



Barangaroo Headland Park and Northern Cove Modification

*State Significant
Development
Modification Assessment
(MP 10_0048 MOD 11)*

November 2019

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Glossary

Abbreviation	Definition
Consent	Development Consent
Council	City of Sydney
Department	Department of Planning, Industry, Environment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPI	Environmental Planning Instrument
HCT	Harbour Control Tower
Heritage Division	Heritage Division of the Department of Premier and Cabinet (former Heritage Division of the NSW Officer of Environment and Heritage)
INSW	Infrastructure NSW
Secretary	Secretary of the Department of Planning, Industry and Environment
SSD	State Significant Development



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1. Introduction

This report provides an assessment of an application seeking approval to modify the State significant development consent MP 10_0048 for the main works associated with the creation of the Headland Park and Northern Cove at Barangaroo.

The modification application seeks approval to modify the dates associated with the submission of the final design and installation of the physical interpretive structure for the Harbour Control Tower (HCT) at Headland Park (now known as Barangaroo Reserve)

The application has been lodged by MG Planning Pty Ltd on behalf of Infrastructure NSW (INSW) (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.1 Background

Barangaroo Headland Park and Northern Cove is located on the north-western edge of the Sydney CBD. The site is bounded by the Sydney Harbour foreshore to the west and north, Hickson Road and Millers Point to the east and Kings Street Wharf/Cockle Bay/Darling Harbour to the south. Barangaroo has a site area of 22 hectares and a 1.4 kilometre harbour foreshore frontage.

Sydney Harbour is located immediately north and west of the site and Hickson Road runs along the eastern edge of the site. Further to the east above Hickson Road is the historic Millers Point precinct.

Figure 1 below illustrates the location of the Headland Park (now known as Barangaroo Reserve), the HCT (now demolished) and the Northern Cove.



Figure 1 | Barangaroo Reserve and former HCT (Source: EIS MP 10_0048 MOD 10)

1.2 Approval History

On 3 March 2011, the then Minister for Planning, granted consent under Part 3A of the EP&A Act to project application MP 10_0048, for the main works associated with the creation of the Barangaroo Headland Park and Northern Cove, including:

- land formation
- construction of structural earth retaining walls utilising sandstone based materials
- creation of a naturalistic shoreline and the Northern Cove through excavation and formation of retaining walls using boulders
- general landscaping and planting
- construction of a network of pedestrian pathways connecting the foreshore walkway
- construction of a shoreline promenade with dual use pedestrian path and cycleway
- jetty/viewing platform and public wharf extending into the Northern Cove from the southern shoreline
- construction of a car park totaling up to 300 spaces within the headland with vehicular access from Towns Place and pedestrian access from various locations within Headland Park
- use of the former Sydney Water Sewage Pumping Station for the purposes of an amenities building
- construction of a void space for a future use as a cultural facility
- installation of relevant services and infrastructure
- construction of the services and piping/pumping infrastructure associated with the air conditioning system (cooling water inlet/outlet) for the future cultural facility and car park
- site remediation works.

The development consent has been modified on 8 occasions (see **Appendix B**). Of relevance to this application is MOD 4, which was approved by the Minister on 30 July 2015, for the demolition and removal of the HCT. In recognition of the heritage significance of the HCT, a physical interpretative structure was required to be constructed on site.

MOD 9, which was approved on 10 November 2016, replaced the HCT physical interpretative structure known as an 'Oculus' with an alternative physical interpretative structure. Condition B43 of the MOD 9 approval requires the finalisation of the detailed design of the HCT physical interpretative structure in consultation with City of Sydney Council, Heritage Division, Port Authority of NSW and the Australian National Maritime Museum. The detail design documentation was to be submitted to the Secretary for approval within six months of the date of the approval, being by 10 May 2017. MOD 9 also required the installation of the physical interpretative structure to be completed by 31 December 2017 (Condition D15)

MOD 10, which was approved on 13 October 2017, extended the period for the finalisation of the design documents for the physical interpretative structure from 10 May 2017 to 31 December 2017 and extended the completion date for the structure from 31 December 2017 to 31 December 2018.

