



MODIFICATION REQUEST:

***National Centre for Indigenous
Excellence***

***160-202 George Street, Redfern (Former
Redfern Public School)
(MP 06_0267 MOD 6)***

***Extension of operating hours to support
Midnight Basketball Program***

Director-General's
Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979

September 2010

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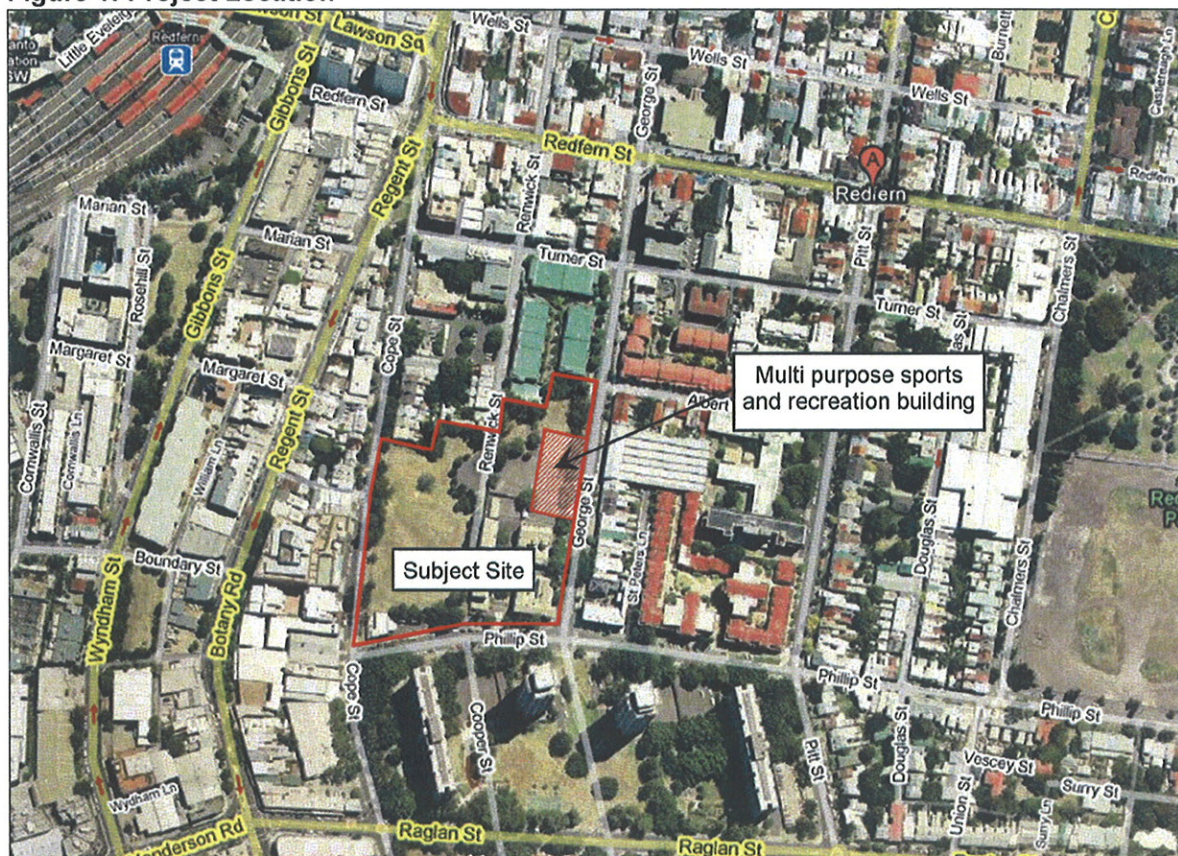
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1. BACKGROUND

This is a report on an application seeking to modify the Project Approval (MP 06_0267) for the National Indigenous Development Centre (now known as the National Centre for Indigenous Excellence) 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. The project location is shown in Figure 1 and the location of the multi-purpose sports and recreation building - Eora Sports, Arts and Recreation Centre (formerly known as Building F and the subject of the modification) is hatched.

Figure 1: Project Location



1.1 Major Project Application

Project Application MP 06_0267 was approved on 4 October 2007 and comprised the following:

- Refurbishment of the existing school buildings for educational, office and dormitory accommodation uses;
- Demolition of the 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 a 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.

1.2 Previous Modifications

MP 06_0267 MOD 1 was approved on 8 April 2008 to modify the staging of the construction; 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 Eora Sports, Arts and Recreation Centre, 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.

