



MODIFICATION REQUEST:

***Headland Park and Northern Cove – Main
Works MP 10_0048 (MOD 9)***



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

November 2016

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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.

This modification application seeks to modify Condition A2A to replace plans showing the construction of a physical interpretive device known as an 'Oculus' at the site of the Harbour Control Tower (HCT) with plans showing the construction of an alternative physical interpretation device.

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

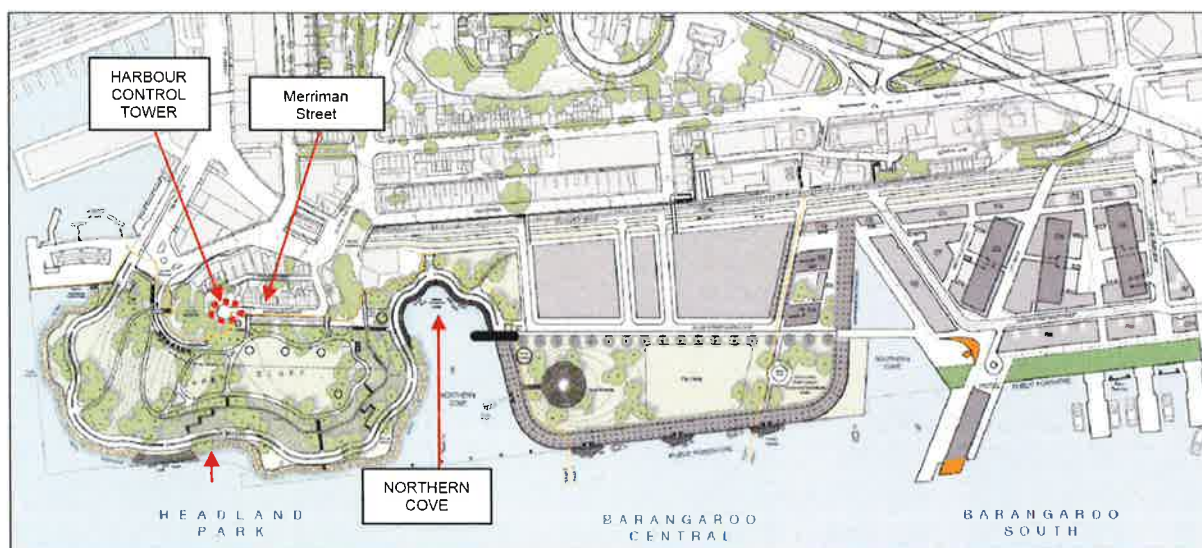


Figure 1: Headland Park, Northern Cove, Barangaroo Central and South

1.3 Approval History

Headland Park and Northern Cove Main Works

The project application (MP 10_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, eight modification applications have been submitted by the Proponent to amend project approval MP 10_0048. A summary of the modifications is provided in **Appendix A**.

MP 10_0048 MOD 4

Of particular relevance to this application is MP 10_0048 MOD 4 which was approved by the Minister for Planning on 3 July 2015. This modification allowed for the demolition and removal of the HCT, and construction of an interpretation structure on the site of the HCT known as an 'Oculus'. The 'Oculus' is a concrete and reinforced steel structure located to identify and designed to interpret the footprint of the HCT.

2. PROPOSED MODIFICATION

2.1 Modification Description

This modification application (as amended by the Response to Submissions) seeks to modify Condition A2A to replace the approved physical interpretive device ('Oculus') at the site of the HCT (**Figure 2**) with an alternative physical interpretation device (**Figure 3**). The application also includes an Interpretation Plan (as required by Condition B41 of the project approval) which identifies proposed interpretive devices to convey major heritage themes for the site.

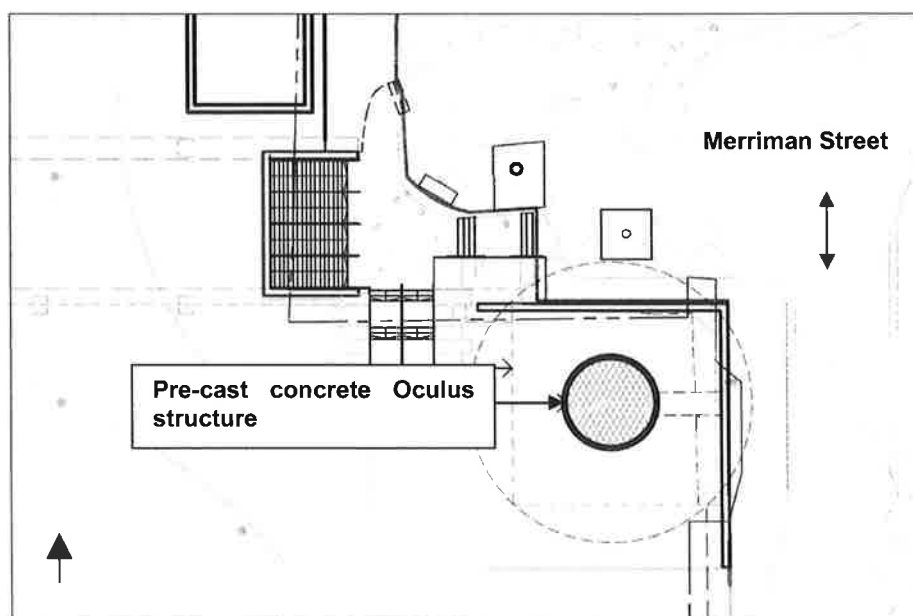


Figure 2: Demolition plan showing approved physical interpretation device ('Oculus')
(Source: MOD 4 EA)

