



**VIQ SOLUTIONS AUSTRALIA PTY LTD**

ACN 008 711 877

**T:** 1800 AUSCRIPT (1800 287 274)

**E:** [clientservices@auscript.com.au](mailto:clientservices@auscript.com.au)

**W:** [www.auscript.com.au](http://www.auscript.com.au)

**TRANSCRIPT OF PROCEEDINGS**

---

TRANSCRIPT IN CONFIDENCE

---

O/N H-1640847

**INDEPENDENT PLANNING COMMISSION**

**MEETING WITH DEPARTMENT OF PLANNING, INDUSTRY AND ENVIRONMENT**

**RE: 46 FITZROY ST, CARRINGTON - DA 10689**

**PANEL: CHRIS WILSON**

**ASSISTING PANEL: LINDSEY BLECHER  
CASEY JOSHUA**

**DEPARTMENT OF  
PLANNING,  
INDUSTRY AND  
ENVIRONMENT: KIERAN THOMAS**

**12.02 PM, THURSDAY, 13 JANUARY 2022**

MR C. WILSON: Before we begin, I would like to acknowledge the traditional owners of the land from which we virtually meet today and pay my respects to their elders past, present and emerging. Welcome to the meeting today to discuss the Carrington Commercial Development at 46 Fitzroy Street, which is currently before  
5 the commission for determination. The applicant, Port of Newcastle Operations, is seeking approval to construct a commercial building at 46 Fitzroy Street, Carrington. The proposal comprises four levels of office space, a café, landscaping, carparking, seating and communal spaces, a waste disposal area, water tanks and signage.

10 My name is Chris Wilson. I'm the chair of this commission panel. We are also joined by Lindsey Blecher and Casey Joshua from the Office of the Independent Planning Commission. In the interests of openness and transparency and to ensure the full capture of information, today's meeting is being recorded and a complete transcript will be produced and made available on the commission's website. This  
15 meeting is one part of the commission's consideration of this matter and will form one of several sources of information upon which the commission will base its determination. It is important for the commissioner to ask questions of attendees and to clarify issues whenever it is considered appropriate.

20 If you are asked a question and are not in a position to answer, please feel free to take the question on notice and provide any additional information in writing, which we will accordingly put on our website. I request that all members here today introduce themselves before speaking for the first time and for all members to ensure that they do not speak over the top of each other to ensure accuracy of the transcript. We will  
25 now begin. Welcome, Kieran.

MR K. THOMAS: Thank you, Chris. Hi, Casey and Lindsey.

MR WILSON: So, Kieran, we might just handover to you to give a bit of a – an  
30 opening presentation in relation to the department's assessment and its recommended conditions.

MR THOMAS: Sure, thank you. My name's Kieran Thomas. I'm the director of regional assessments. Unfortunately, I don't have my assessment officer and team  
35 leader here, due to the time of year. One of them's had to take unexpected leave; the other one's on holiday leave. So I'll try to avoid taking things on notice if I can, but I may end up having to take some things on notice if it's getting into the detail of the project.

40 MR WILSON: .....

MR THOMAS: I also – I don't have a presentation per se, other than to, I guess, explain the – the – the basics of the project and introduce it, in that it's a – it's a part  
45 4 project. It's not an SSD project. The Minister for Planning is a consent authority, because it's located within the Port of Newcastle lease area and the reason it's coming to the IPC is because the applicant has made a political donations

disclosure. So myself and the team visited the site in February last year. It's currently a – a vacant lot with a concrete slab. I'm not sure if the Commission's had the chance to see the site. One of – sorry, Chris.

5 MR WILSON: Yes, we just – we just did a virtual site inspection, Kieran, which has been quite helpful. So we – in terms of that context, we're – we're across it. Yes.