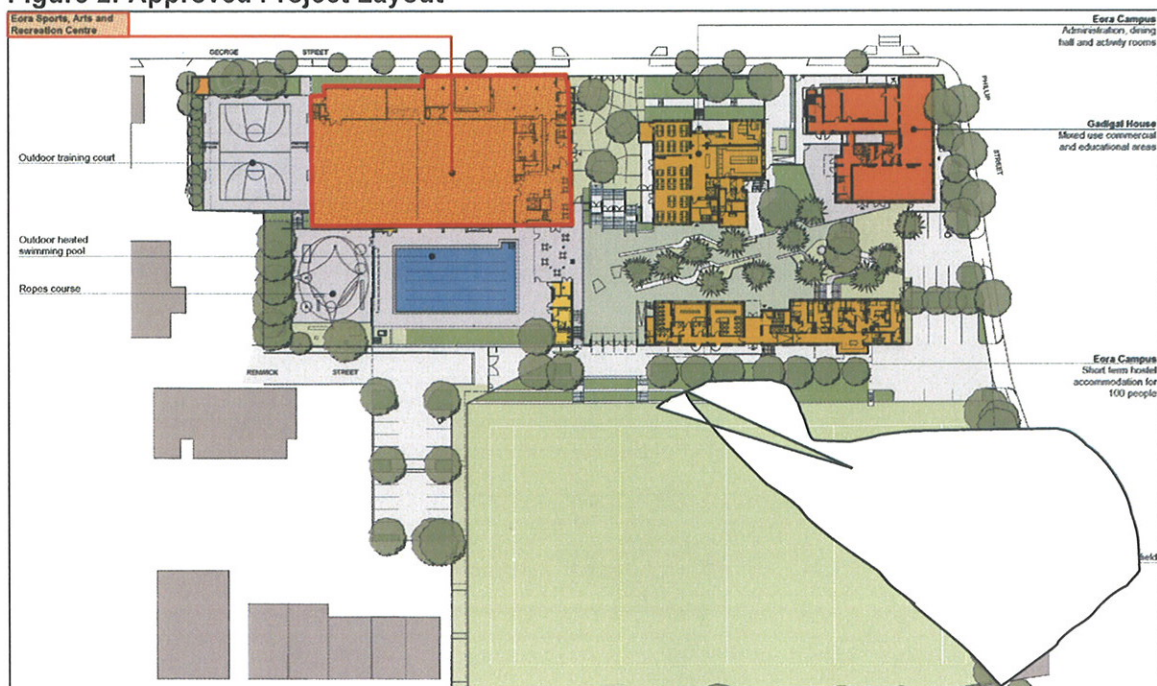
MP 06_0267 MOD 4 was approved on 30 April 2009 to delete the construction of the child care centre and replaced it with outdoor play areas including a basketball court.

MP 06_0267 MOD 5 was approved on 16 October 2009 to extend the operating hours for the internal gym facilities of the Eora Sports, Arts and Recreation Centre from opening at 7am to 6am.

The National Centre for Indigenous Excellence has recently commenced operation.

Refer to Figure 2 for the approved project layout.

Figure 2: Approved Project Layout



2. PROPOSED MODIFICATION

2.1 Modification Description

On 7 May 2010, 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 Indigenous Land Corporation (the Proponent) seeks to modify the proposal to extend the operating hours of the Eora Sports, Arts and Recreation Centre from the closing time of 10pm to 12 midnight for 16 Friday nights per annum to facilitate the Midnight Basketball Program. The Midnight Basketball Program is a community program that aims to keep youth off the streets during a high risk period (Friday nights). The participants would be provided with dinner, attend an educational workshop and compete in basketball. The Proponent considers the Program would provide significant community benefits and would not result in adverse environmental impacts.

Consequently, the Proponent seeks to modify Condition G3 to insert the following bold text in the condition:

G3 Hours of Operation Multi Purpose building/PCYC

(1) Multi Purpose Building

The hours of operation of the multi purpose building is limited to opening between the hours of 7am to 10pm 7 days a week except:

- (a) on occasions where the building is being used as a place of public entertainment in which case the venue must cease operating by 11.30pm; and
- (b) on Friday nights on not more that 16 occasions throughout the year when the Centre is used to deliver a youth basketball program in which case the venue must cease operating by 12am with all persons to be off-site by 12.30am.**

The indoor components of the multi-purpose building (gym equipment, activity rooms, fitness rooms, spin class, change rooms, reception and kiosk) may operate between 6am and 7am on weekdays for a trial period of 12 months. The trial period commences when the occupation certificate for the multi purpose sports and recreation building is issued.

The operator of the building shall return to the hours of 7am to 10pm seven days a week at the expiration of the trial period unless further modification of the approval is sought and approved.

See Appendix A for a copy of the modification request.

3. STATUTORY CONTEXT

3.1 Modification of the Minister's Approval

The modification application has been lodged with the Director General pursuant to section 75W 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*". As the Proponent is seeking to modify a condition regarding operating hours, the proposed modification is not consistent with the approval, however, is still consistent with the functions and operation of the facility.

