



NSW GOVERNMENT
Department of Planning

National Indigenous Development Centre
Lots 1, 2 & 3 DP 817283
160-202 George Street, Redfern

Proposed by the Indigenous Land Corporation

Modification MP06_0267 MOD 2

Modification of Minister's Approval under Section 75W of
the *Environmental Planning and Assessment Act 1979*

August 2008



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1. EXECUTIVE SUMMARY

This is a report on a modification application seeking to modify the National Indigenous Development Centre (NIDC) project, approved under MP 06_0267. The modification application was submitted by the Indigenous Land Corporation (the Proponent) on 25 June 2008 (**Tag B**). The Proponent is seeking to modify the Part 3A approval pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979* (the Act). The NIDC project was approved by the Minister for Planning on 4 October 2007, and comprised the following:

- Refurbishment of existing school buildings for educational, office and dormitory accommodation uses;
- Demolition of existing toilet blocks associated with the former use of the site as a school;
- Construction of a multi purpose building, 25m swimming pool and the associated sport, recreational and educational uses;
- Construction of a new Child Care Centre;
- Provision of a new multi football code playing field and associated earth works;
- Provision of landscaping and fencing around the perimeter and within the site;
- Remodelling the cul-de-sac configuration at the end of the existing Renwick Street carriageway to facilitate the construction of new car park and a manoeuvring area for large service vehicles;
- Construction of a new service vehicle access off George Street; and
- Refurbishment of existing car park and construction of a new car park with access from Phillip Street.

The original estimated project cost of the development was \$30.6 Million. Key issues considered in the Department's assessment of the original application included the following:

- Building Design & Landscaping;
- Density, Heights and Setbacks;
- Traffic Impacts, Transport, Parking & Access;
- Potential on-site contamination;
- Heritage and Archaeology;
- The Public Domain, Safety and Security;
- Social and Economic Impacts;
- Ecologically Sustainable Development;
- Construction Impacts;
- Development Contributions Plan;
- Residential Amenity; and
- The Public Interest.

On 8 April 2008, modification of the NIDC project was approved by the Executive Director, Strategic Sites and Urban Renewal, as delegate of the Minister for Planning, in the following way:

- 0.4 metre height increase to the west fence of the Renwick Street Playground;
- A revised construction process from the approved 4 stage process to a total of 10 stages;
- Offsetting of the Redfern Waterloo Authority (RWA) Section 94A Levy of \$598,749 in view of the significant material public benefit provided by the NIDC project; and
- A staged Interim Audit Statement and Site Audit Statement process of remediation recommended by the Site Auditor.

The Proponent is seeking to modify the existing approval to permit the following changes:

- Modifications to the George Street façade of Multi-Purpose Sport & Recreation Building F;
- Minor amendments to internal layout of Multi-Purpose Sport & Recreation Building F; and
- Addition of amenity and first aid facilities to the pool terrace (Level 2).

The modifications are minor and will not result in amenity impacts to the surrounding properties. The Department recommends that the modification be approved, subject to conditions.

2. THE SITE

The site is located on land at 160 – 202 George Street, Redfern (Lots 1, 2 and 3 DP 817283), which formerly accommodated Redfern Public School (the site). The site is located in the City of Sydney Local Government Area and the Redfern-Waterloo Authority's operational area, and is owned by the Indigenous Land Council and City of Sydney Council.

The site has a total area of 1.63ha, and accommodates 5 x 3-storey buildings formerly used by the Redfern Public School, 2 of which have local heritage significance. The western side of the site adjacent to Cope Street accommodates an area of open space formerly used as a playground.

The site is located within close proximity to public transport – Redfern station is approximately 500m and frequent bus services are available on Redfern and Regent Streets.



Figure 1: The subject site



Figure 2: Site Context - National Indigenous Development Centre

3. MAJOR PROJECT APPROVAL

3.1 ORIGINAL APPLICATION MP 06_0267

On 4 October 2007, the Minister for Planning approved the Major Project 06_0267 for the construction of the National Indigenous Development Centre (NIDC), in accordance with Section 75J(2) of the Act. MP 06_0267 granted approval to the development described in detail below:

- Refurbishment of existing buildings for educational, office and accommodation uses;
- Demolition of existing toilet blocks associated with the former use of the site as a school;
- Construction of a multi-purpose sports and recreation building and 25m swimming pool;
- Construction of a new Child Care Centre;
- Provision of a new multi football code playing field and associated earth works;
- Provision of landscaping and fencing around the perimeter and within the site;
- Remodelling the cul-de-sac configuration at the end of the existing Renwick Street carriageway to facilitate the construction of new car park and a manoeuvring area for large service vehicles;
- Construction of a new service vehicle access off George Street; and
- Refurbishment of existing car park and construction of new Phillip Street car park.