10 MR THOMAS: Yes, I think that that's probably all that's needed. It's a fairly straightforward site, as these things go. I guess the main thing that struck us when we visited the site was the existing parking situation in the area. There's a lot of on-street parking and overflow parking. And that played into our assessment of the – of the parking provision, which I'm sure we can get to in due course. And I guess the other aspect of this that's probably the key theme is it's – it's consistency with the  
15 objectives of the – of the area, with the – the zoning and – and the objectives of that the ..... set. And happy to talk through that in due course as well, but I guess our – our – one of the things that struck – struck us on the site was that it was – how close it is to residential areas; the fact that it right on – right on the boundary of the port area.

20 I think some of the – some of the objectives to do with waterfront uses and, you know, protective port-related uses are probably – it can be interpreted slightly differently given the location and its proximity to residential uses and being away from the waterfront. But we can go into that in more detail, because I note that  
25 there's some questions on the agenda around that. That's probably all I – I have to say, I guess. It's – it's a four-storey office premises, as – and it's got a – a proposed café on the ground floor. It's got plenty of parking and it's got access from both sides of the – of the lot on those – those two streets. So beyond that, there's nothing really remarkable about it that I wanted to put out as kind of an introduction. So I  
30 might just keep it brief.

MR WILSON: That's fine. That's fine, Kieran. We might just – I guess our – our questioning is – is two aspects. Is there's obviously the strategic aspect and then there's the – the site-specific issues that we'd like to discuss with you. In terms of –  
35 in terms of the project justification, we – you know, we've – we've discussed that. We know council raises an issue and council's concerns about ..... centre and so forth in relation to office space. We understand that. We – we also have some – we – we're investigating, I guess, some issues in relation to whether or not the development as a – as a schedule development, you know, as a – getting its  
40 permissibility through, I guess ..... schedule; isn't that right, Lindsey?

MS C. JOSHUA: Additional permitted use, yes.

45 MR WILSON: Yes, additional permitted use. May not necessarily have need to have too much regard to the objective. But we're – we're – that's something we're getting – trying to get across. Notwithstanding, I guess the concern for any – well, what we'd like to address or make sure we've addressed is that if it was approved,

we don't understand what would stop other sites from maybe – you know, how – how are we satisfied that this – this satisfies the demand for this type of development in that area, which is port related? So I guess that's something we're trying to get our heads around as well. Like, for instance, is it likely down the road something similar might pop up?

I don't want to use the word "precedent", but I – I guess we just – need to understand that this is likely to satisfy demand in, you know what I mean, the next 50 years in terms of – because, look, we agree that it – well, I – I certainly can see the – the – the – there's likely to be links to the port and port-related uses. So I – is there anything you can say in relation to that?

MR THOMAS: Yes. I mean, I think it was important to us in our assessment as well that we protect port-related uses on the site. I guess the things that we're feeding into our consideration, the entire Port of Newcastle is its own special one – use, so there's no kind of distinction in terms of a general industrial zone where office premises is permitted, as in other ports. So – and, I guess, the other thing is the – the additional permitted use of an office premises being in the – since its inception. So it was – it was in the ..... port from 2013. It's always been envisaged that office premises are an additional permitted use across the Three Ports areas.

My view is that if you were going to put an office premises as an additional permitted use anywhere in the Port of Newcastle, this is probably the ideal spot for it. It's – it's right next to residential uses, so it can provide a bit of a buffer between the residential uses and the heavier port-related uses. It's not on the waterfront, so it's not taking that waterfront access away from any other port-related uses. But it's close enough to encourage port-related uses to – to take up tenancies within the – within the offices. I think you see – along Fitzroy Street, you see a few examples of that already. There's Thales or Thales – however you say it; and there's RPS ..... surveyors; there's Marine Safety offices.

There's – those types of port-related services which aren't strictly speaking needing a waterfront access, but they can still support the function of the port. So I think that's – that's my view on why the office premises as an additional ..... use are appropriate on this site. I think – I think it is important to acknowledge the fact that there are residential uses right next door; this is right on the boundary of the port area. So, yes, I think it's – it's – it's a good spot for it, if you're going to be putting office premises anywhere. In terms of demand, I think – I think you're right in that it has the potential to supply all the – all the forecast demand for the time being.