3.2 Delegated Authority

On 25 January 2010, the Minister delegated his powers and functions under section 75W of the EP&A Act to Directors in the Major Projects Assessment Division in cases where there are less than 10 public submissions (not including submissions from public authorities) in the nature of objections in respect of the modification request.

As 6 public submissions were received (see section 4), the Acting Director, Government Land and Social Projects may determine the modification request under delegated authority.

4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition

Under Section 75X(2)(f) of the EP&A Act, the Director-General is required to make the modification request publicly available. The Department:

- publicly exhibited it from 2 June 2010 to 2 July 2010 (30 days):
 - on the Department's website;
 - at the Redfern-Waterloo Authority (RWA) Offices, City of Sydney Council (Council) Offices and the Department of Planning's Information Centre at Bridge Street;
- advertised the public exhibition in the Sydney Morning Herald and the Daily Telegraph on 2 June 2010; and
- notified landholders and relevant State and local government authorities in writing.

The Department received 7 submissions during the exhibition of the modification request – 1 submission from a public authority and 6 submissions from the general public. See Appendix B for a copy of the submissions.

A summary of the issues raised in submissions is provided below.

4.2 Public Authority Submissions

A submission was received from RWA. RWA are supportive of the modification as it would support a community program that provides educational workshops teaching life skills and competitive team sport for youths. The RWA recommended that the Plan of Management be reviewed regularly to address relevant community issues.

4.3 Public Submissions

6 submissions were received from the public. All 6 (100%) public submissions objected to the proposed modification. The key issues raised in public submissions are listed in Table 1.

Table 1: Summary of Issues Raised in Public Submissions

Issue	Times mentioned	Proportion of submissions (%)
Noise	6	100
Parking	3	50
Traffic management	2	33
Waste/pollution	2	33
Security	1	17
Light spill	1	17

The Department has considered the issues raised in submissions in its assessment of the proposed modification.

5. ASSESSMENT

The proponent seeks to extend the hours of operation of the Eora Sports, Arts and Recreation Centre to facilitate the delivery of the Midnight Basketball Program. The Midnight Basketball Program would run for 16 Friday nights during the year. The operators of the facility, YMCA, a recognised organisation that runs comparable facilities has identified that the period between 6 pm and 12 midnight is a high risk period for youths and the program attempts to keep them off the streets during this period. The Department considers the key issues for the proposed modification are potential noise impacts and traffic management.

5.1 Noise

The operation of the program would be located entirely within the Eora Sports, Arts and Recreation Centre and only on 16 Friday nights of the year. The Department notes that the Eora Sports, Arts and Recreation Centre hours of operation extend to 10 pm, with the ability to operate to 11:30 pm when operating as a place of public entertainment. The facility has been acoustically treated to ensure minimal adverse noise impacts to the surrounding residential neighbourhood. The extension of hours could result in potential noise impacts as the site is surrounded by residential development.

The Proponent's EA and Response to Submissions states that any potential adverse noise impacts can be adequately mitigated or managed. The acoustic assessment, which forms part of the EA, identifies that whilst the noise emissions from the operation of the Program would exceed Department of Environment, Climate Change and Water's intrusiveness criteria by approximately 2 decibels, the noise emissions can be adequately mitigated by closing the louvers on the eastern side of the building during the extended hours of operation. The acoustic assessment also concluded that potential exceedance of sleep disturbance criteria by up to 14 decibels could be mitigated through supervision of participants as they arrive and leave to ensure people are behaving in a quiet and orderly manner after 10 pm. The Proponent has committed to these mitigation measures in its Plan of Management. The potential noise impacts from traffic would also be mitigated by directing and supervising all egress from the site which would be via a mini-bus service from Phillip Street.

The Department notes that the Proponent has also identified further mitigation measures in its Plan of Management in response to issues raised during public exhibition including providing a security guard to patrol the premises whilst the Program is in operation and providing a mini-bus service to manage all arrival and departure of staff and participants via the Phillip Street car park. The Department considers that adequate management measures have been proposed to mitigate any potential noise impacts. RWA recommended that the Plan of Management be regularly updated to address any community concerns. The Department also considers that the Plan of Management shall be provided prior to the operation of the program, with due consideration of all relevant issues raised during the community consultation sessions regarding potential adverse noise impacts and clearly identifying which Friday nights the Program would be held. The Plan of Management would also be required to be reviewed on an annual basis should the program continue beyond the first year of operation.

5.2 Traffic Management

As the site is located in a predominantly residential area, an extension of hours would potentially create adverse parking, access and associated noise impacts given the consolidated arrival and departure of potentially 85 participants, staff and visitors

immediately prior to and after the Program. In response to the issues raised during the public exhibition regarding potential noise and parking impacts, the Proponent has committed to providing a mini-bus service to facilitate movement of all staff and participants, and to manage associated impacts. This service would drop off and pick up passengers via the Phillip Street car park, which is located within the site.

