



**MODIFICATION REQUEST:**

***Headland Park and Northern Cove – Main Works (MP 10\_0048 MOD 4): Demolition of Harbour Control Tower and associated works.***



Secretary's  
Environmental Assessment Report  
Section 75W of the  
*Environmental Planning and Assessment Act 1979*

July 2015

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## EXECUTIVE SUMMARY

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The Barangaroo Delivery Authority (the Proponent), has lodged a section 75W application (MP10\_0048 MOD 4) seeking to modify the main works project approval for the Headland Park (now called Barangaroo Point Reserve) at Barangaroo. The modification application seeks approval to demolish the existing Harbour Control Tower (HCT) which is located on the eastern edge of the Headland Park. The Proponent advises that the demolition of the HCT is required to achieve a naturalistic form and character for the Headland Park consistent with the design vision and the Barangaroo Concept Plan.

The modification application was exhibited between 30 April 2014 until 30 May 2014 and a total of 17 submissions were received comprising one submission from City of Sydney Council (Council), four agency submissions and 12 public submissions. Nine of the public submissions (including the submission from the National Trust of Australia (NSW)) objected to the demolition of the HCT on heritage grounds. Council similarly objected to the proposal on the basis that the HCT has strong heritage, cultural and aesthetic significance. The Office of Environment and Heritage (Heritage Division) raised issues with the justification for the proposed demolition and the adequacy of the Heritage Impact Statement.

Concurrent with the assessment of this application, the Heritage Council recommended to the Minister for Heritage that the HCT be listed on the State Heritage Register. This follows the Heritage Council's consideration of a request to list the HCT made by the National Trust of Australia (NSW). The Department notes, however, that the Minister for Heritage has decided not to direct the listing of the HCT on the State Heritage Register.

The Proponent's Response to Submissions (RTS) was accompanied by an Options Report (which considered various options for the potential adaptive re-use of the HCT) and an updated Statement of Heritage Impact. Notably, the RTS maintained the request for the demolition of the HCT.

The Department has carefully considered public submissions and the objections raised by Council, the Heritage Council and the National Trust of Australia (NSW), and has carefully considered and assessed the heritage and demolition issues (air, noise and traffic impacts) associated with the application.

The Department is cognisant of the suggested heritage significance of the HCT and in particular, its landmark status and contribution to Sydney's Maritime history. The Department also acknowledges that there have been opposing opinions in both agency and public submissions in relation to the significance of the HCT and whether the retention of the HCT is warranted and in the public interest.

The Department considers that the decision of the Minister for Heritage to not list the HCT, together with its lack of significant architectural merit and quality; its structural and physical limitations; the substantial financial costs required to address building compliance and public safety; and the limited period that the HCT was fully operational, make it difficult to justify the retention of the HCT on heritage grounds. The Department has also considered the adaptive re-use options for the HCT and accepts that while there may be viable alternative uses for the HCT in the future, the proposed demolition of the HCT is justified regardless for the reasons outlined above.

Given that the maritime context of the site has also now been significantly altered by the Headland Park construction, and that the demolition of the HCT will remove a dominant visual element which is out of context with the low-scale nature of the Millers Point Conservation Area, the Department concludes, that the overall merits for demolition which include improved views, better access and permeability and expansion to the Headland Park on balance outweigh the retention of the HCT for its heritage values alone, and that any heritage impacts associated with the demolition of the HCT can be suitably offset by archival recording prior to its demolition.

The Department also notes that the demolition of the HCT is also consistent with the modified Concept Plan approval for the site. The removal of the HCT was approved in principle under modification MP 06\_0162 MOD 3, subject to further assessment of its heritage significance. Its removal is consistent with the design vision for the site to return the disused maritime facility to a naturalised headland park, providing a new iconic city park on the historic headland for the enjoyment and use of the community.

The Department has also considered the adaptive re-use options for the HCT. Whilst it accepts that there may be viable alternative uses for the HCT in the future, the proposed demolition of the HCT is justified regardless, particularly given the benefits associated with the demolition of the HCT including improved views, better access and permeability and expansion to the Headland Park; its limited heritage value; and its structural and physical limitations and the substantial financial costs required to address building compliance, for an alternative use.

The proposal to install an oculus to interpret the site of the HCT and to expose the cliff-face cutting (which is representative of the landform changes in Millers Point), is a well-conceived component of the overall Interpretative Strategy for the Barangaroo site and will suitably integrate with the broader landscape strategy for the Headland Park. The installation of a comprehensive Interpretative Strategy will also allow for greater public engagement and appreciation of the broader history of Millers Point, as well as Sydney's maritime history.

The Department has recommended a number of conditions to address potential environmental impacts resulting from the demolition of the HCT with respect to asbestos handling and management, air quality and noise impacts. Based on advice received by WorkCover and the EPA, the Department concludes that suitable monitoring, management and mitigation measures can be employed to ensure an acceptable level of environmental performance during the demolition and construction stages. Conditions have also been recommended to require the proponent to provide alternative parking for surrounding residents whose on-street parking will be temporarily lost as a result of requisite site establishment, as well as safety and construction requirements for the structural dismantling of the HCT.