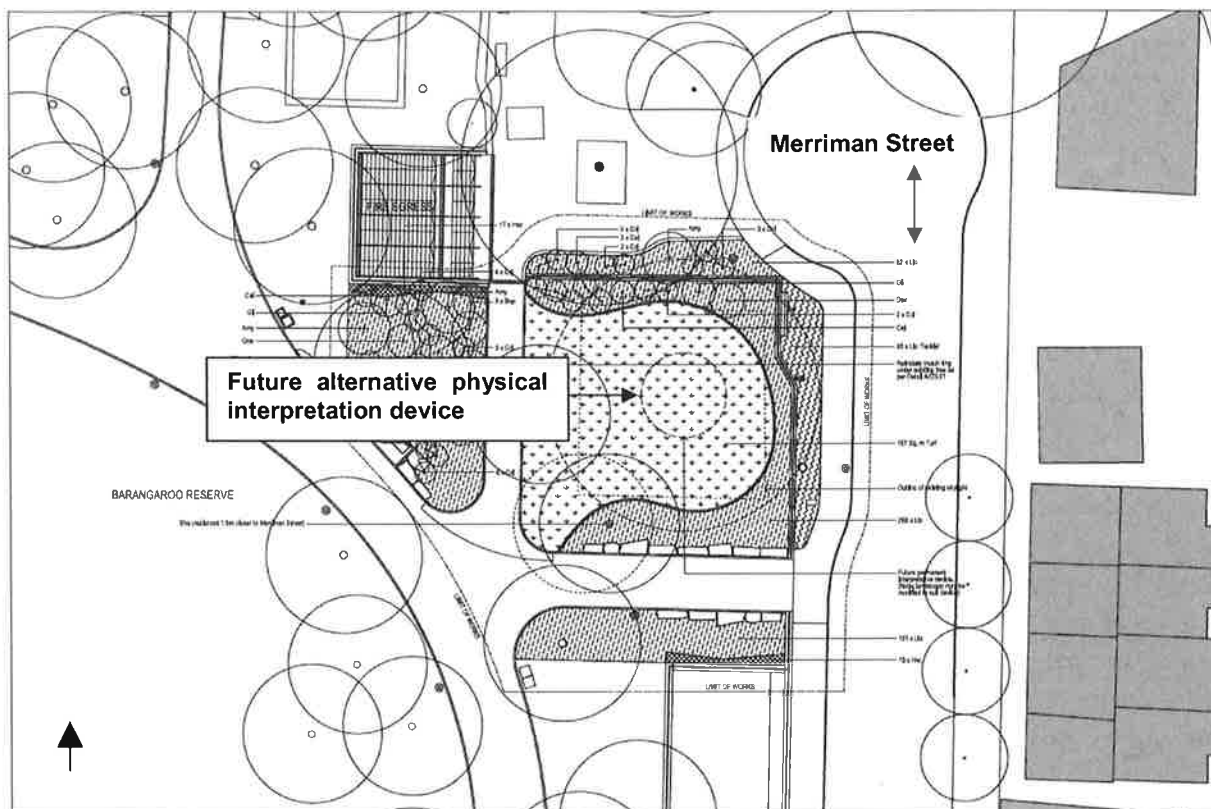


Figure 3: Landscape plan showing outline of proposed alternative physical interpretation device
(Source: RTS)

3. STATUTORY CONTEXT

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.

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 Planning Instruments

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 that the modified proposal continues to be generally consistent with the provisions of these policies.

3.4 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.

3.5 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 Directors who report to Executive Directors in Planning Services where:

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

As the City of Sydney Council withdrew its original objection to the application (as amended by the response to submissions), a political donation disclosure has not been made, and no public submissions were received, the Director, Key Sites 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 on receipt.