1.3 Transition from Part 3A Approval to a SSD Approval

On 11 October 2018, an Order made under delegation from the Minister for Planning and Public Spaces, in accordance with clause 6 of Schedule 2 of the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017*, was made to transition the Part 3A project MP 10_0048 from a Part 3A approval to an SSD approval. The Order took effect upon publication in the NSW Government Gazette on 19 October 2018.



2. *Proposed Modification*

On 3 October 2019, the Applicant lodged a modification request (MP 10_0048 MOD 11) seeking approval under section 4.55(1A) of the EP&A Act to modify the dates associated with the submission of the final design and installation of the physical interpretive structure for the HCT. The application seeks approval to modify the following conditions:

- Condition B43 to extend the period to submit the final design documents for the physical interpretive structure for the HCT from 31 December 2017 to 30 June 2020
- Condition D15 to extend the completion date for the installation of the physical interpretive structure for the HCT from 31 December 2018 to 30 September 2021.



3. Strategic Context

3.1 Greater Sydney Region Plan

The 'Greater Sydney Regional Plan – A Metropolis of Three Cities' sets out the NSW Government's 40-year vision and establishes a 20-year plan to manage growth and change for Greater Sydney and includes 10 directions. The Plan's key directions are to provide:

- a city supported by infrastructure – infrastructure supporting new developments
- a collaborative city – working together to grow a Greater Sydney
- a city for people – celebrating diversity and putting people at the heart of planning
- housing the city – giving people housing choices
- a city of great places – designing places for people
- a well-connected city – developing a more accessible and walkable city
- jobs and skills for the city – creating conditions for a stronger economy
- a city in its landscape – valuing green spaces and landscape
- an efficient city – using resources wisely
- a resilient city – adapting to a changing world.

The proposal supports the directions and objectives of the Plan by ensuring Greater Sydney is a great place that brings people together.

3.2 Eastern City District Plan

The Greater Sydney Commission has prepared District Plans to inform regional and local-level planning and assist the actions of State agencies. The aim of the District Plans is to connect local planning with longer-term metropolitan planning for Greater Sydney.

The site is located within the Eastern City District. The Eastern City District Plan contains key priorities that are relevant to the proposal which includes:

- Planning Priority E18 Delivering high quality open space.

The proposal is consistent with the above priority as the delivery of a physical interpretive structure would enhance the quality of the open space within the Headland Park.



4. Statutory Context

4.1 Scope of Modifications

A consent authority may modify a consent if it is satisfied the proposed modification application meets the requirements of section 4.55(1A) of the EP&A Act. An assessment of the proposed modification application against the requirements of section 4.55(1A) of the EP&A Act is provided in **Table 1**.

Table 1 | Consideration of section 4.55(1A) of the EP&A Act

Section 4.55(1A)	Assessment
That the proposed modification is of minimal environmental impact	The proposed modifications seek an extension of time for submission of the detailed design and construction of the interpretive structure. As such, no environmental impacts will arise as a result of the proposed modifications.
That the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all).	The Department is satisfied the modification application would result in a development that is substantially the same as originally approved, as the proposed modification only involves modifying the dates for submission of detailed designs relating to the interpretive structure and its installation.
The application has been notified in accordance with the regulations.	Section 5 of this report demonstrates that the modification application followed the consultation requirements as outlined in the <i>Environmental Planning and Assessment Regulation 2000</i> (EP&A Regulation).
Any submission made concerning the proposed modification has been considered.	The Department received one submission in relation to the application. No objections were received, and no submissions were received from members of the public. Refer to Section 5 of this report.

4.2 Environmental Planning Instruments

The following Environmental Planning Instruments apply to the site:

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (State Significant Precincts) 2005
- State Environmental Planning Policy No. 55 – Remediation of Land
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

The Department has assessed the proposed modification against the relevant provisions of these instruments and considers that the modification can be carried out in a manner that is consistent with their aims, objectives and provisions.

4.3 Consent Authority

The Minister for Planning is the consent authority for the application. However, under the Minister's delegation, the Director, Key Sites Assessments, may determine the application as:

- the relevant local council has not made an objection
- a political disclosure statement has not been made
- there are no submissions in the nature of an objection.

