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TRANSCRIPT OF PROCEEDINGS

TRANSCRIPT IN CONFIDENCE

O/N H-1573087

INDEPENDENT PLANNING COMMISSION

COUNCIL MEETING

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

PANEL: **CHRIS WILSON (Chair)**

IPC: **CASEY JOSHUA**

COUNCIL: **GEOF MANSFIELD
DAVID RYNER
WILLIAM WANG**

DATE: **10.33 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 from 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 the Commission panel. I'm 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.

The 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 commissioners to ask questions of attendees
20 and to clarify issues whenever it's considered appropriate. If you are asked a
question and not in a position to answer, please take it on notice, provide any
additional information in writing, and we will put it on our website. I request that 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
25 accuracy of the transcript. We will now begin.

Thank you to the three of you for coming along today. I guess starting off with
you've seen the Department's recommended draft conditions and the Department's
assessment report and the recommended conditions. Do you have any comment in
30 relation to the recommended conditions?

MR G. MANSFIELD: Yes. Geof Mansfield, principal planner, City of Newcastle.
Yes, we do have some concerns about the draft conditions, or some that we did
recommend but don't appear to be on the approval – the draft consent. My
35 colleagues will talk about some of the draft conditions from a parking and
stormwater perspective, but one that I note that was an issue regarding about the
provision of a waste facility on the – on the site, we had a draft condition we had
recommended which stated prior to the issue of a construction certificate:

40 *An approval for the installation of a waste treatment device or a human waste
storage facility shall be obtained from City of Newcastle. An approval to
operate a system of sewerage management shall also be obtained from City of
Newcastle prior to the use of the system. Separate applications will be made to
City of Newcastle under section 68 of the Local Government Act 1993 with
45 payment of the applicable fees for the individual approvals.*

Now, I couldn't find that specific condition on the draft consent. There is a note which is pretty much a standard advisory note which says – it's AN1:

5 *All licences, permits, approvals, and consents, as required by law, must be obtained and maintained as required for the development. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.*

10 My concern with not having a specific condition is that it will require the design of the development to be modified. Say, for instance, if they're putting storage tanks on there, they will need to be provided for each of the individual buildings, and access to that storage tank associated with the pump-out of those tanks. So I think it's something that needs to be flagged specifically so that no one misses it at the construction stage. So I thought the condition as drafted by council, a variation of it
15 could on the – on the consent.

Did you want me to move onto the next one Chris or - - -

20 MR WILSON: Just – no, let's just have a chat about that for the moment. So there is something in here about – so they've agreed to put in a pump-out, yes?

MR MANSFIELD: Yes.

25 MR WILSON: Is that right?

MR MANSFIELD: But, my - - -

30 MR WILSON: And what you're saying is that pump-out should be designed to council satisfaction.

MR MANSFIELD: That's right.

35 MR WILSON: Who's responsible for waste on Kooragang? I mean, within the lease area, who's responsibility is it in terms of waste? Is it council's or the port or - - -

MR MANSFIELD: No, it would be the individual owners' because they have to engage a commercial contractor to pump out the tank.

40 MR WILSON: Okay. Do you have

MR MANSFIELD: I assume we have.

45 MR WILSON: As to what they look like and - - -

MR MANSFIELD: To be honest, I'm not – it's not my area of expertise.

MR WILSON: Okay. All right. So that was in your submission to the Department, was it?

5 MR MANSFIELD: Yes. Yes. We – in our submission to the response to submissions we had a schedule of draft conditions that included that one.

MR WILSON: Okay. And it's in there.

10 MR MANSFIELD: And it was A12 on our schedule.

MR WILSON: Okay. We will have a look at it. Okay.

MR MANSFIELD: The - - -

15 MS C. JOSHUA: Would you be able to provide your requested condition amendments to us please? I don't think we have a copy of council submissions made to the Department.

20 MR MANSFIELD: To – the response to submissions? Wouldn't they be on the council – sorry – on the Department's website? But it will be - - -

MS JOSHUA: I don't think so. Because it's a part 4 Application it's not on the major projects. So we've got – I've got the link to the portal but it only appears to have the EIS and RTS documentation currently.

