



Planning &  
Infrastructure

## ***MODIFICATION REQUEST:***

### ***Headland Park and Northern Cove – Main Works (MP 10\_0048 MOD 3)***



Director-General's  
Environmental Assessment Report  
Section 75W of the  
*Environmental Planning and Assessment Act 1979*

April 2013

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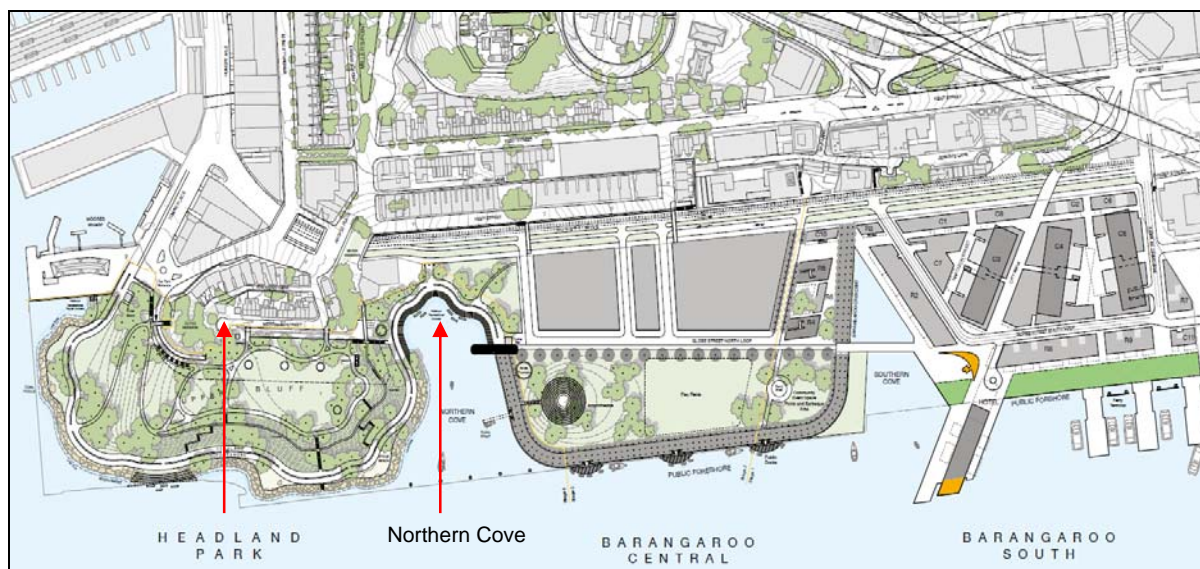
## 1. BACKGROUND

### 1.1 The Site

The proponent (Barangaroo Delivery Authority) has lodged a section 75W application to modify the mains works approval for the Barangaroo Headland Park (MP10\_0048 MOD 3). 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. It is a flat and long site, being a reclaimed concrete slab that is largely devoid of buildings.

The project area 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 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, which is predominantly a residential area characterised by Victorian terraces.

Further to the east are a range of commercial and tourism uses, including Observatory Hill and the Bond Building. To the south, the site is adjoined by Darling Harbour Wharf 5 which is currently being used as an interim Cruise Passenger Terminal. **Figure 1** below depicts the location of the Headland Park in the context of the entire Barangaroo site.



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

### 1.2 Approval History

#### Approved 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 Concept Plan has been modified four times since approval. The most current version of the Concept Plan (MOD 4) was approved by the then Minister for Planning on 16 December 2010. In this regard, MOD 4 permits:

- A mixed use development involving a maximum of 563,965 m<sup>2</sup> of gross floor area (GFA) comprised of:
  - (a) a maximum of 128,763 m<sup>2</sup> and a minimum of 84,595 m<sup>2</sup> of residential GFA;
  - (b) a maximum of 50,000 m<sup>2</sup> of GFA for tourist uses;
  - (c) a maximum of 39,000 m<sup>2</sup> of GFA for active uses in the 'Public Recreation' zone (3,000 m<sup>2</sup> of which will be in Barangaroo South); and

- (d) a minimum of 12,000 m<sup>2</sup> of GFA for community uses (10,000 m<sup>2</sup> of which will be in Barangaroo South);
- Approximately 11 hectares of new public open space/public domain, with a range of formal and informal open spaces serving separate recreational functions, and including a 2.2 km public foreshore promenade;
- Built form design principles, maximum building heights and GFA for each development block within the mixed use zone;
- A public domain landscape concept, including parks, streets and pedestrian connections; and
- Works to the existing seawalls and creation of a partial new shoreline to the harbour.

#### Headland Park Early Works

The project application (MP10\_0047) for the Headland Park Early Works was approved by the then Minister for Planning on the 8 November 2010, and permitted the following works:

- Demolition of above ground structures and establishment of a construction compound including sheds and site hoardings;
- Bulk earthworks, including placement of fill as part of the formation of the final landform;
- Extraction of approximately 80,000 m<sup>3</sup> of sandstone from beneath the existing concrete apron for reuse within the Barangaroo site;
- Installation of environmental protection measures (water management measures);
- Site investigation works;
- Modification of existing services; and
- Heritage protection works.

To date, the following early works have commenced:

- Establishment of the site compound;
- Installation of environmental protection measures; and
- Sandstone extraction.

#### Headland Park and Northern Cove Main Works

The project application (MP10\_0048) for the Headland Park and Northern Cove Main Works was approved by the then Minister for Planning on the 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.

