

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 3

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

December 2008



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December 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. 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.

On 4 September 2008, further modification of the NIDC project was approved by the Minister for Planning. This approval involved:

- 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 proponent is seeking the removal of a condition of approval imposed as part of MP 06_0267 MOD 2 that requires transparent panel glazing on the stairwell of the north east corner of the George Street elevation of Building F.

The proposed modification is considered acceptable because there is adequate provision for surveillance along the remainder of the George Street elevation and the alterations are necessary for the building to comply with the requirements of the Building Code of Australia (BCA).

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: 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.

3.2 MP 06_0267 MOD 1

On 9 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.

3.3 MP 06_0267 MOD 2

On 25 June 2008, the Indigenous Land Corporation submitted an application to modify MP 06_0267 pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979*. The modification application sought the following amendments to the approved Project:

- Addition of toilet, change room, first aid and storage facilities under the existing pergola on the Level 2 Pool Deck;

- Minor amendments to the internal configuration of Building F, including replacement of bleacher spectator seating on Level 3 with a new Activity/Fitness Room and reconfiguration of Level 1 toilet facilities, change rooms, staff rooms and plant; and
- Amended design and glazing of George Street façade of Building F in response to these internal reconfigurations.

On 4 September 2008, the Minister for Planning approved MP 05_0267 Mod 2 subject to conditions, one of which was to require colour glazing panel of the George Street Elevation stairwell of Building F.

4. DESCRIPTION OF PROPOSED MODIFICATIONS

On 26 November 2008, the Indigenous Land Corporation (the Proponent) lodged the subject application to modify MP 06_0267 pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979* (the Act). The proposed modification to the approved project includes:

4.1 PROPOSED MODIFICATION

The proposal is seeking the removal of Item 2 of Condition B16, which was imposed as part of the MOD 2 approval. Currently the condition reads;

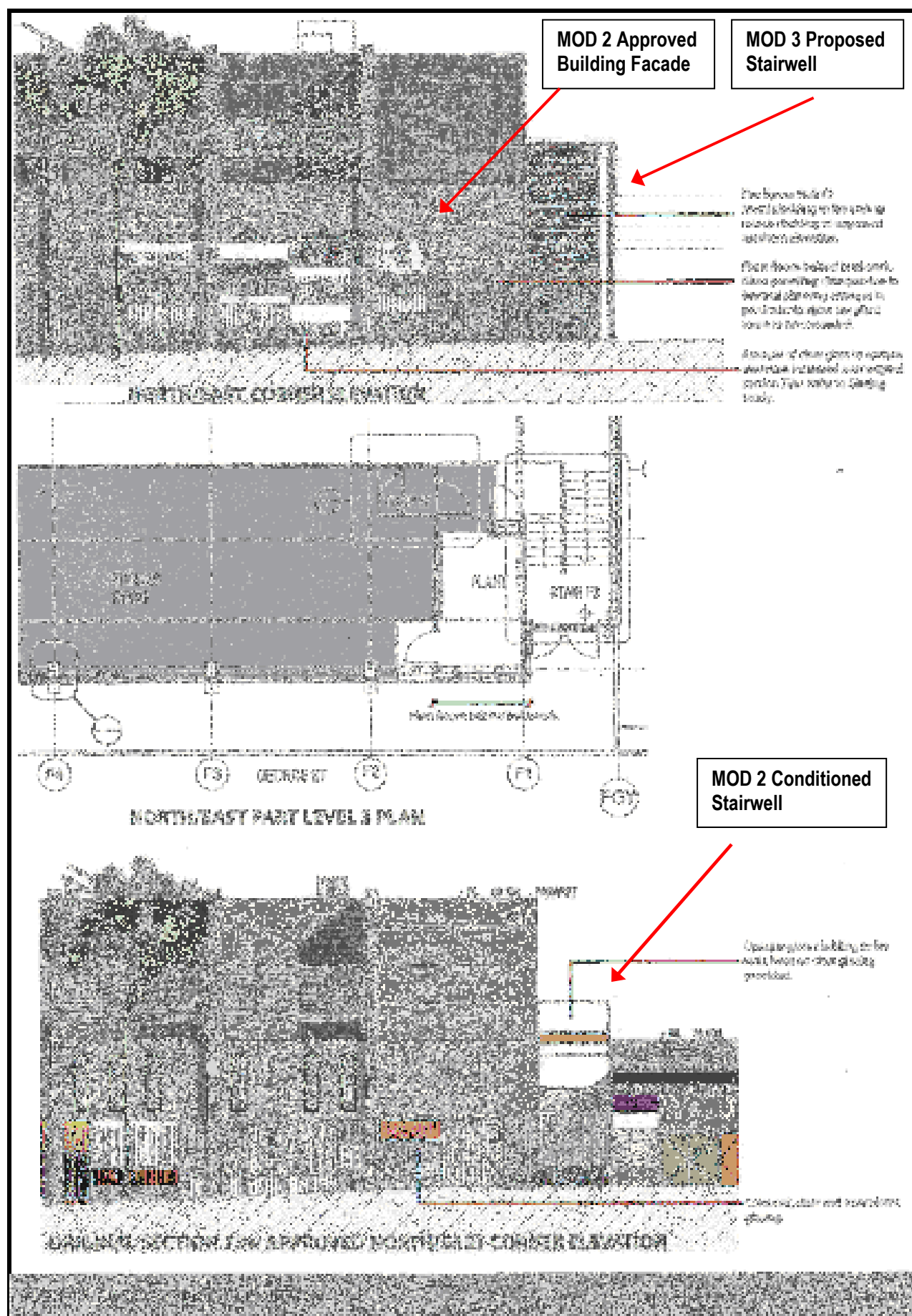
“(2) The colour panelled glazing to the George Street elevation of Building F stairwell is to be reinstated in accordance with Drawing A-05, prepared by Tonkin Zulaikha Greer.”

