



Planning &
Environment

MODIFICATION REQUEST:

Headland Park and Northern Cove – Main Works MP10_0048 (MOD 7)



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

November 2015

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Published November 2015
NSW Department of Planning & Environment
www.planning.nsw.gov.au

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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 MP10_0048 for the Barangaroo Headland Park and Northern Cove main works.

The application (MOD 7) seeks to modify Condition B41 to alter the timing of delivery of the Interpretation Plan which is required to progress the demolition of the Harbour Control Tower at Barangaroo.

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 and the Northern Cove in the context of the entire Barangaroo site.

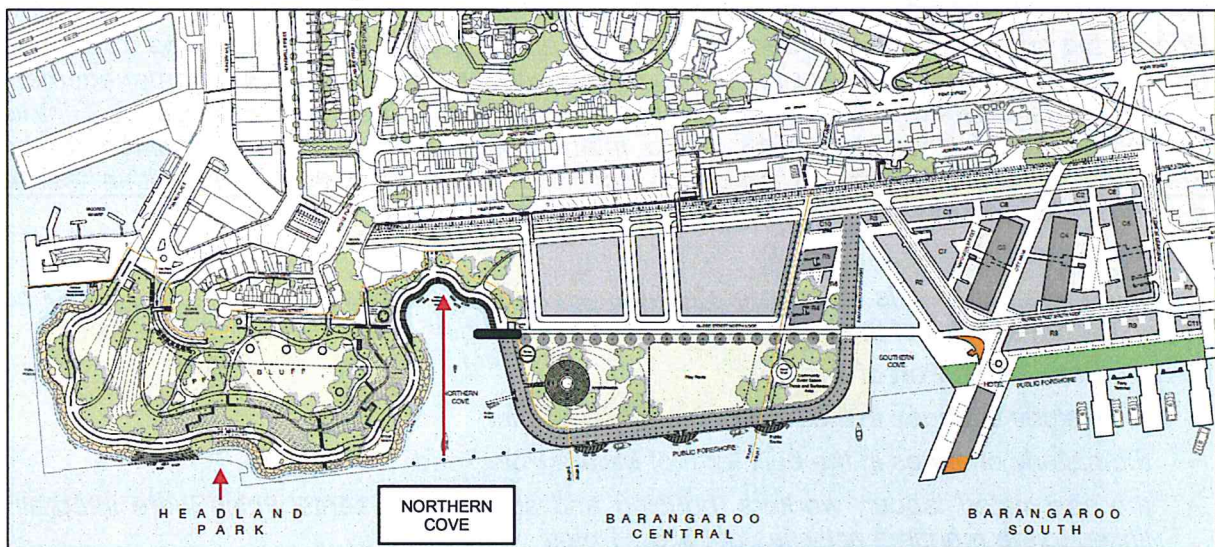


Figure 1: Headland Park, Northern Cove, Barangaroo Central and South

1.3 Approval History

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;
- 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 sewerage pumping station SPS0014 to the area adjacent to the north-eastern boundary of the site; and
- site remediation.

Since project approval, six modification applications have been submitted by the Proponent to amend project approval MP10_0048. A summary of the modifications is provided in **Appendix A**.

2. PROPOSED MODIFICATION

2.1 Modification Description

This modification MP10_0048 (MOD 7) seeks to amend Condition of Consent B41 of MP10_0048 (MOD 4) to alter the timing of delivery of the Interpretation Plan, required for the demolition of the Harbour Control Tower at Barangaroo, from 'within four months' of the determination to 'prior to the commencement of the demolition works'.

The specific amendments to the condition are highlighted below:

B41 INTERPRETATION PLAN – HARBOUR CONTROL TOWER

*Prior to the commencement of demolition works, and Interpretation Plan is to be developed for the Harbour Control Tower site in accordance with the implementation and management guidelines established in Chapter 6 of the Interpretation Strategy prepared by Rintoul Associates dated November 2013. The Interpretation Plan is to be submitted to the Secretary for approval **prior to the commencement of the demolition works** ~~within four(4) months of this determination (MP10_0048 MOD 4).~~*

The Interpretation Plan is to incorporate the interpretation themes and key stories identified in Section 4.2 and 4.3 of the Interpretation Strategy including to comprehensively address:

- *the Story of the Port of Sydney;*
- *the historic changes in the landform of Millers Point;*
- *the historic changes in the built form of Millers Point; and*
- *the associated labour, workers, housing and social movements which were integrally linked to the maritime activities at Millers Point.*

The Interpretation Plan is to include the time-lapse recording of the demolition of the HCT required by Condition B34B

2.2 Justification for Modification

The Barangaroo Delivery Authority (BDA) is progressing towards the commencement of the demolition of the Harbour Control Tower. The request to modify the timing of the delivery of the Interpretation Plan (the Plan) is to allow the Plan to be incorporated into the Barangaroo Public Art and Cultural Plan. The Barangaroo Public Art and Cultural Plan will provide a broad strategic approach to interpreting Barangaroo's maritime history. The BDA state that a more cohesive approach will be achieved by incorporating the Interpretation Plan within the overarching Barangaroo Public Art and Cultural Plan.