The Department also notes that the demolition of the HCT, given its location on the periphery of the Headland Park and immediately adjacent to Merriman Street, would require an approval from the City of Sydney to close the neighbouring roads and to utilise part of the neighbouring Clyne Reserve for the 8-month demolition and construction period under the *Roads Act 1993*. Appropriate conditions have been recommended in this regard.

For the reasons outlined above, the Department concludes that the demolition of the HCT is in the public interest and should be approved subject to conditions.

## 1. BACKGROUND

The Barangaroo Delivery Authority (the Proponent), has lodged a section 75W application (MP10\_0048 MOD 4) to modify the main works project approval for the Headland Park at Barangaroo. The modification application seeks approval to demolish the existing Harbour Control Tower (HCT) which is located on the eastern edge of the Headland Park at the Merriman Street frontage of the site. The modification application also seeks approval to install an interpretative structure (referred to as an 'oculus') and associated landscaping.

### 1.1 The Project Site

Barangaroo is a 22-hectare site located on the north-western edge of the Sydney CBD. For the purposes of its redevelopment, Barangaroo has been divided into three (3) areas referred to as the Headland Park, Barangaroo Central and Barangaroo South. The site is bounded by the Sydney Harbour foreshore to the west and north, Hickson Road and Millers Point to the east and King Street Wharf/Cockle Bay/Darling Harbour to the south.

**Figure 1** below illustrates the location of the Headland Park and HCT in the context of the Barangaroo site and surrounding area.



**Figure 1:** Headland Park, Northern Cove, Barangaroo Central and Barangaroo South

The Headland Park adjoins the curtilage of Moores Wharf to the north-east and the sandstone cliff of Millers Point to the east. Sydney Harbour is located immediately north and to the south-west the site is adjoined by Darling Harbour. Further to the east is the historic Millers Point precinct, which is predominantly a residential area characterised by Victorian terraces.

The HCT is located on the eastern edge of the Headland Park immediately adjacent to Merriman Street and Clyne Reserve, as illustrated in **Figure 1**. **Figure 2** illustrates the nearly completed Headland Park, which is expected to open in mid-August 2015. Immediately to the west of the HCT is the footprint of the proposed subterranean cultural space.

A number of heritage items are located in the vicinity of the HCT. These include the Millers Point Conservation Area, the Merriman Street terraces and the Sydney Harbour Bridge, which are all listed on the State Heritage Register. The HCT is also prominent in views of the Sydney Opera House, which was inscribed on the World Heritage list in 2007.

## 1.2 Approval History

### The Barangaroo Concept Plan

The then Minister for Planning approved the Barangaroo Concept Plan (MP 06\_0162) on 9 February 2007. The Concept Plan approved a set of built form principles to guide development within the mixed use zone and a number of modifications to guide the design of the final landform of the Headland Park and Northern Cove. The Barangaroo Concept Plan, as originally approved, included the retention of the HCT.

On 11 November 2009, the then Minister for Planning, approved a modification to the Barangaroo Concept Plan (MP 06\_0162 MOD 3) which included a more naturalistic design for the northern headland, the form of which is evident in the aerial photograph at **Figure 2**. The modification was prepared in response to the Minister's Terms of Approval which required further detailed design for the Northern Headland and Northern Cove.

The modification also included in principle agreement to the demolition of the HCT, which at this time, was listed on Sydney Ports Corporation's Section 170 Heritage Register. The in principle agreement is subject to a heritage impact assessment being undertaken at the relevant future application stage, as documented in the approved Statement of Commitments (MP 06\_0162 MOD 3). The Department also notes that the Heritage Office raised no objection to the proposed demolition of the HCT at this time.