The Department considers that the mini-bus service would provide an appropriate means to minimise potential adverse noise and parking impacts as it would minimise vehicle traffic in the adjoining residential streets related to the extended hours of operation and any congregating would occur within the site in a supervised and orderly manner within the car park. A small number of visitors that may assist in the delivery of workshops may not utilise the mini-bus service as they may change regularly, however, it is not expected that these visitors would generate excessive noise. Any complaints would be registered and the Plan of Management would need to address any potential adverse impacts. The Department has also recommended a trial period to ensure that the Proponent effectively manages the impacts and prior to the continuation of the Program demonstrates to the satisfaction of the Director General that the Program is duly managed.

6. CONCLUSION AND RECOMMENDATIONS

The Department considers that the Midnight Basketball Program is consistent with the services and functions of the National Centre for Indigenous Excellence, which provides educational and recreational facilities for the Indigenous population and the local community. The extension of hours for 16 Friday nights of the year is acceptable given the community benefits that would result from operating the Midnight Basketball and minimal environmental impacts.

The Department has reviewed the submissions and considers that the Proponent has identified appropriate mitigation measures in its Plan of Management. To ensure that the potential impacts are mitigated and managed the Department has recommended that the Midnight Basketball Program be given a one year trial period. At the completion of the Program, the Proponent shall demonstrate that the Plan of Management has been effective and that the impacts have been mitigated and will be mitigated for the on-going use of the premises for the Program, to the satisfaction of the Director General. The Department has recommended that the Plan of Management be reviewed and updated annually and provided to the Department to ensure that the ongoing potential noise and traffic issues are managed appropriately.

Accordingly, the Department recommends that the modification request be approved subject to conditions limiting the extension to 16 Friday nights, the submission of a Plan of Management prior to commencement of the Program, and an annual submission of a Plan of Management should the program continue beyond the first year of operation.

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Approved by


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Government Land and Social Projects

APPENDIX A MODIFICATION REQUEST

See the Department's website at
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=3947

APPENDIX B SUBMISSIONS

See the Department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=3947

APPENDIX C RECOMMENDED MODIFYING INSTRUMENT

Modification of Minister's Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning under delegation executed on 25 January 2010, I approve the modification of the project application referred to in schedule 1, subject to the conditions in schedule 2.



A/Director
Government Land and Social Projects

Sydney

7 SEP

2010

SCHEDULE 1

Project Approval:

MP 06_0267 granted by the Minister for Planning on 4 October 2007

For the following:

National Indigenous Development Centre at 160 – 202 George Street, Redfern, comprising a new multi purpose building; swimming pool; multi code football field; adaptive reuse of existing school buildings for educational, commercial and dormitory uses; demolition of existing toilets blocks and associated landscaping.

Modification:

MP 06_0267 MOD 6: Amend the hours of operation of the Eora Sports, Arts and Recreation Centre (formerly known as Building F) from the closing time of 10pm to 12 midnight for 16 Friday nights per annum.

SCHEDULE 2 CONDITIONS

PART F—PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

1. Insert the following condition after condition F19:

F20 Midnight Basketball Program Plan of Management

A Plan of Management shall be prepared prior to the commencement of the Midnight Basketball Program that identifies:

- a. The 16 Friday nights on which the Program will be held;
- b. Community consultation measures, including informing the adjoining residents of when the program will be running;
- c. Noise management measures, including from activities within the Eora Sports, Arts and Recreation Centre and movement to and from the Centre;
- d. Access, parking and traffic management, including pedestrians and vehicles; and
- e. Safety and security measures.

The Plan of Management shall be reviewed annually to ensure the management measures are effective and submitted to the Department prior to the commencement of the Program each year.

PART G—POST OCCUPATION & ON GOING OPERATIONAL CONDITIONS

2. Amend Condition G3 Hours of Operation Multi Purpose Building/PCYC as follows:

Insert after the following words "The hours of operation of the multi purpose building is limited to opening between the hours of 7am to 10pm seven days a week except on occasions where the building is being used as a place of public entertainment in which case the venue must cease operating by 11.30pm." the following paragraph "The indoor components of the multi purpose building (basketball courts, activity rooms, change rooms, reception and kiosk) may operate between 10 pm and 12 midnight on 16 Friday nights of the year, which will be identified in the Plan of Management referred to in Condition F20. After the first year of operation of the Program, the Proponent shall seek the Director General's endorsement for the continued extension of hours which would be subject to the Proponent demonstrating that the Plan of Management was effective or has been revised to adequately respond to any complaints or issues arising from community consultation or from the operation of the Program."