I don't – I don't think there'd be much demand leftover to justify further office premises in – within the port. There wasn't a lot of evidence provided as part of the DA beyond references to what I've just said around the evidence that there's existing uses in the area that – that are located there, that could be also located in this premises. I mean, we looked a little bit at other ports and there – there was some modelling done for the GFC on future office – office demand in Sydney. And it

talked about there's ongoing port-related tenant demand for offices in Port Botany, for example, and that that's scheduled to grow, albeit at a low growth rate.

5 So you could argue that a similar – similar demand forecast for Port of Newcastle. I think there is some argument from the applicant that locating in the CBD doesn't provide you with that proximity and – and reasonably quick access to the port. I think being on this side of the port within Carrington's more – probably more suitable for those port-related office uses. It – it would – it would actually take quite a while to get round the port and into – into the waterfront if they were located in the  
10 CBD. So I think there's – I think that's a reasonable argument. And I guess, you know, there is broadly speaking a bit of a trend towards shore-based port remote kind of logistics management, remote engine management sometimes as we ll.

15 There is a bit of a – a trend for the future whereby some of the actual port operations and even ship operations will be done remotely. So broadly speaking, I think you can see there is – there is going to be a continued demand for – for office-based activities close to the port.

20 MR WILSON: Okay. I – I – I think we accept, as we did with Raven Street, was it, that – it that it doesn't necessarily need to be a direct use of the port. They could be secondary, indirectly supportive of port activities and that was sufficient – that was sufficient justification from our perspective. I – I guess we're just – want to make – we can't really deal with it as part of this application, but I – I guess we just want to try and understand whether or not this something that would – would – would lead to  
25 – but – but as you're saying, it's unlikely the demand would be required for further or similar development. Is there anything more you want to add on that, Lindsey? Casey?

30 MR L. BLECHER: No, thanks, Chris. I think that covers it for me.

MR WILSON: Okay. Thank you. But Lindsey and – Lindsey and I, we – we have been discussing – and Casey have been discussing the objectives of the zone and we're not – we're – we're – we're looking at that closely, and we'd like some – I guess some confirmation from the Department that those – those objectives need to  
35 have – we need to have regard to those objectives. I mean, obviously – obviously we – at this stage, we will, but there's some argument that because it gets its ..... permissibility the way it does, we don't have to. Can you – are you able to respond to that for us at some stage.

40 MR THOMAS: I'd have to get legal – our legal team to look at it. They probably have provided advice on this in the past. We've certainly addressed the objectives as part of our assessment.

45 MR WILSON: Yes, we understand that. We've been - - -

MR THOMAS: ..... it's consistent, but I can – I can get back to you to confirm whether it – it is actually a necessary consideration.

MR WILSON: I – I just – we just want to make sure that we've got it right in our report .....

MR THOMAS: Yes. Yes.

5

MR WILSON: So that – that would be appreciated. So the vehicle – the – the – let's just go next to the vehicle parking issue. Well, actually, no. I want to talk about a bigger one than that. The – I understand – I understand your concern about the proximity of this development to residential development. We looked – done the virtual site inspection and I can understand where you're coming from. What I don't understand yet and I'd like you to clarify is why – why you're prohibiting the use of this site on the weekend? Is that because the noise assessment indicates that there's going to be unacceptable noise or is – is it traffic impacts or – or is it just precaution?

10  
15 MR THOMAS: I'll have to take it on notice. I would – I would assume that it may be associated with, you know, the proximity to the residential areas and wanting to keep that weekend – weekend amenity, but I'll – I'm going to have to take it on notice, because I'm not sure of the detail of why we're restricting the weekend operation.

20

MR WILSON: And in – and in doing so, can they tell me whether or not there's any difference in noise emanating from the actual building itself on the – during the week and the weekend?