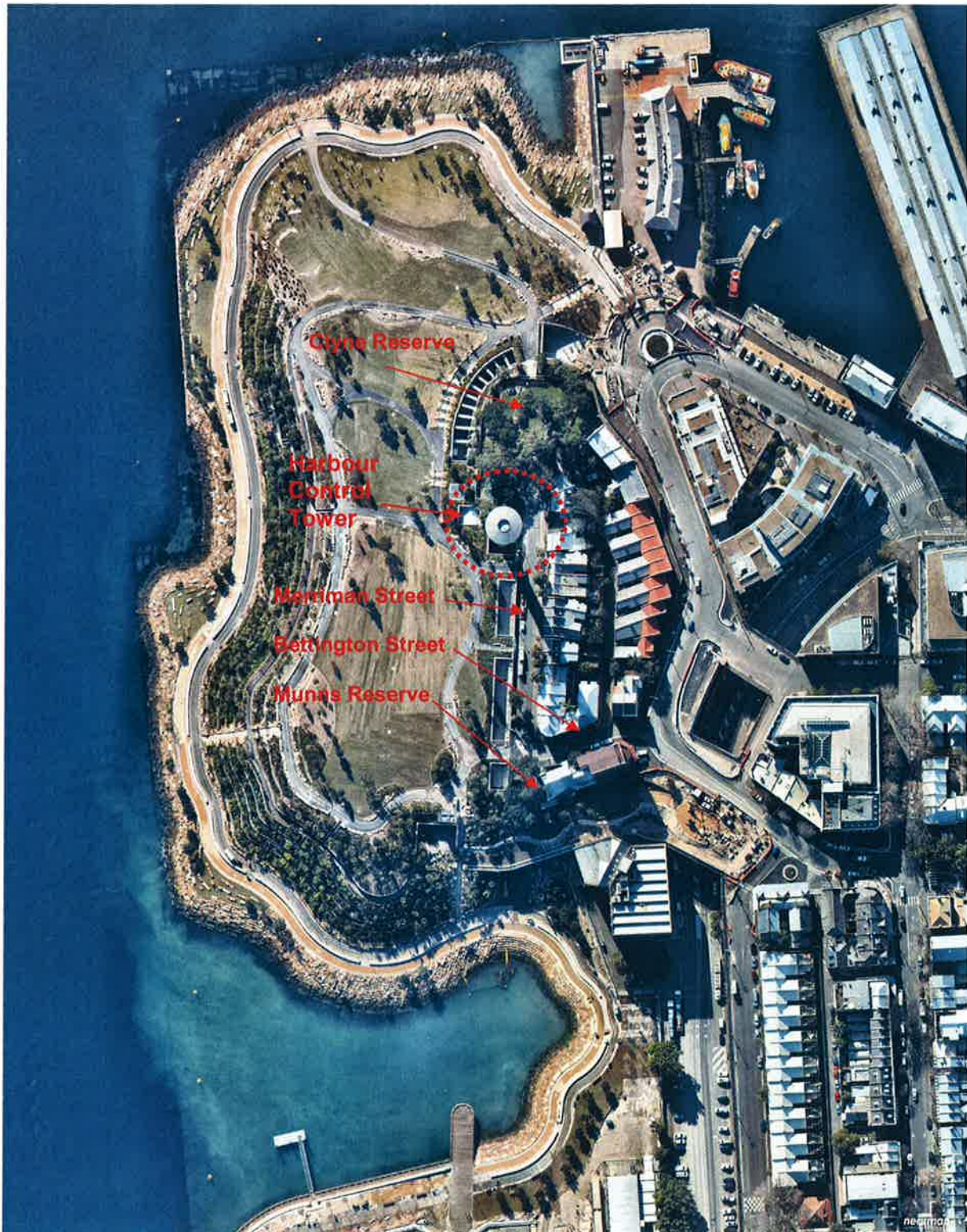
A total of seven amendments have been approved to the Barangaroo Concept Plan. However, these are largely irrelevant to the subject modification application (MP 10\_0048 MOD 4) with the exception of MP 06\_0162 MOD 3, as outlined above.

### Headland Park and Northern Cove Main Works

The project application (MP 10\_0048) for the Headland Park and Northern Cove main works was approved by the then Minister for Planning on 3 March 2011, and permitted the following works:

- land formation utilising fill from Barangaroo South, ranging from 150,000 m<sup>3</sup> as identified in the Early Works application to approximately 230,000 m<sup>3</sup>;
- construction of retaining walls utilising sandstone based materials;
- creation of a naturalistic shoreline and Northern Cove through excavation and formation of sandstone retaining walls;
- general landscaping and planting;
- construction of a network of pedestrian pathways connecting the foreshore;
- construction of a shoreline promenade;
- jetty/viewing platform and public wharf extending into the Northern Cove;
- construction of a 'shell' for future use as a cultural facility and public car park accommodating 300 parking spaces;
- relocation of sewerage pumping station SPS0014 to the area adjacent to the north-eastern boundary of the site; and
- site remediation.

