

**BARANGAROO HEADLAND PARK AND NORTHERN COVE-  
MODIFICATION TO MAIN WORKS PROJECT APPROVAL RE: HARBOUR  
CONTROL TOWER**

REQUEST FOR DIRECTOR-GENERAL'S REQUIREMENTS



Submitted to: DEPARTMENT OF PLANNING AND INFRASTRUCTURE–  
August 2013



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# 1. INTRODUCTION

## 1.1 PURPOSE OF THIS REPORT

The Barangaroo Delivery Authority (“the Authority”) is seeking the Minister for Planning’s approval under Section 75W of Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify the Barangaroo Headland Park and Northern Cove Main Works approval in respect of the Harbour Control Tower.

The construction of the Headland Park and Northern Cove is currently underway and Sydney Ports have now vacated the Harbour Control Tower with ownership having been transferred to the Barangaroo Delivery Authority. Accordingly the Authority is now giving detailed consideration to the future of the Tower. Two options have been identified:

- (1) Demolition of the tower in its entirety, or
- (2) Retention of either part or the whole of the tower and adaptive reuse.

The Authority is currently undertaking further investigations to determine the preferred option having regard to relevant considerations.

Given the timing of construction currently underway within the Headland Park and committed opening date of mid-2015, it is envisaged that work on the HCT would be required to commence in 2014. Accordingly the Authority is seeking Director General’s requirements for both options to enable it to proceed with the planning phase prior to a final decision being made on the preferred option.

This request seeks DGR’s for both options however it is envisaged that a decision on the preferred option will be made prior to preparation of the environmental assessment report to support the section 75W modification.

The purpose of this report is:

- to provide an overview of the proposed two modification options;
- to identify the key environmental assessment issues likely to arise from each option; and
- to provide a brief examination of the likely extent and nature of any potential impacts.

This information is intended to provide a basis for the Director-General of the Department of Planning and Infrastructure (DP&I) to issue the requirements for the

preparation of an Environmental Assessment (EA) to accompany the application for preferred modification of the project approval under Section 75W of the EP&A Act.

### 1.2 BACKGROUND

The Barangaroo site is divided into three redevelopment areas – the Headland Park, Central Barangaroo and Barangaroo South. The Headland Park is located at the northern end of the Barangaroo site and is to be adjoined to the south by the Northern Cove and Barangaroo Central.

On 9 February 2007 the then Minister for Planning approved the Part 3A Concept Plan (MP 06\_0162) for the whole Barangaroo site and on 12 October 2007 the land was rezoned to facilitate its redevelopment via an amendment to Schedule 3 of the State Environmental Planning Policy (Major Development) 2005 (“Major Development SEPP”). The Concept Plan as approved contemplates an urban structure comprising 11 hectares of foreshore promenade and public domain, street patterns and development blocks.

The current approved urban structure for Barangaroo is shown in Figure 1.



Figure 1: Current approved urban structure for Barangaroo

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In November 2009 the Concept Plan approval (MP 06\_1062 MOD 3 – Headland Park and Northern Cove) was amended to delete the component of the project description which provided as follows:

*A1. Development Description*

.....

*(7) Retention of the existing Sydney Ports Corporation Port Safety Operations and Harbour Tower Control Operations including employee parking.*

The modification to the Concept Plan therefore allowed for the demolition of the Harbour Control Tower, subject to a future application. However, subsequent project applications have indicated retention of the Tower in the short term and identified the need for further consideration to be given to whether the tower would ultimately be demolished or retained and adaptively reused.