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

On 17 April 2012, the Deputy Director-General, Development Assessment and Systems Performance approved a modification (MP10\_0048 MOD 2) to the Headland Park main works project to permit the re-wording of conditions A3, A5, A8, B8, B17, B19 to B24 and B37 to:

- Permit the use of the contours proposed in the Headland Park Main Works Environmental Assessment;

- Reflect that the Human Health Risk Assessment (HHRA) and Remedial Action Plan (RAP) referred to in the approval were approved by the Office of Environment and Heritage (OEH) on 21 November 2011, and the Minister for Planning and Infrastructure on 19 January 2012;
- Clarify that further planning approval is required for the use of the cultural space but not the car park;
- Reference the relevant road approval authority and remove references to roads which are outside the project area;
- Clarify the role of the OEH in assessing the Construction Framework Environmental Management Plan (CFEMP); and
- Permit the commencement of site establishment works prior to the finalisation of the waste, noise and vibration, and water management plans.

In addition, a new condition was inserted into the Instrument of Approval (Condition A8(2)) to require the proponent to prepare a plan of management for the operation of the Headland Park and the associated car park prior to the opening of the park.

To date the following main works have occurred on site:

- Land formation works (exclusive of fill from Barangaroo South);
- Excavation and capping of the concrete caisson walls;
- Sandstone extraction; and
- Excavation works.

## 2. PROPOSED MODIFICATION

This application seeks approval for the following modifications outlined below:

- Various landscaping changes across the site;
- Construction of sandstone steps within the inlet adjacent to Moores Wharf;
- Retention of a portion of the historic sandstone wall (western side of the site);
- Changes to the final location of sewerage pumping station SPS0014 as approved under the original project approval, and the fit-out of this item as an amenities block;
- Construction of a third pedestrian bridge between Merriman Street and the park; and
- Minor changes to the cultural space and car park, including changes to its configuration and approved levels, additional egress from the cultural space, and changes to the cultural space southern entry.

The modifications are proposed in response to:

- Refinement of the landscape design concept;
- Structural concerns relating to the impact of the piling works along Moores Wharf; and
- Non-compliances with the egress requirements of the Building Code of Australia (BCA) at the Clyne Reserve egress point.

The approved park layout and the proposed modifications are depicted in **Figures 2 and 3** overleaf.



**Figure 2: Approved Configuration of the Headland Park**



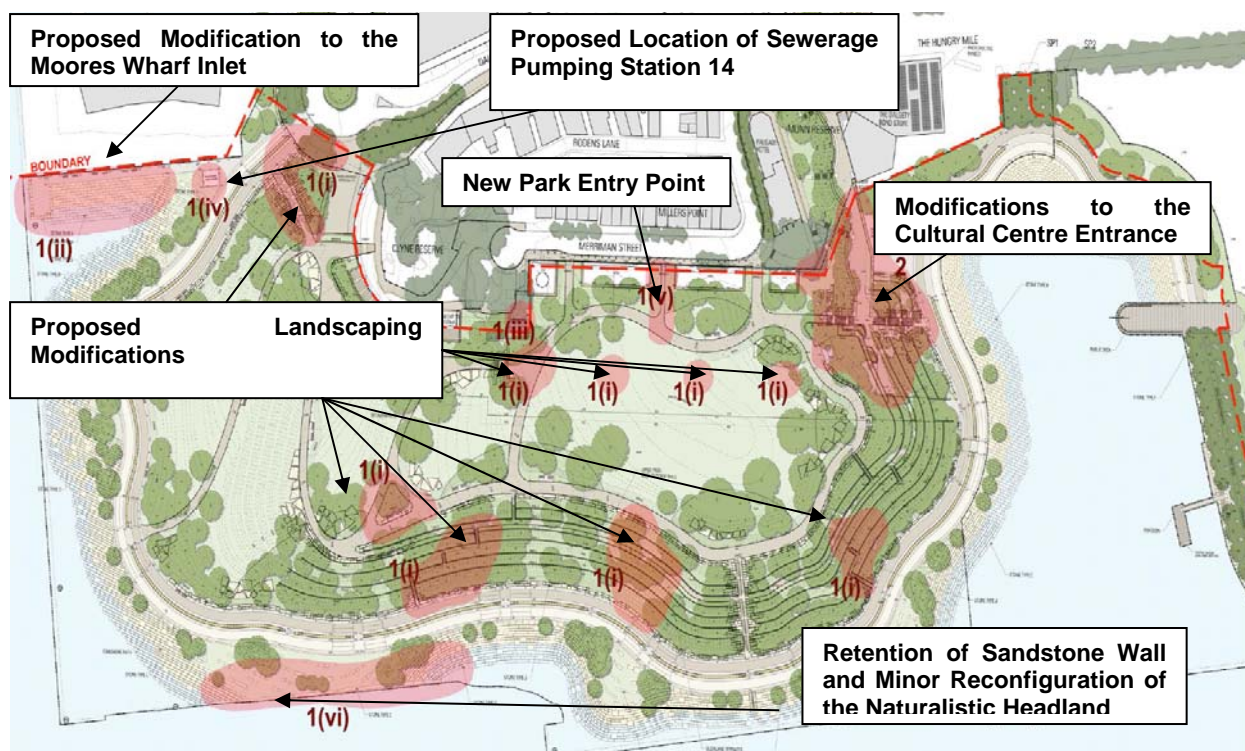


Figure 3: Proposed Modifications to the Headland Park Project Approval

### 3. STATUTORY CONTEXT

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

In accordance with 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.