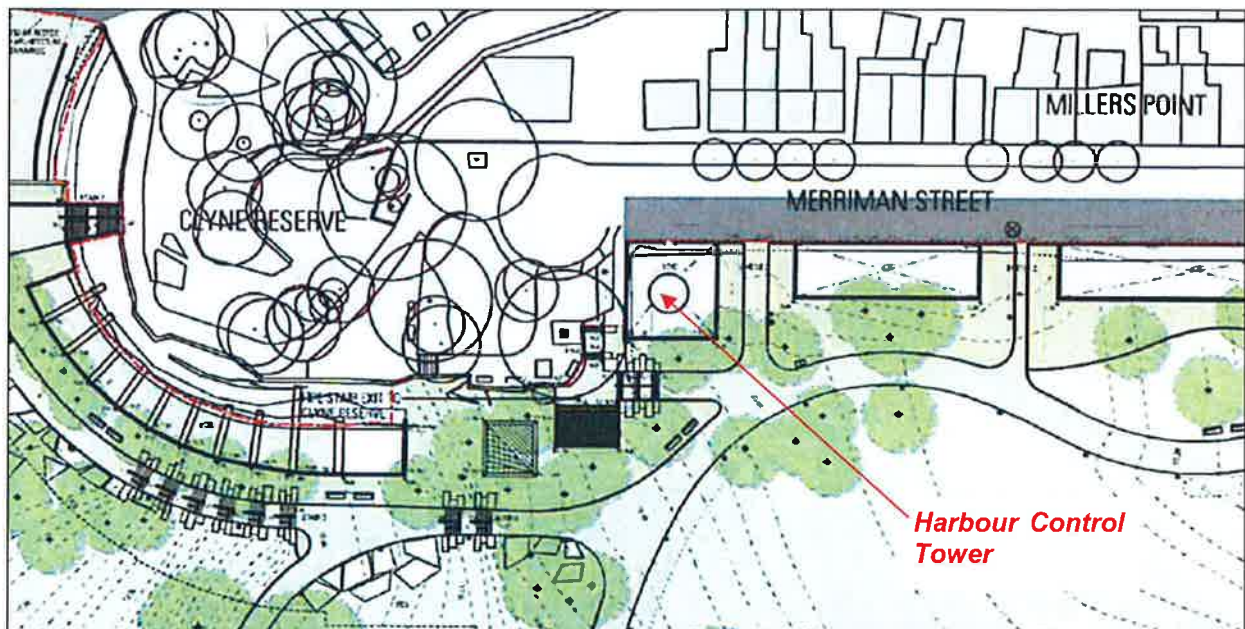
A total of four modifications have subsequently been approved to the Headland Park and Northern Cove Main Works project approval (MOD 1, 2, 3 and 5). A summary of these amendments is provided at **Appendix G**.



**Figure 2:** Headland Park nearly complete (Source: NearMap July 2015)

While the current approved design for the Headland Park includes retention the HCT, it was always intended that the future of the HCT would be the subject of a separate application in accordance with the terms of the Barangaroo Concept Plan approval. The current modification application (MP 10\_0048 MOD 4) seeks to finalise this unresolved aspect to the Headland Park design.

An extract from the project approval (MP10\_0048 MOD 5) showing the HCT in the context of the Headland Park is provided at **Figure 3** below.



**Figure 3:** Landscape Plan- Extract from MP10\_0048 MOD 5 (Source: PWP Landscape Architecture)

### 1.3 The Harbour Control Tower

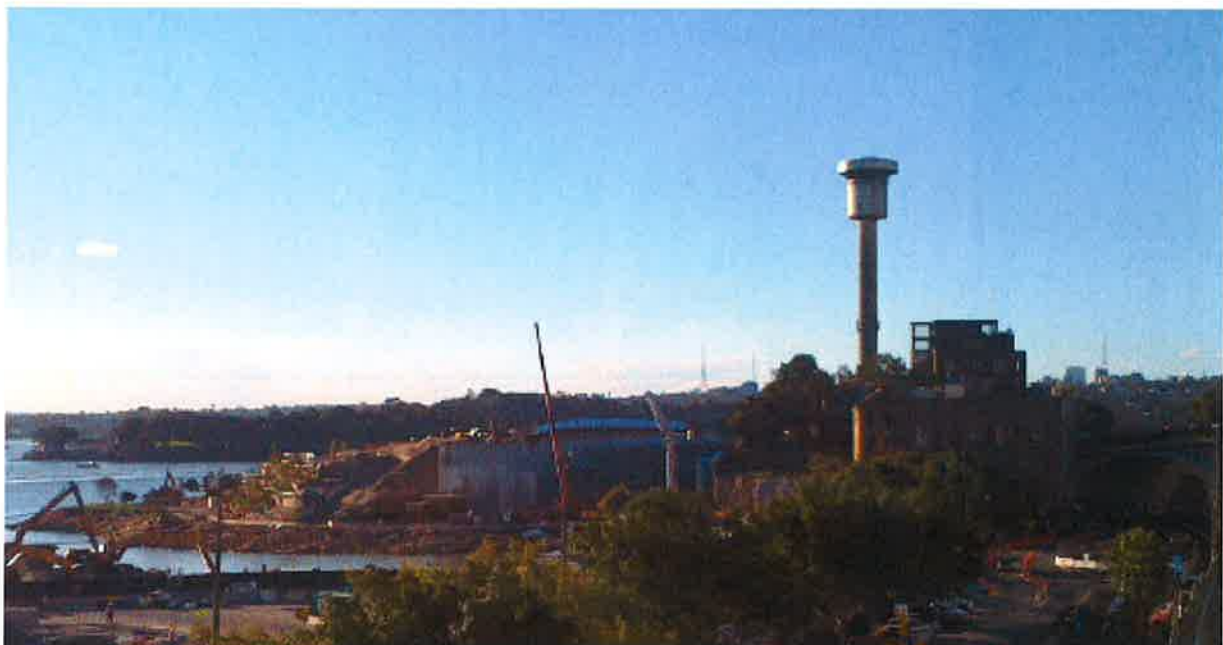
The HCT was designed in 1971 by Edwards Madigan Torzillo and Briggs. It is constructed to a height of 87 metres above sea level in order to achieve uninterrupted visual surveillance of shipping operations in Sydney Harbour.