The original projected cost of the development was \$30.6 million. A copy of the original approval is at **Tag C** and a copy of the original report is at **Tag D**.

3.2 MP 06_0267 MOD 1

On 27 November 2007, the Indigenous Land Corporation (the Proponent) submitted an application to the Director-General to modify MP 06_0267 pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979* (the Act). On 13 February 2008, the Proponent requested further revision to the staging process as part of this modification application. The modification application sought the following amendments to the approved Project:

- Amendment to Condition A2 to reflect the increased height of the west fence to the Renwick Street Playground by 0.4 metres;
- Amendment to Condition B1 to reflect a revised construction process from the approved 4 stage process, to a total of 10 stages;
- Amendment to Condition B2 to permit the offsetting of the Redfern Waterloo Authority (RWA) Section 94A Levy of \$598,749 in view of the significant material public benefit provided by the National Indigenous Development Centre (NIDC) project;
- Amendment to Condition B4 to reflect the staged Interim Audit Statement and Site Audit Statement process of remediation recommended by the Site Auditor; and
- Consequential amendments to approved Conditions B5 – B11; C9; G1; F1, F2, F4 and F10, as a result of the proposed 10 stage process.

On 8 April 2008, the Executive Director, Strategic Sites and Urban Renewal, as delegate of the Minister for Planning, approved MP 05_0267 Mod 1.

4. DESCRIPTION OF PROPOSED MODIFICATIONS

On 25 June 2008, the Indigenous Land Corporation (the Proponent) lodged the subject application to modify MP 06_0267 (Tag B), pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979* (the Act). The proposed modifications to the approved project include:

4.1 PROPOSED MODIFICATIONS

Addition of facilities under Pool Deck pergola of Multi-Purpose Sport & Recreation Building F;

- Addition of toilet/amenity, first aid and change room facilities under the existing pergola on the Pool Deck on Level 2 of Building F (Figures 3, 4, 5 and 6);

Minor amendments to internal layout of Multi-Purpose Sport & Recreation Building F.

- Level 3 bleacher spectator seating has been modified into a new Activity/Fitness Room;
- Level 1 toilet facilities, change rooms, staff rooms and plant have been reconfigured. First aid facilities have been deleted from this level; and
- Other minor amendments to the layout on Level 2 and 3, including the deletion of the egress door to Level 2 Activity Room F2.01.

Amended design of Eastern façade of Multi-Purpose Sport & Recreation Building F.