Since the Concept Plan was approved, two project applications applying to the Headland Park have been approved. These are:

- Headland Park and Northern Cove - Early Works (MP 10 0047) which provides approval for site establishment works, demolition works (including redundant services), site investigation, environmental protection, existing services modifications, heritage protection, sandstone extraction, and receipt, management and retention of fill from Stage 1 (approved 8 November 2010).
- Headland Park and Northern Cove - Main Works (MP 10 0048) which provides approval for the final landform including the park and northern cove and seeks approval for the final land use. In addition the works include construction of a car park with up to 300 spaces and a space for a future use (as a cultural facility which will be subject to a separate project application) within the Headland (i.e. below finished ground level adjacent to the existing sandstone cutting) (approved 3 March 2011);

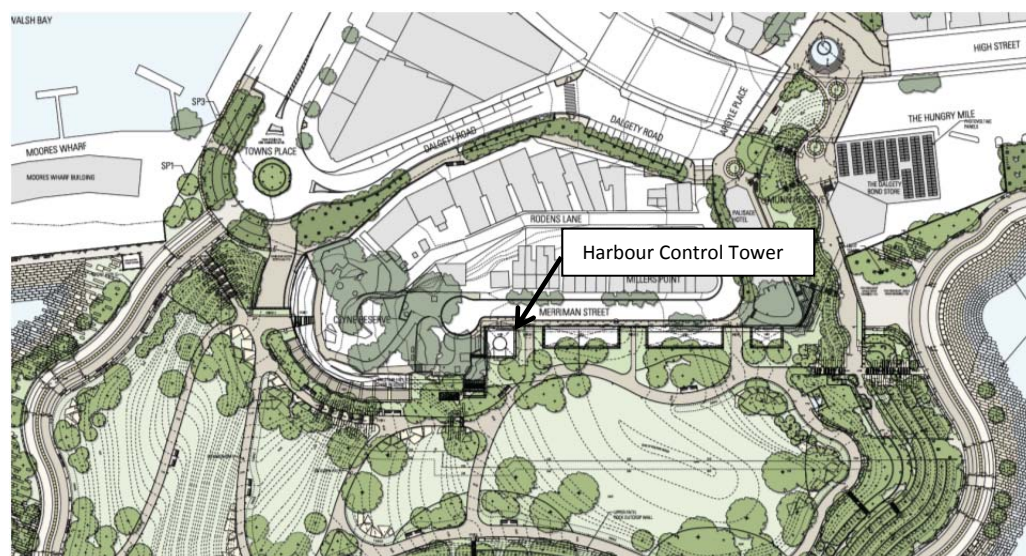
Post approval of the Main Works application three modification applications have been submitted as detailed below:



**Table 1: Main Works Application section 75W modifications**

Application	Scope	Status
10_0048 MOD 1	Changes to various conditions	Withdrawn
10_0048 MOD 2	Changes to various conditions	Approved 17/4/2012
10_0048 MOD 3	Design changes including: <ul style="list-style-type: none"> <li>▪ Insertion of sandstone steps providing water access adjacent to Moores Wharf.</li> <li>▪ Relocation of sewage pumping station SP0014. And inclusion of the fit out of this item as an amenities block.</li> <li>▪ Minor changes to the landscaping across the site.</li> <li>▪ Construction of a third pedestrian bridge between Merriman Street and the Headland Park.</li> <li>▪ Minor changes to cultural space and car park including changes to the configuration and levels, additional egress from the cultural space and changes to the cultural space southern entry.</li> </ul>	Approved 9/5/2013

As currently approved the Main Works approval provides that the Harbour Control Tower would remain onsite and be operational in accordance with Sydney Ports Corporation's requirements until future modification for demolition or reuse is required. The approval further provides that "any changes to the Harbour Control Tower would be the subject of a separate application". Figures 2 and 3 below show the current approved plans which indicate the HCT retained on site.

