

MODIFICATION REQUEST:

***Headland Park and Northern Cove – Main
Works MP 10_0048 (MOD 10)***



Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979

October 2017

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1. BACKGROUND

1.1 Introduction

This report provides an assessment of a section 75W modification application, lodged by the Barangaroo Delivery Authority (BDA), seeking to modify project approval MP 10_0048 for the Barangaroo Headland Park and Northern Cove main works.

The modification application seeks to modify Condition B43 and Condition D15 to provide the BDA with additional time in which to finalise the procurement, design and delivery of the Harbour Control Tower (HCT) physical interpretative structure.

1.2 The Site

Barangaroo 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), HCT (now demolished) and the Northern Cove.

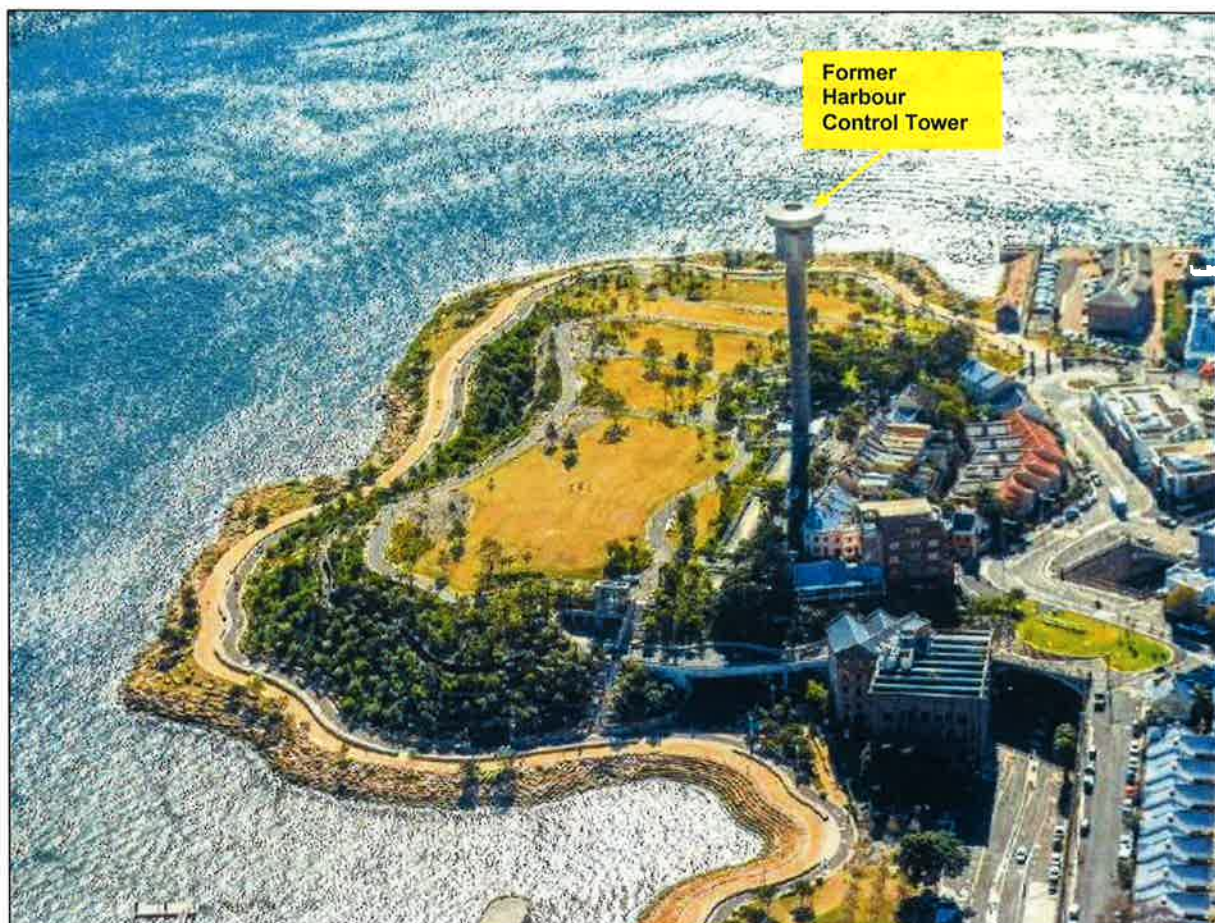


Figure 1: Barangaroo Reserve and the former HCT (Source: EIS)

1.3 Approval History

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
- 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 shoreline promenade
- construction of a network of pedestrian pathways connecting the foreshore
- 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 sewage pumping station SPS0014 to the area adjacent to the north-eastern boundary of the site
- site remediation.