#### 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 Director-General with scope to issue Environmental Assessment Requirements (DGRs) that must be complied with before the matter will be considered by the Minister. DGRs for the proposed modification were issued on 27 August 2012, and the department considers that the proponent's section 75W report addresses the relevant 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). The proposed works are permissible subject to approval.

#### 3.5 Delegated Authority

The Minister has delegated his functions to determine a modification request under section 75W of the EP&A Act to the Executive Director, Development Assessment Systems and Approvals where:

- The relevant local council has not made an objection;
- A political disclosure statement has not been made; and
- There are less than 25 public submissions in the nature of objections.

The City of Sydney Council (council) raised no objection to the application and there were less than 25 public submissions. No political donations have been made in relation to the original project application or the proposed modification. Accordingly, the Executive Director, Development Assessment Systems and Approvals can determine the modification application under the Instrument of Delegation dated 27 February 2013.

## 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 46 days from 17 December 2012 until 31 January 2013, at the department's Bridge Street offices and at the council's One Stop Shop.

### 4.2 Submissions by Public Agencies

The department referred the application to the council, Roads and Maritime Services (RMS), Sydney Ports Corporation and the Environment Protection Agency (EPA) for comment. A summary of the comments is provided below.

#### Council

The council advised that it supported the addition of a third access point at Merriman Street subject to:

- The width of the access points being determined by a study into pedestrian flows; and
- The southern most entrance along Merriman Street being designed to appear as the main entrance to the park to reduce pedestrian traffic and its associated impacts on the adjoining residential premises.

In addition, the council requested that all paving and lighting installed along the Merriman Street footway are consistent with the *Draft City of Sydney Design Code*.

Notwithstanding the above, the council also advised that it holds the following concerns:

- The use of palisade fencing along the eastern boundary of the site would serve no functional purpose and therefore this boundary should remain unfenced like the rest of the park;
- The BDA should give consideration to public safety in the design of the Moores Wharf inlet; and
- The Upper Bluff stairs and the pedestrian and cycle paths should line-up to provide a seamless connection.

#### Department Comment

The department has reviewed the council's concerns and considers that:

- The width of the pedestrian access points was determined under the original project application. Given that the introduction of a third access point along Merriman Street is likely to reduce pedestrian flows at the approved access points, the department does not agree that a pedestrian study is necessary to determine the width of the third access point;
- The application does not propose changes to the design of the southern most entrance to the park from Merriman Street. Notwithstanding, the BDA has advised that it is currently in negotiations with the council to lodge a development application for integration works along Towns Place, Dalgety Road, Bettington Street, Merriman Street and Munn Reserve. These works are depicted on drawing number CO-JPW-L-S-0100 Rev 2. The department considers that these works, if approved, would define the southern most entrance as the main entrance to the park when approaching the site from the east; and
- The palisade fence will assist in the management of pedestrian safety as it will provide a physical barrier between the edge of the site and the light well adjacent to the sandstone cliff face.

RMS

RMS advised that it had no concerns with the proposed modification.

Sydney Ports Corporation

Sydney Ports requested that all seating and planting adjacent to Moores Wharf be placed an adequate distance away from the existing fence to ensure that the security of its site is not compromised.

The department notes that in its response to submissions the BDA committed to finalising the details of the planting and fencing adjacent to Moores Wharf in consultation with Sydney Ports. The department supports this approach and has recommended the imposition of a condition to ensure that the placement of all seating and planting adjacent to Moores Wharf is finalised in consultation with Sydney Ports.

EPA

Raised no objection and advised that the application would not result in any environmental impacts above and beyond those approved under the original project application.

### 4.3 Public Submissions

The department received two submissions of objection from the general public, including one from a former BDA Design Excellence Panel member, and one submission of support from the Sydney Harbour Association. A summary of the issues raised in the submissions is provided below:

- Merriman Street is a small cul-de-sac and the creation of a third access point from Merriman Street to the Headland Park would provide a disproportionate level of access in comparison to the length of the street;
- The creation of a third access point would encourage additional foot traffic through the area and would reduce the level of privacy for residents along Merriman Street. In addition, a third access point would increase the extent of anti-social behaviour already experienced along the street;
- The use of palisade style fencing is supported on the basis that it will regulate pedestrian traffic;
- Clarification is sought regarding whether the finished floor levels for the car park entry take into consideration the impact of climate change;
- The approval of a hotel over the water is opposed [note: this is not relevant to this application];
- The original roof profile of the car park and cultural facility stepped north-south and east-west with tree pits to support major trees and sub-surface drainage. Replacement of this roof form with a 'Super T' pier and beam structure with no east-west fall may compromise the 'roof garden' concept approved under the original project as the revised design may cause on-going structural issues such as ponding, and may preclude the growth of healthy and stable trees;
- The western edge of the retaining wall of the basement car park which is currently under construction appears to be inconsistent with the existing planning approval;
- The application proposes a significant change to the cultural facility envelope at RL 4.0 and RL 13. This change would require additional fill and would have a major impact on the physical potential and flexibility of the space for future cultural uses. The EA does not address these impacts;
- The proposed modification would result in the creation of a foyer area that is in perpetual shade, making the principal entrance to the future cultural facility uninviting. The EA does not adequately address these impacts;
- The EA does not include ground level views of the re-designed entry to the cultural facility, and no assessment of its impact on the public domain at the harbour foreshore level. In order to maintain the design excellence of the harbour foreshore approach to the cultural facility, the approved design of the southern entrance should be retained;
- The proposed emergency egress from the cultural facility is unlikely to comply with the requirements of the BCA due to its proximity to large canopy trees on the southern bluff. Furthermore, if the trees are removed to ensure compliance with the BCA, the proposed fire egress stairs would be highly visible from the harbour side of the Headland Park and may detract from the landscape design of the Headland Park and the architectural design of the cultural facility. The proponent should provide a photomontage of the stairs when viewed from the public domain on the southern side of the Northern Cove to demonstrate whether the impact of the stairs would be acceptable; and



