



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***

MP 06_0267 (MOD 4)

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

April 2009



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1. SECTION 75W MODIFICATION APPLICATION

This is a report on an application seeking to modify the Project Approval for the National Indigenous Development Centre at 160 – 202 George Street, Redfern (Lots 1, 2 and 3 DP 817283), which formerly accommodated the Redfern Public School. The site is bounded by George Street to the east, Phillip Street to the South, Cope Street to the west and residential development to the north.

The site is located within the City of Sydney Local Government Area and the Redfern-Waterloo Authority's operational area, and is owned by the Indigenous Land Corporation and City of Sydney Council.

1.1 MAJOR PROJECT APPLICATION

Project Application MP 06_0267 was approved 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, 25 metre 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.

A copy of the Project Application approval is at **TAG B** and a copy of the assessment report is at **TAG C**.

1.2 PREVIOUS MODIFICATIONS

MP 06_0267 MOD 1 was approved on 8 April 2008 to modify the staging of the construction process; modify the staging of site remediation; increase the height of the western fence; and allow the contributions to be offset due to the public benefit being provided by the development.

MP 06_0267 MOD 2 was approved on 4 September 2008 to make minor amendments to the internal layout and George Street façade of the multi-purpose sports and recreational building (Building F), and the addition of amenity and first aid facilities to the pool terrace on Level 2.

MP 06_0267 MOD 3 was approved on 26 November 2008 to delete a condition of approval relating to external materials of Building F.

A copy of the consolidated modified approval is at **TAG D**.

1.3 PROPOSED MODIFICATION

On 4 March 2009, the Indigenous Land Corporation (the Proponent) submitted an application to modify the Part 3A project approval pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (the EP&A Act).

The Proponent is seeking to modify the existing approval to delete the provision of the child care centre in Area G and to replace it with a multi-purpose sports field, additional play areas, new pergola and increased landscaping. The modifications sought include the deletion of two approved buildings in Area G as the demand for the buildings no longer exists. The intention is to relocate the child care centre elsewhere in Redfern. The only new physical structures proposed are fencing and a new pergola. The new pergola is lower in height than the approved buildings.

2. STATUTORY CONTEXT

2.1 MODIFICATION OF A MINISTER'S APPROVAL

The modification application has been lodged with the Director General pursuant to s75W of the EP&A Act. Section 75W provides for the modification of a Minister's approval including "*revoking or varying a condition of the approval or imposing an additional condition of the approval*".

2.2 ENVIRONMENTAL ASSESSMENT REQUIREMENTS (DGR'S)

It is considered unnecessary to notify the proponent of environmental assessment requirements, pursuant to s75W(3) of the EP&A Act with respect to the proposed modification, as sufficient information was provided to the Department to consider the application, and issues are not different to the original DGR's.

2.3 CONSULTATION AND EXHIBITION

Under s75W of the EP&A Act, a request for a modification of an approval does not require public exhibition. However, under s75X(2)(f) of the EP&A 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 Redfern-Waterloo Authority (RWA) and City of Sydney Council (Council), who were generally supportive of the modifications. The following comments have been received:

- Hours of operation for the outdoor activities in Area G shall be restricted to those recommended in the Acoustic Assessment Report prepared by Renzo Tonin & Associates and the use of the play areas shall be managed by a plan of management;
- Access to the play areas shall be controlled;
- Lighting shall be designed to minimise adverse impact and detailed in a light plan; and
- A detailed public domain plan shall be prepared for Area G detailing levels and materials.

The application was not publicly notified given the overall reduction in environmental impacts, as open space play areas are replacing the construction of buildings.

3. CONSIDERATION OF PROPOSED MODIFICATION

The modifications sought are illustrated on the plans Area G – Site Plan; George St Elevation; North Elevation; Renwick St Elevation; Sections; Electrical Services Lighting Layout; and a landscape plan. Accordingly the modifications sought will require amendment of Condition A2 which specifies the approved plans. The deletion of construction of two buildings approved for Area G will result in an overall improved environmental outcome. The additional sporting and recreational community open space play area and new pergola compliment the development on the remainder of the site and will mitigate any loss of public benefit provided by the child care centre. The intention to relocate the child care centre elsewhere in Redfern is being further investigated by the Proponent with the support of the RWA.

