



## Headland Preservation Group Inc

Proposed Residential Care Facility  
Georges Heights Defence Site, NSW

### Response to Public Comment Invitation EPBC Referral 2014/7194



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## Executive Summary

This Submission on the proposed Residential Care Facility on the site of the Commonwealth Heritage Listed Ten Terminal Regiment Headquarters at Georges Heights, NSW has been prepared in response to the call for public comment issued by the Department of the Environment in relation to Referral 2014/7194 under the *EPBC Act 1999*. (EPBC Act)

The Submission has been prepared by Graham Brooks and Associates Pty Ltd, Heritage Consultants, on behalf of the Headland Preservation Group Inc, as instructed by Baker & McKenzie, Lawyers.

The Submission was requested to address two primary questions:

- Whether the proposal is a Controlled Action within the meaning of the EPBC Act
- If the proposal is a Controlled Action, whether the Action should be approved

This Submission concludes:

- The proposal should be classified as a Controlled Action under the EPBC Act
- After consideration of the Controlled Action, the proposed Residential Care Facility at Georges Heights SHOULD NOT be granted approval

Fundamental to our conclusion is that the proposal DOES NOT comprise an “adaptive re-use” of the subject buildings, as defined in the Australia ICOMOS *Burra Charter*. It proposes the demolition of the majority of the existing building fabric and the construction of two new linked buildings with some token retention and extensive alteration of relatively small remnant components of Buildings 1, 3 and 7. This is not a reversible action.

The subject proposal is described in the Sydney Harbour Foreshore Trust (SHFT) News Release as being *for the 25 year lease of the 10 Terminal buildings for aged care with no rights of renewal*. The fundamental heritage outcome of a project with a non-renewal lease of 25 years is that the new use of the buildings should be reversible and that at the end of the lease they should be capable of being returned to a close approximation of their current form, layout, scale and architectural character. In reality, the outcomes of the proposed action are the total demolition of two buildings (2 and 7), the almost total demolition of the main buildings (1 and 3) and the internal gutting of the retained remnants. When combined with the erection of a large two storey aged care facility directly over and extending well beyond the footprint of the existing buildings, it will be absolutely impossible to ever recapture the current form, layout, scale and architectural character of the buildings.

The analysis undertaken by this submission in accordance with the EPBC Impact Guidelines concludes without any doubt that the proposed Action the subject of the referral WILL have a Significant Impact on the Commonwealth Heritage Values set out in:

- Commonwealth Heritage List Place Details(ID 105541): *Defence Site – Georges Heights and Middle Head, Middle Head Road, Georges Heights, NSW, Australia*
- Commonwealth Heritage List Place Details (ID 105587): *Ten Terminal Regiment Headquarters and AusAID Training Centre, Middle Head Road, Georges Heights, NSW, Australia*

**There will be an extensive, severe and permanent Significant Impact on the heritage values of the Commonwealth Listed Heritage Place from the proposed action. Accordingly, the proposal must be determined to be an EPBC “Controlled Action”.**

**Furthermore, the proposal should NOT be approved when/if it is assessed under the provisions of the EPBC Act for Controlled Actions**

# 1.0 Introduction

## 1.1 Background

This Submission on the proposed Residential Care Facility on the site of the Commonwealth Heritage Listed Ten Terminal Regiment Headquarters at Georges Heights, NSW has been prepared in response to the call for public comment issued by the Department of the Environment in relation to Referral 2014/7194 under the *EPBC Act 1999*. (EPBC Act)

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The Submission was requested to address two primary questions:

- Whether the proposal is a Controlled Action within the meaning of the EPBC Act
- If the proposal is a Controlled Action, whether Action should be approved

This Submission concludes:

- The proposal should be classified as a Controlled Action under the EPBC Act
- After consideration of the Controlled Action, the Minister SHOULD NOT grant approval to the proposed Residential Care Facility at Georges Heights

Fundamental to our conclusion is that the proposal DOES NOT comprise an “adaptive re-use” of the subject buildings. It is for the demolition of the majority of the existing building fabric and the construction of a new buildings with some token retention and extensive alteration of relatively small remnant components of Buildings 1, 3 and 7. This is not a reversible action.

## 1.2 The Subject Site

The subject site of the proposed Residential Care Facility comprises all of the buildings of the former Ten Terminal Regiment Headquarters on the southern side of Middle Head Road, Georges Heights.

The Ten Terminal Regiment Headquarters buildings form approximately one half of the Commonwealth Heritage Listed Place (ID 105541) known as *Ten Terminal Regiment Headquarters and AusAID Training Centre, Middle Head Road, Georges Heights, NSW, Australia*. The collection of huts formerly occupied by the AusAID Training Centre are located to the immediate west of the former Headquarters buildings.

The Ten Terminal Regiment Headquarters complex is located within and is regarded as an integral and important component of the larger Commonwealth Heritage Listed Place (ID 105541) *Defence Site – Georges Heights and Middle Head, Middle Head Road, Georges Heights, NSW, Australia*.

Accordingly, the consideration of whether the proposed Residential Care Facility should be classified as a Controlled Action under the EPBC Act must have regard to the likelihood that it will generate a Significant Impact on both the wider Georges Heights Defence Site and the specific component of the Ten Terminal Headquarters complex. Most importantly, ALL of the buildings within this complex located on the southern side of Middle Head Road are affected by the proposal.



Figure 1  
Current aerial photo of the Ten Terminal site with the subject group on the right (Nearmap)



Figure 2  
Architect's Roof Plan of the subject proposal emphasises the expanded footprints

## The Subject Buildings



*Figure 3  
The main Building (No 1) faces Middle Head Road and provides a strong imagery of a well designed historic building erected in face brickwork.*

*Building 7 is in the background.*



*Figure 4  
North Western elevation of Building 1. This portion of the building, near the Middle Head Road frontage is to be retained within the overall scheme.*

*The proposed Western Elevation shows extensive alterations to this section of the retained elevation.*

*This section will be very visible from the public pathway down to the bushland behind*



*Figure 5  
The western courtyard formed by the planning composition of Building 3*

*Everything in this photo will be demolished and replaced by the new two storey western wing.*

*This section of the old building is highly visible from the side public pathway. The replacement building will be equally visible.*



*Figure 6  
Large internal room in Building 3, illustrating the fine quality of the internal light emanating from the large side windows.*

*Everything in this photo will be demolished and replaced with a two storey building*

## The Subject Buildings



*Figure 7  
The main entry feature in the northern  
façade of Building 1.*

*This will be retained, as will the tiled  
roof line behind.*

*The new two storey section will be built  
directly behind this remnant section of  
the retained building.*



*Figure 8  
Building 6, on the left, will be  
demolished and replaced with a new  
two storey building that then links  
with Building 7, on the right.*

*Compare with the East Elevation in  
Figure 29*



*Figure 9  
Building 7 is located right on the  
Middle Head Road frontage.*

*It will be extensively altered, fitted with  
dormer windows to its roof space and  
integrated into a new two storey  
building that links to and encompasses  
the demolishd Building 6*



*Figure 10  
Building 6 will be demolished and  
replaced with the southern extension  
of the large two storey building*



## Visibility from Middle Head Road and Adjoining Carpark



*Figure 11  
Diagonal view towards Building 1,  
looking to the west past Building 7  
along Middle Head Road.*

*The new two storey component on the rear of the retained front wing of Building 1 will be highly visible from Middle Head Road.*



*Figure 12  
Building 7 looking down the proposed  
public walkway adjacent to Building 1  
south towards the bushland and  
Sydney Harbour.*