- The introduction of an additional access point from Merriman Street would result in the creation of a 12 metre wide bridge structure that would have a serious and irreversible impact on the spatial quality of the underground cultural facility by reducing light penetration and the feeling of openness that an unimpeded void would create.

#### 4.4 Response to Submissions

The proponent provided a response to submissions (RTS) on 12 March 2013. The RTS does not propose any modifications to the design of the project, however it provided the following responses to the issues raised during consultation:

##### Council

- The BDA anticipates that the majority of visitors entering the site from the east will do so via the southern most access point along Merriman Street as it represents the shortest and most legible route to the park from this direction. The design of this entry point was approved under the original project approval and no modifications are proposed to its design under this application;
- As the application does not seek to reconfigure the southern and northern entry points along Merriman Street a pedestrian impact study has not been prepared to support the application. Notwithstanding, the BDA considers that the management of pedestrians accessing the site could be addressed under the Plan of Management which is required to be prepared under Statement of Commitment No. 30;
- The installation of lighting or paving along Merriman Street is not proposed as part of this application. In this regard, a development application for integration works along Merriman Street, Dalgety Road, Bettington Street and Towns Place is currently being prepared for lodgement with the City of Sydney Council;
- The palisade fencing proposed along Merriman Street is required to ensure pedestrian safety in the areas adjacent to the basement car park skylights. In addition, the fence will assist with the management of pedestrians during events;
- The works around Moores Wharf have been designed to provide a gradual and gentle gradient into the inlet to address the council's safety concerns; and
- The western steps from the upper bluff are misaligned with the cycle path along the foreshore promenade for safety reasons (lack of visibility).

##### Sydney Ports

- As previously stated, the final design and location of seating and planting adjacent to Moores Wharf will be considered in consultation with Sydney Ports.

##### Public Submissions

- The aim of the additional access point is to improve the integration of the park with Millers Point and assist with the development of a sense of ownership of the park. The BDA does not anticipate the addition of a third walkway will generate additional pedestrian traffic along Merriman Street. Notwithstanding, the BDA acknowledges that the third walkway may result in the redistribution of pedestrian traffic entering/exiting the site from the eastern boundary of the park, although it is anticipated that the majority of visitors entering the site are expected to arrive via Munn Reserve or Bettington Street as these access points represent the shortest and most legible routes to the park;
- In order to address the safety concerns raised by the residents of Merriman Street the BDA has advised that it will consider the management of the Merriman Street access points in the Operational Plan of Management required to be prepared under Condition A8(2) of the project approval;
- The climate change modelling prepared to support the original project application assumed a rise in sea levels of 900 mm by 2100 which is consistent with the sea level rise planning benchmarks outlined in the *NSW Sea Level Rise Policy Statement*;
- The use of a 'Super T' pier and beam structure would not preclude the planting of significant trees in the area immediately above the future cultural facility. Furthermore, the depth of the soil above the cultural facility roof is consistent with the soil depths recommended in the report entitled *Barangaroo Headland Park Concepts in Soil Landscape Reconstruction November 2010*, prepared by Simon Leake (project soil scientist) and Stuart Pittendrigh (project horticulturalist);
- Waterproofing and drainage issues were considered and resolved by the BDA's technical experts prior to the lodgement of the proposed modification. In this regard, the grinders will be topped

with an in-situ roof slab overlain by a waterproofing membrane, drainage layer and thermal insulation layer;

- The proposed roof design will provide a superior drainage outcome as sub-soil drainage will be achieved via the creation of a convex shaped roof structure, which would reduce potential on-going maintenance and waterproofing issues associated with the creation of vessel shapes in the roof. Furthermore, it will provide for improved tree health as root growth will not be restricted by tree pits;
- The construction contractor (Balderstone) has confirmed that the current works are consistent with the 109R Certificate issued by the project certifier (Phillip Chun) on 17 October 2012;
- The deletion of the Munn Reserve pedestrian bridge and the infill of a portion of the void adjacent to the sandstone cutting is proposed to provide an improved connection between the Park, Munn Reserve and Argyle Place as envisaged under the Harbour Village North Study, prepared by the council;
- The application does not represent a significant change to the envelope of the approved cultural facility. The original Environmental Assessment (EA) sought approval for the creation of a future cultural space ranging in size between 70,000 m<sup>3</sup> and 100,000 m<sup>3</sup>. Furthermore, the application sought approval for the placement of up to 350,000 m<sup>3</sup> of fill plus topsoil on site. The application does not represent a departure from the concepts approved under the main works project application given that the final volume of the future cultural space will be approximately 80,000 m<sup>3</sup>, and will require the placement of approximately 240,000 m<sup>3</sup> of fill;
- The architectural finishes of the future cultural facility do not form part of the Headland Park main works project application, and the representations at Figures 8, 9 and 10 of Professor Weirwick's submission were not submitted to support the Headland Park main works project application;
- The long-span structural solution at the south-eastern entrance of the future cultural facility allows for maximum flexibility in the design of the future facility without disrupting the integration of the underground space with the naturalistic form of the park. There is potential for the cultural space entry doors to be relocated in the future to provide a new entrance statement under the edge of the land bridge;
- The fire egress at the south-eastern corner of the future cultural facility has been integrated into the surrounding landscape. In particular the impact of the fire egress on the foreshore has been minimised by keeping the ceiling height of the egress below the first level of 'bush' retaining terraces thus reducing the break in the continuity of the terracing when viewed from the southern side of the northern cove;
- The BDA's BCA consultant, Fire Engineer and Certifier have reviewed the proposed fire egress at the south-eastern corner of the future cultural facility and have concluded that the required width for egress (7.0 m unimpeded) can be achieved. Therefore the proposed egress is compliant with the requirements of the BCA; and
- The infill of the void areas will not preclude the provision of sufficient natural light penetration into the cultural space.