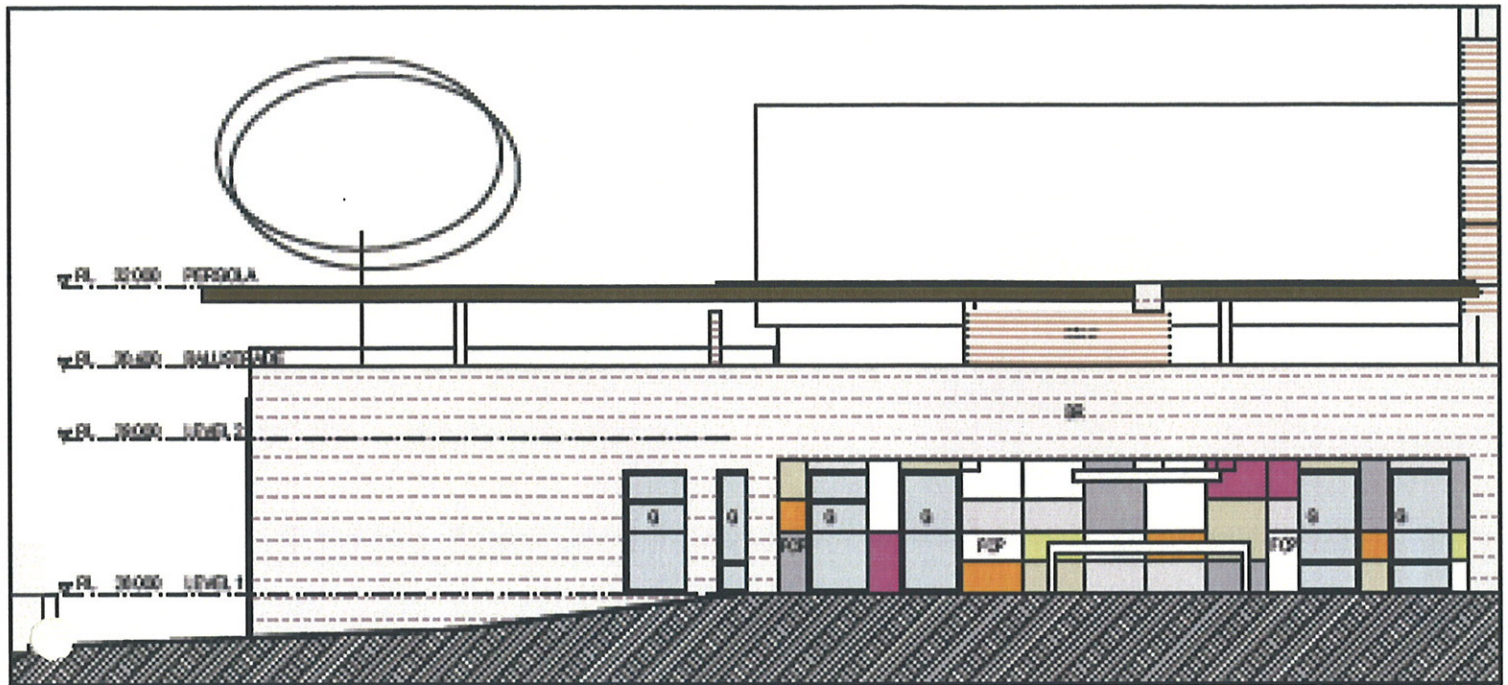
- Amended glazing proportions and locations to the George Street façade;
- Amendment to brickwork and metal cladding proportions to the George Street façade;
- Amended and additional glazing to the northern part of the George Street façade on Levels 2 and 3, to improve views in and out of the enlarged Activity room (Level 2) and new Activity Room (Level 3); and
- Provision of brickwork to a previously glazed stairwell (Figures 7 and 8).

4.2 JUSTIFICATION FOR PROPOSED MODIFICATIONS

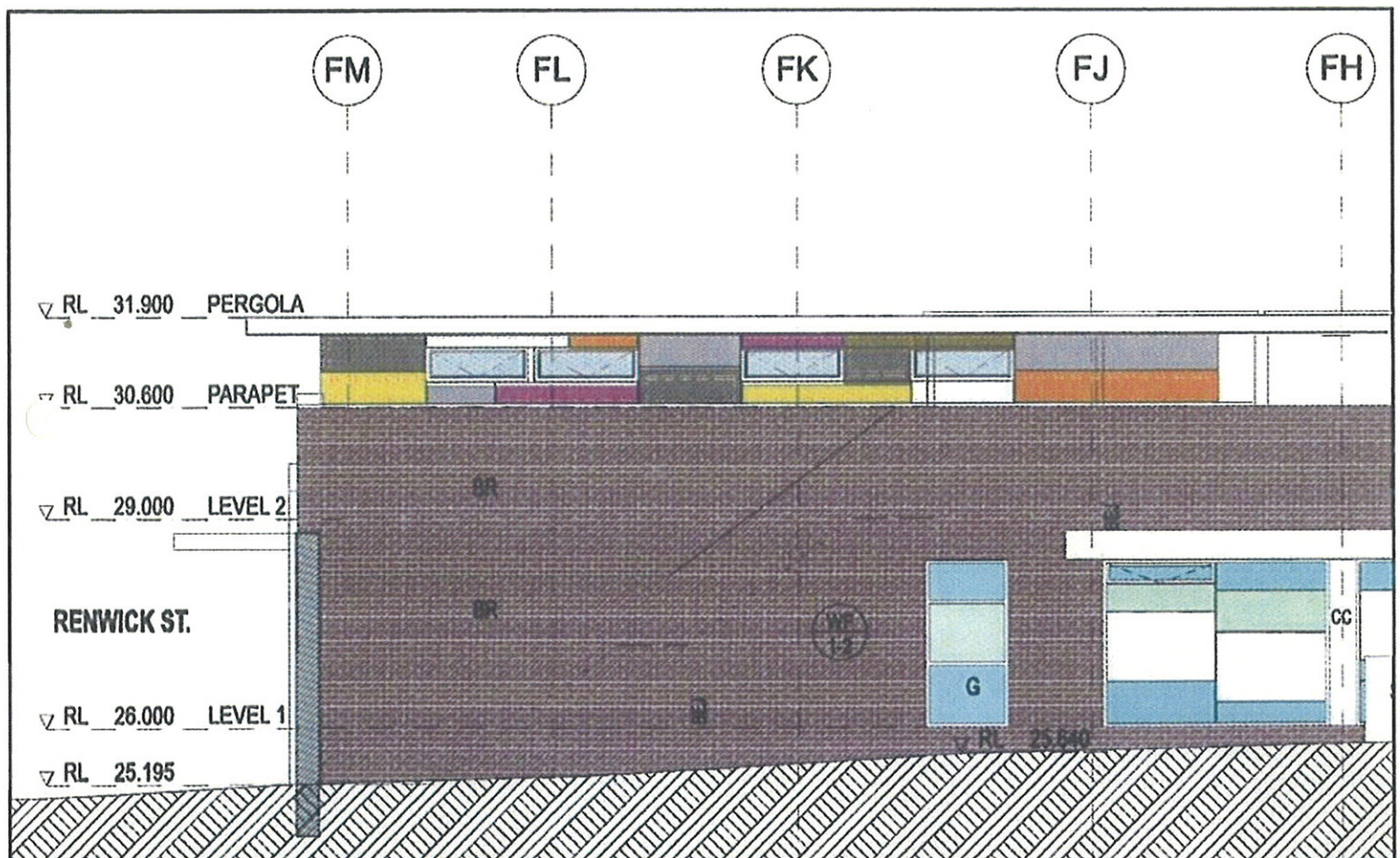
The Proponent provides the following justification for the modification application:

