



New South Wales Government
Independent Planning Commission

TRANSCRIPT OF PROCEEDINGS

RE: 80 RAVEN STREET, KOORAGANG ADVERTISING SIGNAGE
PART 4 DEVELOPMENT APPLICATION (DA 22/8564)
AND
150 CORMORANT ROAD, KOORAGANG ADVERTISING SIGNAGE
PART 4 DEVELOPMENT APPLICATION (DA 22/8565)

DEPARTMENT MEETING

COMMISSION PANEL: PROFESSOR RICHARD MACKAY (Chair)

OFFICE OF THE IPC: STEPHEN BARRY
NIMA SALEK

DEPARTMENT REPRESENTATIVES: KEIRAN THOMAS
MICHELLE NILES
TAHLIA SEXTON

LOCATION: VIA VIDEO CONFERENCE

DATE: 4.00PM, MONDAY, 12 DECEMBER 2022

TRANSCRIBED AND RECORDED BY APT TRANSCRIPTIONS

PROF. MACKAY: Good afternoon and welcome and before we begin I'd like to acknowledge that I'm speaking to you from Gadigal land and I acknowledge the traditional owners of all the country from which we virtually meet today and pay my respects to Elders past and present. Welcome to the meeting today to discuss two part 4 development applications for advertising signage being for 80 Raven Street, Kooragang, DA 22/8564 and 150 Cormorant Road, Kooragang, DA 22/8565 which are currently before the Independent Planning Commission for determination. The applicant, oOh!media Limited is seeking approval for the construction and display of a double-sided Super 8 sign with one digital and one static sign at each of the above
10 locations.

My name is Professor Richard Mackay and I am the Chair of this Commission panel and we are also joined by Stephen Barry and Nima Salek 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. The meeting is one part of the Commission's consideration of this matter and will form one of the sources of information upon which the Commission will base its
20 determination.

It's important for the Commission to ask questions of the attendees and to clarify issues whenever it is considered appropriate. If you're 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 then put up on the Commission's website. I request that we begin with each member here today introducing themselves before anyone speaks and I'd ask that all members ensure that they do not speak over the top of each other to ensure the accuracy of the transcript. So with that we might begin. I'll just ask the Commission Officers to introduce themselves please.

30 MR BARRY: Steve Barry, I'm the Planning Director of the Office of the Commission.

PROF. MACKAY: And Nima?

MS SALEK: Nima Salek, I'm one of the planners at the Office of Independent Planning Commission.

PROF. MACKAY: Right. Thank you. And the department representatives please.

40 MR THOMAS: I'm Keiran Thomas, I'm the Director of the Regional Assessments Team at the department.

MS NILES: I'm Michelle Niles, I'm an Acting Team Leader in the Regional Assessments Team.

MS SEXTON: And I'm Tahlia Sexton, I'm a Senior Planning Officer in the Regional Assessments Team.

10 PROF. MACKAY: Well, thank you all and look, the Commission is dealing with these two applications together even though they're separate applications for a similar development from the same applicant and I'd just invite the department to make any opening remarks or presentation. The applications are reasonably straightforward, the assessment reports on each case are very clear so there's only a few questions from the Commission but I'd invite the department to lead off please.

MS SEXTON: No worries.

MR THOMAS: Thank you. Sorry, I'll hand to my Senior Planner Tahlia.

20 MS SEXTON: We have a presentation. I'll just share my screen. Can everyone see that? Yep. Yes.

PROF. MACKAY: Thank you.

30 MS SEXTON: Perfect. So the department has recommended two part 4 DAs to the IPC for determination in the Kooragang area. Both proposals relate to two new advertising signage monopoles which are located within the Newcastle Local Government Area. Both DAs are for the construction and display of a double-sided Super 8 sign with one visual and one static sign. So this is site context map. As you can see, 150 Cormorant Road sign is located at this point and 80 Raven Street sign is located at this point. Both proposals are located in the Port of Newcastle lease area, the land is zoned SP1, special activities and both are within an existing industrial area. Both sites are surrounded by existing industrial uses such as the Newcastle Coal Infrastructure Group wharf facility, the Boral Concrete and Origin Energy sites.

40 Start with 80 Raven Street which is DA 22/8564. It's for the consent for the construction and display of a double-sided Super 8 sign, one digital and one static sign. Both signs are 19.95 metres square in size with a height of 7.95 metres with a 5.56 metre clearance from the top of the footing to bottom of the side. Sign 1 will be the digital LED sign and sign 2 is a static sign. The dwell time being the time each individual advertisement will be on the screen at one time is 25 seconds. For the

digital sign we have 350 candela per metre squared illumination limit during post-night time period for the digital sign and 200 for the static sign.