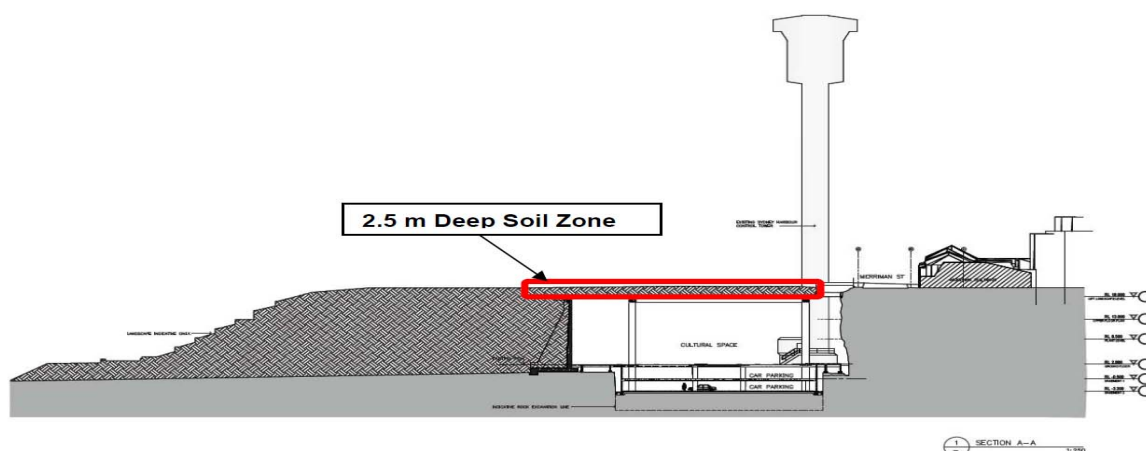
#### Department Comment

The department has reviewed the BDA's response and has concluded that:

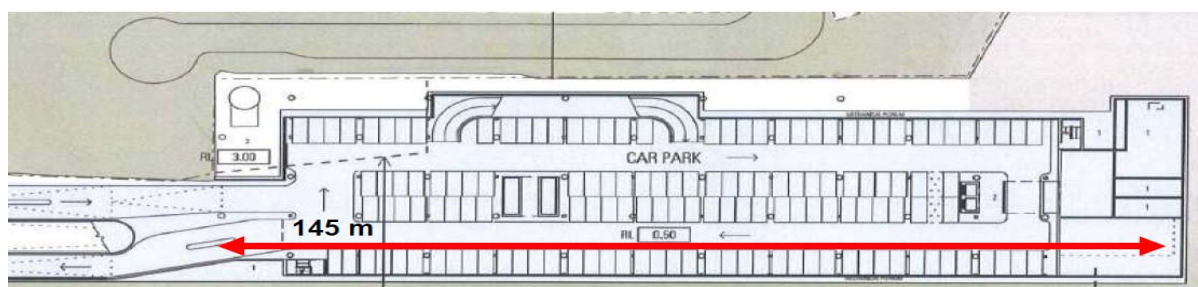
- It supports the creation of a third access point from Merriman Street on the basis that it would enhance the integration of the park with its broader surroundings and will provide opportunities for improved egress when events are held;
- It supports the BDA's commitment to include appropriate provisions in the future plan of management to manage pedestrian movements adjacent to Merriman Street;
- Climate change modelling was considered when the original project was assessed and finished floor levels were set based on the benchmarks applicable at the time of determination;
- The construction of a third pedestrian bridge and infill of the void between the approved pedestrian bridge between Munn Reserve and the cultural centre entry will reduce light penetration to the ground floor of the future cultural facility. Notwithstanding, the department accepts that significant light penetration is still possible, and that the proposed modifications will provide a superior design solution in terms of integrating the Headland Park with Munn Reserve and the broader Millers Point area;
- Based on a review of the recommendations contained in the report entitled *Barangaroo Headland Park Concepts in Soil Landscape Reconstruction November 2010*, the department agrees that the soil depths required to facilitate planting in accordance with the approved landscape concept (maximum of 1500 mm for large trees) can still be accommodated with the revised design (see

**Figure 4** below). Furthermore, the department accepts that the use of a concave roof form would provide an improved drainage solution and would assist healthy tree growth via the removal of the trench system which may restrict root growth;

