of the housing area with the ridgetop vegetation. The eucalyptus trees have a light canopy that allows views from within the site.

### 3.4 Rock outcrops

#### Objective

To preserve rock outcrops shown on *Figure 5*.

#### Controls

- 3.4.a Building on 1093-1097 Middle Head Road should be sited so as to preserve the rock outcrops and be setback a minimum of 1.5m from the base of the rock outcrop. The rock outcrop should be incorporated into the proposed landscape design.

### 3.5 Residential Amenity and Overshadowing

#### Objectives

To minimise overshadowing of neighbouring properties so as to ensure sunlight to habitable rooms and private open spaces.

#### Controls

- 3.5.a 10 and 12 Markham Close have stepped setback and height limit controls on the southern boundary, shown in *Figure 7*, to ensure that at the winter solstice, buildings do not overshadow the north facing windows to living areas and the main ground level private open space of neighbouring southern dwellings. *Refer to Figures 8 and 9.*



### 3.6 Roofscape

#### Objectives

To create an attractive roofscape in the precinct, particularly when viewed from the higher ground and ridgetop parks.

#### Controls

- 3.6.a All roofs shall be within the maximum AHD height control.
- 3.6.b Roof designs shall be visually attractive and consider the visual impact when viewed from higher ground.
- 3.6.c Exposed roof plant machinery/equipment are not permitted.
- 3.6.d Roofs should be pitched where possible to approximate the neighbourhood character's typical tiled, pitched roofs.

### 4. Promote view sharing within Markham Close

View sharing means designing development to minimise view loss to nearby and adjacent properties while still providing opportunities for views within the development itself.

#### Objective

To promote view sharing within the Markham Close precinct, particularly to views towards Middle Harbour.

#### Controls

- 4.1.a 1093b, 1093a, 1093-1097 Middle Head Road – developments have maximum heights as shown in *Figure 7* to allow for view sharing from the properties above;
- 4.1.b 1098 and 1099 Middle Head Road – developments have maximum heights as shown in *Figure 7* to allow for view sharing, particularly from 1 Markham Close;
- 4.1.c 6 Markham Close has a maximum height of AHD 88.0m to allow for view sharing, particularly from 9 Markham Close;
- 4.1.d 8 Markham Close has a maximum height of AHD 89.5m to allow for view sharing, particularly from 15 Markham Close;
- 4.1.e 10 Markham Close has a maximum height of AHD 88.0m over the eastern half of the site to allow for view sharing, particularly from 12 Markham Close.

### Implementation

The Trust's Comprehensive Plan proposes that the two Markham Close cottages adjacent to One Commando Company HQ – numbers 11 and 13, are demolished and that the rear portion of these allotments is integrated into the park.

It also proposes that the rest of the precinct, including the scout hall site, is sold and the revenue from the sale is used to fund the implementation of the plan.

To facilitate these outcomes and to ensure that the controls described in this Management Plan are implemented the Trust will need to:

- Seek an amendment to the Sydney Harbour Federation Trust Act, 2001;



- Seek the NSW Minister for Planning's endorsement of this Management Plan; and
- Register covenants on the title of the land identified for sale.

#### Amendment to the SHFT Act

Section 24(1) of the Trust's Act specifically restricts the Trust from selling or otherwise transferring the freehold interest in any land identified in Schedule 1 of the Act. These provisions do not apply to land identified in Schedule 2 of the Act.

All of the land in Markham Close, other than the scout hall site, is identified in Schedule 2. The scout hall site is listed in Schedule 1. This Management Plan proposes that all of lot 1 DP831153 and lot 19 DP 233157 and the rear portion of lots 15, 16 and 17 DP 233157 are removed from Schedule 2 and swapped for the scout hall site – lot 1 DP 233157, see *Figure 4*. It is proposed that the scout hall site is included in Schedule 2.

To effect this land swap it will be necessary to amend the SHFT Act. Action to achieve this amendment will be a high priority for the Trust.

#### SEPP 56 – Master Plan Provisions

Once land is sold by the Trust the exemption from State planning laws ceases to have effect. As discussed earlier the prevailing state planning control is SEPP 56. In the event that there is any inconsistency between SEPP 56 and any other state environmental planning instruments the State policy prevails to the extent of that inconsistency.

SEPP 56 makes the NSW Minister for Planning the consent authority for any development within the Markham Close precinct. It also requires that a Master Plan is prepared for the whole of a *strategic foreshore site* before any development is considered. Markham Close is part of a *strategic foreshore site* that includes all of the Commonwealth land at Middle Head, Georges Heights and Chowder Bay – all of the Trust land and HMAS Penguin. The policy does not provide for the preparation of a Master Plan for part of a site other than by Ministerial direction.

The Trust believes that it is critical that the site-specific development controls described in this Management Plan are enforceable once the land is sold. It also believes that it is important that prospective purchasers have a high degree of certainty in respect of the planning controls that apply to the land.

