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**TRANSCRIPT OF PROCEEDINGS**

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TRANSCRIPT IN CONFIDENCE

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O/N H-1573081

**INDEPENDENT PLANNING COMMISSION**

**DEPARTMENT MEETING**

**RE: RAVEN STREET WAREHOUSE AND DISTRIBUTION CENTRE (DA 110646)**

**PANEL:** **CHRIS WILSON (Chair)**

**IPC:** **CASEY JOSHUA**

**DEPARTMENT:** **JOANNA BAKOPANOS**  
**DAVID KOPPERS**

**DATE:** **8.02 AM, WEDNESDAY, 13 OCTOBER 2021**

**THIS PROCEEDING WAS CONDUCTED BY VIDEO CONFERENCE**

MR C. WILSON: Before we begin, I would like to acknowledge the traditional  
5 owners of the land on which we variously meet today, and pay my respects to their  
elders, past, present, and emerging. Welcome to the meeting today to discuss the  
Raven Street Warehouse and Distribution Centre project currently before the  
Commission for determination. The applicant, Port of Newcastle Operations,  
proposes to construct and operate a warehouse and distribution centre in the Port of  
10 Newcastle lease area within the Newcastle local government area. My name is Chris  
Wilson. I'm the Chair of this Commission panel. I am joined by Casey Joshua from  
the Office of the Independent Planning Commission. In the interest 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  
15 Commission's website. This 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  
20 issues whenever it is considered appropriate. If you are asked a question and are not  
in a position to answer, please feel free to take it on notice, provide any additional  
information in writing, which we will then put on our website. I request all members  
here today introduce themselves before speaking for the first time and for all  
members to ensure they do not speak over the top of each other to ensure accuracy of  
25 the transcript. We will now begin. David, Jo, you want to quickly go through –  
summarise your assessment or just a quick overview of your assessment?

MS J. BAKOPANOS: Yes. Sure. We can do that. It's Joanna Bakopanos here.  
I'm the team leader in industry assessments. David, you've produced a brief  
30 PowerPoint which we can just run you through quickly.

MR WILSON: Perfect.

MR D. KOPPERS: I cannot share.  
35

MS BAKOPANOS: Oh, you can't share. Okay.

MS C. JOSHUA: I will turn that on now. How's that?

40 MR WILSON: Beautiful.

MS JOSHUA: Great.

MR KOPPERS: Have you got – hang on, I think it's swapped screens on me.  
45

MR WILSON: We've got it, David.

MS BAKOPANOS: Yes, I can see that.

MR KOPPERS: Okay.

5 MS BAKOPANOS: Yes. So, look, I will start and then David will probably  
continue, but Chris as you've – Commissioner, as you've already introduced, the  
proposed development is for a warehouse and distribution centre in Raven Street.  
Currently the site, you know, is basically is disused. There's some B-doubles on  
10 there at the moment if you look at Nemap. And, you know, Port of Newcastle is  
looking at opportunities to develop their land to provide opportunities for tenants or  
future tenants to be able to basically set up and go, so they've come to us seeking an  
approval for a warehouse distribution centre which doesn't have a tenant as yet, but,  
you know, ticks the boxes in terms of meeting the objectives of the – sorry – of the  
15 Three Ports SEPP in its land use of providing opportunities for warehousing within  
the port area. Going to click through. Yes. So, as Dave has prepared, so the  
Newcastle Harbour, as you know, it has been around for a very long time and a lot of  
throughput goes – goes in, and, you know, there's – yes, it has been historically used  
for general material storage so there's mostly – you know, there hasn't really been  
20 much in the way of structures on the site, and, yes, the Port of Newcastle has just  
identified that they can develop it for future tenant users.