The HCT was operational for a 35-year period between 1974 and 2009, although it was only fully operational between 1992 and 2009. The HCT played a significant role in port operations, as well as control over shipping operations in Sydney Harbour, after which time its surveillance and control functions were transferred to the Operational Centre in Port Botany. The tower is currently unused.

The HCT is illustrated in **Figure 4** and **Figure 5** below. It comprises a reinforced concrete tube which has an outer diameter of 4.9 metres, with the upper most portion of the structure comprising three levels of facilities, including an amenities level, equipment level and control level, and an upper most roof top platform. The outer diameter of the upper three floors is approximately 10.1 metres.



**Figure 4:** HCT viewed from the corner of Merriman & Bettington streets, Millers Point



**Figure 5:** HCT viewed from High Street, Millers Point, looking north-west.

## 2. PROPOSED MODIFICATION

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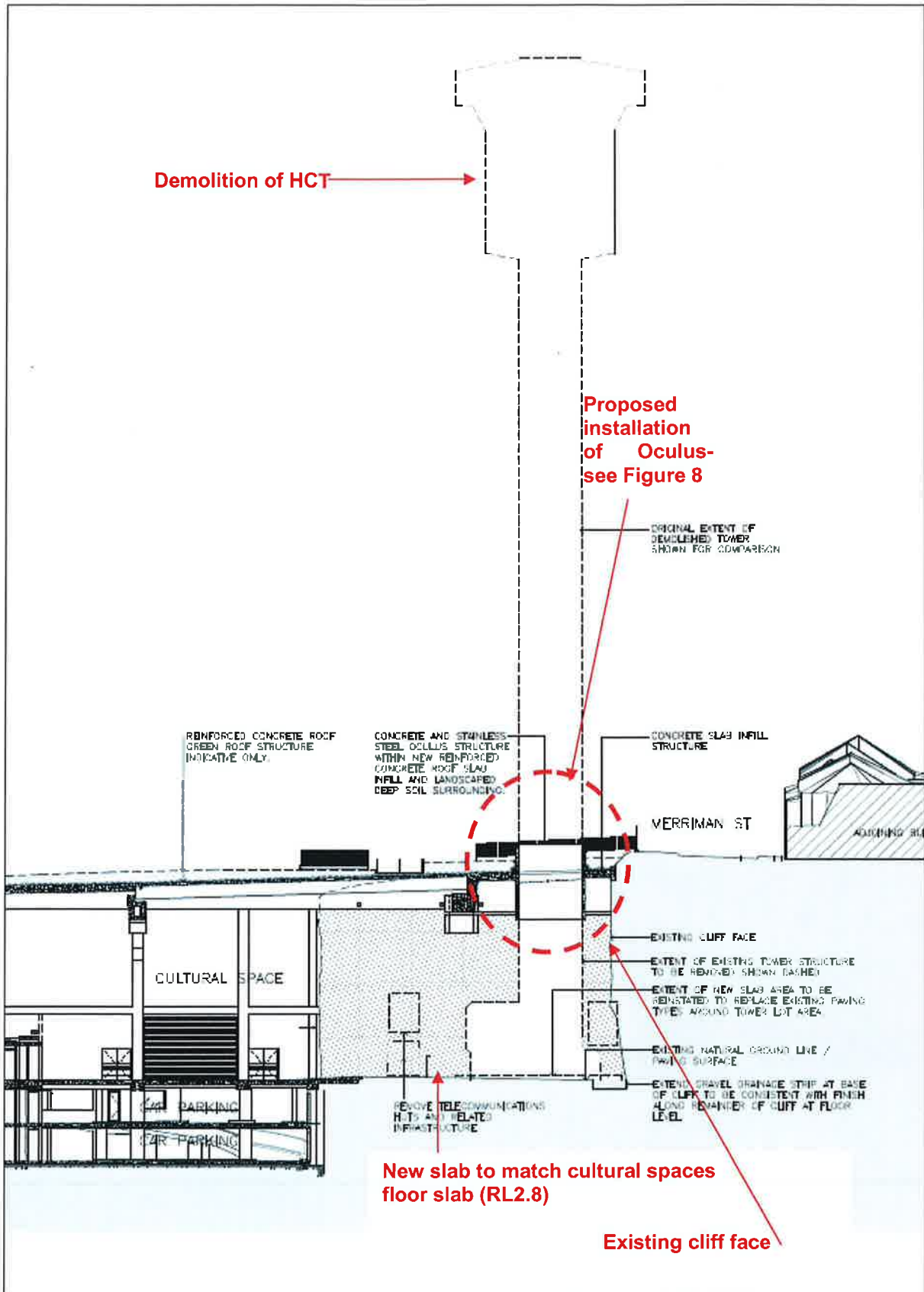
The proposal, as outlined in the Proponent's application, specifically seeks approval for the following:

- termination and removal of the HCT and its remaining building services;
- removal of the fire services water supply storage tank at the base of the tower building at RL 2.8m;
- removal of three mobile phone telecommunication huts and related services across the existing escarpment face;
- decommissioning and removal of essential services and the passenger lift;
- demolition of the operations room, the tower shaft and services rooms at the base in controlled stages;
- infill around the existing shaft area;
- construction of an interpretative structure, referred to as an 'oculus', on the site of the HCT; and
- removal and replacement of the existing slab at ground floor level RL 2.8.