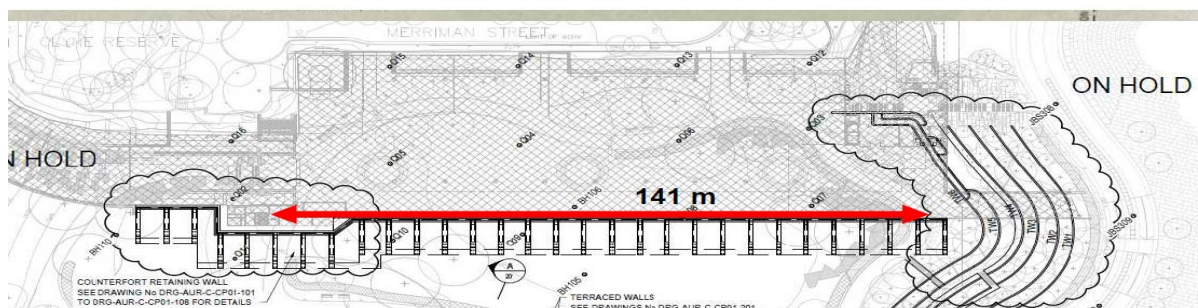
- Based on a review of the drawings approved under the 109R Certificate, the department is satisfied that the retaining wall that is currently under construction is consistent with the project as it is currently approved (see **Figure 5**);
- The proposed volume of the 'shell' structure, and the volume of fill required to construct the project are consistent with the estimates provided in the original EA. As such the department does not consider that the application would result in a significant reduction in the amount of floor space available for the future cultural facility. In addition, no further assessment of the impact of fill is required; and
- The proposed fire stairs adjacent to the entry of the future cultural facility have been oriented to minimise their visual impact when viewed from the foreshore promenade. Given that there is no alternate location for the fire stairs the department is satisfied that the proposed stairs are appropriate.



**Figure 4: Proposed Soil Zone**



**Length of the Basement Car Park Retaining Wall as Approved Under MP10\_0048**



**Length of the Basement Car Park Retaining Wall as Constructed**

**Figure 5: Comparison of the Approved and Constructed Basement Retaining Wall**

## 5. ASSESSMENT

The department considers the key issues for the proposed modification are:

- Compliance with the Concept Plan;
- Urban and landscape design;
- Visual impact;
- Heritage; and
- Environmental management.

### 5.1 Compliance with the Concept Plan

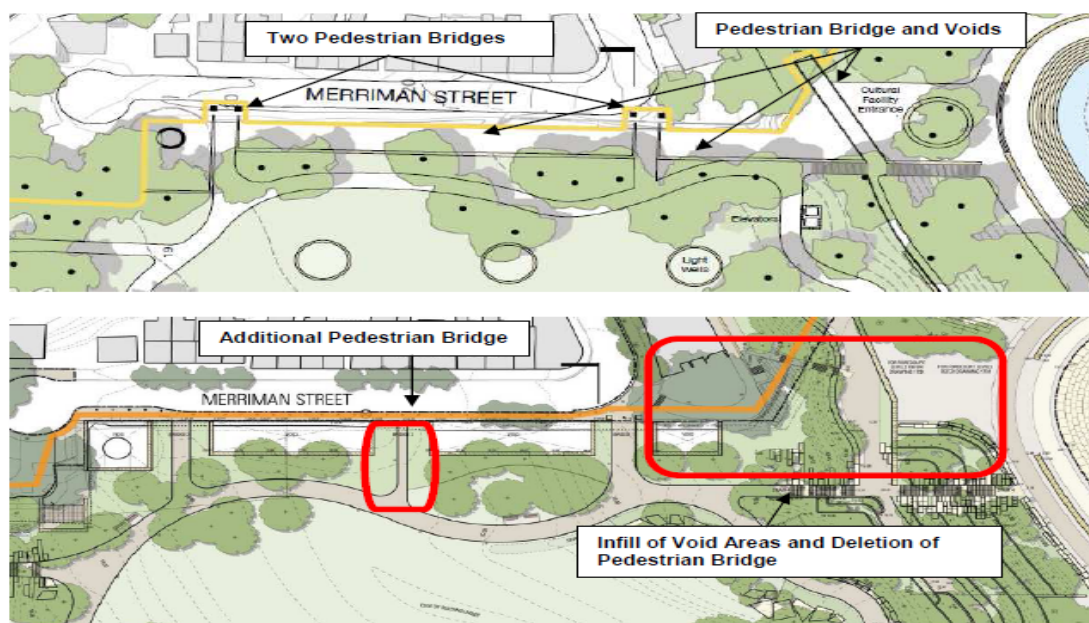
Modification A1 of the approved Concept Plan (as modified) permitted the creation of 11 ha of public open space with a range of formal and informal open spaces, including a 2.2 km public foreshore promenade. The proposed modification will not alter the amount of public open space provided on the northern portion of the Barangaroo site, and retains the public foreshore promenade as originally approved. Given the above, the department considers that the application is consistent with the Concept Plan.