4.4 Objects under the Act

The Minister or delegate must consider the objects of the EP&A act when making decisions under the Act. The Department is satisfied the proposed modification is consistent with the objects of the EP&A Act.



5. Engagement

5.1 Department's Engagement

In accordance with the EP&A Regulation, the Department made the modification application available on its website. The Department also forwarded the application to Council for comment.

5.2 Summary of Submissions

Council raised no issues or objection to the proposed modifications and no submissions were received from the public.



6. Assessment

6.1 Section 4.5(1) Matters for Consideration

Under section 4.55(3) of the EP&A Act, the consent authority, must consider the matters referred to in section 4.15(1) of relevance to the development. **Table 2** identifies the matters for consideration under section 4.15 of the EP&A Act that apply to the proposed modification.

Table 2 | Consideration of section 4.15(1) of the EP&A Act

Section 4.15(1) Matters for consideration	Assessment
(a)(i) any environmental planning instrument	The modified proposal remains compliant with the relevant legislation as addressed in Section 4.2 of this report.
(a)(ii) any proposed instrument	Not applicable.
(a)(iii) any development control plan	Under the State Environmental Planning Policy (State and Regional Development) 2011 Development Control Plans do not apply to SSD.
(a)(iiiia) any planning agreement	Not applicable.
(a)(iv) the regulations	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6), the requirements for notification (Part 6, Division 6) and fees (Part 15, Division 1AA).
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	The Department concludes the application is not likely to result in any adverse impacts beyond those already assessed under MP 10_0048, as the proposed modification is minor in nature.
(c) the suitability of the site for the development	The modification will not alter the suitability of the site for the development.
(d) any submissions	The Department has considered the submissions received (refer to Sections 5 of this report).
(e) the public interest	The proposed modifications will allow INSW to undertake further consultation with key stakeholders and to develop a design for the interpretive structure that is sensitive to the heritage significance of the site and the HCT. The proposed modifications are therefore considered to be in the public interest.

The Department has considered the Applicant's modification application and Council's submission in its assessment of the modification application. The Department has also considered the environmental assessment and conditions of approval for the original application (as modified).

6.2 Extension of Time

INSW seek further time to finalise the detailed design and installation of the physical interpretation structure for the HCT required by condition B43 and D15 of the Consent.

It is noted that under MOD 10, which was approved on 13 October 2017, the period for the finalisation of the design documents for the physical interpretative structure was extended from 10 May 2017 to 31 December 2017 and the completion date for the structure was extended from 31 December 2017 to 31 December 2018. The date for the submission of the design documents to the Secretary has since lapsed.

INSW advised that a further extension of time is needed to enable INSW to finalise consultation on the design of the interpretive structure. To date, INSW has completed a substantial portion of the detailed design for the interpretive structure and developed a consultation and stakeholder strategy. However, additional time is required to enable INSW to implement its consultation strategy in full and undertake further design refinements in response to stakeholder consultation.

INSW have provided a breakdown of the timeframes associated with the development of the detailed design of the physical interpretive structure (**Table 3**).

Table 3 | Timeframe for Completion of the Detailed Design

Task	Completion Date
Development of stakeholder engagement strategy	April 2019
Stakeholder consultation	April – August 2019
Development of an interpretation strategy	August – November 2019
Development of a concept design	December 2019 – January 2020
Continued stakeholder engagement based on concept design	January – April 2020
Design development	February – May 2020
Technology brief	April – May 2020
Submission of final design for interpretive device in accordance with Condition B43	30 June 2020

The Department acknowledges additional time is required to undertake consultation with key stakeholders, as well as procure, document and design the physical interpretative structure for the HCT. The Department is also satisfied that sufficient progress on the detailed design has been undertaken to date and the consultation and stakeholder engagement strategy timeframe as outlined in **Table 3** would ensure completion of the detailed design in a timely manner.

The Department also acknowledges additional time is required to construct the physical interpretative structure following the approval of the detailed design of the HTC. An extension would enable INSW to obtain a high quality design which would deliver the Headland Park with an appropriate interpretative structure which celebrates the HCT and the site's and Sydney's maritime history.