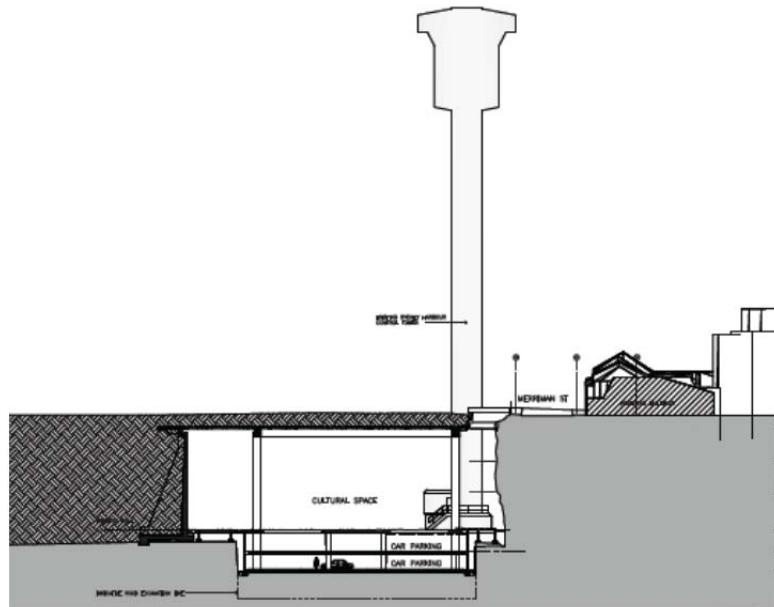


**Figure 2: HP&MW Approval Plan showing retained HCT** (Source: HP&NC Main Works Mod 3 EA)

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**Figure 3: HP&MW Approval Elevation showing retained HCT** (Source: HP&NC Main Works Mod 3 EA)

This report seeks Director General's requirements to amend the Main Works approval (MP10\_0048) to provide for either demolition of the Harbour Control Tower or retention and adaptive reuse.

In respect of the adaptive reuse option the proposed use has not yet been determined however options could include use as an artistic sculpture, sustainability infrastructure and/or as a viewing platform and the like. The proposed reuse option and any required alterations will be detailed in the EA if it proceeds.



## 2. THE SITE

### 2.1 SITE DESCRIPTION

Barangaroo runs north-south between Hickson Road and the western foreshore of Sydney Harbour, connecting the north-west edge of the city's business centre with the historic and cultural precincts of Walsh Bay and Millers Point.

The location of the HCT is at the eastern edge of the approved Headland Park immediately to the north of the sandstone extraction area currently being excavated and to the west of Merriman Street.

The tower is located on Lot 4 DP 876514, the ownership of which was transferred in July 2012 to the Authority by the Sydney Ports Corporation (refer Figure 4 below).