25 MR MANSFIELD: Look, that's not a problem. We will forward that through to you. Yes. Yes, the second one is a standard condition about the payment of the section 7.12 contribution to council. The condition that we draft is our – is our standard condition, which is much more detailed than the one that the Department imposed, and actually indicates the required monetary contribution, and how that is paid, and how you go through that process, so it gives the applicant more information as to, you know, like, CPI increases and things like that, while the one that the Department is proposing is a little bit more of a simpler form. It's A16:

35 *Before the issuing of a construction certificate or any part of the development, a payment of a levy of one per cent of the proposed cost of carrying out the development must be paid to council under section 7.12 of the Act.*

40 You know, obviously that flags it for the applicant, but I just felt lacked a little bit more of the supporting information, but obviously I will leave that to the Commissioner to decide.

MR WILSON: So just on that, because it has been part of some discussion this morning, the contributions plan applies to the lease area.

45 MR MANSFIELD: Yes.

MR WILSON: The only issue I understand, or issue – I guess, the issue we need to consider is whether or not in the Minister’s interests those levies should be applied, yes? I guess, we – we’ve been asked does the Minister have discretion in relation to levies. So there’s been no discussion between the Port and council in relation to how
5 that – how the contributions plan is applied to Kooragang Island or the lease area?

MR MANSFIELD: Specifically regarding this DA?

MR WILSON: Well - - -
10

MR MANSFIELD: Or in general?

MR WILSON: In general...

15 MR MANSFIELD: Not that I’m aware of. No.

MR WILSON: Okay. All right. So it’s council’s position that it applies – the contributions plan applies to the lease area.

20 MR MANSFIELD: Yes. Yes. It’s not a development that’s excluded, so therefore it applies.

MR WILSON: Okay. All right.

25 MR MANSFIELD: As you pointed out, you can have discretion in that regard.

MR WILSON: Yes, yes. Well, it’s a matter we’re discussing with the Department and the applicant has raised it with us, so it’s a matter we’re actually considering, but we will take further advice on that. But thank you.
30

MR MANSFIELD: Yes.

MR WILSON: Yes. So you’re basically saying the condition as proposed needs more guidance, yes?
35

MR MANSFIELD: I think it needs a little bit more direction, and maybe it’s a morphing somewhere between what we requested and what the Department have. But we did find - - -

40 MR WILSON: But it shouldn’t result in anything different in terms of outcome because – this process - - -

MR MANSFIELD: No, no. The outcome either way is we want them to pay a one per cent contribution based on their cost of the development.
45

MR WILSON: Do you know what it was approximate or not?

MR MANSFIELD: Yes, yes. I think we mentioned in our – I think it's about – nearly 51,000, so it's \$50,970.36.

MR WILSON: Okay. Okay.

5

MR MANSFIELD: That's all I had in the draft conditions.

MR WILSON: That's fine. Nothing from William or David?

10 MR MANSFIELD: David?

MR D. RYNER: Yes, Commissioner. In a similar vein - - -

MR MANSFIELD: Dave, just introduce yourself first, please.

15

MR RYNER: Sorry. Yes. David Ryner, senior traffic engineer for Newcastle City Council. Apologies. In a similar vein for – along the lines of Geof mentioned, essentially in relation to traffic there were two conditions that council recommended which appear not to have been carried across into the draft report. So one of those centred around the provision of parking. Now, under the report, essentially there is one condition that states before which states that the applicant must provide sufficient parking facilities on site, including heavy vehicles and for site personnel, to ensure traffic associated with the development does not utilise public and residential streets. Now, council had drafted a condition which stated on-site parking accommodation being provided for a minimum of 31 vehicles, four motorbikes, as set out generally in accordance with – and we go on to say reference our section of the DCP. So a concern from council's perspective is that the drafted report condition essentially calls for sufficient parking which is quite general.

20

25

30 MR WILSON: They're proposing 31, aren't they, David?

MR RYNER: Yes. Yes. So it's more or less ratifying. Council's condition specifically states the number, I suppose.

35 MR WILSON: Okay.

MR RYNER: As opposed to what is in various opinions on what is sufficient. Happy for the condition to – that has been put in the report to stand in addition to – as I suggest in council's one recommending the actual number of parking spaces, which, yes, is consistent with the plans they've put forward.

40

MR WILSON: You've recommended a minimum of 31 be placed in the conditions.

MR RYNER: Yes. Yes. Minimum of 31 and four motorbikes. Yes.

45

MR WILSON: On the plans at the moment, that's what they're showing, yes?

MR RYNER: Correct.

MR WILSON: Yes. Okay. All right. Okay.

5 MR RYNER: The second one - - -

MR WILSON: Second one.