- The deletion of the condition would enable the provision of brickwork for a previously glazed stairwell (Figure 2).

4.2 PROPONENT'S JUSTIFICATION FOR PROPOSED MODIFICATIONS

The Proponent provides the following justification for the modification application:

- The reconfiguration of the lower levels of the building has resulted in reduced street frontage for the fire egress area. This reconfiguration has also increased the glazing and the street surveillance of the Activity Areas at levels 2 and 3.
- The entire frontage of the stairwell is devoted to egress doors and any glazing above the doors would only generate a view of the roof structure of the sports hall and not enhance surveillance of the street.
- Fire rating requirements of the BCA necessitate that any glazing of the egress doors or plant room must achieve a satisfactory fire safety rating and this would compromise the transparency of the glazing.
- The brickwork and metal cladding will provide a finished appearance to building F and will be balanced by the continued glazing to the east of the façade.



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 a formal application is required as it involves changes to a condition.

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.

7. CONSIDERATION OF PROPOSED MODIFICATION.

The condition of approval subject to this modification request was originally imposed as part of the MOD 2 approval with the intent of increasing the active and passive surveillance of the façade and minimising the negative visual impact resulting from a solid wall finish.

The proponent has advised that the previously proposed glazing was to be clad internally with a solid lining material to meet BCA requirements, which would negate the any benefits of the glazing. This was not apparent at the time the condition was imposed.

The intent of the condition for the transparent glazing on the stairwell was for enhanced surveillance and to provide a visual connection to the child care centre building. The capacity for this surveillance would be lost through the fire safety requirements of the BCA; which compromises the transparency of any materials used for the doors of the egress.

Surveillance of George Street will still be achieved through the glazed finishing of the Activity areas on levels 2 and 3. Further to this, Item 1 of Condition B16 ensures that the majority of the proposed glazed finishing of the remainder of the Building F elevation will be transparent.

Any transparent finishing above the level of the doors would only serve to generate a view of the Sports Hall's roofing structure and not contribute to any surveillance of the street. In addition to this glazing above the height of the egress doors would further distort the visual line of the glazing finish along the façade of buildings F and G.

The modification will still achieve an acceptable aesthetic outcome as the stairwell is recessed from the remainder of the building's George Street façade. This minimises the aesthetic impact of the materials and maintains the visual link between Buildings F and G for pedestrians looking down George Street.

Overall, the amendments are required to comply with the requirements of the BCA and only result in limited loss of surveillance than from that of approved development and the visual outcome is still acceptable. Given the minor nature of the amendment to the design of the building, the proposal does not raise any further issues for consideration.

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 modification and recommends approving the proposed modification.

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. DELEGATION

Under the instrument of delegation dated 7 June 2007, the Minister has delegated those functions under Section 75W of the Act relating to modifying Part 3A approvals to the Executive Director, Strategic Sites and Urban Renewal.

Having regard to the Urban Assessments Guidelines for Delegates, it is considered appropriate that the application be determined under delegation.

11. RECOMMENDATION

It is recommended that the Executive Director, Strategic Sites and Urban Renewal, as delegate of the Minister for Planning:

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