*This open spatial composition will be severely impacted by the elevated connecting walkway at first floor level that crosses over the proposed pathway.*



*Figure 13  
Looking north west towards Building 3  
from the adjacent public car park.*

*Virtually nothing currently visible in this photo will form part of the visual character of the replacement two storey building*



*Figure 14  
Looking south west towards Building 3  
from the adjacent public car park.*

*Virtually nothing currently visible in this photo will form part of the visual character of the replacement two storey building*

## Nearby Historic Buildings within the Georges Heights Defence Site



*Figure 15  
This timber historic building now houses the NPWS offices.*

*It sits at the end of the axial view down Middle Head Road as it passes the Ten Terminal complex*



*Figure 16  
Small stone historic building is set to the south of the NPWS building*



*Figure 17  
Timber cottage is located to the immediate north of the NPWS building*



*Figure 18  
The two storey AA Battery Barracks buildings to the north of Ten Terminal.*

*This collection of buildings was originally intended to be part of the Residential Care Facility project. They were deleted from that project after public consultation in late 2013*

## Visibility of the Buildings from within the Georges Heights Defence Site



*Figure 19  
View looking west from the verandah  
of the NPWS office, down Middle Head  
Road towards Buildings 6 and 7.*

*This historic view will be totally altered  
following the expansive, two storey  
redevelopment and external alteration  
of Building 7.*



*Figure 20  
Second view looking south west  
towards Ten Terminal buildings.*



*Figure 21  
This view looking westward along  
Middle Head Road past Building 7 is  
one of the few views that will remain  
relatively consistent if the project is  
completed*



*Figure 22  
Long distance view looking west from  
the Georges Headland Gun batteries,  
towards the discretely placed and  
scaled Building 3.*

*The replacement two storey building  
will be far more visible in this view*

## The Adaptively Re-used former AusAID Buildings



Figure 23  
*The collection of historic hut-style buildings are linked with low key glazed corridors that can double as entry foyers to new commercial or community occupants.*

*They retain their traditional presentation to Middle Head Road, now enhanced by landscaping and low timber framed outdoor terraces.*



Figure 24  
*New, low key infill sections between some of the historic buildings have adopted a contemporary architectural expression but used sympathetic colours and materials.*



Figure 25  
*A covered walkway has been introduced to create a new internal pedestrian circulation spine through the complex.*



Figure 26  
*Rear view of modern infill section, illustrates the successful integration of new design into the traditional architectural context.*

## 1.3 The Subject Proposal

The subject proposal is described in the SHFT News Release:

### **“Adaptive Re-use” and the 25 year lease period**

*The proposal is for the 25 year lease of the 10 Terminal buildings for aged care with no rights of renewal.*

*The proposal involves retaining and refurbishing the front and rear buildings and replacing the side wings with a new two storey extension designed to replicate the existing courtyard configuration of the complex. A new two storey building of similar height is proposed to replace the rear garage building. The new structures have been designed to be lower than the highest existing building. The design proposes a new public landscaped corridor through the building cluster to link the public park to the north and south of the buildings.*

#### **Comment**

The fundamental heritage outcome of a project with a non-renewal lease of 25 years is that the new use of the buildings should be reversible and that they should be capable of being returned to a close approximation of their current form, layout, scale and architectural character at the end of the lease. The reality of the proposed action is the total demolition of two buildings (2 and 6) and the almost total demolition of the main buildings (1 and 3). When combined with the erection of a large two storey aged care facility directly over and extending well beyond the footprint of the existing buildings, it will be absolutely impossible to ever recapture the current form, layout, scale and architectural character of the buildings. The degree of change associated with the proposed action will be extensive, severe and permanent.

The subject proposal is further described in Section 4.0 of the Planning Assessment Report.

*The proposal involves the adaptive re-use of the Ten Terminal Complex, including alterations and additions to the buildings for the purpose of a Residential Care Facility, comprising a total of 86 rooms, (89 beds), with en-suite facilities, in house services, communal resident facilities and a dementia day care service.*

*The proposed development includes two buildings – the main former Ten Terminal Building (known as Buildings 1 and 3) and the former garages/workshops to the east (Buildings 6 and 7), which are connected at first floor link. The two storey part of the main building is restricted to the inner, north-south oriented, wings setback from the north and south building lines, thus preserving the streetscape presentation, and in the case of the former southern block, views from the harbour and the southern circuit walkway.*

#### **Comment**

The Planning Assessment Report describes the project as “adaptive re-use” but in reality it involves the demolition of existing buildings, extensive alterations to those fragments of the existing buildings that are to be retained and the erection of a major complex of two storey buildings. These new buildings will create an expanded footprint for the complex when compared with the existing, an outcome that is exacerbated by the first floor link between the section of the new building that replaces Building 6 and that which replaces Building 3.

To create a cleared site for the new facilities, the following actions will take place to the existing buildings:

- Major partial demolition Building 1, including all interior walls and features
- Total demolition of Building 2
- Major partial demolition of Building 3, including all interior walls and features
- Major alterations and additions to Building 7 including roof level dormers
- Total demolition of Building 6

The use of the term “adaptive re-use” is therefore misleading. The proposed action does not conform to the definition of “Adaptation” in the Australia ICOMOS *Burra Charter*.

## Bushfire Protection Barrier

In addition to the extensive introduction of two storey buildings within the remnant retained building envelopes of the former Buildings 1 and 3, Section 6.2 of the Planning Assessment Report notes that the subject precinct is on land mapped by Mosman Council as being bushfire prone. The Report noted that the Trust sought independent advice from Travers Bushfire and Ecology to consider the feasibility of development for a residential care facility and what ameliorative actions may be necessary for such a development to proceed.

The Travers report evidently recommended, among other measures, “the erection of radiant heat retardant fences for a small part of the south east part of the site.” The extent of the fences (approx 150 metres) is shown in an almost indecipherable manner on the Landscape Masterplan. They are noted as being either 3.14m high (over approximately 60% of their length) or 2.1m high. They will be located along the edge of the adjoining bushland.

### Comment:

The full extent of the radiant heat retardant fence will have an adverse visual impact on the long standing relationship between the Ten Terminal buildings, the nearby bushland and the long distance south east visual outlook over Sydney Harbour. These visually intrusive fences are required only because of the change of use of the Ten Terminal buildings.