10 MR RYNER: The second one relates to the actual right of carriageway itself and its
current condition, it's very informal. Gravel in a lot of areas. Certainly wouldn't be
able to withstand the wear and tear of truck movements and wouldn't be considered
to be all weather. Now, again, council recommended a condition which called for
the right of carriageway and the driveway to be reconstructed to cater for B-double
15 movements. Now, that has been omitted from the report, and, essentially, if I refer to
the report itself, it would be B3. The only reference we have to that condition to the
- well, there's no reference to the upgrade of that accessway at all along those lines.
It does reference under B3 part (b) that the:

20 *...internal roads, driveways, parking areas be constructed and maintained in
accordance with -*

and references various parts of the Australian standard 2890. Now, that standard
basically outlines the dimensions and widths of aisles and parking bays and so on. It
has nothing to do with construction aspects.

25

MR WILSON: Yes.

MR RYNER: So - now, the actual condition that council did draft was worded:

30 *The developer reconstructing the access driveway and right of way generally
as detailed on the submitted architectural plans by EJE Architecture, project
number 13281, sheet number -*

35 and it goes on, so it's basically exactly as they've put forward, but basically calls for
it to be reconstructed:

40 *...such being designed to cater for anticipated vehicular loadings associated
with the B-double activity. Full details to be included in documentation for a
construction certificate.*

So that was requirement for CC and then obviously completed prior to

45 MR WILSON: Okay. So, again, the plans tend to indicate that that's going to be
constructed consistent with what council wants, but it's not specified.

MR RYNER: The plans reflect the extent of the right of way.

MR WILSON: Okay.

MR RYNER: They don't – and they do have quite general notes. I would argue that they're not specific enough to actually call for the full reconstruction which
5 would what would – which would be what would be entailed here, or be required here rather, and our condition that we drafted called for it to be reconstructed effectively.

MR WILSON: Who – just a wider question – a bigger picture question - - -
10

MR RYNER: Yes.

MR WILSON: - - - in relation to roads in general in the lease area, who's the roads – who's the roads authority?
15

MR RYNER: Essentially Kooragang Island is a private island, so it is – and controlled by the port. So they are responsible for those roads. Historically – now, essentially, they act – in reality they act as – in operation they act as public roads because they're not gated.
20

MR WILSON: Yes. So it would be public road standard.

MR RYNER: Yes. So we've – historically the port has been quite happy with developments on Kooragang Island to be built and regulated with signs and line-
25 marking in accordance with council and more so the Australian standards, acknowledging that they are approved and ratified standards enforced by council, and therefore they should be appropriate for these roads on Kooragang Island.

MR WILSON: Yes.
30

MR RYNER: Having said that, the area that we are talking about is a right of carriageway as opposed to an actual, well, formed road reserve.

MR WILSON: Right.
35

MR RYNER: So, in other words, it's not like Raven Street that's curved and guttered. It is a right of carriageway which would only be utilised by – which is gated, so therefore the standard or the condition calls for it to be upgraded to cater for those loadings. It doesn't actually quote council standards in this case. That's the
40 distinction or the variation we've made. Yes. Typically what would happen is they would go off and engage a geotechnical pavement engineer to confirm what is there and - - -

MR WILSON: Right. So this relates specifically to the activities of the
45 development we're considering. It's nothing to do with what the right of way might be used for in the future. It's purely for access to this development, yes?

MR RYNER: Correct. So, in other words, the B-doubles utilising this development or accessing this development will be required to run the length of this right of carriageway and driveway and, yes, it's seen that it needs to be upgraded to cater for that activity.

5

MR WILSON: And basically they're saying that in the documentation that that's the standard they intend to – not in terms of road pavement but in terms of marking and so forth. But it's the pavement you're concerned about, yes?

10 MR RYNER: It's the pavement essentially. Yes.

MR WILSON: Okay. All right.

MR RYNER: Thank you.

15

MR WILSON: Are there any other residual concerns council has in relation to the development?

20 MR W. WANG: Yes. William Wang, the development engineering officer at City of Newcastle. I suppose we can start off with the trafficable concrete dish drain that was recommended in our set of conditions provided to the Department.

MR WILSON: Sorry? Say that again, William.