So, yes, basically the development is, you know, it's one building, but it will be split  
into two – two tenants. There's a couple of offices at each end. There's some  
landscaping. There's manoeuvrability for – to support the B-doubles, and there's,  
25 you know, adequate carparking for the, you know, the workers at the site.  
Construction will take around 10 months and with about 27 construction jobs and up  
to 50 operational jobs, and, yes, as I said, there's no specific tenants as yet. There's a  
right of carriageway and it's – so you get into the site from Raven Street and you  
basically go onto the right of carriageway. Now, that right of carriageway is actually  
30 for the coal loader at the north of the site, Port Waratah, and it's – yes, so it's for  
their use and obviously for the – for this particular site to get access to it. Dave, it's  
probably worth pointing out that the property to the west is lot 15 - - -

MR KOPPERS: 151.

35

MS BAKOPANOS: 151. Yes. Thank you. Whilst they do tend to – as our  
understanding – they do tend to use that right of carriageway, it's not actually for  
them per se. It's – I think it's just, you know, historically they've just used it and no  
one's said anything, but, Dave, I don't know if you can speak a bit more to that.  
40 You've probably had a conversation.

MR KOPPERS: Yes. So for the purpose of the transcript, I'm David Koppers, I'm  
the senior planner who was responsible for the assessment report. So we've had  
some discussions with the applicant about the right of carriageway and how it  
45 operates, and they've confirmed that 151 does not have legal access to use the right  
of carriageway, and that will become an internal management issue to be resolved  
between them and the Port of Newcastle as the landowner.

MR WILSON: Just on that, Dave, while we're on this, may as well talk about it, the right of way, does it determine what the – what its purpose is for? I mean, I understand it gives access through to the coal terminal to the north, but it doesn't say what its purpose is there for.

5

MR KOPPERS: No. Only to provide access.

MR WILSON: Okay.

10 MR KOPPERS: It's – I mean, the AEAB instrument for it isn't very detailed.

MR WILSON: And just in terms of – and we will talk about this later on, I guess – it's just that – so outbound trucks will turn left in – is it Curlews?

15 MR KOPPERS: So this is – Raven Street's down the bottom here.

MR WILSON: Yes.

20 MR KOPPERS: So the way the vehicle movements will work is that it will be a left hand in off Raven Street, and a left hand out, and then, depending on the direction or future direction of travel that they're going to be undertaking will depend on the way they – they eventually go.

MR WILSON: Okay.

25

MR KOPPERS: You can continue down Raven Street onto Cormorant Road to do a left turn onto Cormorant Road/Teal Street.

MR WILSON: If you're going west, how will they - - -

30

MR KOPPERS: You go – you take the next left onto Curlew Street, which then winds you back around and that will bring you to a roundabout at the bottom of Cormorant and Teal.

35 MR WILSON: Thanks. Sorry, Jo.

MS BAKOPANOS: No, that's okay. Yes, so this is just showing the site layout. You can see there's the two warehouses next to each other with the B-double in – parking in the middle, and then the two offices with some landscaping. David, I don't know if there's anything else you wanted to point out on this particular - - -

40

MR KOPPERS: Not particularly, Jo. I think once we get into further questions, I've got some extra slides that I can bring up the screens that show turning past and things like that if we're – we need to.

45

MS BAKOPANOS: Yep. That's an artist's impression of what it will look like. You know, fully self-explanatory, I think. And, yes, look, just briefly, the

development application was exhibited from 20 June to 12 July of this year, so 14 days as required by the Community Participation Plan. We didn't receive any submissions from the general public, but we did receive advice from Fire and Rescue and Newcastle City Council. Council, you know, their questions were fairly limited to just confirming consistency with the SP1 zone objectives. You know, some questions around stormwater management and vehicle access arrangement. And, you know, Dave will probably detail a bit more. But they were – the applicant was asked to respond to those issues as part of a response to submissions, which they did so. David, would you like to talk a little bit more about that?