Heritage

Response to Exhibition • Heritage raised no objection but recommended that the Interpretation Plan is submitted to Heritage for comment prior to its finalisation.

4.2 Public Submissions

The Department received no public submissions.

5. ASSESSMENT

The intent of this proposed modification is to alter the timing of delivery of the Interpretation Plan (the Plan) as required by Condition B41 of MP10_0048 (MOD4) for the demolition of the Harbour Control Tower at Barangaroo (the Tower).

The Plan was identified as part of an Interpretation Strategy prepared by Rintoul Associates (dated November 2013) to support the application to demolish the Tower. The Interpretation Strategy identifies major interpretation themes and establishes the process for developing the Interpretation Plan, including consultation and design development. In its assessment of the proposed demolition, the Department noted that the Interpretation Plan can offset the heritage impacts associated with the demolition of the Tower through providing greater opportunity for public engagement and appreciation of the broader history of Millers Point.

Providing the Interpretation Plan addresses the major interpretation themes identified and is provided prior to the demolition works commencing, the intent of Condition B41 can be satisfied. In addition, the Department acknowledges that including the Interpretation Plan within the broader Barangaroo Public Art and Cultural Plan may result in a more resolved and cohesive presentation of the maritime history of Barangaroo.

The Department recommends that the condition be slightly re-worded to clearly articulate that the Interpretation Plan requires approval from the Secretary prior to any demolition works occurring on site:

*'Prior to the commencement of demolition works, and Interpretation Plan is to be developed for the Harbour Control Tower site in accordance with the implementation and management guidelines established in Chapter 6 of the Interpretation Strategy prepared by Rintoul Associates dated November 2013. The Interpretation Plan is to be submitted **and approved by** the Secretary for approval **prior to the commencement of the demolition works** within four(4) months of this determination (MP10_0048 MOD 4).*

Providing the condition is slightly reworded as above, the Department's assessment concludes that the proposed modification is a minor administrative change and is appropriate on the basis that it would:

- provide an opportunity to better integrate the Interpretation Plan with broader Public Art and Cultural Planning at Barangaroo;
- not alter the intent of the condition B41; and
- not result in any additional environmental impacts or on the overall outcome of the approved development.

6. CONCLUSION

The Department has assessed the modification application in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes that the modification does not alter the original intent of Condition B41 and may allow for greater integration with broader strategic public art and cultural planning at Barangaroo

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), section 75W 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 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. As the proposed modification seeks to alter approved conditions, the modification requires the Minister's approval.

The Department is satisfied that the proposed modifications are within the scope of section 75W of the EP&A Act, and do not constitute a new application.

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 is required to support the modification request.

3.4 Delegated Authority

Under the Instrument of Delegation dated 16 February 2015, the Minister's function to determine modification requests under section 75W of the EP&A Act has been delegated to the Director Key Site Assessments where:

- the relevant local council has not made an objection; and
- a political disclosure statement has not been made; and
- there are less than 10 public submissions in the nature of objections.

As City of Sydney Council did not object, a political donation disclosure has not been made, and no public submissions were received, the Director Key Site Assessments may determine the modification request under delegated authority.

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 between the 28 October 2015 until 11 November 2015.

The Department also referred the application to the City of Sydney Council (Council) and the Heritage Division of the Office of Environment and Heritage (Heritage) for comment. A summary of the submissions from Council and Heritage is provided in **Table 1**.

Table 1: Summary of Issues Raised in Public Authority Submissions

Council	
Response to Exhibition	• Council raised no objection to the proposed modification.

Consequently, it is recommended that the Project Approval is modified accordingly.

7. RECOMMENDATION

It is recommended that the Director Key Site Assessments:

- (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.

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

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, construction of an interpretation structure on the site of the Harbour Control Tower 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) 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. This application is currently with the applicant for further consultation with the City of Sydney.