25 MR THOMAS: Sure.

MR WILSON: Because I – I just want to understand, because if you can access – you can access the site from the front, which doesn't go past any residences and the park underneath, there may not be any impact on – on residential development and – and I guess we just don't want to impede a – the use of a resource that, you know, we're spending \$30 million on.

30

MR THOMAS: Yes.

35 MR WILSON: But if there's – if – if there's real impact implications to those residents, then by all means. We're just – just trying to understand that, Kieran.

MR THOMAS: Okay.

40 MR WILSON: .....

MR BLECHER: Just for reference, Kieran, the hours of operation as recommended by the department are in condition F13. Yes, that's right.

45 MR WILSON: We understand and accept that – that – the – the café, in essence, because that's probably all it needs anyway. But you wouldn't want to stop people – if – if there's no real reason, you wouldn't want to stop people going in on the

weekend. And if it's port related and supporting 24-hour operations, I – I would have thought that ..... need to sort of ..... up a bit. Anyway - - -

MR THOMAS: Yes.

5

MR WILSON: - - - that's that one. So that – what about vehicle parking? So there's – you said there was that issue about – I mean, they – the applicant identified to us that that issue was at the – the northern – is it Denison Street? Which one is it? Hang on. Let me .....

10

MR THOMAS: It's the Denison – is it Denison Street that's on the eastern side of the site?

MR WILSON: .....

15

MR THOMAS: That's correct, yes. So I guess I – I - - -

MR WILSON: Yes, Denison Street.

20

MR THOMAS: Yes, my view is it's both streets. I mean, we walked around the whole - - -

MR WILSON: Okay.

25

MR THOMAS: - - - area and the on-street parking on Fitzroy Street as well was chock-a-block. We couldn't find a spot to park. This is in the middle of the day on a weekday.

30

MR WILSON: Okay, so it was during the week. And – so but – but are you saying – you're obviously satisfied that the – with the provision of 172, 177 parks at – this development's not going to cause any problem or not going to exacerbate that situation.

35

MR THOMAS: No – so, yes, sorry, we are confident that it won't exacerbate the situation. It's – it's something like 43, I think, spaces more than what would be required under the DCP for office uses. I think there is a potential that they could – there could be more vehicles required than – than kind of standard CBD office uses, because there might be fleet vehicles or those types of things associated with these types of uses.

40

MR WILSON: Right.

45

MR THOMAS: But it's – it's well in excess of the – of the DCP requirement and, you know, there is some – there is some public transport access and there is some proximity to residential areas that might – that that should mean that there'll be, you know, non-car ..... share isn't reasonably high at this site, so – yes, we – we think it's important that there's more than the minimum provided, given the issues - - -

MR WILSON: Yes.

MR THOMAS: - - - but – but the level that’s being provided, we think, is  
5 appropriate to make sure there isn’t that overflow out onto the streets as a result of  
this project.

MR WILSON: So that then brings me to the green travel plan and – and the bicycle  
parking, 172. It’s 50 – 50 bicycle racks actually. There was – there’s an  
10 inconsistency in the report. It said 15 at one stage.

MR THOMAS: Okay.

MR WILSON: But it’s – it’s okay. It says 50 in the conditions, so – so it’s correct  
where it matters most. So – so we – we – we thought you were a bit light on in terms  
15 of bike parking, but it’s – but it’s resolved itself through reading the conditions .....

MR THOMAS: Okay. Sorry about that mistake.

MR WILSON: No, that’s all right. It’s okay. So do you have anything, Lindsey,  
20 Casey? Do you have anything to talk about in terms of parking, bike parking, green  
travel plan?

MS JOSHUA: Nothing from me.

MR WILSON: ..... finished with that? Okay. And do you want to quickly discuss  
25 the conditions? Just – just – well, obviously there’s the – the – the operational  
restriction which we want you to come back on, which – which I’d appreciate.

MR THOMAS: Yes.

