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**From:** Keiran Thomas <[REDACTED]>  
**Date:** Wednesday, 21 December 2022 at 9:44 am  
**To:** Steve Barry <[REDACTED]>, IPCN Enquiries Mailbox [REDACTED], Nima Salek <[REDACTED]>  
**Cc:** Chris Eldred <[REDACTED]>, Michelle Niles <[REDACTED]>  
**Subject:** RE: Carrington Engine House Alterations and Additions – Department Meeting with IPC

Hi Steve,

In response to the Independent Planning Commissions (IPC) letter dated 16 December 2022, please see below responses to the questions raised in Attachment A of the letter:

- 1. Please provide urgent written confirmation as to who the Department currently considers to be the Applicant for the subject development application (noting that in the meeting with the Commission, the Department stated that Port of Newcastle Operations Pty Ltd is no longer considered to be the Applicant).*

Response – The Department confirms that The Trustee for Eckford Johnson Partners Unit Trust is Applicant for DA22/6312. An updated Recommended Development Consent document is attached to this email (all changes to the document have been tracked)
- 2. Please provide urgent written confirmation that, in the event that the Applicant has changed, the Commission is still the delegated consent authority for the subject development application.*

Response - The IPC is the correct consent authority DA 22/6312. The current Ministers delegation that applies to determination of development applications under section 4.16 of Environmental Planning and Assessment Act 1979 (the Act) where a reportable political donation under section 10.4 of the Act has been made, is dated 14 September 2011. As noted in the development application form submitted for DA22/6312, a reportable political donation under section 10.4 of the Act was disclosed.

Clause 10.4(3) of the Act requires any person with a financial interest in the application to report political donations and Clause 10.4(7) defines any person having financial interest as including landowners of the site. For DA22/6312, a political donations disclosure was made by Port of Newcastle in both DA forms. Port of Newcastle is the landowners of the site.

Therefore, as the landowner, Port of Newcastle has made a political donations disclosure as required by section 10.4 of the Act and as such, the Department has referred the application to the IPC for determination in accordance with the Minister’s 14 September 2011 delegation to the IPC.

- 3. Please provide clarification of the characterisation of the building use in accordance with the State Environmental Planning Policy (Transport and Infrastructure) 2021 Chapter 5 Land Use Table (given potential implications for permissibility of the development etc.).*

Response – As noted in the Statement of Heritage Impact submitted with the application, the Carrington Engine House was constructed in the late nineteenth century to aid in the operations of the Port of Newcastle. Various upgrades were undertaken to expand the capacity of the Engine House however the Engine House became redundant in 1967. Since then, the Department understands that no development approvals have been granted for a change of use of the building. The Department notes the IPCs comments

and considers that the land use for the Engine House could be considered 'port facilities' noting the Engine House is a building used for port operations under item f of the port facilities definition. 'Port facilities' are permitted with consent in the SP1 zone. Regardless, s5.31 requires development consent for alterations to a heritage item that is a building if it involves structural changes to its interior and as the proposal seeks to undertake structural works, development consent is required.

4. Confirm that the subject development application is for adaptive reuse of a heritage item (with respect to dispensation for the EPAA s 7.12 contributions plan exemption). If so, should the description of the development in the proposed consent be amended?

Response – The proposal seeks to undertake works to aid in the adaptive reuse of the building by providing safe access and remediating the building, however does not seek approval for the adaptive reuse of the building. The Department has updated the recommended consent instrument to reflect the intent of the proposal.

5. Confirm whether the proposed PVC encapsulation of the sub floor building fabric will be flood proof in itself as well as preventing potential leaching of contaminants from within the building.

Rose – The Department sought clarification from the Applicant on this issue, please see attached response.

Please note that the Department has also amended the recommended Development Consent to correct typographical errors, correct the differing approval body references in Condition E10 and F2, and include the General Terms of Approval granted by the Heritage Council as Schedule 3 of the consent.

Regards,  
Keiran

**Keiran Thomas RP+(EIA)**  
**Director Regional Assessments**

Planning | Department of Planning and Environment

T [REDACTED] | E [REDACTED]

Level 31, 4 Parramatta Square, Parramatta NSW 2124

[www.dpie.nsw.gov.au](http://www.dpie.nsw.gov.au)



*The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.*