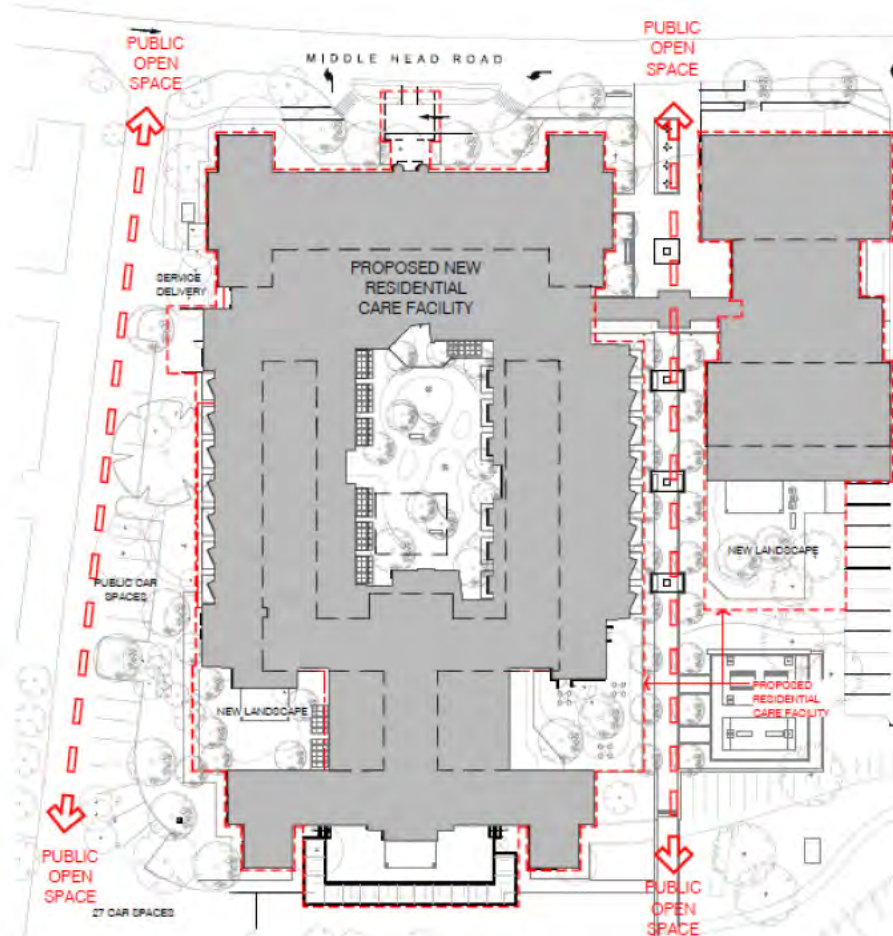


Figure 27

Architect's diagrammatic comparison of existing and proposed building footprint  
The two public pathways will provide ample close-up viewing of the new buildings

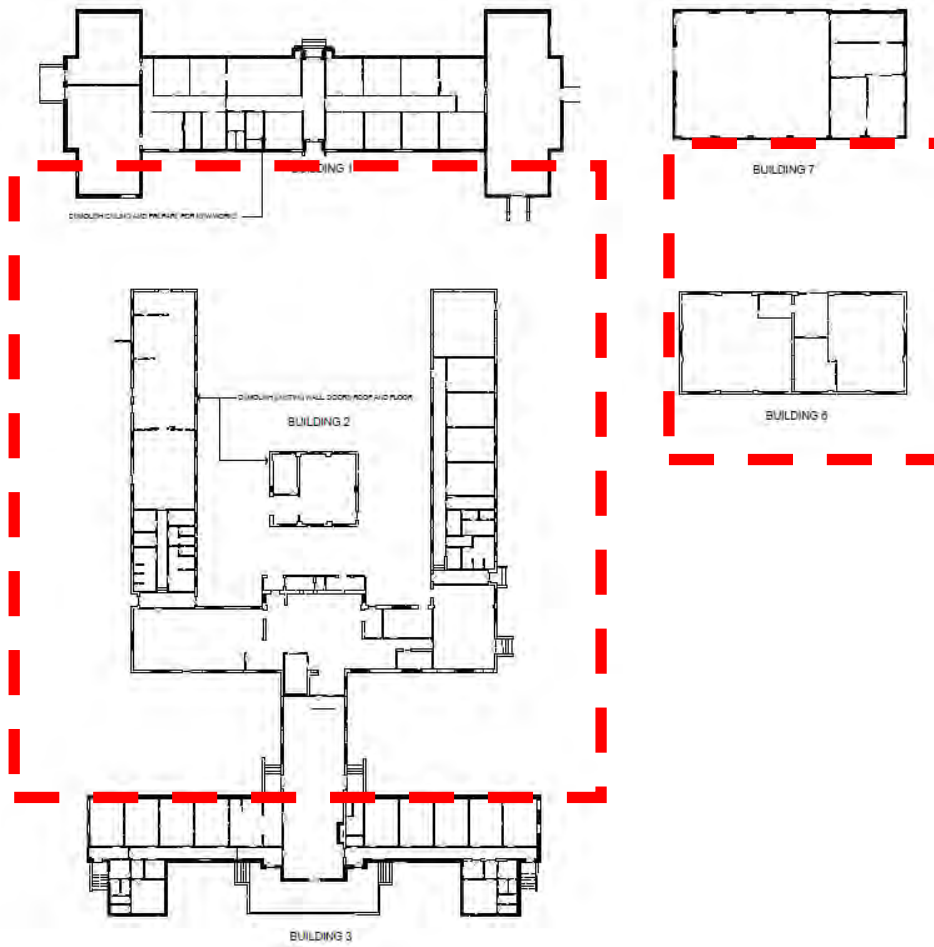


Figure 28

All of the building components within the dotted lines will be demolished, as will the internal walls, fixtures and features of the remnant retained buildings to the north and south



Figure 29

Architect's Elevations. Note the East Elevation will face to the adjacent car park

## 1.4 Documents Consulted

The following documents have been consulted during the preparation of this submission:

1. **EPBC Act Public Notices – Invitation for Public Comment, Referral 2014/7194** ([www.environment.gov.au](http://www.environment.gov.au), accessed 9 May 2014) (EPBC Invitation)
2. **Sydney Harbour Federation Trust Latest News on the Proposed Aged-Care Development at Middle Head, 30 April 2014** ([www.harbourtrust.gov.au](http://www.harbourtrust.gov.au), accessed 9 May 2014) (SHFT News Release)
3. **Commonwealth Heritage List Place Details(ID 105541): Defence Site – Georges Heights and Middle Head, Middle Head Road, Georges Heights, NSW, Australia** (*Georges Heights Listing*)
4. **Commonwealth Heritage List Place Details (ID 105587): Ten Terminal Regiment Headquarters and AusAID Training Centre, Middle Head Road, Georges Heights, NSW, Australia** (*Ten Terminal Listing*)
5. **Referral of Proposed Action (2014/7194), Residential Care Facility, Ten terminal Complex, Middle Head**, v July 2013, (EPBC Referral)
6. **Planning Assessment Report, Middle Head Health Care Residential Care Facility, Ten Terminal Complex, Middle Head**, April 2014, Evolution Planning Pty Limited (Planning Assessment Report)
7. **Draft Heritage Impact Assessment, Middle Head Health Care: Former School of Military Engineering (Ten Terminal), Revision H**, April 2014, CCG Architects. (HIA report)
8. **Architectural Plans** of the proposed Action prepared by Boffa Robertson Group (Architectural Drawings)
9. **EPBC Act, 1999 Significant Impact Guidelines, Actions on, or impacting upon Commonwealth land, and actions by Commonwealth agencies** (EPBC Impact Guidelines)
10. **SHFT Trust Comprehensive Plan**, notably Chapter 7
11. **Australia ICOMOS Burra Charter, 1999**
12. **Contemporary aerial photos** (Nearmap)

A site inspection of the subject buildings and context was undertaken on 11 May 2014.

## 1.5 Authorship

This submission has been prepared by Graham Brooks, Managing Director, Graham Brooks and Associates Pty Ltd, Heritage Consultants.

Graham Brooks is an internationally recognised specialist in Cultural Heritage Management and Cultural Tourism Management. He holds an Honours Degree in Architecture and a Masters Degree in Heritage Conservation. He has over 40 years of professional experience in Australia, the United Kingdom, Europe and Asia centred on the conservation and heritage management of historic buildings, urban areas and sensitive cultural landscapes. He has been actively involved in conservation planning, heritage asset management and the re-use of historic buildings for sites throughout Australia.



Graham is the President Emeritus of the ICOMOS International Cultural Tourism Committee, a former Chairman of *AusHeritage Ltd*, Australia's Export Network for Cultural Heritage Services, and of the National Trust (NSW) Historic Buildings Committee. He is currently a member of the Senior Advisory Board of the Global Heritage Fund.