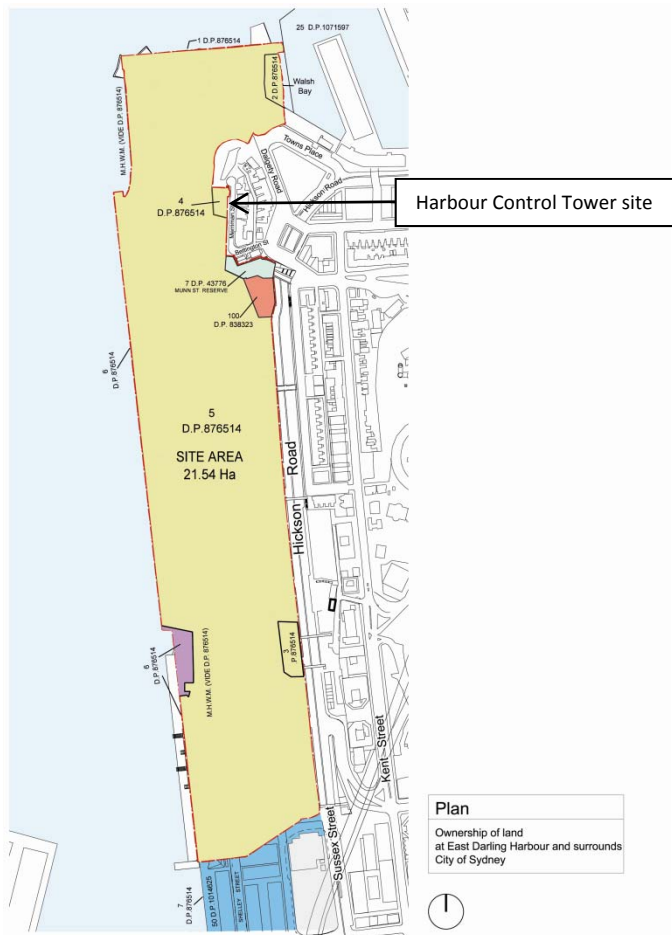


Figure 4: Location of HCT

The tower is a reinforced concrete column with an internal lift and stair, topped by a stainless steel and glass observation deck and an operations area which is 87 metres above sea level overlooking Walsh Bay and Darling Harbour. The reinforced concrete base of the tower contains plant, pump rooms and emergency equipment storage. Foundations are embedded into rock with rock anchors penetrating 7.9 metres (refer Figure 5 below).



**Figure 5: HCT viewed from north west (Source: Heritage Impact Statement, CM+, Aug. 2010)**

### 3. PLANNING FRAMEWORK

#### 3.1 PART 3A TRANSITIONAL ARRANGEMENTS

On 1 October 2011 Part 3A of the EP&A Act was repealed. However, Part 3A continues to apply to certain projects subject to the transitional provisions as set out in Schedule 6A of the Act which provides that Part 3A continues to apply to "transitional Part 3A projects", including approved projects. This includes the approved Barangaroo Headland Park and Northern Cove Main Works project.

Under the transitional arrangements, projects can continue to be modified under section 75W of the EP&A Act.

Clause 3 of Schedule 6A of the EP&A Act also provides that any State environmental planning policy or other instrument made under or for the purposes of Part 3A, as in force on the repeal of that Part and as amended after that repeal, continues to apply, to and in respect of, a transitional Part 3A project.

#### 3.2 STATE ENVIRONMENTAL PLANNING INSTRUMENTS

Relevant to the subject application, the following planning instruments apply to the Barangaroo site:

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

Development within Barangaroo must also conform to the approved Part 3A Concept Plan ("the Approved Concept Plan").