The Department is therefore satisfied the proposed modification to Condition B43 and Condition D15 is reasonable and it would provide INSW with sufficient time to meet the requirements of the conditions. The revised conditions would require INSW to submit the detailed design documentation to the Secretary for

approval by 30 June 2020, and complete the installation of the physical interpretative structure by 30 September 2021.



7. *Evaluation*

The Department has reviewed the modification application and is satisfied the modification request would enable INSW to have sufficient time to provide a high quality design and deliver the physical interpretative structure for the HCT.

Consequently, the Department considers the development is in the public interest and should be approved, subject to changes in the recommended modified conditions of consent.



8. Recommendation

It is recommended that the Director, Key Sites Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report;
- **determines** that the application MP 10_0048 Mod 11 falls within the scope of section 4.55(1A) of the EP&A Act;
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant approval to the application;
- **modify** the consent no. MP 10_0048; and
- **signs** the attached approval of the modification (**Attachment C**).

Recommended by:

Rodger Roppolo

Planning Officer
Key Sites Assessments

Recommended by:

Cameron Sargent

Team Leader
Key Sites Assessments



9. Determination

The recommendation is **Adopted / ~~Not adopted~~ by:**

AW 12/12/19

Anthony Witherdin

Director

Key Sites Assessments



Appendices

Appendix A – List of Documents

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning, Industry and Environment’s website as follows:

1. Environmental Impact Statement

<https://www.planningportal.nsw.gov.au/major-projects/project/25286>

Appendix B – Summary of Modifications

Mod No.	Summary of Modifications	Approval Authority	Approval Date
MOD 1	On 17 March 2011, a modification application was lodged to re-word conditions A3, A5, A8, B8, B17 and B37 to address a number of administrative concerns raised by the Applicant. The application was withdrawn.	Not applicable	Not applicable
MOD 2	Amend conditions of consent and to require the provision of a plan of management for the operation of the Headland Park and the car park.	Deputy Director-General	17 April 2012
MOD 3	Modifications included: <ul style="list-style-type: none"> insertion of sandstone steps providing water access adjacent to Moores Wharf relocation of sewerage pumping station construction of a third pedestrian bridge between Merriman Street and the Headland Park minor changes to cultural space and car park minor changes to the landscaping across the site. 	Executive Director	9 May 2013
MOD 4	Modifications included: <ul style="list-style-type: none"> demolition and removal of the HCT construction of an interpretation structure on the site of the HCT replacement of existing floors slab, decommissioning services and associated works. 	Minister for Planning	30 July 2015
MOD 5	Modifications included: <ul style="list-style-type: none"> introduction of a new bushwalk plaza at the southern lift entrance to the future cultural space changes to the approved paving materials for the foreshore promenade, bushwalk track and main southern entrance adjustment to the position of the central access between the Headland Park and Merriman Street minor increase to the level of the upper section of the park. 	Director	16 July 2015
MOD 6	On 24 February 2015, a modification application was lodged seeking approval to amend the approved plans illustrating the location of two sandstone pillars at the entrance to the Headland Park from Merriman Street. The application was withdrawn.	Not applicable	Not applicable
MOD 7	To allow the Interpretation Plan required under Condition B41 to be submitted to the Secretary for approval prior to the commencement of demolition works.	Director	27 November 2015
MOD 8	To change the methodology for the demolition and removal of the HCT	Director	6 May 2016
MOD 9	Replacement of the approved physical interpretive structure (Oculus) at the site of the HCT with an alternative physical interpretation structure. Its installation was required to be completed by 31 December 2017	Director	10 November 2016

Modifications included:

MOD 10

- modification to Condition B43 to extend the period to submit the final design documents for the physical interpretative structure to 31 December 2017
- modification to Condition D15 to extend the completion date for the installation of the physical interpretative structure for the HCT to 31 December 2018.

Director

13
October
2017

Appendix C – Notice of Modification

The Instrument of Modification can be found on the Department of Planning, Industry and Environment's website as follows:

<https://www.planningportal.nsw.gov.au/major-projects/project/25286>