Relevant recent projects with regard to Referrals under the EPBC Act include 45 Macquarie Street, Parramatta (Referral 2013/6803) and 333 Church Street, Parramatta (Referral 2013/6929). The 45 Macquarie Street project was determined to be a Controlled Action under the EPBC Act and was subsequently approved including a series of Mitigation and Offset actions. The Church Street project was determined not to be a Controlled Action.

Graham Brooks has been involved in a number of heritage related projects over the past few decades on current or former Defence sites including:

- HMAS Penguin, Georges Heights, NSW
- Army Maritime Training Centre, Chowder Bay, NSW
- North Head School of Artillery and Sydney Fortress, NSW
- Fort Scratchley, Newcastle, NSW
- Fort Wallace, Newcastle, NSW
- Port Kembla Battery, Port Kembla, NSW
- Dawes Fort and Sydney Observatory, NSW
- Victoria Barracks, Sydney
- Garden Island Naval Dockyard, Sydney, NSW
- Royal Australian Navy Armament Depot, Homebush, NSW
- Goat Island, Sydney Harbour, NSW
- Naval Stores Depot, Ermington, NSW
- Naval Stores, Randwick, NSW
- Stores Depot, Kingswood, NSW
- North Penrith Army Site, Penrith, NSW
- RAAF Stores Depot, Dubbo, NSW
- Army Base and School of Military Engineering, Holsworthy, NSW
- "Tresco" Villa, Elizabeth Bay, NSW
- Historic Army Depots at Crows Nest, Padstow, Homebush and Gladesville

In addition to these major defence sites we have prepared detailed heritage analyses and conservation plans for a large number of historic industrial or institutional complexes around Sydney and elsewhere, usually in the context of re-use. These include North Head Quarantine Station, St Patricks College and Cardinals Palace sites in Manly, Goat Island, Rydalmere Psychiatric Hospital, Prince of Wales Hospital, Randwick, Lady Davidson Hospital, Turramurra, former Arnotts Factory, Homebush, former Lever and Kitchen site, Balmain, former Richmond Main Colliery, Kurri Kurri, Bantry Bay Explosives Depot, Nielsen Park, Strickland House, Vaucluse and a series of ten historic Lighthouses along the NSW coastline.

This broad range of projects has given him a comprehensive understanding of the nature of historic military cultural landscapes, of which Georges Heights is a prime example within Sydney Harbour.

Graham is also a long term resident of Mosman Municipality and has a good, if informal knowledge of the excellent work undertaken by the Harbour Trust over many years on the conservation and low key, sensitive and highly successful adaptive re-use of many of the buildings and fortress infrastructure at Georges Heights. Graham has had no prior engagement with the Headland Preservation Group Inc.

The opinions expressed in this submission are entirely those of the author.

## 2.0

# Is the Proposal an EPBC Controlled Action?

## 2.1 Will the Action generate a Significant Impact?

### 2.1.1 The Required Assessment Process

The material comprising **EPBC Referral of Proposed Action (2014/7194), Residential Care Facility, Ten Terminal Complex, Middle Head**, did not prepare an assessment of likely heritage impact in accordance with the Significant Impact Guidelines 1.2 published by the Department of Sustainability, Environment, Water, Population and Communities. Accordingly, this section contains the required assessment.

#### The Environmental Context

The “environment” of the proposed Action comprises the defined Heritage Values of the Ten Terminal Regiment Headquarters buildings as set out in:

- Commonwealth Heritage List Place Details (ID 105541): *Defence Site – Georges Heights and Middle Head, Middle Head Road, Georges Heights, NSW, Australia*
- Commonwealth Heritage List Place Details (ID 105587): *Ten Terminal Regiment Headquarters and AusAID Training Centre, Middle Head Road, Georges Heights, NSW, Australia*

The components or features of the environment that are likely to be impacted by the Action comprise:

1. The presence and historical continuity of Ten Terminal Regiment Headquarters buildings as an integral part of the existing historic military cultural landscape and built heritage resources of the Georges Heights Defence Site.
2. Visual linkages between the 19<sup>th</sup> century buildings at the eastern end of Middle Head Road, currently occupied by NPWS and the nearby Ten Terminal Regiment Headquarters buildings, being the closest buildings to the west.
3. The visual character and setting of the group of historic Ten Terminal Regimental Headquarters buildings when viewed obliquely from Middle Head Road, being the main communication axis for vehicles and pedestrians through the Georges Heights Defence Site, and its presence within the bushland of the Site when viewed at some distance from elsewhere in the Site such as the main eastern historic gun batteries.
4. The vast majority of the Ten Terminal Regimental Headquarters buildings with their distinctive and face brick character rare for such wartime buildings, single storey scale and architectural composition.
5. The long standing setting, visual and spatial relationships between the Ten Terminal Regimental Headquarters buildings and the adjacent collection of single storey weatherboard clad huts that comprise the former AusAID Training Centre. The Commonwealth Heritage Listed Place joins these two groups of buildings as a single heritage entity with the Georges Heights Defence Site.

All of these components will be extremely vulnerable in the face of the proposed demolition and new two storey development contemplated by the proposed Action. If the demolition and new construction proceeds, all of these environmental components will be non-renewable at the end of the proposed 25 year lease.

## **History, Current Use and Condition of the Environment**

The history of the Ten Terminal Regiment Headquarters buildings is set out in the relevant Commonwealth Heritage Listing. The buildings and site are currently unused and the immediate precinct is fenced to minimise vandalism. The condition of the various buildings can be described as fair to good. The brickwork is generally well built and sound, with minor functional damage, roofing and rainwater disposal appear to be functioning adequately, door and window joinery are sound. The interiors are generally empty.

The subject buildings are located in the central section of the overall Georges Heights Defence Site. Since the establishment of the Sydney Harbour National Park and the Sydney Harbour Federation Trust, this section of Georges Heights has been extensively conserved, renovated and adapted into a very popular public recreation facility and historic attraction with the wider setting of the Sydney Harbour National Park.

The Ten Terminal Regiment Headquarters buildings currently present as a neglected and unused complex set in close proximity to the AusAID complex, which by contrast, has been recently renovated and imaginatively adapted to contemporary commercial and community uses. The subject buildings are located close to the main visitor pedestrian and vehicle axis through the core of the Georges Heights Defence Site and are highly visible within this section of the Defence Site due to the extensive carparking area to the immediate east and north plus the open grassed and bushland areas to the north.

## **Components of the Action that may generate Significant Impacts**

- 1 Major partial demolition and major alterations and additions to the remnant retained portions of Buildings 1, 3 and 7, including all interior features and fixtures.
- 2 Total demolition of Buildings 2 and 6.
- 3 Erection of extensive two storey sections of replacement or infill building components located between the remnant retained components of Buildings 1 and 3.
- 4 Erection of a two storey building to replace Building 6 and its two storey infill to the rear of the altered Building 7, including the First Floor level elevated walkway connection across the eastern public pathway.
- 5 Erection of the recommended two and three metre high radiant heat retardant fences along the edge of the bushland to the south east of the complex.

## **Predicted Adverse Impacts**

1. Major and irreversible loss of existing building fabric.
2. Almost complete loss of the historical architectural scale, composition and expression of the existing buildings, which form almost 50% of the Commonwealth Listed Place.
3. Dramatic change in the scale of the existing complex arising from the extent, composition and siting of the new two storey buildings for the residential care facility.
4. Dramatic change in the architectural expression and materiality of the complex arising from the design of the new two storey buildings and the alterations to the remnant retained portions of Buildings 1, 3 and 7.
5. Major change in the setting of the adjoining former AusAID complex.
6. Dramatic change in the visual presence and setting of the complex within and adjacent to the central areas of the Georges Heights Defence Site, in part due to the visually intrusive Fire Retardant Fences.