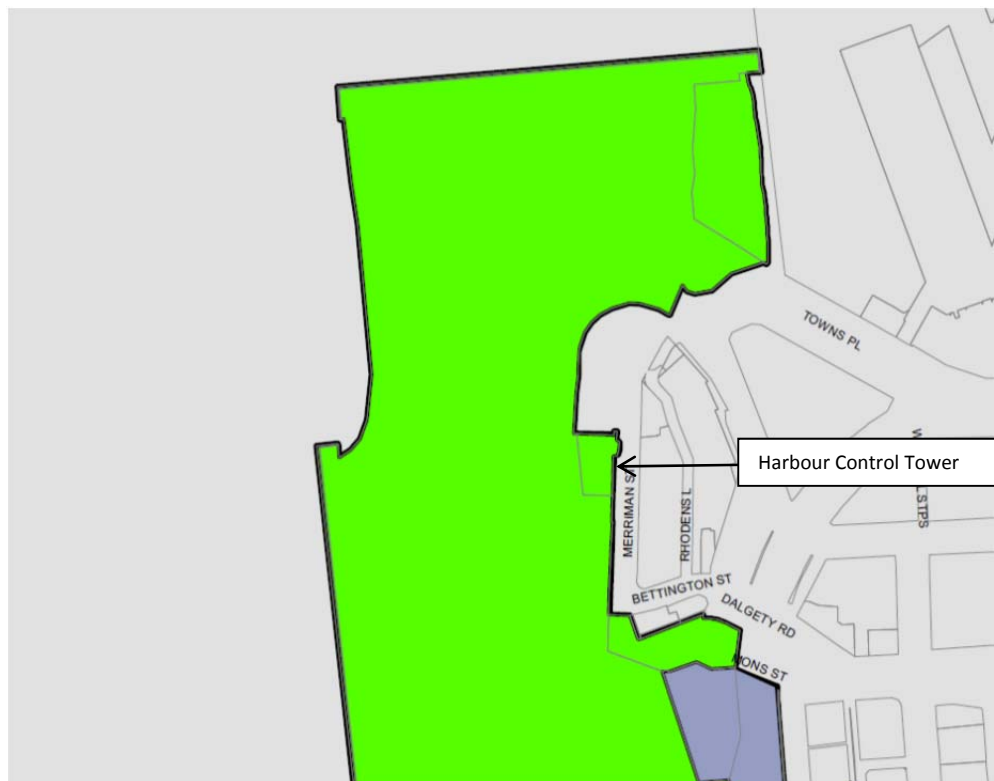
#### Major Development SEPP

Barangaroo Headland Park, including the site of the Harbour Control Tower, is zoned part RE1 Public Recreation under State Environmental Planning Policy (Major Development) 2005 (Major Development SEPP) as shown in Figure 7 below. The below uses are permissible with development consent in the subject zone.

*business identification signs; charter and tourism boating facilities; community facilities; earth works; entertainment facilities; environmental facilities; environmental protection works; filming; flood mitigation works; food and drink premises; function centres; information and education facilities; jetties; kiosks; markets; moorings; passenger transport facilities; public entertainment; public halls; recreation areas; recreation facilities (indoor); recreation facilities (outdoor); roads; telecommunications*

*facilities; telecommunications networks; temporary structures; transport depots; underground car parks; water recreation structures; waterbodies (artificial).*

Demolition is permissible with development consent in the subject zone. In addition any proposed adaptive reuse option applied for would be permissible with consent in the zone.



**Figure 7: Zoning under Major Development SEPP**

#### SEPP 55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) provides a state wide planning approach to the remediation of contaminated land by requiring consideration of whether the land is contaminated and, if it is contaminated, whether it can be made suitable for the proposed purpose.

Contaminated materials have been identified within the Barangaroo site due to historical filling and reclamation activities. However, it should be noted that the HCT is outside the area declared to be a remediation site under the Contaminated Land Management Act 1997 (Declaration No. 21122, Area No. 3221). There is no contamination identified within the HCT site however it is known that the tower

incorporates some materials containing asbestos following an audit of the building in 2006. This matter will be addressed in the EA via an Asbestos Management Plan.

#### Sydney Harbour Catchment REP

The site is within the Sydney Harbour Catchment as identified under Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 and is also within a “Strategic Foreshore Site” under Part 4 of the REP. The Sydney Harbour Catchment REP is a “deemed SEPP”.

Clause 20 of the Sydney Harbour Catchment REP requires that the consent authority take into account a range of matters before granting consent for development under Part 4 of the EP&A Act. These relate to:

- Biodiversity, ecology and environmental protection;
- Public access to, and use of, foreshores and waterways;
- Maintenance of a working harbour;
- Interrelationship of waterway and foreshore uses;
- Foreshore and waterway scenic quality;
- Maintenance protection and enhancement of views; and
- Boat storage facilities.

Part 4 of the Sydney Harbour Catchment REP requires the preparation of a master plan for Strategic Foreshore Sites. However, under clause 41(4) a master plan does not have to be prepared for the “City Foreshores Area” which includes the subject site.

#### **3.3 HERITAGE LISTINGS**

The Harbour Control Tower is listed on Sydney Ports Section 170 Register as a heritage item. In addition the adjacent Millers Point Conservation Area / Millers Point and Dawes Point Village Precinct is listed on the State Heritage Register, as a conservation area under Sydney LEP 2012 and on Housing NSW’s Section 170 Register.





## 4. PROPOSED MODIFICATION

### 4.1 HEADLAND PARK MAIN WORKS MODIFICATION

As noted above the Barangaroo Concept Plan, as modified, provides for the demolition of the Harbour Control Tower. However during preparation of the Headland Park Early Works and Main Works applications the Authority was cognisant of the need to provide that the tower would remain onsite and be operational in accordance with Sydney Ports Corporation's requirements until such time as it was no longer required. Detailed consideration of how the Tower related to the Headland Park, and its possible demolition/ future use was therefore deferred until that time. Sydney Ports Corporation has since vacated the HCT and ownership has been transferred to the Authority.