The Department notes that as a result of modifications approved in MP 06_0267 MOD 1, the contributions required under Redfern-Waterloo Authority Contributions Plan were waived in lieu of community facilities being provided. The specific facilities that were considered to provide a material public benefit were the multi-purpose sports and recreational hall and accommodation space for various community organisations. Accordingly, the deletion of the child care centre does not impact the on the material public benefit that is being provided in lieu of the contributions.

The Proponent has provided an Acoustic Assessment Report prepared by Renzo Tonin & Associates to assess the noise impacts of the redesign of Area G. The recommendation of the noise assessment was that the hours of use for the play areas be restricted to protect residential amenity. Council concurs with the recommended operational hours. The Department recommends

that the following condition be imposed for the use of the outdoor play areas, taking into consideration the recommendations of the noise assessment.

Condition G5 – Operational Hours for Area G Play Areas

- 1) The upper area (eastern) of Area G - Basketball Court shall only be used between the hours of 7.00am and 6.00pm; and
- 2) The lower area (western) of Area G - Activity Play Area shall only be used between the hours of 7.00am and 10.00pm.

Council and RWA also raised concerns regarding the management of the play areas and requested that a plan of management be prepared to detail the hours of operation and access arrangements for the outdoor play areas. The Department recommends the following condition be imposed to ensure that the use of the play areas is appropriately managed:

Condition F18 – Plan of Management for Area G Play Areas

A plan of management shall be prepared for Area G play areas and shall detail:

- a) The hours of operation of the outdoor play areas in accordance with Condition G6 of this consent;
- b) The lighting strategy for Area G including the type and number of Luminaries, extent of glare and light spill outside the boundary and any measures needed to mitigate the impacts of nearby residences. A lighting expert is to confirm that the lighting will comply with the Australian Standards for ball sports and physical activity in the play areas;
- c) That any lighting associated with the play areas shall be switched off during the hours where the play areas are not in operation; and
- d) The access arrangements in place to minimise the potential for anti social behaviour.

The plan of management shall be prepared in consultation with the NSW Police Crime Prevention Officer and submitted to the Department prior to commencement of use of the play areas.

The Department recommends the following condition be imposed to address Council's concerns over the public domain and interface with adjoining land.

Condition B17 – Public Domain Plan

An amended public domain plan illustrating existing levels, proposed levels and adjoining levels, and materials to be used to be submitted to the Private Certifying Authority prior to Construction Certificate for Stage 9.

The proposed fencing has multiple functions in providing safety, an acoustic barrier and as a ball screen. Given the multiple functions of the proposed fencing, the height of the fencing in the eastern area is considered appropriate given the use as a basketball court. The proposed fencing on the western side of Area G where the playing area is an activity play area, the fencing height shall be no greater than 2.6 metres to be consistent with other fencing facing Renwick Street around the Playing Field. The Department recommends the following condition be imposed to address the fence height around the western play area on the Renwick Street boundary:

Condition A8 – Activity Play Area / Renwick Street Fence Height

The height of the fence around the Activity Play Area in Area G facing Renwick Street shall be a maximum of 2.6 metres high.

The modifications sought are considered acceptable given the overall impacts of the project will be reduced and any amenity impacts will be adequately managed. The modifications will alter the public benefits achievable under the original approval, however any loss in public benefit will be mitigated through the provision of positive offsetting public benefits.

In addition to the above conditions a number of consequential amendments are required as a result of deletion of the child care centre. The recommended modifications are as follows:

- Delete reference to construction of child care centre in Schedule 1 Part A-Table and in Condition A1.
- Replace references to Building G (Child Care Centre) in Stage 9 of Condition B1 Staging of Construction, with Area G Play Areas.
- Delete references to child care centre in Conditions F13 Commercial & Child Care Centre Kitchens and G1 Commercial & Child Care Centre Kitchens;
- Delete Condition F14 Child Care Centre which relates to the use of the child care centre buildings;
- Delete reference to child care centre in Condition G3 Hours of Operation Multi Purpose Building/PCYC & Child Care Centre and part (2) of this condition which relates to hours of operation for the child care centre.

4. RECOMMENDATION

It is recommended that the Director General, as delegate of the Minister for Planning:

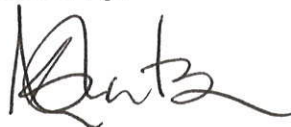
- (a) **Consider** the findings and recommendations of this report; and
- (b) **Approve** the modification, subject to conditions, under section 75W of the *Environmental Planning and Assessment Act, 1979*; and
- (c) **Sign** the attached Instrument of Modification Approval (**TAG A**).

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30/4/2009.