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

Table 1: Summary of issues raised in public authority submissions during notification

Council
<ul style="list-style-type: none"> • Object to the proposed modification; • disagree with the findings of the Interpretation Plan that the 'Oculus' would dominate or overpower Aboriginal heritage interpretation in the Barangaroo Reserve; • disagree that the 'Oculus' would constrain the usability of the Cutaway for public events and its future tenancy by way of natural light and ventilation reduction; • interpretation of the HCT would be optimised at the actual location of the structure and reliance on public art, digital media or other mediums elsewhere on the site would be inferior to on-site physical interpretation; and • future opportunities to interpret the footprint of the HCT in the future tenancy fit-out of the Cutaway would be inferior to a Merriman Street level interpretation and have no certainty attached.
Heritage Office
<ul style="list-style-type: none"> • Recommend the proposed modification be refused; • encourage methods to minimise the impact of the loss of the HCT including physical interpretation; • Interpretation Plan does not identify any Aboriginal interpretive devices in Barangaroo Reserve or explain why the 'Oculus' and any such devices cannot co-exist; • the 'Oculus' is considered to minimise the impacts of demolishing the HCT and influenced the Department's decision at the time of approval; • the 'Oculus' is an innovative, site-specific, sculptural vestige of the former HCT and the ability to interpret the location and history of the HCT cannot be achieved by providing alternative devices at other locations; and

-
- support the implementation of other devices presented in the Interpretation Plan.
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4.2 Public Submissions

The Department received no public submissions.

4.3 Response to Submissions

On 28 September 2015, the BDA submitted a response to submissions report (RTS) which included:

- a revised consultation report detailing the outcomes an additional meeting held with key stakeholders (being Council and the Heritage Office) to resolve the issues raised in submissions;
- revised architectural plans showing an alternate physical device to be constructed at the location of the HCT; and
- a revised Interpretation Plan for the site (as required by Condition B41 of the existing approval) incorporating the alternative device.

4.4 Submissions on the RTS

The application (as amended by the RTS) was referred Council and the Heritage Office for comment. A summary of the submissions from these agencies on the RTS is provided in **Table 2**.

Table 2: Summary of issues raised in public authority submissions on RTS

Council
<ul style="list-style-type: none"> • Support the Proponent's revised commitment to install an alternative physical device at the actual location of the HCT (objection withdrawn); • recommend a condition of approval to ensure the design of the device is of a high quality and is installed by December 2017; and • support the range of interpretation devices provided in the revised Interpretation Plan.
Heritage Office
<ul style="list-style-type: none"> • Support the Proponent's revised commitment to install a permanent interpretation device at the actual location of the HCT; • support the implementation of the themes and devices presented in the revised Interpretation Plan; and • recommend further consultation be sought from relevant stakeholders including Council, the Port Authority of NSW, Maritime Trade Unions and the Australian National Museum, prior to finalising the detailed design of the structure.

5. ASSESSMENT

The proposal (as outline in the RTS) seeks to install a structure that interprets physical elements of the HCT structure at the actual location of the HCT on Merriman Street as an alternative to the Oculus structure.

The Interpretation Plan indicates the structure will reflect the dimensions/footprint of the HCT, is integrated into the landscape and is constructed using materials compatible with Barangaroo Reserve. The device would also incorporate other interpretive mediums such as signage and inlays and oral history recordings and soundscapes. The Interpretation Plan gives a target timeframe for installation of the device by December 2017.

Council and the Heritage Office are supportive of the Proponent's revised proposal, subject to the detailed design of the device being of a high quality that is refined in consultation with key stakeholders and installed by December 2017. BDA has advised that it proposes to

refine the detailed design of the device in consultation with Council and the Heritage Office and submit it to the Department for approval.

The Department notes few details have been provided regarding the specific design of the proposed alternative physical interpretation device with the landscape plan (**Figure 3**) showing the outline of the device only. However, the Department supports this approach in principle as it is supported by both Council and the Heritage Office and the proposed device would be similar to the Oculus in that it would reflect the original stem footprint of the HCT at its original location.

The Department is therefore satisfied the proposed alternative physical device would continue to provide an appropriate mechanism to interpret the HCT and the maritime history of Sydney Harbour, subject to recommended conditions requiring the BDA to:

- finalise the detailed design of the device in consultation with the Council, the Heritage Office and other key stakeholders;
- ensure the design of a high quality, has visual prominence, is of a three-dimensional sculptural quality and is designed by a public artist and heritage expert;
- submit the detailed design documentation to the Secretary for approval; and
- complete the installation of the device by 31 December 2017.

Council and the Heritage Office were also supportive of the other interpretation devices presented in the Interpretation Plan to convey major heritage themes for the site. Accordingly, the Department is satisfied the Interpretation Plan meets the terms of Condition B41 of the project approval and has recommended an additional condition requiring the project to be carried out in accordance with the Plan.

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 alternative physical device would continue to provide an appropriate mechanism to interpret the HCT and the maritime history of Sydney Harbour.

Consequently, it is recommended that the project is modified accordingly.

7. RECOMMENDATION

It is recommended that the Director, Key Sites 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.

Endorsed by:



Andy Nixey
**Acting Team Leader
Key Sites Assessments**

Approved by:



Ben Lusher
**Director
Key Sites Assessments**

Prepared by:
Andrew Hartcher

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, 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) 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) change the methodology for the demolition and removal of the Harbour Control Tower at Barangaroo.