- The existing façade and design of Building F relates to features designed with the needs of the PCYC (the original intended operator of the site) in mind. This included extensive spectator seating at Level 3 along the George Street façade, and only a small Activity Room on Level 2.
- The proposed changes to Building F are in response to further design review, as a result of a change in intended operator, from the PCYC to the YMCA.
 - The YMCA has confirmed that they would have little use for the Level 3 bleacher seating. This area has therefore been transformed into a new Activity/Fitness Room.
 - Accordingly, the Building F façade to George Street has been slightly modified to include more glazed area which will activate the façade and improve lighting and views in the new Activity Room and the present Activity Room on Level 2. These changes will improve surveillance of George Street from the building, and activate the public realm.
 - At the same time, the opaque coloured-panel glazing on this façade has been reduced.
 - Toilets and change room facilities have been added under the existing pergola on the Pool Deck on Level 2. This improves the logistical and operational efficiency of the Pool, and separates wet traffic from dry areas internally.
- There is no change to the proposed use or overall size of the building.





**Figure 5: (Partial) Approved Plan DA-408a– South Elevation Pool Deck Change Rooms
(viewed from Central Terraces)**



**Figure 6: Proposed Modification – South Elevation Pool Deck Change Rooms
(viewed from Central Terraces)**



Figure 7: Approved East Elevation (George Street)

400mm height increase of brick wall.

Amended Glazing to L3

Amended Glazing to new Activity Room.

Deletion of Activity Room Egress Door

Glazing deleted to stairwell, replaced with brick wall.



600mm height reduction of L2 glazed façade.

3075mm reduction in length of glazed façade.

115mm reduction of metal cladding.

Figure 8: Proposed East Elevation (George Street)

5. STATUTORY CONTEXT

5.1 MODIFICATION OF A MINISTER'S APPROVAL

The modification application has been lodged with the Director-General pursuant to Section 75W of the Act, which provides for the modification of the Minister's approval, including revoking or varying a condition of the approval or imposing an additional condition of the approval.

Under Section 75W(2), the Minister's approval for a modification is not required if the project, as modified, will be consistent with the existing approval under this Part. In this instance, it was concluded that the proposed modifications (as listed above) required a formal application to modify the approval, as they involve external changes and a small increase in floor space. Therefore, the power to make such a change lies with the Minister.

On 25 June 2008, the Proponent submitted an application prepared by Incoll Development and Project Management, to modify the approval of the Minister for the NIDC project, pursuant to Section 75W(3) of the Act.

5.2 ENVIRONMENTAL ASSESSMENT REQUIREMENTS (DGRS)

Section 75W(3) of the Act provides that the Director-General may notify the Proponent of environmental assessment requirements (DGRs) with respect to the proposed modification that the Proponent must comply with before the matter will be considered by the Minister.