## **Indirect and Off-site Impacts**

The primary indirect impact arising from the proposed Action is the introduction of a major new development methodology within the Georges Heights Defence Site.

To date the vast majority of the adaptive re-use projects within the broader Site have been low key, creative, respectful of the place, requiring minimal impact on the historic building fabric and very successful in a growing market place that has accepted the new community, commercial and public recreation uses for the historic Defence Site.

The new model has apparently been generated in part by external financial constraints imposed on the site managers. Such constraints on historic heritage sites are a factor of contemporary Australian life and may continue for some time. There is a danger therefore that the high impact model of the "re-use" and extensive redevelopment alternative exemplified by the subject Action may become more wide spread across the site over time.

In addition, we understand that there is a medium term plan to demolish the three, two storey former AA Barracks buildings on the northern side of Middle Head Road to expand the public open space and bushland edge of the Georges Heights Defence Site in this location. If the subject buildings on the southern side of Middle Head Road are massively changed, as proposed by the subject Action, the historic presence of the Ten Terminal complex will be effectively lost forever, or reduced to a token remnant of altered buildings and some heritage interpretation media

## **Severity of the Potential Impacts**

The nature of the proposed Action is such that all of the predicted Adverse Impacts will take place simultaneously and with equal intensity. For this reason we have treated the Significant Impact as all encompassing and have not detailed a repetitive analysis for similar impacts and issues.

### **Scale:**

The proposal will impact on the entire group of historic Ten Terminal Regimental Headquarters buildings located on the southern side of Middle Head Road. This represents one of the larger cohesive and close-knit groups of buildings within the central core of the Georges Heights Defence Site.

The proposal will almost entirely remove almost one half of the buildings that comprise the Ten Terminal Regimental Headquarters Commonwealth Heritage Listed Place. The other component is the adjacent group of former AusAID training buildings, which are not under threat.

### **Intensity:**

The intensity of the proposed Action on the historical fabric and architectural composition of the Ten Terminal Headquarters Buildings will be extreme and will affect the entire footprint covered by the group of historic Ten Terminal buildings to the south of Middle Head Road.

It will combine major partial demolition of the key buildings (1, 3 and 7), complete demolition of Buildings 2 and 6, and the introduction of massive two storey new buildings within and extending well beyond the existing footprint of the complex.

It will have a major impact on the traditional setting of the adjacent former AusAID complex, which effectively forms the remainder of the Commonwealth Heritage Listed Place.

It will also have a major adverse impact on the setting of this core area of the Georges Heights Defence Site arising from the erection of the lengthy and visually intrusive two and three metre high Fire retardant Fences which will block the visual linkages to the adjoining bushland to the south east of the redeveloped Ten Terminal buildings

**Timing, Duration and Frequency:**

The timing of the Action depends on the potential approval of the proposed Residential Care Facility by the Sydney Harbour Federation Trust, should approval be given to what we believe is a Controlled Action. It can be expected that the demolition and rebuilding works would commence soon after all approvals were secured. The totality of the Significant Impact will be felt as soon as the project construction phase is completed.

While the Significant Impact arising from the Action will be immediate, we note that the proposal will be dependant on a maximum lease period of 25 years. Unfortunately, the degree and extent of the Significant Impact will be permanent, irreversible and enduring long past the expiration of the initial lease period.

**Degree of Severity:**

In terms of the degrees of impact outlined in Step 2 of the EPBC Impact Guidelines, the proposed Action will generate permanent, irreversible, large scale and high intensity impacts on the Commonwealth Heritage Listed Ten Terminal Place. It will generate permanent, irreversible, medium scale and moderate intensity impacts on the wider Commonwealth Heritage Listed Georges Heights Defence Site.

Accordingly, the Degree of the Impact generated by the proposed Action can be described as "Severe".

**Extent of Uncertainty of Potential Impacts**

In contrast with the assessment of potential impacts on the natural environment, the nature of the proposed Action for the Ten Terminal Headquarters Buildings at Georges Heights is very exact and specific.

On the assumption that the project proceeds as currently proposed once all relevant consents are secured, there is no uncertainty about any of the judgements set out in the above discussion.

**Impact Avoidance, mitigation and management**

Step 3 of the EPBC Impact Guidelines provides the following advice to applicants assessing the likelihood that a proposal may be a Controlled Action:

*It is important to consider the environmental impacts of the proposed action early in the planning of the proposal. Careful planning of the action can avoid, or reduce, the likelihood of a significant impact on the environment. Where possible and practicable it is best to avoid impacts. If impacts cannot be avoided they should be minimised or mitigated as much as possible.*

**Amendment to the Selected Site:**

A review of the documentation submitted for the EPBC Referral and the Public Notice published by the Sydney Harbour Federation Trust has revealed the following:

The proposal as previously submitted extended from the historic Ten Terminal Headquarters complex to include the three, two storey barracks buildings on the northern side of Middle Head Road. These were to be removed and "interpretationally rebuilt" as part of the proposed Residential Care Facility.

Following public consultation in late 2013, the decision was apparently taken to exclude the barracks building and concentrate all of the new facility on the footprint of the existing Ten Terminal Headquarters buildings on the southern side of Middle Head Road. The outcomes of this decision are described by SHFT as *including a reduction of the originally proposed total number of rooms, retention of a number of trees previously identified for removal and a reduction in the originally proposed height of the new building by the reduction in the pitch of the new roofs over the two storey components.*

There is no doubt that the amended design has reduced the likely impact on the overall setting and heritage values of the Georges Heights Defence Site by concentrating the development to the south of Middle Head Road. Unfortunately however, this revised site selection has had no beneficial reduction in the likely impact on the historic building complex and the associated setting of adjoining AusAID complex or the wider core character of the Defence Site.

Amendment to Timing:

There has been no amendment to the proposed timing of the Action.

Amended Design of the Proposal:

Discussion in Section 8.2.2 of the HIA report describes the design consequences arising from the confinement of the proposal to the southern side of Middle Head Road.

*The previous scheme had retained some of the ground floor brick walls and window openings of the east and west wings of Building 3 and of Building 6. Following discussions with Sydney Harbour Federation Trust the AA Battery Barracks site will not be part of the residential care campus and acceptance of a greater degree of physical intervention and demolition within the Ten Terminal complex. The result has been the loss of the east and west wings and east to west linking wing of Building 3 and of Building 6 to achieve the necessary accommodation, which can be measured against the positive outcome of creating the potential to achieve a significantly enhanced public domain where the AA Battery Barracks now stand. Given the degree of intervention in these structure was considerable in the previous scheme, retaining only remnants of the external walls, the additional impact of the current proposal is relative small.*

It is clear that the amended design, generated in response to public concerns about the original proposal has in fact exacerbated and intensified the Significant Impact on the Commonwealth Heritage Listed Ten Terminal complex. This is completely against the intent of the recommendation of the EPBC Impact Guidelines.

The documentation submitted with the Referral describes two actions which the proponent claims will mitigate the Significant Impact:

- *Archival recording of the existing buildings before demolition and alteration, including collation of the available early architectural drawings.*
- *The establishment of a small interpretive display within the entry foyer of the new Residential Care Facility.*

While these techniques are often included as conditions of consent when historic buildings are being demolished or altered, in the circumstances of the assessed Significant Impact on the two subject Commonwealth Heritage Places, there is no doubt that the proposed mitigation measures are insufficient to avoid designation as a Controlled Action.

