



New South Wales Government
Independent Planning Commission

TRANSCRIPT OF PROCEEDINGS

RE: 106 BOURKE STREET, CARRINGTON ENGINE HOUSE
ALTERATIONS AND ADDITIONS (DA 22/6312)

COUNCIL MEETING

COMMISSION PANEL: ANNELISE TUOR (Chair)

OFFICE OF THE IPC: STEPHEN BARRY
NIMA SALEK
HEATHER WARTON

CITY OF NEWCASTLE COUNCIL: PRISCILLA EMMETT
GEOF MANSFIELD

LOCATION: VIA VIDEO CONFERENCE

DATE: 3.30PM, FRIDAY, 16 DECEMBER 2022

TRANSCRIBED AND RECORDED BY APT TRANSCRIPTIONS

MS ANNELISE TUOR: Good afternoon and welcome. Before we being, I would like to acknowledge that I am speaking to you from Cammeraygal land and I acknowledge the traditional owners of all the country from which we virtually meet today and I pay my respects to their Elders past, present, and present. Welcome to the meeting today to discuss the DA for 106 Bourke Street, Carrington, Carrington Engine House Alterations and Additions DA 22/6312 which is currently before the Commission for determination.

10 The applicant, Port of Newcastle Operations Pty Limited, is seeking approval for alterations and additions to an existing building at 106 Bourke Street, Carrington being the former Carrington Hydraulic Engine House. The proposal comprises the construction of an access ramp, internal alterations and additions and remediation work to perform the engine house building and heritage interpretation works for the former cranes associated with the former engine house.

20 My name is Annelise Tuor and I'm the Chair of this Commission panel. We are also joined by Stephen Barry and Nima Salek from the Officer of the Independent Planning Commission and Heather Warton who is assisting the Commission. From the Council we have Priscilla Emmett and Geof Mansfield. 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.

30 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 Commission to ask questions of attendees and to clarify issues whenever it is considered appropriate. If you are asked a question and you are not in a position to answer, please feel free to take the question on notice and provide any information in writing which will then be 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 for the transcript. So we'll begin. So I understand you were sent an agenda. So I suppose what we wanted to hear from you first is your sort of general comments, particularly in relation to any response to the assessment report done by the Department and the draft conditions of consent. So who's going to speak from Council?

MR GEOF MANSFIELD: Priscilla, do you want me to go ahead?

40 MS TUOR: Yes.

MS PRISCILLA EMMETT: Yeah, that would be fine. I'll get Geof to go ahead. Sorry, I have a - I must apologise I have a bit of a migraine at the moment so I'll probably get Geof to do most of the speaking.

MS TUOR: That's fine.

MS EMMETT: Yeah, go ahead, Geof, thank you.

10 MR MANSFIELD: Okay. It's Geof Mansfield, Principal Development Officer of Planning, City of Newcastle. Look, in terms of the assessment report and the conditions, I think most of the matters that we've raised have been adequately addressed. Obviously in terms of the development contribution we had been seeking that matter be addressed and I note that they - the Department requested additional information and consider that on merit. Obviously from Council's perspective it's a prescriptive contribution and we don't get the luxury of considering on merit.

20 Just on that point, I just do notice in the report, just a subtle variation on, I think, what our position would've been, or is on page 27 in dealing with the contribution. It says, the third dot point, "In response to the response to submissions, Council advised there is no requirement for a nexus to be demonstrated to impose a condition for 7.12," and that's, I guess, what I was just saying then. However, it says, "Further to this, Council stated that the 2014 direction only restricted Council from imposing additions relating to contributions." That is, in part, correct.

30 What our position was that the 2014 direction, yeah, only imposes - restricts Council because we're not the consent authority. The only consent authority that we are for in the lease area is for CDCs and that's why we had that argument that we can't impose contributions on the CDC; however, that doesn't stop the Minister or the IPC considering the imposition of a contribution. So look, I think apart from that I noticed that the matters that we raised and the recommended conditions have been addressed so I probably don't have much more to say than that, Commissioner.

MS TUOR: Right. Thank you. So just on that, so in terms of the conditions, the drafting of them, you've got - you're happy with them and there's no suggested changes or anything that you want to report?

40 MR MANSFIELD: No, no. Actually - sorry, I'll just say one thing. In respect of just our identity in the definitions it's got Council, City of Newcastle Council. Our legal name is Newcastle City Council for the purpose of a development consent.

MS TUOR: Okay. Thank you. That's helpful. And then as I understood what you were saying in relation to the development contributions on the basis of the further information except for that clarification about - and what you can levy for and what the Minister and the IPC can levy for, as I understood what you were saying is that the further information that was provided to the Department in relation to no contribution being required, essentially because the works - accessibility works and for the adaptive re-use of the heritage building and the things like the interpretation would not be over the \$100,000 threshold. On that basis, you agree that a contribution is not warranted, is that correct interpretation of what you're saying?

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MR MANSFIELD: I guess - yeah, I guess the only interpretation of that that could be queried is, I guess, in terms of - I think they may have been relying upon, in part, that the works were being done to facilitate a future use or future re-use of the heritage building. I guess the only thing in this regard is they don't actually have a specific use, but as to whether that's splitting hairs, I'll leave that to the Commission to review.

MS TUOR: All right. Thank you. So the other matters that you raised in terms of flooding, et cetera, they've all been addressed in the Department's assessment report?

20 MR MANSFIELD: They have.

MS TUOR: All right. I'll just see if other people that are here have any questions. Heather, did you have anything that you wished to ask the Council?

MS HEATHER WARTON: No, no, Annelise, that covers it, thank you.

MS TUOR: Steve or - - -

MR STEPHEN BARRY: No, nothing from me, Annelise, thanks.

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MS TUOR: Nima?

MS NIMA SALEK: Nothing from me, thank you.

MS TUOR: All right. Well, this is going to be a very short meeting so we thank you very much for giving up your time even if it was brief.

MR MANSFIELD: That's okay.

40 MS TUOR: All right. Thank you.

MR MANSFIELD: Thank you. Bye-bye.

MEETING CONCLUDED

[3.40pm]