25 MR WANG: Trafficable concrete dish drain. Originally it – our initial concern was that the western half of the access and/or driveway would not be provided with adequate drainage and we were questioning how – where that water would go. The applicant's response was that the existing edge of the bitumen driveway would be retained as a low point, effectively forming a bitumen swale, if you may, and that
30 would then carry the water down to a single pit at the end to be disposed to the stormwater system. Now, we've put in a – we've recommended a condition for a concrete dish drain because we are concerned that with a catchment area of probably about 1300 square metres, by the time the water gets to that one surface and lip pit at the end of the swale, the flow would be so – would be fairly significant that it
35 effectively would be a bit of a channel almost. So we recommended that a concrete dish drain to be constructed with regular surface inlet pits at regular intervals to relieve that flow and kind of reduce the, I suppose, width of flow that would end up traveling along that swale, and we've specified that it should – the swale should – no, sorry, the dish drain should fully contain the 10-year storm event.

40

MR WILSON: What do you call it? Just say it slowly, will you? A concrete - - -

MR WANG: A concrete dish drain.

45 MR WILSON: Dish drain. Dish.

MR WANG: Yes. It's effectively a formalising the swale that they're proposing.

MR WILSON: I've got you.

MR WANG: Yes. Into a clean defined surface.

5 MR WILSON: The length of the right of way, is it?

MR WANG: Not for the full length of the right of way. Potentially up to the surface inlet pit that they have, right inside the property behind the gate.

10 MR WILSON: Okay. So was this discussed with the Department at all or - - -

MR WANG: This was - - -

MR WILSON: Just a recommended condition, yes?

15

MR WANG: This was a recommended condition. Unfortunately, when – after we raised concerns of the drainage, we – they didn't provide any further, I suppose solution on that side of the driveway beyond proposing that it be provided as a swale.

20 MR WILSON: Okay.

MR WANG: Now, a second concern that we've had was, as noted in the report, there was a section in the access handle – the southern section – that was excluded from the initial proposed DA. After our – after our comments and comments from
25 the Department, this southern half was included in the development and a – a right of way pavement was proposed through it. Now, to manage stormwater and stormwater treatment through that area, they have proposed a bioretention swale on the west side beyond the gate, and, while adequate, we have raised concerns that this swale is directly obstructing – I believe there was two access gates located on – along the
30 boundary fencing between 60 and 70 Raven Street.

MR WILSON: Yes. We understand they're not formal and they will be – that those gates aren't – aren't – what was the word? What am I looking for Casey?

35 MS JOSHUA: They don't have legal access.

MR WILSON: They don't have legal access.

MR WANG: Lot 152 don't have legal access over the right of carriageway.
40

MR WILSON: So we can deal with that, I think. Anyway. But I appreciate that. So – and those issues are articulated in your submission in – the response to submissions?

45 MR WANG: Sorry, this concern about the gates?

MR WILSON: No, no. Just generally. Those – the issues you just raised in relation to drainage.

5 MR WANG: Potentially not too much detail was provided about the concrete dish drain because we were expecting potentially this would be the last time we would be able to raise comment, so the concrete dish drain was not articulated in detail. We've only recommended it as a solution.

10 MR WILSON: Okay. All right. So there's those issues. So is there anything else in relation to recommended conditions, or the report in that matter?

15 MR RYNER: Only the Commission, it's David again, traffic engineer, yes, just to clarify a little bit more in relation to that adjoining property, yes. We – there is a previous DA that was lodged and hasn't been approved that relied upon that site utilising this right of way for access. That actual DA was ratifying, if you like, an existing operation that existed there without consent, is my understanding or council's understanding. Yes, I – acknowledging it hasn't been approved, therefore doesn't have legal status and would constitute changes to their practices or whatever, I suppose it's just a matter of the parties being aware that that's the case.

20

MR WILSON: Well, yes. I mean, I guess the port – the port is the leasee for both sites, I would have thought, isn't it?

25 MR RYNER: Yes, that's correct.

MR WILSON: So I would have thought that some discussion between those parties has been had, and port's telling us that they don't have legal access through those two gates.

30 MR RYNER: That's – that's correct, yes. Just through the DA process or assessment of the application, the applicant at one point acknowledged it and was giving them access, and then next minute they didn't have access, and it varied, so
- - -

35 MR WILSON: I've got you. I've got you. They've changed. All right. Well, I presume it's not the only access to 151, is it? Is it 151, Casey? Anyway. 152.

UNIDENTIFIED MALE: It does have street frontage.

40 MR RYNER: Yes. It does have street frontage and they do have vehicular access, although it's not operational with material in front of it, but they could quite easily open up and have it functioning.