5

MR KOPPERS: We can do that now if you'd prefer, Chris, or I've got a couple of slides to touch on just the key assessment issues later or we can go into - - -

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MR WILSON: No, look, we will talk about it later because we're interested to understand – we're comfortable in relation to permissibility, but we're just trying to understand a bit more about the integration of the proposal into the port – port logistics and so forth, so we can talk about that later. And it's – obviously it's consistency with the objectives of the SP1 zone. But, yes, we will just keep going and we will cover it off on the agenda.

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MS BAKOPANOS: Dave, I'm – do you want to go? You can talk to this if you would like.

MR KOPPERS: Yes. So this was coming back from after the notification period as well where council were seeking some further clarification around that SP1 zone consistency. So the applicant provided some further advice as a part of their RTS which explained a couple of different types of uses that they thought the warehouse and distribution centre would be able to be used for and that it would have to be still consistent with that overall objective of being a port-related use, noting that they, at this stage, do not have a tenant for the site. So, on review of that information, the department were satisfied that, based on the information proposed, and with the absence of a dedicated tenant at this stage, that the use would be consistent with those zone objectives. Jo, do you want me to keep going or do you want to touch on this?

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MS BAKOPANOS: Oh yes. No, no. That's totally - - -

MR WILSON: Jo, I'm trying not to interrupt but if you – I will let you finish. The real issues that we want to discuss are in the agenda anyway so we will just keep – I will let you finish.

40

MR KOPPERS: Okay. So, I mean, for us as a party assessment, the four – I mean, the key issue for us really was around vehicle access and operational traffic associated with the development. They provided a traffic impact assessment. We ended up getting some revised drawings for the turn pass because originally there was conflict issues with the heavy vehicle turning in and out of Raven Street, so with an amended driveway design we've been able to – the applicant has demonstrated to

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us that vehicles can enter and exit in a forward direction without causing conflict onto Raven Street, but it does necessitate that heavy vehicles have left-in, left-out manoeuvres only. But the local road network around there supports that sort of movement arrangement as well. In the scheme of things on the additional traffic numbers versus the public road network which is limited to Cormorant Road and Teal Street, an additional 234 vehicles per day against background levels of almost 26,000 vehicles per day is reasonably insignificant in the scheme of things, so we were happy that the network has adequate capacity. Council didn't raise issues with operational traffic.

Other minor issues were sewage management because the site, even though there's a sewer main in the frontage of the site, it's actually not a main that they can tap into for servicing the development, and, as it turned out, most of Kooragang Island actually isn't on a reticulated sewer system, so they will have to provide a pumped out system in accordance with the Local Government Act in consultation with council, which is consistent with other developments in the area. Stormwater management, there was a few revisions to be made because they had excluded parts of their site from their stormwater calculations, so they've been included now to ensure that all of the site can capture their stormwater and it's appropriately managed with treatment before discharge to the reticulated pipe network. And acid sulphate soils, they've been detected in the ground level potentially below 1.5 metres and they've provided an acid sulphate soil management plan to deal with that during the construction stage. Overall, we concluded that the development was – was acceptable with its range of impacts. And that concludes the presentation for that.

MR WILSON: Okay. Well, look, let's just – let's just go back and talk a bit about the consistency with the SEPP objectives – the Port SEPP. I guess we're just trying to understand – look, we appreciate that it's likely to be used for port-related – I mean, would – I presume – did the port – and we will ask the question of the port as well – did they provide a business case in terms of its consistency with the objectives of the SEPP? And in terms of, you know, a warehousing distribution facility, what – the reason we're asking is we're comfortable with permissibility and so forth. I guess we're just trying to look at how it's integrated into the port and the logistics of the port. You know, goods coming in – whether it's coming in by ship or – and then distributed through the warehouse, or vice versa, you know, have they, I guess, given you some understanding how it fits in with the port operations rather than just being something that may be used in the future for port-related activity?