In this instance, following an assessment of the modification request, it was not considered necessary to notify the Proponent of environmental assessment requirements pursuant to Section 75W(3) with respect to the proposed modification, as sufficient information was provided to the Department to consider the application.

6. CONSULTATION AND EXHIBITION

Under Section 75W of the Act, a request for a modification of an approval does not require public exhibition. However, under Section 75X(2)(f) of the Act, the Director-General is to make publicly available requests for modifications of approvals given by the Minister. In accordance with Clause 8G of the *Environmental Planning and Assessment Regulation 2000*, the request for the modification was placed on the Department's website.

The modification application was referred to the RWA on 8 July 2008 for 14 days until 22 July 2008. RWA responded on 21 July 2008 and provided comments in support of the changes, with the exception of an issue with the Relative Level's (RL's) of the proposed modification plans (**Tag E**). The proposed RL's did not correlate with the originally approved plans. On 22 July 2008, the Proponent advised that the proposed RL's were an error, and submitted amended plans with RL's matching the approved plans.

The RWA also requested that as much as possible of the proposed glazing along George Street should be transparent (whether clear or coloured), in order to ensure that surveillance to George Street is permitted for the users of the building. This issue has been addressed by way of a recommended condition of approval of the modification application. No other issues were raised by the RWA.

7. CONSIDERATION OF PROPOSED MODIFICATIONS.

7.1 ADDITION OF FACILITIES UNDER POOL DECK PERGOLA OF MULTI-PURPOSE SPORT & RECREATION BUILDING F;

Toilet, change room, pool storage and first aid facilities have been added as an infill area under the existing pergola on the Pool Deck on Level 2.

As a result of the design of the additional space and the location of these amenities under the existing Pool Deck area results in a minimally discernible change to the appearance of Building F. The bulk and scale of Building F remains substantially unchanged, with the original architectural resolution of Building F being retained.

No significant visual impact is anticipated, including visual impact on the surrounding heritage area. This is assisted by the incorporation of the coloured-panel glazing to the new amenities area, which ensures that the infill area is assimilated into the overall design of the building, creating an orderly and coherent overall appearance to Building F.

In addition, the location of the new amenities area is not visible from George Street, and Building F is set back well away from Renwick Street, and therefore offers little visibility to this elevation. The addition is assessed as acceptable and it is recommended that *Condition A2 – Development in Accordance with Plans* be amended to approve the amended plans.

Condition B2 - Developer Contributions will also be amended to reflect an increased affordable housing contribution, as this amendment results in approximately 53m² of additional useable floor space. Therefore, the total Gross Floor Area (GFA) for the NIDC development has increased from 6,954m² to 7,007m². The increased GFA results in an amendment to the Developer Contributions required as part of Condition B2.

Development of the NIDC site is subject to the Redfern Waterloo Authority Affordable Housing Contributions Plan 2006, which calculates a contribution rate of \$59/m² of GFA. The proponent is therefore required to contribute an additional \$3,127 towards the affordable housing contribution, thereby increasing the original contribution from \$226,383 to \$229,510.

Based on a site area of 10,015m², excluding the playing fields in accordance with the original Floor Space Ratio (FSR) calculations, and an amended GFA of 7,007m² is proposed, resulting in a total FSR of 0.7:1. This FSR is significantly below the maximum 2:1 FSR for the site and complies with Schedule 3, Clause 21 of the MP SEPP.

The Department therefore raises no issues with the addition of these facilities under the existing pool area, and the resultant minor increase in GFA.

7.2 MINOR AMENDMENTS TO INTERNAL LAYOUT OF MULTI-PURPOSE SPORT & RECREATION BUILDING F.

Minor modifications to the internal configuration of each level of Building F are proposed. Level 1 toilet facilities, change rooms, staff rooms and plant have been reconfigured, and the bleacher seating on Level 3 has been deleted and amended into a new Activity/Fitness Room.

The approved building was designed with a specific operator in mind. The proposed changes are in response to further design review and resolution, as a result of the anticipated needs of the YMCA, being the new operator proposed for Building F.

The proposed internal amendments improve the logistical and operational efficiency of Building F and should be supported, in particular as the amendments result in limited differentiation from the approved development, and improves the usability and circulation of Building F.

In addition, whilst accommodating amended uses to small areas of Levels 2 and 3, these changes are minor and it is not anticipated that the amended areas will generate any additional noise when compared with the approved layout and use of building.