Since the project approval, nine modification applications have been approved. A summary of the modifications is provided in **Appendix A**.

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, Office of Environment and Heritage, Port Authority of NSW and the Australian National Maritime Museum, and the detail design documentation to be submitted to the Secretary for approval within 6 months of the date of the approval, being by 10 May 2017.

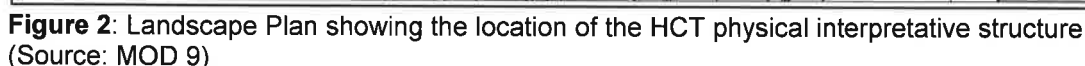
MOD 9 also required the installation of the device to be completed by 31 December 2017 (Condition D15).

2. PROPOSED MODIFICATION

2.1 Modification Description

The modification application seeks to modify Condition B43 to extend the time BDA has to submit the detailed design documentation for the HCT physical interpretative structure to the Secretary for approval. The BDA seek an extension from 10 May 2017 until 31 December 2017.

The modification application also seeks to amend Condition D15 to extend the period to complete the installation of the HCT physical interpretative structure by an additional 12 months from 31 December 2017 until 31 December 2018. The BDA state that given the delay in obtaining an appropriate design, it will not be in a position to install the interpretation device by 31 December 2017 (**Figure 2**).



3.1 Continuing Operation of Part 3A to Modify Project Approvals

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.

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 conditions of approval, the modification will require the Minister's approval.

3.3 Secretary's 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. SEARs were not issued for this modification as the Department did not consider that further environmental assessment requirements were required to support the modification request.

3.4 Environmental Planning Instruments

The following EPIs were relevant to the original application:

- State Environmental Planning Policy (State Significant Precincts) 2005
- State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007
- State Environmental Planning Policy (Sydney Harbour Catchment) 2005
- State Environmental Planning Policy No. 55 – Remediation of Land.

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 application against the objectives and aims of these instruments, and is satisfied the modified proposal continues to be generally consistent with the provisions of these instruments.

3.5 Delegated Authority

In accordance with the Minister for Planning's delegations dated 16 February 2015, the Director, Key Sites Assessments may determine the section 75W application as:

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

4. CONSULTATION AND SUBMISSIONS

4.1 Notification

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.

The Department notified City of Sydney Council and the Office of Environment and Heritage (NSW Heritage Office) of the proposed modification.

4.2 Submissions

The NSW Heritage Office stated the revised deadlines represent a realistic timeframe in which to address the requirements of the conditions.

Council advised it would not make a submission in relation to the modification. No public submissions were received.

5. ASSESSMENT

In seeking the extension of time to submit the documentation required by Condition B43, the BDA advised it undertook consultation with City of Sydney Council, Heritage Office, Port Authority of NSW and Australian National Maritime Museum during the preparation of the detailed design brief in accordance with the requirements of the approval. The brief to undertake the design works was prepared and issued following this consultation. However, none of the detailed design proposals received in response to the brief were considered acceptable by BDA's evaluation team.

The BDA therefore seeks further time to undertake consultation and to submit detailed design documentation to the Secretary for approval by 31 December 2017, and complete the installation of the physical interpretation structure by 31 December 2018. The NSW Heritage Office support BDA's request for an extension of time.

The Department considers the BDA has made a genuine attempt to prepare and lodge its design documentation and has been unable to do so due to the various designs not meeting the brief's requirements.

The Department acknowledges the practicalities of undertaking further consultation with key stakeholders, as well as procuring, documenting and designing the HCT physical interpretative structure, and accepts more time is needed to finalise this process.