MR KOPPERS: Look, to that extent, they gave us a range of different types of land uses that they thought could occupy that development with the undertaking that they would be a port-related use. I mean, obviously, it's Port of Newcastle operate and manage that land so, in many ways, they would have an interest to ensure that they're not potentially limiting themselves to uses or occupants that aren't supporting the overall objectives of that – that land area, but, ultimately, without having an occupant in front of us, it's hard to be exactly specific on that. But they've given us an undertaking in their RTS, and they've detailed that, that that is their intention.

MR WILSON: Yes, okay. So – but my understanding there’s only a number of – I mean, where would general goods like that be unloaded? I mean, I’m just trying to work out where it fits in the – obviously they don’t go through the coal stackers.

5 MR KOPPERS: Well, I mean, it’s not to say that they have to be something that’s to involve commodities or something. It could be a land use that is supporting - - -

MR WILSON: Yes, okay.

10 MR KOPPERS: - - - other port-related facilities, so it could be that you’ve got boilermakers, for instance, or people who do servicing and supporting of that other network. So it’s not just about bulk commodity transport through the port.

15 MR WILSON: Okay. So it could be an ancillary development to – well, not ancillary in terms of planning terms, but ancillary in the sense that it’s a ports maybe ..... for some reason or - - -

20 MR KOPPERS: I mean, it’s – it could be stevedoring services, for instance, where you’ve got offices and it’s just spare parts, for instance, for various componentry for other uses within the site. Because obviously you’ve got quite a diverse range of land uses within that port area between the bulk commodities, fuel storage, bulk commodities coming across from the other side as well with the wind farms, for instance. So - - -

25 MR WILSON: Yes. Quite large – quite large parts, I presume. Okay. No, that’s fair and reasonable. Just in terms of the access arrangements, I mean, can we – have you got the B-double swept paths there or - - -

30 MR KOPPERS: Yes.

MR WILSON: Can we share those? Casey, is that possible or not?

MR KOPPERS: Can you see them now?

35 MR WILSON: Yes.

MR KOPPERS: We’ve got them up.

40 MR WILSON: So if the right of way picked up by the, let’s say, let’s say, is it Port Waratah? I – or Kooragang?

MS BAKOPANOS: Yes. Port Waratah, I believe.

45 MR WILSON: That’s Port Waratah services, is it? If they decide to use that access, is this – is the reversing of B-doubles still an appropriate outcome?

MR KOPPERS: Look, I think so, Chris, because what you did have, you've got a ..... right of carriageway, so it's not like you have – this building isn't commencing right on the end of the boundary with the site. You do have a very long access handle, so you do have a – quite a – quite a capacity for vehicles to sit and wait off  
5 the road network - - -

MR WILSON: Okay.

MR KOPPERS: - - - to allow those manoeuvrings to occur.  
10

MR WILSON: How wide is that? Is it 13 metres or 18 metres?

MR KOPPERS: I would have to take that on notice.

MR WILSON: That's okay. We can – we can determine that. So what you're basically saying is that there's plenty of room for somebody to wait without causing further hindrance or - - -  
15

MR KOPPERS: Yes. I wouldn't expect it to be a problem. But also when you – if I jump in and grab – if I can grab my – if we grab Nearmap – if I drag that across so we can – when you look at it actually there's not a lot for vehicles to go into to come here. I mean, they've got a lot of access already around their site, so in terms of vehicles coming through here, it's my understanding that it's not highly utilised anyway, and I would imagine if they were going to be needing access it would be through some sort of prior consultation. But also, with the site that we've got, they're not expecting a large proportion of heavy vehicles to be entering and exiting the site at any given time because the size of the buildings don't really facilitate that either, so the potential for conflict isn't very – not very significant.  
20  
25

MR WILSON: Okay. I – I get you. So it's – it's low traffic from – from either development, which means – it's likely to mean low impact for conflict should they determine to utilise this right of way.  
30

MR KOPPERS: Yes.  
35

MR WILSON: So just on that – on this photo, I mean, so the trucks would come out and turn left into Raven Street, then if they want to go west they turn left into – is it Curlew? Whatever it's called.