The demolition works are proposed to be undertaken during 7.00 am – 6.00 pm Monday to Friday and 8.00 am – 3.00 pm on Saturdays. No works or deliveries to the site are proposed on Sundays or public holidays.

The application is supported by a demolition methodology, which proposes the structural dismantling of the HCT. The works program, including site establishment, demolition and the construction of the interpretative structure and associated landscape works is estimated to take approximately eight months to complete. The full closure of Merriman Street and the partial closure of Bettington Street and Clyne Reserve is proposed to secure the site to establish and operate the tower crane and to establish the requisite construction zone.

An extract from the architectural plans showing the extent of demolition and the new works, and the integration of the proposal with the landscape design for the Headland Park are provided at **Figures 6 to 8** below. **Figure 8** illustrates the design for the oculus, which is proposed to interpret the HCT. The oculus includes a shaft with a circular roof opening that will allow light to project into the floorspace below (future cultural space) and to expose and illuminate the adjacent sandstone cliff face. Plans illustrating the full proposal are provided at **Appendix B**.



**Figure 6:** Plan showing extent of demolition works (HCT) and new construction. (Source: WMK Architecture)



### Justification

The Proponent submits that the optimum solution for the HCT is its demolition and removal from the site in accordance with the Barangaroo Concept Plan. The Department notes that the Proponent's RTS also includes an Options Report which considers options for the adaptive re-use of the HCT, in addition to its demolition. The Options Report undertakes a multi-criteria assessment of each option, including consideration of design excellence, heritage outcomes and an estimated cost analysis. The Options Report concludes that the significant costs and liabilities associated with the adaptive re-use of the HCT negate the benefits of keeping it. The Option Report is considered in further detail in **Section 5** of this report.

The Proponent has also advised that the adaptive re-use of the HCT has significant limitations to its future re-use, including:

- it would require significant investment to achieve compliance with the Building Code of Australia, which could result in substantial changes to the appearance of the structure;
- no interest has been shown by any commercial leisure operators; and
- potential night-time restrictions on use to minimise light pollution and impact to the adjacent Sydney Observatory.

Further to the above, the Proponent has advised that the retention of the HCT is inappropriate for the following reasons:

- the purpose-built temporary structure is obsolete with its former function no longer required and its heritage significance having been diminished following its discontinuation of use and disposal by Sydney Ports Corporation;
- retention is not compatible with the Headland Park design vision which is to provide for a naturalistic form and character; and
- the HCT's bulk and form is visually intrusive to key harbour vistas and is not in keeping with the intimate small scale and character of the local residences in the Millers Point Conservation Area.

The visual impact of the removal of the HCT is illustrated in the series of photomontages provided in the Visual Impact Assessment prepared by PWP and submitted with the modification application and shown in **Figures 9** and **10** below.

## **3. STATUTORY CONTEXT**

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### **3.1 Continuing Operation of Part 3A to Modify Project Approvals**

Clause 3 of Schedule 6A of the *Environmental Planning and Assessment Act 1979* (EP&A Act), as in force immediately before its repeal on 1 October 2011, and as modified by Schedule 6A, continues to apply to transitional Part 3A projects.

Consequently, this report has been prepared in accordance with the requirements of Part 3A and the associated regulations, and the Minister (or his delegate) may approve or disapprove the modifications under section 75W of the EP&A Act.



**Figure 9:** Existing (A) and proposed (B) view from Merriman Street/Clyne Reserve (Source: PWP Landscape Architecture)



**Figure 10:** Existing (A) and proposed (B) view to the Headland Park/Millers Point (Source: PWP Landscape Architecture)

### 3.2 Modification of the Minister's Approval

Section 75W(2) of the EP&A Act provides that a proponent may request the Minister to modify the Minister's approval for a project. The Minister's approval of a modification is not required if the project, as modified, would be consistent with the original approval. As the proposed modification seeks to alter approved drawings, the modification will require the Minister's approval.

### 3.3 Environmental Assessment Requirements

Section 75W(3) of the EP&A Act provides the Secretary with scope to issue Environmental Assessment Requirements (SEARs) that must be complied with before the matter will be considered by the Minister. Modified SEARs for the proposed application were issued on 9 September 2013 (refer **Appendix A**), and the Department considers that the Proponent's section 75W report addresses the environmental assessment requirements.

### 3.4 Permissibility

The site is zoned RE 1 Public Recreation under Part 12, Schedule 3 of *State Environmental Planning Policy (Major Development) 2005* (MD SEPP). Clause 12 of the MD SEPP stipulates that demolition within the RE1 Public Recreation zone is permissible with development consent.

### 3.5 Environmental Planning Instruments

The following environmental planning instruments (EPIs) apply to the site:

- *State Environmental Planning Policy (State and Regional Development) 2011*;
- *State Environmental Planning Policy (Major Development) 2005 (MD SEPP)*;
- *State Environmental Planning Policy No 55 – Remediation of Land*; and
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*.