The Department also acknowledges sufficient time is required to construct the HCT physical interpretative structure. An additional 12 month extension would enable the BDA 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 would provide the BDA with additional time to meet the requirements of the conditions. As recommended, the BDA would be required to submit the detailed design documentation to the Secretary for approval by 31 December 2017, and complete the installation of the physical interpretative structure by 31 December 2018.

6. CONCLUSION

The Department has assessed the modification application in accordance with the relevant requirements of the EP&A Act. With recommended conditions in place, the Department's assessment concludes the proposed extension of time would enable BDA to have sufficient time to procure, design and deliver the HCT physical interpretative structure.

Consequently, the proposal is in the public interest and the Department recommends that the modification is approved, subject to the recommended conditions.

7. RECOMMENDATION

It is recommended that the Director, Key Sites Assessments:

- (a) **consider** the findings and recommendations of this report;
- (b) **approve** the modification under section 75W of the EP&A Act; and
- (c) **sign** the attached Instrument of Modification.

Prepared by: Rebecka Groth
Senior Planner
Key Sites Assessment

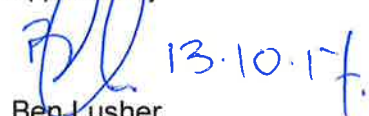
Recommended by:



Cameron Sargent
Team Leader
Key Sites Assessments

DECISION

Approved by:



13.10.17

Ben Lusher
Director
Key Sites Assessments

APPENDIX A - MODIFICATIONS TO MP10_0048 - HEADLAND PARK AND NORTHERN COVE MAIN WORKS

MP 10_0048 MOD 1

On 17 March 2011, the proponent lodged a section 75W modification (MOD 1) seeking approval to re-word conditions A3, A5, A8, B8, B17, B19 and B37 to address a number of administrative concerns raised by the proponent. This application was withdrawn on 28 February 2012.

MP 10_0048 MOD 2

On 17 April 2012, the Deputy Director-General, Development Assessment and Systems Performance approved a modification (MP10_0048 MOD 2) to amend conditions of approval and to require the proponent to prepare a plan of management for the operation of the Headland Park and the car park.

MP 10_0048 MOD 3

On 9 May 2013, the Executive Director, Development Assessment Systems and Approvals approved a modification (MP10_0048 MOD 3) to the Headland Park main works project to allow the:

- insertion of sandstone steps providing water access adjacent to Moores Wharf;
- relocation of sewerage pumping station SPS0014 and inclusion of the fit-out of this item as an amenities block;
- construction of a third pedestrian bridge between Merriman Street and the Headland Park;
- minor changes to the cultural space and car park; and
- minor changes to the landscaping across the site.

MP 10_0048 MOD 4

On 30 July 2015, the Minister for Planning approved a section 75W modification application (MP 10_0048 MOD 4) for the demolition and removal of the Harbour Control Tower (HCT), construction of an interpretation structure on the site of the HCT and replacement of existing floors slab, decommissioning services and associated works.

MP 10_0048 MOD 5

On the 16 July 2015, the Director, Industry Key Sites and Social Projects approved a modification (MP 10_0048 MOD 5) for alterations to the Headland Park and Northern Cove including:

- 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; and
- minor increase to the level of the upper section of the park.

MP 10_0048 MOD 6

On the 24 February 2015, the Barangaroo Development Authority submitted a section 75W modification (MOD 6) seeking approval to amend approved plans illustrating the location of two sandstone pillars at the entrance to the Headland Park from Merriman Street. The application was subsequently withdrawn.

MP 10_0048 MOD 7

On 27 November 2015, the Director, Industry Key Site Assessments approved a modification (MP 10_0048 MOD 7) to allow the Interpretation Plan required under Condition B41 of the project approval to be submitted to the Secretary for approval prior to the commencement of demolition works.

MP 10_0048 MOD 8

On 6 May 2016, the Director, Key Sites Assessments approved a modification (MP 10_0048 MOD 7) to change the methodology for the demolition and removal of the Harbour Control Tower at Barangaroo.

MP 10_0048 MOD 9

On 10 November 2016, the Director Key Sites Assessments approved a modification (MP10_0048) to replace the approved physical interpretive device ('Oculus') at the site of the HCT with an alternative physical interpretation device. Its installation was required to be completed by 31 December 2017.