MR KOPPERS: Yes. So if they're going to head back towards Newcastle they will turn left into this street here.  
40

MR WILSON: Yes.

MR KOPPERS: And then what it does, it then comes down here to a T-intersection here which is Cormorant Road, which then runs back to the main intersection here at  
45



the roundabout, which allows for either westbound or what essentially becomes northbound traffic.

5 MR WILSON: They've got either choice, haven't they?

MR KOPPERS: Yes.

10 MR WILSON: So they can use – if they're going north, they can use this one or this one.

MR KOPPERS: Yes. If they're heading north as well they can continue on Raven Street to this intersection. You've got that area there that allows it. It's a concrete median here so they can't do a right-hand movement there.

15 MR WILSON: Given the volumes that's probably a good thing. Okay. So we will go back to – while we're on the next one – can we go back to the – is there a – the landscaping plan here somewhere.

20 MR KOPPERS: Yes. This one?

MR WILSON: Yes. Just trying to work out, so, given this – the edge of the southeast corner goes right to the right of carriageway so you can't get access around the site. Is that right? You have to go internally?

25 MR KOPPERS: Sorry, Chris, I – can you – I didn't quite understand the question.

MR WILSON: So see the building – see the southeast corner of the building?

30 MR KOPPERS: So the - - -

MS BAKOPANOS: ..... southwest.

MR WILSON: Is it southwest? It's southeast, isn't it? Are we looking wrong?

35 MS BAKOPANOS: Well, I've got - - -

MR KOPPERS: No, that's – if you want that north one you rotate it. That's - - -

40 MR WILSON: That's north, is it?

MR KOPPERS: That's north.

MS BAKOPANOS: The north .....

45 MR WILSON: Okay. So you're right. Sorry Casey.

MS BAKOPANOS: Well, the north one is in the wrong direction, I think.

MR WILSON: Yes. Southeast. That southeast corner butts right up to the carriageway. Is that – is that going to be a problem? I mean, obviously there's no pedestrian access then. You have to through the – to get between carparks you have to go through the building; is that right?

5

MR KOPPERS: Well, they're both separate tenancies so they're designed to operate separately. So you've got individual carparking here for Y vehicles for people coming to this ..... tenancy and you've got circulation spaces into the office area which is what affronts the carpark. So if you're wanting to access this area as a visitor or a worker, the expectation would be that you're in the carpark and you're coming in through the office which then provides access into this area. Vice versa, if you're a truck driver, you can drive in and then you have access into the office area, and they've got the amenities area.

10

15 MR WILSON: Right, okay.

MR KOPPERS: And it's the same with the northern tenancy as well where you've got the carpark, you've got pedestrian circulation spaces available into the office area, and then into that. So because they're designed or intended to operate individually – and, obviously, you could still put one tenant into both – you do have parking for each – each separate tenancy.

20

MR WILSON: Okay. So – but there's – but you can't circulate – there's no safety issues associated with not being able to get from one carpark to the other.

25

MR KOPPERS: Well, you shouldn't – you shouldn't have to.

MR WILSON: Is that fenced? It would need to be fenced, otherwise it would be a safety issue, wouldn't it?

30

MR KOPPERS: Well, that would become a management issue for – for them and future tenants, but it shouldn't, on face value, be an issue because carparking rates have been generated based on the GFA for both developed individually.

MR WILSON: Yes, I agree. Carparking rates are generous. Sorry, the rates aren't – I mean, the provisions are generous so it's – that's not an issue. Okay. What about contributions? I mean, how do contributions work on Kooragang Island? Is there an agreement between ports – the Port Corp and council? How are they applied?

35

MR KOPPERS: As far as we're aware, Chris, the section 7 1.2 plan applies. It applies to the whole of the Newcastle LGA. It does have areas for exemption, and it exempts, for instance, complying development within the Port of Newcastle area, but it doesn't exempt contributions from part 4 developments that aren't complying.