MR WILSON: There’ll be a number of – well, there’ll need to be a number of  
30 changes, I believe, to the consent, because government moves quickly and changes  
its name and minister and so forth. What – what’s the construction period, Kieran?  
Can you remember?

MR THOMAS: I might be able to quickly find it.

MR WILSON: It’s just that the – it’s just that the audits, I think they are – let me  
40 just have a look. The – the construction compliance reports are – are based around  
six-month reporting. I just – if it’s – if the construction period is less than that, then  
it just might need to be looked at; that’s all. We can – we can drop these notes over  
to you, anyway, and - - -

MR THOMAS: Okay.  
45

MR WILSON: Yes. Yes. We might – what’s the best way of doing it, Lindsey? A  
marked-up version or - - -



MR BLECHER: Typically, we'll contact the Department following the stakeholder meetings prior to determination to ask for that feedback on the conditions and any changes ..... made to those.

5 MR WILSON: Okay, all right. So – and there's a – there's a couple of other matters. We've issued a consent just recently for Raven Street. I don't know if you viewed it, but it might be worthwhile. Some of the conditions are different. They're the same in intent, but different in – sorry – they're some in intent, but written differently. We may come back in relation to that as well.

10 MR WILSON: Okay. So what – and just tell me what is happening with the overhead mains. So are they – are they going under or – or it's just an option? You've given them – you've given them an option, have you? It's B28.

15 MR THOMAS: From memory, there's was feedback from the energy provider. Just one second.

MR WILSON: Okay, so they may or may not be proceeding to under – put it underground. It just depends on what they get back from Ausgrid.

20 MR THOMAS: So – so Ausgrid did not object.

MR WILSON: Right.

25 MR THOMAS: They provided comments, including guidance, on the proposed undergrounding of the overhead mains - - -

MR WILSON: Yes.

30 MR THOMAS: - - - and the requirement of the existing mains to be assessed by a qualified service provider to ..... compliance if changes are proposed. So I – I – so it's an option. I can confirm .....

MR WILSON: It's an option. So it's not – it's – it's – it's left up to them. It's not something that government is seeking to have all – all the lines underground on the – on the – on the – in that area or it's just .....

MR THOMAS: I don't believe so, but I can confirm .....

40 MR WILSON: They'll do it if they can do it, yes. That's my understanding.

MR THOMAS: Yes, I think so. I think you're correct.

45 MR WILSON: All right. I've got so many tags here. Maybe I should have – all right. So – so let me just go to the main ones. There's this condition in D22, which I keep coming back to and no one ever changes it, because it's just – the standard conditions. D22(d).

MR THOMAS: Did you say - - -

MR WILSON: ..... hey?

5 MR THOMAS: - - - D? D for dog, was it, sorry?

MR WILSON: D22(d).

10 MR THOMAS: Sorry. I was looking at B22. D22(d). Public roads used by the .....

MR WILSON: Didn't it say within the vicinity of or something or because - - -

MR THOMAS: Okay.

15 MR WILSON: Yes. Look, I know it's - it's just something that - that it could be read as long as - I mean - - -

MR THOMAS: Yes, the whole - - -

20 MR WILSON: - - - there's no discipline around .....

MR THOMAS: Yes, okay. Yes, I think that's easily changed.

25 MR WILSON: Just E11.

MR THOMAS: Road reserve works.

30 MR WILSON: Yes, just ..... be immediately repaired. I mean, if the - if the construction period's six, 12 months and they've damaged something which is - it could get damaged again, I'm just wondering what it - is - is it just - is there any contingency plan for them to do it at the end of construction? I mean, isn't - isn't that just something - it seems a little presumptuous just to immediately fix it if the possibility is it's going to be damaged again; that's all. I - it's a bit of - just something to consider, yes?

35 MR THOMAS: Yes. I mean, I think the intent is that it's - it's immediately repaired to a - to a state where it can continued to be used and then - and then the second sentence talks about full restoration of the damage - - -

40 MR WILSON: Okay, fair enough.

MR THOMAS: - - - has to happen prior to completion of - or prior to issue an OC. So I think the intent is that it's just made to a point where people can continue to use it safely, rather than having - having it fully restored.