The provisions of these EPIs that would (except for the application of Part 3A) substantially govern the carrying out of the project, have been taken into consideration in the assessment of the project.

An assessment of compliance with the EPIs was considered in the determination of the original application (MP 10\_0048). The Department has considered the modification proposal against the objectives and aims of these instruments, and is satisfied that the modified proposal continues to be generally consistent with the provisions of these State policies.

## 4. CONSULTATION AND SUBMISSIONS

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### 4.1 Exhibition

In accordance with section 75X(2)(f) of the EP&A Act, and clause 8G of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation), the modification request was made publicly available on the Department's website. In addition, the modification was advertised in the Sydney Morning Herald and The Daily Telegraph, and publicly exhibited for 31 days from 30 April 2014 until 30 May 2014, at the Department's Bridge Street offices and at the Council's One Stop Shop.

The Department received a total of 17 submissions, comprising one submission from Council, four agency submissions, and 12 public submissions. Nine public

submissions object to the proposal. A summary of the submissions is provided below. Copies of the submissions are provided at **Appendix C**.

#### **4.2 Submissions by Public Agencies**

A summary of the submissions received from Council and the public agencies is provided below:

##### City of Sydney Council (Council)

Council is opposed to the demolition of the HCT and supports its conservation in-situ and re-use as public artwork or observatory tower. Council has advised that the HCT makes a positive contribution to the character and significance of the locality and should be retained. In support of this position, Council has advised that:

- the demolition of the HCT will dramatically alter the physical, cultural and historic landscape and the understanding of Millers Point as it evolved through the 20<sup>th</sup> century;
- the removal of the HCT will erode part of the significant and intrinsic character of the Millers Point area and further erodes physical evidence of the former wharves and port facilities;
- the HCT contributes to the living cultural and historical landscape and is a clear connection with visual, functional and historical interfaces;
- the HCT has aesthetic significance as part of the skyline of Sydney Harbour;
- the HCT is evidence of former functional practices and processes occurring in Sydney Harbour over several decades, including the spread of maritime industries for shipping, fishing and tourism and natural limitations within Sydney Harbour for low-rise observation;
- the HCT is a monumental engineering structure, which when juxtaposed against the smaller scale Victorian terrace development contributes to the dramatic layer of historic events throughout the area; and
- the HCT is rare in Australia and possibly rare at an international level.

Council advises that it supports the retention of the HCT with or without an alternative use. It is suggested that the area around the base of the HCT should be landscaped and trafficable and that the curved section of the carved rockface around the HCT could remain fully exposed, maintaining a lower entry to the tower.

Council has recommended a number of design amendments to the proposal in the event that the demolition of the HCT is approved.

##### Transport for NSW (TfNSW)

TfNSW has raised no objection to the proposal and has provided the following comments:

- the City of Sydney should be consulted and be satisfied with the submitted Ausroads Swept Path Assessment Diagram for a 19m articulated vehicle/12.5 heavy rigid vehicle (ingress/ egress movements) into and out of Merriman Street;
- the proposed closure of Merriman Street to general traffic during demolition of the HCT will require the preparation of a Traffic Management Plan to be endorsed by the RMS. It should examine the implementation of appropriate measures to address the temporary loss of on-street residential car parking; and
- the RMS has also recommended the following:
  - any update to the Construction Traffic Management Plan to accommodate the proposal should be referred to Council for approval;

- all works/regulatory signposting associated with the proposed development are to be at no cost to the RMS; and
- the RMS, TfNSW and bus operators should be consulted in relation to any impacts on regular bus services operating on the roads within the vicinity of the site.

#### NSW Environmental Protection Authority (EPA)

The EPA has raised no objection to the proposal and provided the following comments:

- the tower demolition has the potential to result in short-term environmental and amenity impacts associated with dust emissions, noise, vibration and asbestos management;
- the proposed management and control strategies should be sufficient to minimise the risk of adverse air quality impacts off-site. However, further clarification is requested in relation to air emission control best practice process-design and the Asbestos Management Plan. Subject to these matters being clarified, the EPA has raised no objection to the proposed modification;
- existing Condition B22 (Noise and Vibration) of the Project Approval is sufficient to address noise and vibration impacts;
- waste management associated with the development should be undertaken in accordance with the EPA's brochure titled: "*Know your responsibilities: Managing waste from construction sites*"; and
- the BDA is the holder of Environmental Protection Licence (EPL) No.13336 and works in relation to the modification application will need to ensure compliance with the conditions attached to the EPL.

#### Work Cover Authority of NSW (WorkCover NSW)

WorkCover NSW has advised that it has no objection to the methodology recommended for the structural dismantling of the HCT pending the appointment of a suitably qualified demolition contractor who prepares an approved Demolition Work Plan.