40

MS BAKOPANOS: Look, it would be a matter for Port of Newcastle and Newcastle Council to have a discussion if they wanted to come to an alternative arrangement but - - -

45

MR WILSON: Look, I understand there seems to be agreement upon the contributions. I'm just wondering what happens when it's a somewhat larger development that doesn't have pressure on community service. What would be the – I guess, what would be the implications. But that's okay. So – but we will ask the applicant, obviously, what agreement they have. It's just that the DCP doesn't apply. I'm just wondering what effect the Contributions Plan has in terms of application. We can ask the applicant and council that. That's fine. But if it seems that they've accepted the imposition of the one per cent levy that's correct.

10 MS BAKOPANOS: Yes.

MR WILSON: Just in terms of – we will ask the applicant as well in terms of the conditions. Are there any conditions that were – that were, I guess, contentious or have been – I guess, the applicant felt were unreasonable?

15 MR KOPPERS: Not from memory, Chris, no.

MR WILSON: Okay. All right. Well, we will ask that question again. I don't think there's much more. Casey, is there anything more we need to have?

20 MS JOSHUA: I think just maybe a consideration about the – the landscaping onsite and whether there – there's some large trees that are proposed, but the soil profile and the high groundwater profile.

25 MR WILSON: I guess one of the questions I had – thanks for that, Casey – one of the other questions I had was – and, you know, landscaping – I think it's the Queensland Brush Box is it?

30 MR KOPPERS: Yes. That's one of the trees that got provided, and a Melaleuca. So both of those trees – I did a quick bit of research today on that Chris – are both known to be suitable for areas of high water table and areas with potential acid sulphate soils.

MR WILSON: Okay.

35 MR KOPPERS: There's actually an interesting research article done up at Bribie Island where they were looking at future subdivision and acid sulphate soil is an issue there and these are both types of trees that are prevalent in that area as well.

40 MR WILSON: Okay. So - - -

MR KOPPERS: The applicant is fully aware that they've got an acid sulphate soil issue so that's something for them - - -

45 MR WILSON: Yes. And a high water table obviously.

MS BAKOPANOS: Yes, so - - -

MR KOPPERS: But there are areas of established vegetation in that locality as well.

MR WILSON: Okay. You're comfortable – I mean, yes – I'm sure they will find something, but there are other trees on that island which – not far away that you can  
5 see that are of some size, that's all, and which gives you some confidence that they  
can find a species. So they're confident this is the right species given the high water  
table and the acid sulphate soil profile.

MR KOPPERS: Yes. Well, they're certainly not going into the development not  
10 knowing that they've got an acid sulphate soil issue.

MR WILSON: Sure. Okay. Look, that's it. Casey, that's all. I don't have any  
more. Is there anything else you guys want to add before we wrap up?

MS BAKOPANOS: No, I don't think so. Thanks for the opportunity to present our  
15 report to you, and if there are any other questions that you do have for us that either  
you think of later or come out from having discussions with the applicant or council  
then we're more than happy to respond to those.

MR WILSON: Okay. Thank you. Appreciate that, Jo. Thanks, David. That's it,  
20 Casey.

MS JOSHUA: Yep. That's great. Thank you.

MR WILSON: We will come back to you if we have any after – we may have some  
25 questions after the other two meetings. We're meeting with the applicant and  
council so – and I think we're having a virtual site inspection.

MS BAKOPANOS: Very good. Modern times.  
30

MR WILSON: .....

MS BAKOPANOS: No problem.

MR WILSON: Thank you very much  
35

MS BAKOPANOS: Cheers. Thank you.

MR KOPPERS: Thanks, Chris. Thanks, Casey.  
40

MS JOSHUA: Thank you. Bye.

MR KOPPERS: Bye.

45

**RECORDING CONCLUDED**

**[8.28 am]**