SEPP 56 empowers the NSW Minister to waive the need for a Master Plan where development applies to only part of a *strategic foreshore site* and the Minister is satisfied that other planning controls that apply to the proposed development are adequate.

It is proposed to request the Minister to waive the need for a Master Plan conditional upon development complying with the Trust's Management Plan.

#### Covenants

The Trust proposes to reinforce the application of the site-specific development controls contained in this Management Plan by registering covenants on the title of any land to be sold.



It is proposed that covenants will be registered requiring development to comply with the maximum building heights, setbacks and FSRs set out in this Management Plan. It is also proposed that covenants address matters such as:

- Building materials, roofs and fencing;
- A requirement to build within two years from the date of purchase; and
- A requirement that plans for new dwellings are submitted to the Trust for its consideration and confirmation that it has no objections to the proposal prior to the plans submission to the relevant consent authority. The Trust proposes that its endorsement will relate to the qualitative aspects of the Management Plan.

#### Public Domain Landscaping

The implementation of the public domain landscaping will be the responsibility of the Trust and has a high priority.

Similarly improved public access particularly from Rawson Park to Georges Heights Oval has a high priority and to facilitate this the Trust will negotiate to achieve early access around the edge of the One Commandos' Company HQ site.



## Appendix 1

### Provisions in Mosman Residential DCP 1999 superseded by the Site-Specific Planning Controls of this Management Plan

The following table lists the main clauses of the Mosman DCP that are over-ridden by the controls in the Markham Close Management Plan. This list is not exclusive; there may be other clauses that are affected by the Management Plan. In the event of a conflict between the DCP and the Management Plan, the Management Plan will prevail.

<b>Mosman Residential DCP 1999</b>	<b>Markham Close Management Plan</b>
4.2 Siting and Scale	
P1 Maximum building height and wall height controls	Each lot has a maximum height of any part of the building expressed as an AHD
P3 Pitched roof forms extending beyond maximum building height	
P5 Setbacks from the street to be similar to established pattern	Front setbacks are nominated for each lot
P11 Maximum FSR	Nominated lots adjoining parkland have a lower FSR. Refer to Figure 7 "Planning Controls".



## Appendix 2

### Response to the Guiding Principles of SEPP 56

*(a) increasing public access to, and use of, land on the foreshore,*

Under SEPP 56, foreshore land is defined as including ‘land with a water frontage and land that is separated from the waterfront by a public reserve, road or open space.’ In the case of Markham Close, the site is located at the top of a ridge between Clifton Gardens and Balmoral beach, approximately 500 metres from the harbour foreshore. Public access to the foreshore from Markham Close would be through Trust land at Georges Head, or through Rawson Park, along local roads to Clifton Gardens (pedestrian access from Markham Close to the harbour foreshore is over 1 kilometre).

Under the Trust’s Comprehensive Plan the Plan for Middle Head – Georges Heights and Chowder Bay proposes the creation of a Headland Park which will unify all the elements of the Middle Head peninsula both natural and cultural, bringing to the fore the connecting ridgeline of the peninsula running from Rawson Park and Georges Heights to the headland itself. Markham Close will be developed within this context.

*(b) the fundamental importance of the need for land made available for public access or use, on the foreshore to be in public ownership wherever possible*

*(b1) if public ownership of foreshore land is not possible, the use of appropriate tenure mechanisms to safeguard public access to, and public use of, that land and to ensure the rights of public authorities to determine design of, use of, and amenities on, the land over time,*

As previously identified, Markham Close has been a residential area for around 50 years, however the redevelopment of the site will increase the amount of land made available for public access and use. Access through Markham Close and connecting surrounding parklands is a fundamental objective of the development controls.

The proposed design controls will ensure that the housing does not detract from the Headland Park concept.

*(c) the retention and enhancement of public access links between existing foreshore open space areas,*

As previously identified, under the Trust’s Comprehensive Plan, the Plan for Middle Head – Georges Heights and Chowder Bay proposes the creation of a Headland Park which will unify all the elements of the Middle Head peninsula both natural and cultural, bringing to the fore the connecting ridgeline of the peninsula running from Rawson Park and Georges Heights to the headland itself. Markham Close will be developed within this context.



- (d) the conservation of significant bushland and other natural features along the foreshore, where consistent with conservation principles, and their availability for public use and enjoyment,*

Under the Trust's Comprehensive Plan, the Plan for Middle Head-Georges Heights and Chowder Bay proposes the regeneration and expansion of the bushland slopes of the peninsula to reinforce the strong sense of a 'green' gateway to Sydney Harbour. The Plan proposes the creation of a viable bushland park, a place in which natural features such as rock ledges, knolls and open spaces are protected, augmented and defined by new plantings and regeneration. The Plan proposes to more than double the area of bushland on Trust land. Bush regeneration will be extended up onto the plateau.

For Markham Close the Plan identifies the importance of a landscape curtilage around Georges Heights Oval and Rawson Park to improve the landscape character of the parkland along the plateau. The redevelopment of houses in Markham Close will allow pedestrian linkages through the street to the Headland Park and to the Bradley Bushland Reserve, thus enhancing public enjoyment and appreciation of the area.