45 MR WILSON: Okay. Fair enough. E28, operational traffic management plan.

MR THOMAS: Yes.

MR WILSON: E is exactly the same as it was in the construction traffic management plan. Are we expecting – it's an – it's an office. Are we – are we  
5 trying then to ensure truck drivers use – I mean, this is operational development now. Are we trying to control trucks to and from the site?

MR THOMAS: I – I think there will be some truck movements during operation.

10 MR WILSON: Anyway, I just – I just raise it – I just question the need for those – those dot points in there in relation to an operational office building; that's all. We just might want to have – have - - -

MR THOMAS: Okay.

15

MR WILSON: - - - a look at that.

MR THOMAS: Sure.

20 MR WILSON: Yes, the operational one we've just discussed and that's probably – there's some other little things, but they're just – that's just ..... on my behalf – on my behalf, but they're the main ones. So, look, I think – I think that's probably pretty good, Kieran, at this stage. If we have some additional – we're – we're meeting with council – not till next week. We're meeting with the applicant straight after this.  
25 With Raven Street, we asked – we didn't have – so what happened with Raven Street, they raised some questions about conditions. Now, they sent us what they sent you. We – we don't particularly want that in this instance.

We – we – if they've still got questions about – I'm not quite sure to what degree you  
30 addressed their concerns in relation to the conditions, but we will give them the opportunity to provide us with comments on those conditions as provided to us. Not – not what they provided to you. So if there's – so we may have to come back to you at some stage.

35 MR WILSON: Okay, that's fine. But we haven't – and if we could – if we could get that advice from the department before – in relation to the objectives before we meet with council, it – it would be preferable.

MR THOMAS: Yes. What – what date are you meeting council?

40

MR WILSON: Is it Tuesday next week?

MR BLECHER: Yes, Tuesday of next week.

45 MR THOMAS: Okay.

MR WILSON: Yes.

MR BLECHER: It's the 25<sup>th</sup> of January. Sorry. 18<sup>th</sup> of January.

MR WILSON: If it's not possible, Kieran, I mean, it's not – it just would be nice from our perspective; that's all.

5

MR THOMAS: I – I suspect they've provided that advice in the past, so I – it shouldn't take too long.

MR WILSON: I would have thought so as well, given that I – it's the same division in all three ports, is it?

10

MR THOMAS: Yes. I think so. At least two of them, yes.

MR WILSON: Yes.

15

MR THOMAS: .....

MR WILSON: Okay. Well, anything else, Casey, Lindsey?

MR BLECHER: Nothing from me. Thank you.

20

MS JOSHUA: No.

MR WILSON: Just one more thing, Kieran. You're – sorry, Casey.

25

MS JOSHUA: That's all right.

MR WILSON: You're satisfied with the interface treatments in relation to – obviously, you must be if you're recommending approval, but in relation to the residential development on the – is it on the northwest corner?

30

MR THOMAS: Yes. Yes, we asked them – from memory, we asked them to do a bit more work on that interface to provide some more landscaping and be more consistent - - -

35

MR WILSON: Yes.

MR THOMAS: - - - with what else is there, so we – we got to the point where we are satisfied with it now. Yes.

40

MR WILSON: I mean, they could have a – they could have a – you know, to reduce the impact on that interface, if it's necessary, you could have – you could have a staging – a – a staging program to fill in the carpark, but anyway – and that's the last to be filled. But – all right. That's all. That's all from me and – and thank you very much. Appreciate it.

45

MR THOMAS: Okay. Thanks for your time.

MR WILSON: Cheers.

MR THOMAS: All right, bye.

5 MS JOSHUA: Thanks.

MR BLECHER: Thanks .....

10 **RECORDING CONCLUDED**

**[12.29 pm]**