45 MR WILSON: Yes, okay. So, in the long term, it's not going to cause any grief to the site next door, you know, long-term grief. They have got alternatives, yes?

MR RYNER: Correct.

MR WILSON: Feasible alternatives.

MR RYNER: Yes. It's just - - -

5 MR WILSON: It's a matter for port, I would have thought.

MR RYNER: Sure.

10 MR WILSON: But if that access is a concern for the right of way then that's their response and that's reasonable, I would have thought.

MR RYNER: Yes.

15 MR WILSON: Okay. Is there anything else? I think that's - I don't think we have any other questions, do we, Casey? I think that's pretty much it. But we would really like the opportunity to view your submission to the - - -

MR MANSFIELD: Yes, I'm sorry.

20 MR WILSON: No, it's not your fault. It's just because it's a part 4 and not an SSD.

MR MANSFIELD: Yes. To be honest, we're all used to dealing in the SSD field and we're still catching up on these local ones.

25 MR WILSON: Just on that, is everything in the lease area - excuse me - the minister's consent?

MR MANSFIELD: Yes.

30 MR WILSON: Or is 10 million?

MR MANSFIELD: No. No. It's everything. See, like, ones like this which are local, which technically could be developed by - sorry - assessed by council but obviously the policy makes the Minister the consent authority.
35

MR WILSON: And then outside the lease area but in the SP1 area, council or - unless it's SST.

MR MANSFIELD: Yes, exactly. Yes.

40

MR WILSON: All right. No, that has been really useful. So if you - sorry, Casey.

MS JOSHUA: I was just going to ask - we met with the applicant earlier today and they identified some concerns with the fact that various stormwater and traffic or
45 access conditions had to be satisfied in consultation with council. Is that something that's typically required for these types of developments on Kooragang Island given that it's essentially a private island and council aren't the consent authority? Would

you see those conditions typically applied? So the approval or consultation has to be sought from council for the infrastructure works?

MR MANSFIELD: Dave, I think you had a comment on that very point.

5

MR RYNER: Yes. Essentially, what they're doing is, yes, in the draft report I think there's a reference to the actual carparks and aisles being undertaken or designed in consultation with council, as well as referencing the standard. So that's not the norm in terms of what council would expect, and council's happy to be removed as a requirement for consultation in that regard. The standard sort of reference should – should adequately cater for – for that – provided a sufficient guide for them to adhere to.

MS JOSHUA: Okay. And noting as well that the standard references should include the construction of the pavement, in addition to the dimensions in all the other Australian standards that are in there at the moment.

MR RYNER: Yes, correct. Yes.

MS JOSHUA: Okay. Thank you.

MR RYNER: Maybe - - -

MR WILSON: Because if it's going to have to be done regardless, then, the outcome should be consistent with other developments, yes?

MR RYNER: Correct.

MR WILSON: Regardless of who the consent authority is. Provided it's done. And then it's up to the certifier, isn't it, to ensure that they're done to the appropriate standards; that's correct?

MR RYNER: That's correct. That's correct. As an afterthought, it may be beneficial to reference instead of council, particularly in relation to the pavement, that they consult with appropriately qualified geotechnical pavement engineer. They are the experts in the area that would assess the pavement and determine what's exactly required, so an impartial party that's appropriately qualified.

MR WILSON: Okay, yes. That's not a bad idea.

MS JOSHUA: And do you have similar comments – so condition B8 talks about the stormwater management and, again, that – subset (c) talks about being designed in consultation with council. Is that something you would typically see for the stormwater side of things, or would you be happy to be removed from that?

45

MR WANG: Typically we wouldn't really reassess these stormwater management systems after the DA approval stage, so, yes, we would be quite happy to be removed from that process.

5 MR WILSON: As long as the appropriate stormwater quality outcomes was achieved, yes?

MR WANG: Yes. As long as the relevant technical manual and the DCP objectives are achieved, we're quite happy to be removed from that process.

10

MR WILSON: Noting that the DCP doesn't technically apply, but they've applied it anyway. Have they – I mean, you've done the review. Have they generally applied the objectives of the DCP?

15 MR WANG: Yes. In terms of stormwater quantity and quality, our – noting that we – our objectives are fairly in line with – with standard regulations, there's nothing particularly special, different about what we are requiring.

MR WILSON: Okay. All right. And, therefore, apart from these minor things that
20 you've – well, these issues that you've raised, they're generally achieving those outcomes, yes?