### 5.2 Urban and Landscape Design

The application includes the following design modifications:

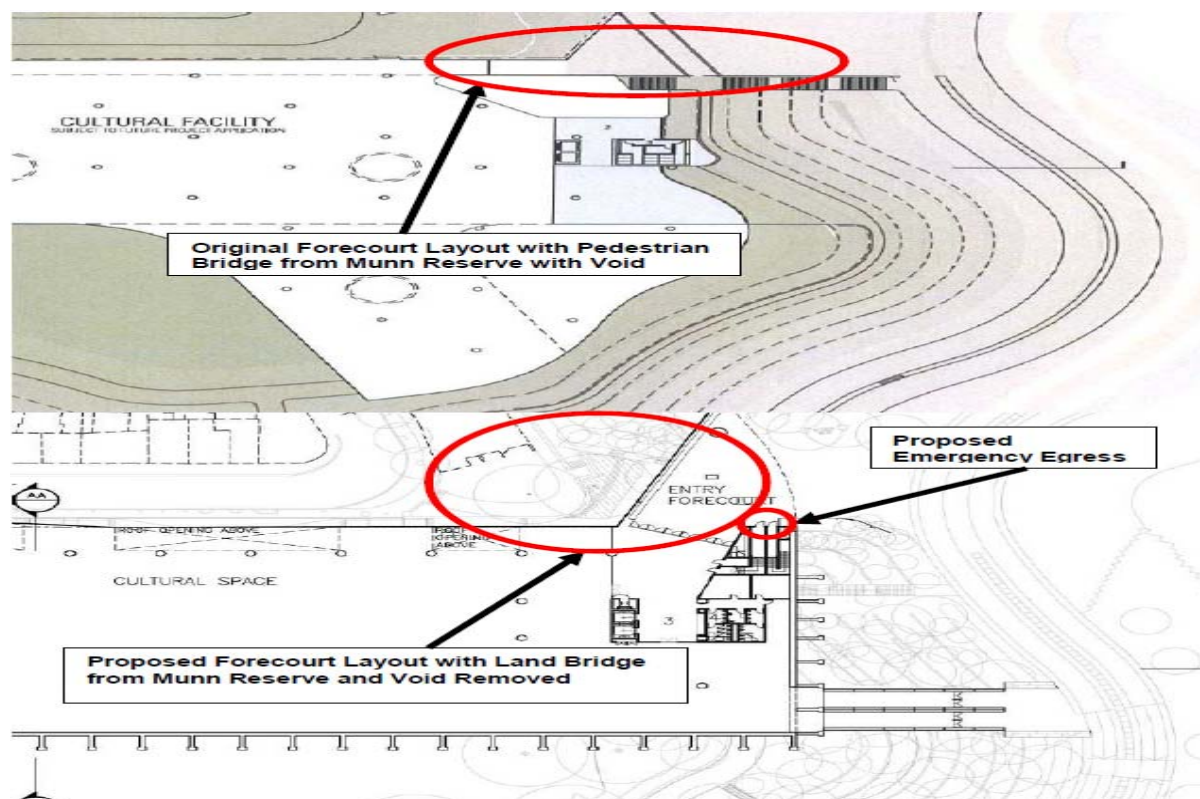
- Deletion of the pedestrian bridge from Munn Reserve to the Headland Park, and infill of the void between the southern pedestrian bridge and the entrance to the future cultural facility;
- Introduction of a third access point and associated pedestrian bridge from Merriman Street to the Headland Park;
- Reconfiguration of the entrance to the future cultural facility and inclusion of a new egress stair at this location;
- Introduction of a new fire egress adjacent to Clyne Reserve;
- Minor realignment of stair 4 providing access between the Upper Bluff and the Northern Cove;
- Reconfiguration of the naturalistic headland adjacent to the eastern boundary of the site and retention of the historic sea wall;
- Construction of sandstone steps in the inlet adjacent to Moores Wharf;
- Reconfiguration of the public deck within the Northern Cove to reflect the detailed design of the deck approved under drawings MW-PWP-L-S0-1001 Rev 00 and MW-JPW-L-S3-1004 Rev 00, and reconfiguration of the public wharf; and
- Minor changes to the landscaping across the site.

The proposed modifications are depicted in **Figures 6 to 8**.