#### Heritage Division- Office of Environment and Heritage

The Heritage Office has not formally objected to the proposal but has raised the following concerns in relation to the proposal:

- no detailed information or analysis of the specific options pursued for adaptive reuse of the HCT and exact details regarding the structural assessment have been included in the EA. The Heritage Division has advised that this is essential in order to identify and assess the nature and scope of investigations previously conducted and the specific and actual constraints identified around the question of an adaptive reuse for the existing HCT;
- the EA does not provide details with regard to the nature of consultation or the views expressed by key stakeholders and neighbours engaged during the consultation process;
- the Statement of Heritage Impact lacks rigour in the application of all relevant criteria for assessing significance and in particular, it has not adequately addressed the potential State significance of the tower; and
- the Heritage Division advises that the significance of the HCT is to be considered by the Heritage Council at an upcoming meeting.

### Heritage Council of NSW (Heritage Council)

No submission was received by the Heritage Council in relation to the public exhibition of the modification application. Notwithstanding this, the Heritage Council discussed matters in relation to the request from the National Trust for an Interim Heritage Order and the proposed State Heritage Register listing at its meeting on 7 May 2014.

### **4.3 Public Submissions**

The Department received 12 public submissions comprising nine objections and three submissions in support of the proposal, including one from the Millers Point Owners Association and the Sydney Harbour Association. The submission from the National Trust of Australia (NSW) objects to the proposal. A summary of the key issues raised in the public submissions and those provided by Associations and the National Trust of Australia (NSW) is provided below.

#### Support:

- strongly support the Interpretative Strategy and the construction of the oculus; and
- it is suggested that prior to demolition, a video recorder should be installed at the top of the observation deck to record the views and the activities of the harbour, as a historical record.

#### Objection

- this is an important part of the harbour skyline and the harbour history and it should be preserved. The demolition of the HCT will result in Sydney missing a unique opportunity to adapt and re-use this icon of the harbour;
- as we have already obliterated most of the historic harbour facilities and visual references to the harbour's former use as a major port, the HCT should be retained. There are only a few of the reminders of Sydney's historic gateway role remaining;
- the HCT is a very visible building in the area associated with the more recent phase of Sydney as a working port, and is a very important part of the story of this precinct;
- the current plans bear little resemblance to the development originally granted planning approval. The Department is in danger of sacrificing the site to vested corporate interests, and should do its utmost to protect the historical significance of the site;
- the visual impact of the HCT is miniscule when compared to the massive visual intrusion of the proposed towers at the southern end of Barangaroo;
- the appearance of the Harbour and the Millers Point Area is enhanced by the presence of the HCT, which adds a historically significant twentieth century layer to the views.
- the Heritage Impact Statement plays down the significance of the HCT and is inadequate in its assessment of the SHR Criteria;
- alternative solutions for the adaptive re-use of the HCT have not been provided and therefore the Director-General's Requirements have not been adequately addressed; and
- the veracity of the background noise levels and assumptions in the Noise and Vibration Report are questioned. A new set of background noise measurements

need to be established for the site. Actual measures to regulate noise emissions need to be taken (i.e. replacement of reversing beepers).

#### **4.3.1 Association and Other Submissions**

##### National Trust of Australia (NSW) (National Trust)

- the National Trust objects to the demolition of the HCT and supports the retention of the HCT and its potential adaption for a new purpose compatible with its heritage significance;
- the National Trust advises that the HCT is an important historic structure which has a positive aesthetic impact upon the character of Sydney Harbour and is an important relic of the use of Sydney Harbour for shipping;
- the National Trust advises of its objection to the content and conclusions in the Statement of Heritage Impact and in particular the assertions upon which its conclusions rely; and
- the NSW Ports Heritage and Conservation Register (Section 170) rated the HCT as being of State significance. The National Trust advises that its view accords with the Section 170 Register and the HCT should be entered on the NSW State Heritage Register, particularly now that it is no longer in use for its original purpose.

##### Sydney Harbour Association (SHA)

- the SHA supports demolition and notes the positive impacts and benefits that would flow from the demolition of the HCT;
- the SHA advises that the existing approval for the project still includes consent for the over-water hotel. The gains from the tower demolition are relatively minor in comparison to the losses resulting from the construction of the over-water hotel; and
- the impact indicators relating to views, heritage protection and setting that are utilised in the statements supporting this application are valid but they are grossly and publicly discredited by the over-water hotel approval.

##### The Millers Point Owners Association (MPOA)

- the MPOA supports demolition;
- the oculus planned for the site has the potential to stimulate interest for visitors entering the Headland Park from Merriman Street level and encouraging discovery of the park's hidden built, cultural, natural and conservation treasures;
- the vision for the Headland Park seeks to renew, engage with and reveal this prominent landscape as re-connected to the broader harbour; and
- the MPOA also makes suggestions around integrating the oculus with significant aspects of the Headland Park's built, cultural and natural form.

#### **4.4 Response to Submissions**

The Proponent provided a Response to Submissions (RTS) on 28 July 2014. The Department notes that RTS does not propose any modifications to the application. It provides further documentation in response to the key issues raised during consultation, including in relation to the following:

- heritage impact statement: the HIS has been revised to include further assessment of the proposal against the NSW Heritage Criteria for assessing the significance of an item of local, state or national significance. In addition, the HIS