MR WANG: Yes, yes.

25 MR WILSON: Okay. All right. That has been most useful. Anything else, Casey?

MS JOSHUA: No, that's all from me. Thanks.

MR WILSON: Look, I really appreciate your time, gentlemen. Thank you very
30 much. And if you get – shall we – should they submit that directly to us, Casey?

MS JOSHUA: Yes, please. That would be good.

MR MANSFIELD: Okay. I will send you both our submissions. And I guess on
35 that point, Commissioner, I just – the one thing that we would be most interested in is how the development is consistent with the objectives of the zone and how it's being defined. It's been a little bit of a moving target, on the one hand described as a warehouse and distribution centre, and then, clearly on the plans, it's indicated it's an industrial warehouse use, and even at one stage they were citing that an industry
40 could go in there. I guess the thing to bear in mind under the Three Ports SEPP that, unlike Port Botany and Port Kembla, we have no industrial zones in the – in the boundaries of the SEPP; we only have an SP1 zone.

MR WILSON: Yes. No, we appreciate that. We did raise this and we talked about
45 this this morning, particularly – particularly the objectives of the – of the SP1 zone. We talked at length of how this development sort of was integrated into the operations of the port and the types of tenants that they're seeking to accommodate

on the site, and that will be in – that will be in the script or the transcript that goes on our website. So my understanding is that they’re looking at industries that have direct import/export activities or are ancillary to industries that are already on the island in terms of supporting those. In that sense, they are – they are port related.

5 We’re comfortable – I think Casey and I are both comfortable in terms of permissibility. I understand your concern, I understand what you’re raising. My understanding is – so what you’re saying basically, if it’s industry it’s not permissible; is that what you’re saying?

10 MR MANSFIELD: Well, basically, yes. It’s getting back to what is permissible and what is prohibited, there’s very limited definitions in there.

MR WILSON: Exactly. Well - - -

15 MR MANSFIELD: Okay. We can consider each – those issues on merit having regard to the objectives, whereas in Port Botany and Port Kembla, because you have those industrial zones, you will have areas specifically set aside for a warehouse or whatever, distribution centre. I was intrigued why they didn’t go with that definition and wanted to put the “and” instead of “or” and, if they are looking at industries, then
20 it didn’t seem to fall under the definition that they’re seeking approval for. So, as I said, it was part of – and you will see this in our submissions that I will forward to you – was trying to, I guess, establish what exactly the use is and also how it is consistent with the objectives with some degree of certainty, and certainly whilst we can, as a consent authority, we can approve something on a speculative nature, I
25 guess we’ve got to have some degree of certainty that, at the end of the day, that will be the use and I will leave that for you to - - -

MR WILSON: Sure. So we are considering whether or not we need to include in any approval that might be issued for this development the words “port related”
30 because you go through the application, it’s clear that they’re seeking approval for a port-related development. Now, yes, they haven’t articulated what that might be specifically, but – and I agree with you that the definition of “port related” isn’t all that defined, if at all. However, the types of tenants they said they were trying to accommodate, which they mentioned this morning to me, are similar to warehouse
35 and distribution and would seem to be reasonable in terms of the objectives of the port. So, look, if it indeed is port related, whether it’s direct import/export or ancillary to other uses on the island, then I would be satisfied that it was permissible
- - -

40 MR MANSFIELD: Okay.

MR WILSON: - - - and that it was generally consistent with the objectives, and we will consider whether or not we add in those words about “port related.” At the moment it’s not in the consent, I don’t believe. Their application clearly applies for
45 port-related development. So if it comes back to that consistency issue about conditions, if we put that in that’s consistent with their application and what they’re seeking so it shouldn’t be an issue.

MR MANSFIELD: Okay.

MR WILSON: It's just – it's specifying or clarifying that, yes, indeed, this is not
5 industry but it's port related and consistent with, you know, it should be used for
port-related development. But that's – we're just considering that as an issue at the
moment.

MR MANSFIELD: Okay.

10 MR WILSON: But that's something we're cognisant of.

MR MANSFIELD: Thank you, Commissioner, for the opportunity to provide some
commentary on the assessment of the application.

15 MR WILSON: I appreciate it. I appreciate those comments in relation to the
conditions. So all the best. Thank you very much.

MR WANG: Thank you.

20 MR RYNER: Thanks Chris.

MR WILSON: Thank you guys.

MR RYNER: Bye bye,
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RECORDING CONCLUDED

[11.09 am]