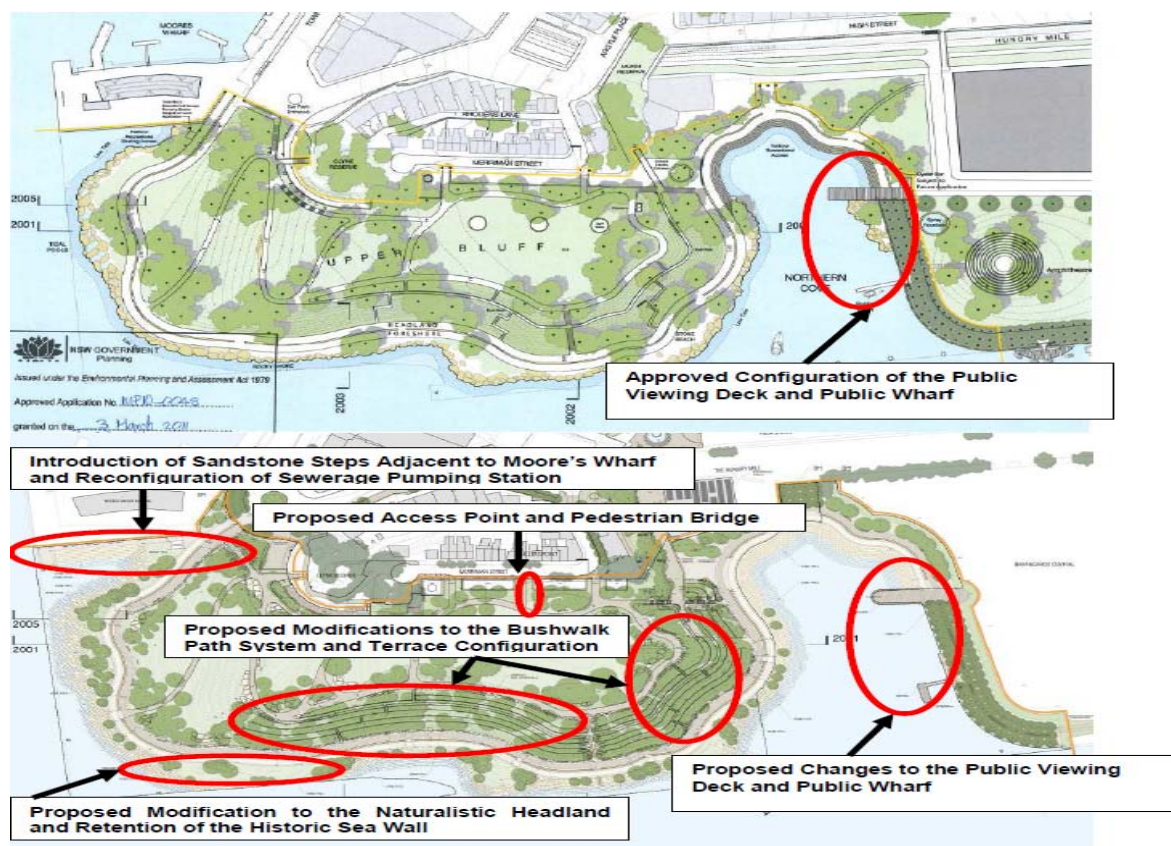


**Figure 6:** Changes to Pedestrian Bridges and Infill of Void Areas





**Figure 7: Proposed Reconfiguration of the Entrance to the Future Cultural Facility**



**Figure 8: General Reconfiguration of the Headland Park Landform and Landscaping**



The department considers that the following works are minor in nature and would not result in any adverse visual or environmental impacts beyond those already approved, or that can not be managed via the existing conditions of approval:

- Reconfiguration of the naturalistic headland adjacent to the eastern boundary of the site and retention of a portion of the existing seawall;
- Construction of sandstone steps in the inlet adjacent to Moores Wharf;
- Introduction of a new fire egress adjacent to Clyne Reserve;
- Realignment of Stair 4; and
- Minor changes to the landscaping across the site.

In terms of the proposed construction of a third pedestrian bridge and the infill of the void between southern most pedestrian bridge along Merriman Street and the future cultural facility, the department agrees that that these works will reduce light penetration to the ground floor of the future cultural centre. Notwithstanding, the department considers that significant light penetration is still possible, and that the proposed modifications will provide a superior design solution in terms of integrating the Headland Park with Munn Reserve and the broader Millers Point area which is consistent with Modification B1 of the Concept Plan. Given the above, these modifications are supported.

### 5.3 Visual Impact

The application proposes minor alterations to the final levels approved under MP10\_0048 MOD 1. The department notes that the most significant change is a minor 150 mm increase in height within the Upper Bluff area. The remaining levels are generally consistent with those approved under MOD 1. As such the department is satisfied that the proposed modifications will not alter the approved land form and therefore will not alter the view impact analysis provided in the Headland Park Visual Impact and Views Assessment prepared to support the original project application.

### 5.4 Heritage

The application proposes to alter the final location of sewerage pumping station SPS0014 which is listed as a heritage item on Sydney Water's section 170 register. It should be noted that the pumping station is currently located toward the northern portion of the site. **Figure 9** below depicts the approved and proposed location of sewerage pumping station SPS0014. In addition, the application seeks approval for the fit-out of the pumping station as an amenities block.



**Figure 9:** Approved and Proposed Location of SPS0014

The department considers that Condition B34 will ensure that archival recording of the item is undertaken prior to its relocation, and Condition B35 will provide for the protection of the subject item during its relocation. Furthermore, the department is satisfied that the proposed location would provide a similar heritage outcome to the approved project.

The department has reviewed the proposed fit-out of the sewerage pumping station as an amenities block and is satisfied that the proposed works would not have an adverse impact on the item subject

to recommended conditions requiring the proponent to minimise the disturbance or removal of significant building fabric. In this regard, appropriate conditions have been recommended for inclusion in the Instrument of Modification.

### 5.5 Environmental Management

The department considers that the RAP and HHERA, CFEMP and the water, construction noise and vibration, stormwater and air quality management plans approved under Conditions A5, B20, B21, B22, B23 and B24 of the project approval are sufficient to manage the environmental impacts associated with the propose modifications.

## 6. CONCLUSION

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The proposed works will not have any adverse impacts on the visual character or functionality of the Headland Park or future cultural facility, or result in any additional environmental impacts beyond those identified in the original project application. Furthermore, the existing conditions of approval are considered sufficient to regulate and manage the impacts associated with the revised construction works.


The department considers the proposed modifications to the project are acceptable, as they will enhance the integration of the Headland Park with the broader Millers Point area. Accordingly, approval of the modification is recommended.

## 7. RECOMMENDATION

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It is recommended that the Executive Director, Development Assessment Systems & Approvals:

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



15/4/13

**Team Leader**  
**Metropolitan and Regional Projects North**



**Director**  
**Metropolitan and Regional Projects North**

**Executive Director**  
**Development Assessment Systems & Approvals**