This report therefore seeks Director General's requirements to amend the Main Works approval to either provide for the demolition of the HCT or its retention and adaptive reuse. The Authority is currently working through the options (including the costs and benefits of each) and prior to preparation of the Environmental Assessment will have determined the appropriate course of action. This request however seeks the Director General's Requirements for both options.

For the purposes of this request then, it is proposed that the Main Works Approval (MP10\_0048) be amended to either:

- (a) include demolition in the description of the approved development; or
- (b) allow for the use of the Harbour Control Tower (to be specified) and works to the tower to enable the proposed use.

Accordingly the EA will include either a detailed description of the proposed demolition methodology and measures to make good the site or proposed adaptive reuse and associated works.

In relation to the demolition option it should be noted that the approved plans would be amended to include the site of the HCT into the Headland Park. No change would result to the approved car park plan or number of car parking spaces as the HCT does not extend to the level of the car park. At the Merriman Street level the area currently occupied by the HCT may be partially landscaped consistent with the approved landscape treatment for the Park.

In relation to the adaptive reuse option the description of the approved development and approved plans would be amended to incorporate the proposed works.

#### **4.2 CONCEPT PLAN**

The statement of commitments which forms part of Concept Plan Approval (06\_0162 MOD 3 Headland Park and Northern Cove) in relation to the HCT provides as follows:

*59. A Heritage Impact Statement will be prepared to assess the significance of the Harbour Control Tower. The Heritage Impact Statement will be undertaken using the State Heritage Register criteria for listing.*

The commitment notes that the Heritage Impact Statement will be assessed at the stage of any development application / project application relating to the Harbour Control Tower. The proposed EA will include a heritage impact statement consistent with this requirement (refer section 5.3 below).

## **5. KEY ISSUES FOR CONSIDERATION**

### **5.1 DIRECTOR GENERAL REQUIREMENTS**

The key potential issues arising from the proposed modification are discussed below. This information has been prepared to assist the Director General in identifying requirements for preparation the EA for the Section 75W Modification Application.

The key considerations associated with the project are as follows:

- Compliance with statutory plans and planning approvals
- Heritage impacts
- Built form and visual impact
- Public domain and landscape design
- Operational impacts (depending on nature of use)
- Demolition / construction impacts (including noise and vibration, structural integrity, geotechnical issues, demolition / construction access and methodology, waste management, demolition / construction traffic impacts, staging and demolition / construction timeframe, impacts on neighbouring properties, work health and safety etc.)
- Services
- Contamination and Hazardous materials, and
- Consultation.

### **5.2 COMPLIANCE WITH STATUTORY PLANS AND PLANNING APPROVALS**

As noted in Section 4, the proposed demolition or adaptive reuse will not require any modification to the Approved Concept Plan or Part 12, Schedule 3 of the Major Development SEPP. Modifications will be required to the Headland Park and Northern Cove Main Works Approval (MP10\_0048).

The EA will detail the proposed changes required and assess the proposal against relevant planning instruments including the planning controls for Barangaroo contained within the Major Development SEPP and the Barangaroo Concept Plan.

### **5.3 HERITAGE IMPACTS**

The proposed demolition or adaptive reuse of the HCT may give rise to heritage impacts given that the tower is listed on the Sydney Ports Section 170 register as a heritage item.

Commitment 59 of the Concept Plan approval requires that a Heritage Impact Statement be prepared as part of the any development / project application

applying to the Harbour Control Tower. This commitment included to ensure that an assessment was undertaken of the heritage significance of the tower.

To address both the heritage significance of the tower and the impact of the proposed works on that significance, a heritage impact statement will be prepared and will form part of the EA for the proposed modification.

In addition to the tower itself, the adjacent Millers Point Conservation Area / Millers Point and Dawes Point Village Precinct is listed on the State Heritage Register, as a conservation area under Sydney LEP 2012 and on Housing NSW's Section 170 Register. Accordingly the impact of the proposed demolition of the Harbour Control Tower or works to allow for its adaptive reuse on the Millers Point Conservation Area / Millers Point and Dawes Point Village Precinct will also be considered in detail in the Heritage Impact Statement.