Given the minor nature of the amendments to the internal design of the building, the proposal does not raise any further issues for consideration. *Condition A2 – Development in Accordance with Plans*, will therefore be amended to approve these amended plans.

7.3 AMENDED DESIGN OF EASTERN FAÇADE OF MULTI-PURPOSE SPORT & RECREATION BUILDING F.

The modification largely relates to amendments to the George Street façade of Building F, partly in response to the internal modifications to the building. These modifications are detailed in Section 4 of this report.

The approved coloured glass panelling incorporated consistent panelling across the length of the eastern façade of Building F. However, as the portion of glazed panelling to be deleted would otherwise permit views into the approved Storage Room area, this modification is supported. As the use of this space will be for storage purposes, the deletion of glazed panelling to this portion of the façade will have little negative impact in terms of active and/or passive surveillance, and therefore no safety concerns are raised. The modification will also have the benefit of ensuring that the George Street façade of the building appears orderly and uncluttered, as the Storage Room will be hidden from view.

Accordingly, whilst the reduced length and height of this coloured-glass panelling along the Level 2 façade of this building represents an alteration to the external appearance of the eastern façade of Building F, it is considered that the amendments do not represent a negative outcome. The incorporation of amended glazing to the Level 3 George Street façade is a positive addition due to the larger size of these windows, permitting more light into the building, as well as allowing improved surveillance.

Therefore, it is considered that the building retains its overall original architectural intent and as a result, no significant visual impact is anticipated, including visual impact on the surrounding area. In addition, the deletion of this glazed panelling is offset to some extent by the incorporation of new window placements in the Level 3 façade, which are beneficial in the context of the overall façade of the building. The arrangement and proportions of the windows will have a positive impact in terms of safety, by creating more opportunities for passive surveillance both into and out of the building.

This is an important aspect of the approved design, and the RWA have commented that as much as possible of the proposed glazing (whether clear or coloured) along George Street should be transparent to ensure that surveillance occurs between the users of the building to George Street. This is important from a security and safety point of view and will help activate the NIDC facade along George Street. This issue has been addressed by way of a recommended **condition** of approval of the modification application.

One aspect of the proposed modifications is not supported. The proposed deletion of the coloured panel glazing to the Building F stairwell, and replacement with a solid brick wall, is not supported as this is an important aspect of the design which assists with passive and active surveillance and therefore reducing such surveillance opportunities by way of a brick wall is not a desirable outcome. Additionally, permitting a solid brick wall to be incorporated into the design of the building would reduce the aesthetic connection between Buildings F and G. This aspect of the proposed modifications is therefore not supported, and the Instrument of Modification will include a reference to this aspect of the design.

Overall, the appearance of these modified areas is consistent with the external design of the approved building, and on the whole, the amendments result in limited visual differentiation from

the approved development. Given the minor nature of the amendments to the design of the building, the proposal does not raise any further issues for consideration.

However, in line with the changes to the external appearance of the approved building, *Condition A2 – Development in Accordance with Plans* will need to be amended to reflect the inclusion of the amended Plans as approved documents.

Condition A2 – Development in Accordance with Plans has also been amended to ensure that all relevant plans are incorporated as approved documents, and to ensure that superseded documents are deleted from the Instrument of Approval.

8. MODIFICATIONS TO CONDITIONS OF APPROVAL

The Department recommends that Conditions of Approval apply to the proposed modifications, which amend the approved plans. These are included at **Tag A**.

9. CONCLUSION

Under Section 75W(4) of the Act, the Minister may modify the approval (with or without conditions) or disapprove the modification. The preceding report describes the Department's assessment of the requested modifications and supporting documentation as provided by the Proponent, and recommends approving the proposed modifications, subject to some amendments as discussed.

The proposed modifications are minor in detail and do not result in significant changes to the overall design and appearance nor to the conditions of the development as approved. The increase in GFA is minimal and will not be readily discernible.

It is considered that the proposal, as modified, achieves the same objectives as assessed for the originally approved development under Major Project 06_0267 and does not alter the overall nature, need or justification of the approved project.

10. RECOMMENDATION

It is recommended that the Minister for Planning:

- (a) **Consider** the findings and recommendations of this report; and
- (b) **Approve** the modification, subject to conditions, under Section 75W of the *Environmental Planning and Assessment Act, 1979*; and
- (c) **Sign** the attached Instrument of Modification (**Tag A**).

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