### **Alternative Strategy for Avoidance of the Significant Impact**

An alternative development strategy could well be considered by the Sydney Harbour Federation Trust that could effectively remove the likely Significant Impact arising from the current proposal.

The Trust could call for tenders to lease and develop the site and buildings of the existing Ten Terminal Headquarters complex for an adaptive re-use and commercial/community complex of the scale and type so successfully instituted with the adjoining AusAID complex and elsewhere across the headland. Such a lease arrangement may differ from other similar projects across the larger Georges Heights locality, which appear to have been funded directly by the Trust and then leased directly to individual occupants.

This alternative strategy would retain all of the Ten Terminal buildings, thus avoiding the Significant Impact generated by the current Action.

## 2.1.2 Significant Impact on Georges Heights (Ref 105541)

Is there a possibility that the Action will:

<p>Permanently destroy, remove or substantially alter the physical fabric, structural elements, fixtures and contents of the heritage place</p>	<p>There is no doubt that the Action will generate this undesirable outcome on a component of the Commonwealth heritage Listed Georges Heights Defence Site.</p>
<p>Involve extension, renovation or substantial alteration of a heritage place in a manner which is inconsistent with the heritage values of the place</p>	<p>The Action is not consistent with the other creative adaptive re-use projects within the Georges Heights Defence Site including the adjacent former AusAID complex and individual historic buildings to the east.</p>
<p>Involve the erection of buildings or other structures adjacent to, or within important sight lines of a heritage place which are inconsistent to the heritage values of the place</p>	<p>The development is adjacent to the main axis of Middle Head Road and public parking areas and in the vicinity of other important groups of historic buildings within the evolved historical military cultural landscape of the Georges Heights Defence Site</p> <p>It is not consistent with the limited and low key introduction of new building components within the various building groups elsewhere in the Georges Heights Defence Site.</p>
<p>Substantially diminish the heritage values of a heritage place for a community or group for which it is significant</p>	<p>The proposal will diminish the public's appreciation of the military heritage that underpins the evolved cultural landscape and contemporary values of Georges Heights Defence Site as a new public recreation precinct and heritage site within the context of the wider Sydney Harbour National Park.</p>
<p>Substantially alter the setting of a heritage place in a manner that is inconsistent with the heritage values of the place, or</p>	<p>The scale and expanded footprint of the new building components of the proposed Residential Care Facility will substantially alter the overall setting of the core area of the Georges Heights Defence Site that are in proximity with the Ten Terminal complex.</p>
<p>Substantially restrict the existing use of a heritage place as a cultural or ceremonial site</p>	<p>The complex of buildings is currently unused and fenced off. The nature of the proposed Residential Care Facility is very different to that of a former administration complex, which essentially comprises office space, meeting rooms and operational areas.</p> <p>The proposed action will prevent an expansion and consolidation of the currently successful low key commercial and community focussed adaptive re-use projects that have been rolled out across the broader Georges Heights locality, including the adjoining AusAID complex and other historic buildings in the core area.</p>

### 2.1.3 Significant Impact on Ten Terminal Headquarters (ref 105587)

Is there a possibility that the Action will:

<p>Permanently destroy, remove or substantially alter the physical fabric, structural elements, fixtures and contents of the heritage place</p>	<p>There is no doubt that the Action will generate this undesirable outcome on a major component of the Ten Terminal Headquarters Commonwealth Heritage Listed Place.</p>
<p>Involve extension, renovation or substantial alteration of a heritage place in a manner which is inconsistent with the heritage values of the place</p>	<p>The Action is not consistent with the other creative adaptive re-use projects within the Georges Heights Defence Site including the adjacent former AusAID complex, which forms the remainder of the Listed Ten Terminal Heritage Place.</p>
<p>Involve the erection of buildings or other structures adjacent to, or within important sight lines of a heritage place which are inconsistent to the heritage values of the place</p>	<p>The development is adjacent to the main axis of Middle Head Road and public parking areas and in the vicinity of other important groups of historic buildings within the evolved historical military cultural landscape of the Georges Heights Defence Site</p> <p>Despite the claims to the contrary within the HIA Report and the Planning Assessment Report, the new two storey building components will be very visible, from Middle Head Road to the east of the site, across the adjoining car park, along the proposed public access walking paths that run adjacent to the sides of the building and from the bushland edge open space to the south.</p>
<p>Substantially diminish the heritage values of a heritage place for a community or group for which it is significant</p>	<p>The proposal will diminish the public's appreciation of the military heritage that underpins the evolved cultural landscape and contemporary values of Georges Heights Defence Site as a new public recreation precinct and heritage site within the context of the wider Sydney Harbour National Park.</p>
<p>Substantially alter the setting of a heritage place in a manner that is inconsistent with the heritage values of the place, or</p>	<p>The visual impact of the new building components on the setting of the Ten Terminal Listed Place is entirely inconsistent with the heritage values of the place, which comprise an imagery of interesting historic buildings having been sensitively and creatively adapted to new uses.</p> <p>Massive rebuilding as proposed by this scheme is entirely inconsistent with the evolved heritage values of the Place.</p>
<p>Substantially restrict the existing use of a heritage place as a cultural or ceremonial site</p>	<p>See comments above for the impact on the Georges Heights Defence Site.</p>



## 2.2 Adequacy of EPBC Referral 2014/7194

The documentation submitted with the EPBC Referral was totally inadequate as it did not follow the analytical processes contained in and recommended by the EPBC Impact Guidelines. It relied heavily on the assessment undertaken within the Draft Heritage Impact Assessment report, which reviewed the potential impacts only against the established heritage assessment criteria for Commonwealth Heritage Listed Places.

The Impact Assessment Report did not undertake a formal assessment against the established Significant Impact criteria contained in the EPBC Impact Guidelines. Nevertheless that Report concluded:

*This assessment of impact concludes that the actions proposed, while evaluated as acceptable in the circumstances of adaptive re-use, alteration and partial (sic) demolition of the former Ten Terminal precinct for the purposes of residential care accommodation, will have an impact on the Commonwealth heritage values of the place.*

*However, it is the conclusion of this assessment that the proposed action, in combination with the proposed mitigation measures incorporating archival recording and interpretation, is not likely to have a significant impact on the Commonwealth values of the former Defence lands at Middle Head, Georges Heights and Chowder Bay of the Commonwealth values (at lower levels of significance) of the former Ten Terminal precinct.*

Accordingly, the conclusion reached by the Heritage Impact Assessment Report and therefore the EPBC Referral submission is inadequate and incorrect.

## 2.3 Alternative Solution

As discussed above, an alternative development strategy could well be considered by the Sydney Harbour Federation Trust that could effectively remove the likely Significant Impact arising from the current proposal.

The Trust could call for tenders to lease and develop the site and buildings of the existing Ten Terminal Headquarters complex for an adaptive re-use and commercial/community complex of the scale and type so successfully instituted with the adjoining AusAID complex and elsewhere across the headland. Such a lease arrangement may differ from other similar projects across the larger Georges Heights locality, which appear to have been funded directly by the Trust and then leased directly to individual occupants.

This alternative strategy would retain all of the Ten Terminal buildings, thus avoiding the Significant Impact generated by the current Action.