#### **5.4 BUILT FORM AND VISUAL IMPACT**

It is envisaged that demolition of the Harbour Control Tower may result in some visual impacts. Alternatively adaptive reuse of the Harbour Control Tower could similarly result in some built form and / or visual impacts. Having regard to the scope of the proposed works and use, the EA will consider the range of potential built form and view and vista impacts both from within the Barangaroo site, from neighbouring areas and from other identified key locations around the Harbour.

#### **5.5 PUBLIC DOMAIN AND LANDSCAPE DESIGN**

The EA will address the impact of demolition on the public domain and landscape design within the Headland Park and surrounding areas particularly at the Merriman Street level.

Should adaptive reuse be determined as the final proposal, associated works to the Harbour Control Tower similarly have the potential to impact on the public domain and landscape design within the Headland Park and adjacent areas. These matters will be addressed in the EA including impacts at the base level of the tower, within the future cultural space and at finished ground level within the Headland Park.

### **5.6 OPERATIONAL IMPACTS**

Depending on the nature of the final proposed use, should adaptive reuse of the Harbour Control Tower be proposed it may give rise to impacts on the surrounding neighbourhood. Potential impacts could include: noise, shadows, safety, light spill etc. These matters will be addressed in the EA and if required an operational management plan or guidelines prepared.

### **5.7 DEMOLITION / CONSTRUCTION IMPACTS**

The Harbour Control Tower is a major structure standing 87 metres above sea level overlooking Walsh Bay and Darling Harbour. Demolition of the structure or adaptive reuse within a constrained location which is simultaneously the subject of extensive construction works, has the potential to give rise to a range of impacts. Matters which will be considered include:

- noise and vibration
- structural integrity
- geotechnical issues
- demolition / construction access and methodology,
- waste management,
- demolition / construction traffic impacts,
- staging and demolition / construction timeframe,
- work hours,
- worker and public safety, and
- impacts on neighbouring properties.

These matters will be addressed in the EA and a preliminary demolition / construction management plan prepared.

### **5.8 SERVICES**

The EA will include an assessment of services to be removed / terminated etc. where demolition is proposed. In the case of adaptive reuse, an assessment will be made of existing services available to the site and whether these are adequate to accommodate any proposed adaptive reuse.

### **5.9 CONTAMINATION AND HAZARDOUS MATERIALS**

The Authority is aware that the Harbour Control Tower incorporates some materials containing asbestos following an audit of the building in 2006. Accordingly the Asbestos Register Audit will be provided with the EA in addition to an Asbestos Management Plan to be prepared.

In regard to contamination the Headland Park is the subject of a Remedial Action Plan approved by the Director-General of the Department of Planning and Infrastructure. Contamination investigations undertaken for the Headland Park project have not identified any contamination within the HCT site the subject of this application.

#### **5.10 CONSULTATION**

The Authority has already undertaken extensive consultation as part of the development of Barangaroo and the Headland Park final design. Specifically in relation to the proposed adaptive reuse of the Harbour Control Tower, the EA will detail further proposed consultation with key stakeholders and relevant authorities if this option is pursued.



## 6. CONCLUSION

The Authority is seeking approval under Section 75W of the EP&A Act to modify the Headland Park and Northern Cove Main Works Approval (MP10\_0048) to provide for either demolition of the Harbour Control Tower or its adaptive reuse. The Authority is currently working through the options (including the costs and benefits of each) and prior to preparation of the Environmental Assessment will have determined the appropriate course of action. This request however seeks the Director General's Requirements for both options.

The information contained in this report is provided to assist the Director-General in determining the level and scope of any requirements for an environmental assessment to accompany the modification to the Approved Project Application.

In accordance with the transitional arrangements for Part 3A under Schedule 6A of the EP&A Act, it is requested that the Director-General issue the environmental assessment requirements for the modification.