- (e) the suitability of the site or part of the site for significant open space that will enhance the open space network existing along the harbour foreshores,*

As identified above, the Plan for Markham Close identifies the importance of a landscape curtilage around Georges Heights Oval and Rawson Oval in order to enhance the existing open space network. This landscape will help to define the edges of the parklands and improve the visual amenity of the Markham Close houses as viewed from public areas. This in turn will enhance the visitor experience when moving through the unified parkland areas.

- (f) the protection of significant natural and cultural heritage values, including marine ecological values,*  
*(g) the protection and improvement of unique visual qualities of the Harbour, its foreshores and tributaries.*

The heritage value of the houses was reviewed as part of the 1998 Godden Mackay Logan Heritage Assessment. It described them as a group of buildings 'which are unexceptional architecturally but they are a consistent group of single storey brick bungalows of low scale and low visual impact.' The relative heritage value of the cottages was assessed as 4 – the lowest ranking. The Scout Hall was also assessed by Godden Mackay Logan and was given a low heritage value.

Similarly, the precinct has no known biodiversity value nor does it contribute to the biodiversity values of adjoining areas such as the Bradley Bushland or surrounding Sydney Harbour National Park.

- (h) the relationship between the use of water and foreshore activities.*

As previously identified the Markham Close site is approximately 500 metres from the harbour foreshore area where water activities take place. The Trust's Comprehensive



Plan does identify the objective of improving pedestrian links between the site to paths which have direct access the harbour foreshore.

- (i) *the conservation of items of heritage significance identified in an environmental planning instrument or subject to an order under the Heritage Act 1977,*

The Defence land and National Park land at Middle Head and Georges Heights has been listed on the Register of the National Estate (No. 101087) as an 'Indicative Place'. This listing does not specifically make mention of the houses at Markham Close having any particular heritage significance.

As identified above, the heritage value of the houses was reviewed as part of the 1998 Godden Mackay Logan Heritage Assessment. It described them as a group of buildings '*which are unexceptional architecturally but they are a consistent group of single storey brick bungalows of low scale and low visual impact.*' The relative heritage value of the cottages was assessed as 4 – the lowest ranking. The Scout Hall was also assessed by Godden Mackay Logan and was given a low heritage value.

The Bradley Bushland Reserve which adjoins Markham Close is identified as a heritage item under Mosman Local Environmental Plan 1998, as is Clifton Gardens Reserve which adjoins the harbour foreshore.

- (j) *the scale and character of any development, derived from an analysis of the context of the site.*

The Urban Design Advisory Service has analysed the context of the site and the specific site development controls have been developed to address these matters. The scale of the redevelopment of Markham Close will be in keeping with the surrounding residential area. In some instances the built form controls are more stringent than those found in the existing Mosman Residential DCP 1999.

- (k) *the character of any development as viewed from the water and its compatibility and sympathy with the character of the surrounding foreshores,*

The Urban Design Advisory Service has analysed the context of the site and the specific site development controls have been developed to address these matters.

- (l) *the application of ecologically sustainable development.*

The Trust's Comprehensive Plan adopts the principles of ESD for all of its activities and has also been adopted as one of the aims of the Management Plan for this precinct.

- (m) *the maintenance of a working-harbour character and functions*

This guiding principle does not apply as the development site is located more than 500 metres from the harbour foreshore, which is comprised of parkland and bushland areas.



*(n) the feasibility and compatibility of uses and, if necessary, appropriate measures to ensure coexistence of different land uses,*

Markham Close is located within a residential area and has been used for residential purposes for over fifty years. It is proposed that it remain as a single-family residential area. The proposed design controls will ensure that the housing does not detract from the Headland Park concept.

*(o) increasing opportunities for water-based public transport*

Markham Close is located over one kilometre from Clifton Gardens Reserve. From this Reserve the closest water-based public transport facility is the Taronga Zoo wharf, which can be accessed via a walking track through the National Park (approximately 45 minutes walk). An alternate route from Markham Close to Taronga Zoo wharf is via the local road network, by bus or private vehicle this would be approximately 3 kilometres. These facilities are currently provided and the redevelopment of Markham Close will not have an impact.



## **Related Studies and Documents**

Australian Museum Business Services, 2003, Aboriginal Heritage Survey of Middle Head, Georges Heights and Chowder Bay.

Geospatial Integrity, 2002, Interim Review of Fire Risk and Mitigation Works for Harbour Trust Land at Chowder Bay, Georges Heights and Middle Head.

Godden Mackay Logan, 1998, Heritage Assessment Georges Heights and Middle Head Defence Site Volume One – Main Report.

Mosman Local Environmental Plan No. 1

Mosman Local Environmental Plan 1998.

Mosman Residential Development Control Plan 1999, Mosman Municipal Council.

Urban Design Advisory Service of the Department of Infrastructure, Planning and Natural Resources, 2003, Markham Close Site-Specific Planning Controls.