## 2.4 Conclusions and Recommendation

The analysis undertaken by this submission in accordance with the EPBC Impact Guidelines and outlined above, concludes without any doubt that the proposed Action the subject of the referral WILL have a Significant Impact on the Commonwealth Heritage Values set out in:

- Commonwealth Heritage List Place Details(ID 105541): *Defence Site – Georges Heights and Middle Head, Middle Head Road, Georges Heights, NSW, Australia*
- Commonwealth Heritage List Place Details (ID 105587): *Ten Terminal Regiment Headquarters and AusAID Training Centre, Middle Head Road, Georges Heights, NSW, Australia*

**Accordingly, the proposal must be determined to be an EPBC “Controlled Action”.**

## 3.0 Should the EPBC Approval be Given?

### 3.1 Key Heritage Questions for the Minister's consideration

This section of the submission provides our professional opinion of some of the important heritage the issues that the Minister should take into account if the project is determined to be a Controlled Action.

The key questions include:

- 1 Does the proposal result in such a comprehensive negative impact on the heritage values of the heritage listed Georges Heights Defence Site and/or the Ten Terminal Headquarters Historic Place to warrant refusal under the EPBC Act?
- 2 Is the analysis undertaken in the Draft Heritage Impact Assessment report submitted with the Referral provide a reasonable and informed understanding of the likely heritage impact arising from the proposal?
- 3 Does the analysis undertaken by the Planning Assessment Report submitted with the referral provide a reasonable and informed understanding of the likely planning issues and impacts arising from the proposal?
- 4 Does the proposal reasonably respond to the objectives and outcomes for the Ten Terminal Precinct contained in the SHFT Comprehensive Plan?

Under Section 95A of the EPBC Act, the Department of Environment can request further information regarding measures that could be undertaken to reduce the Significant impacts on the proposed action on OGH. These are identified as:

1. Measures to directly "Avoid" or reduce the Significant impacts on the action.
2. Measures to "Mitigate" the Significant impacts of the action
3. Opportunities to "Offset" residual impacts, such as compensatory actions consistent with relevant plans of management for the Listed Place.

### 3.2 Adequacy of Draft Heritage Impact Assessment

The biggest weaknesses of the Draft Heritage Impact Assessment report are:

- 1 It does not undertake an evaluation against the Significant Action criteria.
- 2 Its entire impact assessment (in Sections 8.1 and 8.2) were made against the standard assessment criteria used to identify Commonwealth Heritage Values of the overall Defence Site and then the Ten terminal Precinct.
- 3 It does not specifically assess the proposal against its own discussion of the heritage values it ascribes to the overall Defence Site (Section 6.3), the Ten Terminal Precinct (Section 6.2) or the significance of the various component buildings of the Ten Terminal Precinct (Section 6.4)

**A number of the assessment comments contained in Section 8 will not withstand close scrutiny, including the following statements**

In relation to its examination of potential impacts on the Georges Heights Defence Site

8.1.1 Criterion (a)

*The proposed adaptation of the former Ten Terminal (School of Military Engineering) to provide a residential care facility will cause no adverse impacts on the natural and cultural landscape of the place*

8.1.2 Criterion (b)

*Ten Terminal precinct does not come into the category of “demonstrating functions or designs of exceptional interest” and therefore these values are not specifically impacted by the proposed action.*

8.1.3 Criterion (c)

*There will be a partial but not significant impact on the ability of the built forms and fabric of Ten Terminal precinct to contribute to understanding of the wider evolution of the place and the range of military activities and usage.*

8.1.4 Criterion (d)

*The impacts of the proposed adaptation and alterations retain the ability to continue to demonstrate the principal characteristics of a military training establishment of the World War Two period within the wider context of the various military installations of different phases of use and occupation of the site, many of which have a higher significance ratings than Ten Terminal precinct.*

8.1.5 Criterion (e)

*Ten Terminal precinct buildings, being utilitarian in character do not demonstrate any particular aesthetic characteristics and therefore do not make a significant contribution to the overall aesthetic values of the Middle Head and Georges Heights former Defence Site. The new structures to be inserted into the precinct will be complementary, respecting the modest style of the original buildings. Together with the proposed landscaping, the adaptation and alteration of Ten Terminal to provide a residential care facility will result in unassertive changes that will not diminish the aesthetic values of the existing landscape of the headland.*

With regard to the examination of potential impacts on the Ten Terminal precinct.

8.2.1 Criterion (a)

*The proposed adaptation of the former School of Military Engineering to provide a residential care facility will require substantial physical changes to the fabric, form and interiors of some buildings in the precinct. The proposed development has been designed to maintain the external envelope and appearance of the most publicly visible components, the presentation of Buildings q and 7 to Middle Head Road, and the presentation of Building 3 to the publicly accessible land to the south ad east and to Sydney Harbour National Park.*

8.2.2 Criterion (b)

*It is considered that retention of the above elements presenting to the public domain, combined with an interpretive venue within the main entrance to the complex and in the space through the site that will become publicly accessible, is commensurate with management of the significance attributes to the former Ten terminal as assessed against the Commonwealth heritage values.*

With regard to the Internal Building Fabric and Spaces

8.3.3

*The proposed adaptation and alterations will remove the existing internal walls in all of the buildings and will introduce internal walls into some existing spaces.*

With regard to the proposed Interpretation Programme

10.2

*The preceding assessment of impact on the significance of the former Ten Terminal precinct concluded that its Commonwealth heritage values are not of such a high order that would preclude the adaption of key elements, demolition and new construction for residential care. Central to these considerations is the fact that much of the significance of the place is derived from the reasons for it coming into existence and the military training undertaken there, more than the intrinsic value of the physical attributes of the buildings. Although the proposed works will involve replacement, or a substantial change to parts of the buildings of the complex and the spaces they define, it is their associations that are of more interest. These associations can be more effectively understood through an imaginative interpretive programme.*

With regard to Referral to the Minister

10.4

*This assessment of impact concludes that the actions proposed, while evaluated as acceptable in the circumstances of adaptive re-use, alteration and partial demolition of the former Ten Terminal precinct for the purposes of residential care accommodation, will have an impact on the Commonwealth heritage values of the place. However, it is the conclusion of this assessment that the proposed action, in combination with the proposed mitigation measures incorporating archival recording and interpretation, is not likely to have a significant impact on the Commonwealth heritage values of the former Defence lands at Middle Head, Georges Heights and Chowder Bay or the Commonwealth heritage values (at lower levels of significance) of the former Ten Terminal precinct.*

**Comment:**

What is most disappointing about the quoted extracts and the entirety of Section 8 of the Heritage Impact Assessment report is they completely ignore the very successful, responsible and sensitive retention and adaptive re-use programmes that have been the hallmark of the work by Sydney Harbour Federation Trust across the entirety of the Georges Heights locality over the past years.

### 3.3 Adequacy of the Planning Assessment Report

The fundamental weakness of the Planning Assessment Report in relation to heritage issues and potential heritage impacts is that it relies completely on the flawed analysis of the Heritage Impact Assessment report and does not undertake an independent evaluation against the EPBC Significant Action criteria

Accordingly, the following analysis of the proposed action in relation to the Objectives of the Sydney Harbour Federation Trust Act 2001, and the SHFT Comprehensive Plan cannot withstand rigorous scrutiny.

Section 5.2

*The proposed action is considered to be entirely consistent with the related Objectives under the Act.*

Section 5.3

*Cultural Heritage Objective – Respect the existing fabric and setting of place when carrying out any Actions*

*Response – The proposed works are sympathetic to the heritage significance of the setting and buildings and enhance the public understanding of the past use of the buildings.*

### 3.4 Compliance with SHFT Comprehensive Plan

Chapter 7 of the SHFT Comprehensive Plan provides some guidance as to the heritage management objectives and outcomes for Georges Heights Defence Site.