For this DA we got submissions from council on both the DA and on the RTS and comments from Transport for New South Wales on the DA. There were no public submissions or objections for that DA. This is our site plan. As you can see, the sign is in the middle here, Teal Street to the south and Tourle Street to the north and these are photo montages of what the sign will look like from both the eastbound and the westbound approach.

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And for 150 Cormorant Road, Kooragang, DA 22/8565, the proposal seeks consent for the same development with the same advertising signage display area, total height of seven metres with a 4.66 metre clearance from the top of the footing to the bottom of the sign. Sign 1 will be static with illumination of 200 candela per metre square and the digital sign will have a dwell time of 25 seconds as well and a 350 candela per metre squared illumination. On this one we also got comments from council on the DA and from Transport on the DA and no public submissions or objections.

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This is the site plan for this DA with Cormorant Road to the north and further montage of the eastbound and westbound approach. I think the issues were the same for both DAs starting with the street address. Council advised that their records indicated the proposals were located at 150 Cormorant Road rather than 30 Cormorant Road and 80 Raven Street rather than 140 Cormorant Road. The department is satisfied that all components of the development application have been assessed on the correct subject site and the approval relate to the lots. The plans associated with the proposals will identify the correct location of the lot numbers and the department has updated the assessment report and the recommended consent to refer to 150 Cormorant Road and 80 Raven Street, Kooragang.

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In regard to site suitability, the signs comply with the site selection criteria of the Industry and Employment SEPP, the guidelines and relevant Australian Standards and are proposed within an existing infrastructure and industrial area. With visual and illumination impacts the signs are located adjacent to existing roadway corridors and are not in proximity to any residential areas or public open spaces and the illumination levels are compliant with the guidelines and relevant Australian Standards. With road safety the signs will not reduce sightlines or obstruct traffic signals. They also comply with dwell times required for roads with 80 kilometre per hour or more speeds and do not overhang the road.

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In regard to public benefit, department asked the applicant at the RTS stage to discuss any proposed public benefit to which the applicant proposed five per cent is display

time to be provided to council in line with other signage DAs and in regard to development contributions, the applicant contended that development contributions to not apply for the proposals based on a ministerial direction which the department notes the ministerial direction only applies to developments where council is a consent authority and, therefore, the department has recommended the imposition of the section 7-12 contributions in line with other part 4 DAs in the Port of Newcastle, this area, where the Minister is the consent authority. And that's our overview.

10 PROF. MACKAY: Tahlia, thank you very much. That was succinct and clear. I've just got a couple of questions arising from the presentation. In the issues there you didn't mention the reactive soils but it's fairly clear in the assessment report that the management arrangements proposed for the reactive soil is satisfactory. I guess, just in terms of formalities like to confirm that that's the department's view.

MS SEXTON: Yep. So the geotechnical report recommended the preparation of an acid sulphate soils management plan to direct the storage handling and treatment of any excavated soil material and that stockpiles are away from sensitive receptors such as waterways and the department has recommended these as conditions of consent for both of the DAs.

20 PROF. MACKAY: Yes. And I surmise from the response from the applicant that that's now - that's common ground and that's fine as is the related unexpected finds protocol condition for in the unlikely event that Aboriginal cultural heritage material were to be encountered during excavation.

MS SEXTON: That's correct. The applicant have reviewed the draft conditions and didn't raise any concerns with those conditions.

30 PROF. MACKAY: Sorry, that was, in fact, the next thing I just wanted to understand kind of formally, I guess, that in terms of the draft consent conditions my perception is the only one that is actually not common ground with the applicant relates to the development contribution?

MS SEXTON: Correct.

PROF. MACKAY: And they maintain the view that the consent authority should exercise the discretion not to impose a development contribution?

40 MS SEXTON: Correct, yes.

PROF. MACKAY: And do they accept that the legal position is not as per their original submission? In other words, that it's - because council is not the consent authority that there is, in fact, a discretion with respect to the contributions?

MS SEXTON: I believe that was the intention behind their comments on our draft conditions for the second DA which came about a week later, then we sent the first one to which we had a discussion with them in between that our position was that it was not council's consent authority and that was their comment on the second one after we had that conversation.

