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Department Generated Correspondence (Y)

DEPARTMENT OF PLANNING

Development Assessment & Systems Performance

COMPLIANCE OF PART G – POST OCCUPATION & ON GOING OPERATIONAL CONDITIONS (MP 06_0267 (MOD 6) FOR THE NATIONAL CENTRE FOR INDIGENOUS EXCELLANCE (NCIE), 160 – 202 GEORGE STREET, REDFERN

PURPOSE

- To seek the Acting Director's approval that the Proponent has satisfied the requirements of Condition G3 – Post Occupation & On Going Operational Conditions of MP 06_0267 MOD 6 to continue the Midnight Basketball Program (MBP) between 10 pm and 12 midnight over 16 Friday nights per annum.

RECOMMENDATION

That the Acting Director, Metropolitan & Regional Projects South:

- (a) Approve** the Revised Plan of Management, as amended, to enable continuation of the Midnight Basketball Program;
- (b) Sign** the attached letters to advise the proponent and Council accordingly (**TAG A**).

CURRENT POSITION

- On 14 December 2011, the NCIE submitted a Revised Plan of Management to accompany a request to continue the Midnight Basketball Program in 2012.
- Condition F20 of MP 06_0267 MOD 6 requires:
A Plan of Management shall be prepared prior to the commencement of the Midnight Basketball Program that identifies:
 - The 16 Friday nights on which the Program will be held;*
 - Community consultation measures, including informing the adjoining residents of when the program will be running;*
 - Noise management measures, including from activities within the Eora Sports, Arts and Recreation Centre and movement to and from the Centre;*
 - Access, parking and traffic management, including pedestrians and vehicles; and*
 - 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.*
- Condition G3 of MP 06_0267 MOD 6 requires that after the first year of operation, the Proponent seek the Director General's endorsement for the continued extension of the Midnight Basketball Program. The Proponent is required to demonstrate that the Plan of Management is effective or has been revised to adequately respond to any complaints or issues arising from community consultation or from the operation of the Program.

COMPLIANCE REVIEW

Consultation

- The Department notified the proposed extension of the Midnight Basketball Program to surrounding properties between the 24 January 2012 and the 7 February 2012. The request was also referred to City of Sydney Council for comments and, placed on the Department's website.
- A total of 5 submissions in the form of objection letters were received.
- Key issues raised in submissions include:
 - unsatisfactory conduct of the notification process;
 - context of the NCIE actions;
 - insufficient merit of the proposal;
 - additional traffic and noise impacts on residents due to extended hours; and

- any approval should be limited to 6 months, include resident consultation immediately after, noise monitoring with exclusive use of Phillip Street and security patrols as per original conditions.
- A copy of the Department's detailed consideration of the issues raised in public submissions made is provided in **TAG B**.
- The Department received a submission from Sydney City Council (**TAG C**). Council did not raise specific compliance issues related to the Midnight Basketball Program or its hours of operation. Notwithstanding, Council advised of several compliance issues raised by residents in relation to the various uses at the NCIE including:
 - Parking surrounding the NCIE;
 - Noise from an alarm system at night on multiple occasions;
 - Noise from a pool filtration system; and
 - Sports use of the western courts including use of whistles during Rugby games.
- On this basis, Council raise no objection to a permanent extension of the Midnight Basketball Program subject to:
 - amendment of the Plan of Management to reflect any change in operational hours with a copy submitted to the consent authority for approval; and
 - inclusion of conditions including a traffic marshal at the entry or exit point to assist in the swift and quiet dispersion of groups of people arriving or leaving the site to minimise impact on residents living close to the venue.

Proponent's response

- On the 13 February and 14 May 2012, the proponent provided a response to submissions including the following information in support of their request:
 - the Midnight Basketball Program will run for 16 Friday nights in two school terms per year;
 - contact details for the program's coordinator;
 - participants and volunteers will be briefed on the Plan of Management as part of the induction at the start of each night;
 - a letterbox drop, including full information on the program and invitations to volunteer, will be provided to local residents;
 - activity to take place between 4pm and 7pm for young people arriving direct from school to the program;
 - advertising for the program to commence usually 4 – 6 weeks prior to the program starting, including:
 - soft launch – signage, email to members and past participants;
 - hard launch – social media, website and local networks; and
 - revised Plan of Management to make operational management of the Midnight Basketball Program more effective.
- a copy of the proponent's additional information including revised Plan of Management is provided in **TAG D**.

Department review

- The Department has considered the revised plan of Management, in context of public submissions including Council's assessment and the proponent's response and considers any extension of hours until midnight should be on the basis of responsible management.
- The Department notes that the existing measures in the original Plan of Management remain appropriate to the Program, including supervision of the premises and traffic /patrons / visitors arriving or departing the centre while the Program is in operation.
- The Department agrees with the need to incorporate additional information provided by the proponent into a single consolidated Plan of Management document so that residents and authorities are fully informed of its role and responsibilities on any approved occasion. An amendment to the Plan of Management is therefore recommended to ensure all of the proponent's additional information is incorporated.
- Further, the Department concurs with Council's recommendation to reduce noise and traffic impacts on residents living close to the venue. The Department recommends that additional safeguards, including the need for a traffic marshal at the Phillip Street entrance, be incorporated into a revised Plan of Management document. An amendment to the Plan of Management is therefore recommended to incorporate all of Council's recommendations.
- Following a review of all public submissions, the Department also considers further measures are required to be reflected in any revised Plan of Management prior to commencement of the Program


to ensure the amenity of the area is reasonably protected during the extended opening time. Necessary safeguards include:

- specific dates and number of events need to be clearly identified to ensure that the Plan of Management is effective and adequate for continuation of the late night use;
- contact details of the on duty operator / on duty manager and security guard provided to Council rangers in the event of a non compliance on any approved night;
- a separate traffic marshal (or volunteer) located at the closed entry / exit to George and Renwick Streets, to assist in the swift and quiet dispersion of any patrons/visitors arriving (up to 9pm) and leaving the site at the close of the Program (12 midnight) to minimise impact on residents living close to the venue; and
- a copy of the revised Plan of Management is to be made available to the public on the NCIE website prior to commencement of the program.
- On balance, the Department is satisfied that there are adequate measures available through this review to appropriately mitigate, manage and monitor noise and related issues associated with the extended opening times, should any complaints be received.
- The Department supports the continuation of the Midnight Basketball Program in context of an amended Plan of Management, to ensure the amenity of the area is reasonably protected during the extended opening time.

BACKGROUND

- Project Application MP 06_0267 was approved on 4 October 2007 comprising a new multi purpose building; swimming pool; child care centre; multi code football field; adaptive reuse of existing school buildings for educational, commercial and dormitory uses; demolition of existing toilet blocks and associated landscaping.
- MP 06_0267 MOD 6 was approved on 7 September 2010 to extend the closing time of the multi purpose building from 10pm to 12 midnight for 16 Friday nights per annum for the Midnight Basketball Program (**TAG E**).
- The Midnight Basketball Program is a free basketball competition program, hosted by the NCIE, which operates between 10 pm and 12 midnight on 16 Friday nights per annum over two school terms.
- The Midnight Basketball Program uses the indoor components of the multi purpose building (basketball courts, activity rooms, change rooms, reception and kiosk) at the NCIE.
- The Program comprises two eight week tournaments with male and female participants aged between 12 and 18.
- All participants are transported from the centre to their homes by buses from the Phillip Street car park and under supervision by supervisors at the conclusion of the program.
- A copy of the proponent's original Plan of Management for the Midnight Basketball Program is provided in **TAG F**.

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