**Significant groups of buildings that reflect military institutional planning are:**

- *Submarine Miners' Depot at Chowder Bay (1890–3)*
- *World War I Military Hospital buildings (1916–22, now part of HQ Training Command)*
- *World War II barracks converted to the Australian School of Pacific Administration in 1949*
- *Army School of Intelligence built in the late 1950s (former 10 Terminal Regiment)*

Figure 7.4 of the Comprehensive Plan notes the conclusion of the 1998 Heritage Assessment by Godden Mackay Logan that Ten Terminal is of some significance”.

**Adaptive Reuse of Buildings**

*The adaptive re-use of former defence buildings will assist in the conservation and interpretation of their heritage values. The primary objective is to find uses that:*

- *Complement the Headland Park*
- *Enhance our understanding and appreciation of the natural and cultural heritage of the area and each former base*
- *Provide exceptional venues for people to appreciate the park, the headland and the harbour*
- *Suit the basic and simple character of buildings, ie. do not require extensive additional services or amenities that would inevitably alter and diminish the heritage value and character of the places*
- *Are compatible with public access through the areas around the buildings and will open significant heritage items to occasional public access*

**Outcomes for Specific Precincts**

*10 Terminal and Former School of Pacific Administration*

- *Removal of demountable buildings at 10 Terminal and in the longer term removal or modification of the 3 northern barracks.*
- *Improve drainage and envelop the precinct with bushland*
- *Create a sense of permeable access through the building clusters*
- *Potential for uses that suit the buildings' character and location in the Headland Park including visitor facilities, places for refreshment, education and cultural studies and accommodation for visiting school groups*

**The subject proposal to demolish virtually all the Ten Terminal buildings, extensively alter the retained remnants and build a two storey replacement to accommodate a Residential Care Facility does not accord with these objectives and desired outcomes. Accordingly the application should not be approved.**

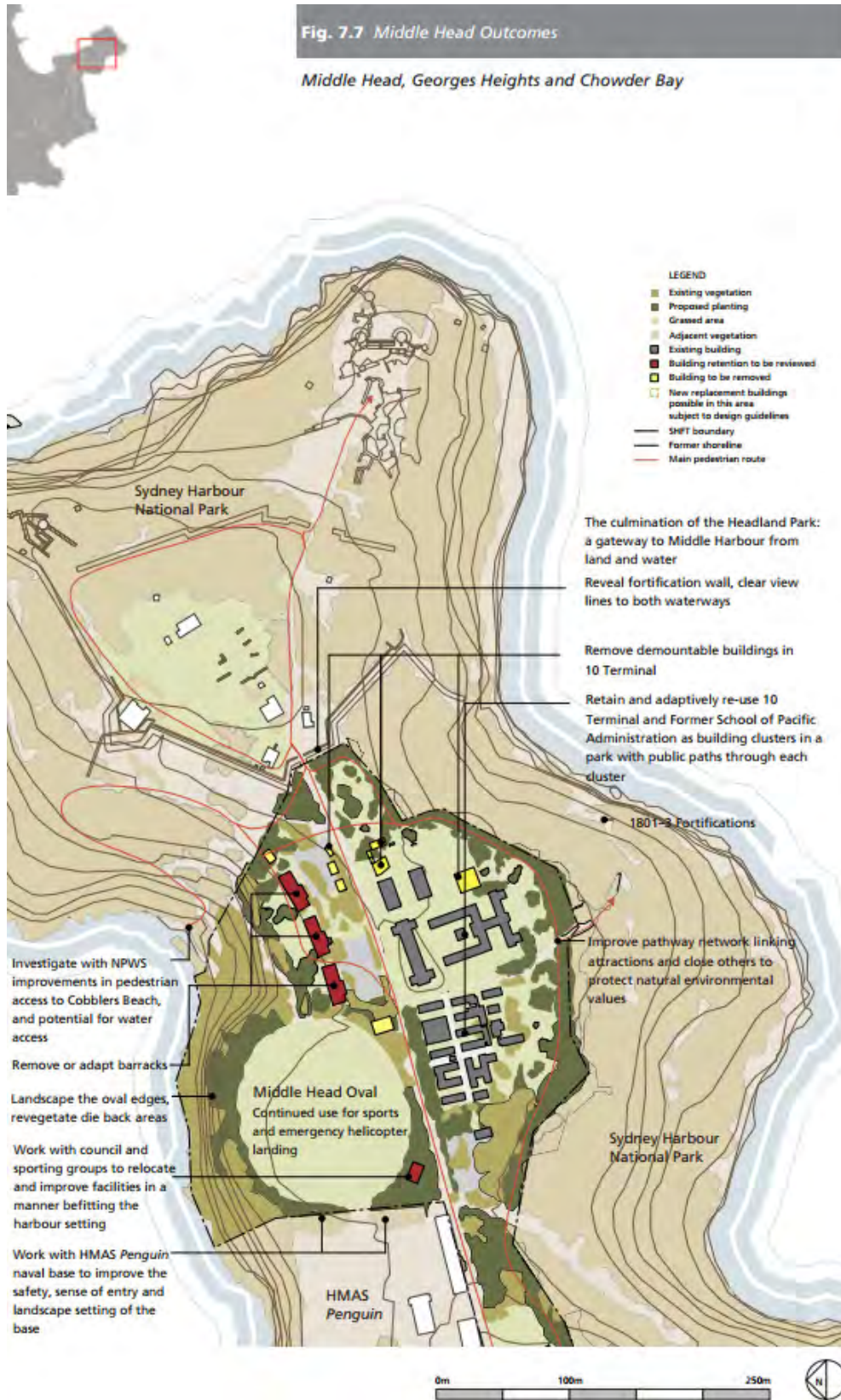


Figure 30  
 Extract Plan from SHFT Comprehensive Plan illustrating intentions for Ten Terminal Precinct

### 3.5 Conclusions and Recommendations

If the proposed development is determined to be a Controlled Action, there are a number of important heritage the issues that the Minister should take into account when considering granting or refusing consent:

- 1 Does the proposal result in such a comprehensive negative impact on the heritage values of the heritage listed Georges Heights Defence Site and/or the Ten Terminal Headquarters Historic Place to warrant refusal under the EPBC Act?
- 2 Is the analysis undertaken in the Draft Heritage Impact Assessment report submitted with the Referral provide a reasonable and informed understanding of the likely heritage impact arising from the proposal?
- 3 Does the analysis undertaken by the Planning Assessment Report submitted with the referral provide a reasonable and informed understanding of the likely planning issues and impacts arising from the proposal?
- 4 Does the proposal reasonably respond to the objectives and outcomes for the Ten Terminal Precinct contained in the SHFT Comprehensive Plan?

The subject proposal to demolish virtually all the Ten Terminal buildings, extensively alter the retained remnants and build a two storey replacement to accommodate a Residential Care Facility does not accord with the objectives and desired outcomes contained in the SHFT Comprehensive Plan.

The author of this submission does not agree with many of the conclusions reached by both the Heritage Impact Assessment report and the Planning Assessment Report, when these two crucial components of the Referral documentation analyse the likely impacts on the Commonwealth Heritage Values of the Georges Heights Defence Site and the Ten Terminal Headquarters Precinct Commonwealth Heritage Listed places. Many of these conclusions warrant close scrutiny by the Minister before he reaches a decision.

**Accordingly, the Minister should NOT approve the proposal when/if it is assessed under the provisions of the EPBC Act for Controlled Actions**