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PROF. MACKAY: Right. So that being the case, and the Commission will take its own legal advice on that point as well just by way of being thorough about the sort of non-agreed piece. Would you mind just taking me through very quickly the argument to say, well, all right, the applicant's identified that there's a discretion, the applicant's representation is we should not be burdened with a contribution, the department in its consent conditions and in the assessment report recommending compliance with council's contributions plan. Why?

MS SEXTON: Yeah. So we note that that ministerial direction only applies to council as the consent authority and we have imposed development contributions on other part 4 DAs in the Newcastle lease area previously and quite recently and so we are maintaining that.

PROF. MACKAY: So it's a consistency of approach - I mean, I don't want to put words in your mouth but delivering the benefit in terms of a private sector development, the benefit for the public domain the contributions plan seeks.

MS SEXTON: Yep, correct.

PROF. MACKAY: Yes. O.K. Look, in the agenda we'd circulated I had added a question about how this was calculated but I've now had the benefit of reading the contributions plan so I understand it's actually very explicitly set out in a table in the contributions plan. So look, I also just wanted to ask about the public benefit and again on my reading it's actually necessary under the instrument for there to be a public benefit for this application to be approved and, I mean, you're welcome to comment on that but what I'm really interested in is the applicant's come back with five per cent of the time would be made available for the - for a community use for these signs.

I can't help but notice that they're in a sort of thoroughly industrial precinct. I mean, they're not the kind of place where you'd be putting notes for the local community

fete or Lifeline book sales or whatever. I guess, being blunt, my question is, is there really likely to be community demand, I mean, or is this a sort of constructed public benefit?

MS SEXTON: Yeah. So the five per cent will go to Newcastle Council and they can use that five per cent display time as they please. So that can be for display of community messages, can be used for road safety messages, notification of any incidents even in the Kooragang industrial area and that is in line with other signage DAs that the department assesses.

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PROF. MACKAY: Okay. So I presume that means particularly the digital sign because it can be - its content can be redeployed very effectively. So the idea would be council would have rights to that five per cent of time and from time to time it might actually be used without prior notice if there's an urgent need for conveying community information?

MS SEXTON: Correct, yes.

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PROF. MACKAY: Yes. Okay. Well, that all seems fine and look, again on my reading of the assessment report consideration of the standards and instruments, I mean, and I'm talking about both applications here, it seems to me that with the conditions that the department has drafted there is actually and rather unusually complete compliance with every development standard and with every applicable planning instrument or guideline, that there is actually nothing in plan and I suppose that's reflected in the fact that there are no submissions at all objecting?

MS SEXTON: Correct, yes. So they are our standard signage conditions and they apply to all signage DAs that we assess.

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PROF. MACKAY: Well, this is one of the briefer meetings with the department that I've had in five years as a Commissioner but I'm really not - I mean, everything else is - I mean, it is very clear on the application documents in the assessment report. Can I just invite the two officers from the Independent Planning Commission Office to ask any question or raise any issue, if any?

MR BARRY: Nil from me, Richard, thank you.

MS SALEK: Same here. I don't have any questions, thank you.

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PROF. MACKAY: All right. And can I extend an opportunity - I'm conscious that that's been a sort of dialogue between me and Tahlia. Just to Keiran and Michelle to

make any other point or draw attention to any other matter for which the Commission should have regard in determining these applications please.

MR THOMAS: Thank you. I don't have anything else to add, I think everything that you've discussed with Tahlia covers what we wanted to say so thank you.

PROF. MACKAY: Michelle? Michelle, we're not hearing you.

MS NILES: Hello.

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PROF. MACKAY: Yes.

MS NILES: No, I agree, I don't have anything further to add.

PROF. MACKAY: Okay. Well, look, I just remind you that a transcript of this meeting will be put on the Commission website probably tomorrow as will that succinct presentation that Tahlia shared. I presume that has been made available to the Commission, has it?

20 MS SEXTON: Not yet, I will send that.

PROF. MACKAY: If you wouldn't mind, just a PDF would be fine but other than that I don't think we need to cover anything else. So can I just thank everyone for attending today and for sharing the information that will allow the Commission to make the determination in due course. Thank you. Thank you very much and all the best for the rest of your afternoon.

MR THOMAS: Thank you.

30 MS SEXTON: Thank you.

PROF. MACKAY: Thank you.

MS SALEK: Thank you.

MEETING CONCLUDED

[4.18pm]