



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)

COUNCIL MEETING

COMMISSION PANEL: PROFESSOR RICHARD MACKAY (Chair)

OFFICE OF THE IPC: STEPHEN BARRY
NIMA SALEK

CITY OF NEWCASTLE COUNCIL: PRISCILLA EMMETT
GEOF MANSFIELD

LOCATION: VIA VIDEO CONFERENCE

DATE: 3.30PM, WEDNESDAY, 14 DECEMBER 2022

TRANSCRIBED AND RECORDED BY APT TRANSCRIPTIONS

10 PROF. MACKAY: Good afternoon and welcome. Before we begin, I would like to acknowledge that I am speaking to you from Gadigal 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 and present. Welcome to the meeting today to discuss two part 4 development applications for advertising signage being for 80 Raven Street, Kooragang, that is DA 22/8564 and 150 Cormorant Road, Kooragang, that is 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 mentioned locations.

20 My name is Professor Richard Mackay and I am the Chair of this Commission panel and we are 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 determination.

30 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 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 all participants here today introduce themselves in a moment and for all members in the meeting to ensure that they do not speak over the top of each other to ensure the accuracy of the transcript. So we will now begin and could I begin by asking the officers from the Office of the Independent Planning Commission to introduce themselves please.

MR BARRY: I'm Stephen Barry, I'm the Director of Planning at the office.

MS SALEK: I am Nima Salek, the Planner at the office, thank you.

PROF. MACKAY: And I also welcome the representatives from Newcastle City Council and ask you to introduce yourselves please.

40 MS EMMETT: Yeah, I'm Priscilla Emmett, I'm the Development Assessment Section Manager at council.

MR MANSFIELD: I'm Geof Mansfield, I'm the Principal Development Officer, Planning in the Planning Transport Regulation Team.

PROF. MACKAY: Well, thank you both or thank you all and I just note that the Commission has received the department's assessment reports, has received all of the documents that comprise the application, the response to the request for information. We have seen the Commission and reviewed the submissions made by council and we have earlier this week undertaken a locality inspection of both sites for the signs. So I think we're familiar with all of the documentation. Could I invite the council
10 representatives if you like to make any opening statement or say anything at the outset please?

MR MANSFIELD: Sorry, Priscilla.

MS EMMETT: That's all right.

MR MANSFIELD: Look, as you said, Mr Chair, our issues were raised in our submission and for the most part have been addressed in the response to the submissions for each application. I think perhaps the only sticking point that we had
20 was the development contribution issue but I notice that has been addressed in the department's assessment report and in terms of the sign or I think it's one of 40, our main concern was the eastern vista and the impact and we've requested that that be carefully considered in the assessment proposal.

PROF. MACKAY: Thank you. Well, we can come to each of those matters as we work through and I agree that it seems to me, looking at the documents, that a number of the issues that were raised in council's initial submission seem to have been resolved or agreed along the way. So perhaps dealing with the first of those, is it correct that council's now accepting that the Independent Planning Commission under
30 delegation from the Minister is the consent authority for this application, or the applications, I should say?

MR MANSFIELD: Yeah. Based on the advice that we received in the response to submission where the department had provided advice on this issue, yes, we've accepted the IPC is the consent authority on behalf of the Minister.

PROF. MACKAY: Thank you for that. And then in relation to the public benefit, just leaving aside the matter of development contributions firstly, on my reading of the relevant instruments and guidelines it is necessary to establish that there is a public
40 benefit. This was raised and the proposal from the applicant is that five per cent of the time available to use these signs would be made available to council for - effectively

for community use and so is that council's understanding and is council, I guess, first, happy to accept that role and secondly, I did want to raise - I mean, having inspected the site it's a sort of fringe industrial area so - and I'm recognising that it is a main thoroughfare as one heads north to Port Stephens, just query whether there's, in face, demand for community use please.

10 MS EMMETT: To be honest, this is probably - when we read the report this afternoon this is the first time that we've been made aware of that offer. So we haven't actually had a chance to actually consider that in detail at this stage. It's not - it's a - I guess
10 it's an unusual type of offer, it's not something that usually comes to us via, I guess, a development of this nature so unfortunately probably have to take that on notice and actually come back because we would need to actually consider that in more detail in terms of that offer and if that's something that we would accept or not. The acceptance of some type of offer around that obviously has transparency issues that I would need to look into further.

20 PROF. MACKAY: Yes. Okay. Well, thank you. I think that would be helpful but it would be open to the Commission as consent authority to impose a condition that required that offer to be made to council, I guess, by way of public benefit and it
20 would then perhaps be a matter whether council chose to accept that. It does seem to me that there might from time to time be community notices related to storms or flooding or fires or events like that where access to the electronic signs could actually be beneficial, leaving aside the mechanics of how that's managed but I'd also welcome any comment that council might choose to make about whether there's other demand. I mean, it just didn't seem to me the kind of location where there would be a school fete or a community event usefully advertised but, you know, council may or may not wish to comment on that. So I'll assume that any comment that council wants to make you'll take on notice and I'll repeat this at the end of the meeting but we have until the 21st of December to receive any such further representations.

30 Coming to the contributions, I've had the benefit of reading council's development contributions plan and so I understand the proposal calculation of one per cent of the cost of the developments as a contribution. We heard from the applicant yesterday that they accept that in this case the consent authority has a discretion to impose or not impose a requirement for such a contribution. They have made an argument that the intent of the relevant instruments is that Port of Newcastle would be exempt. We offered the opportunity for them to comment on the general notion of public good, that where infrastructure is provided effectively in public places perhaps there should also be a public contribution as envisaged by council's development plan. Could I provide
40 the opportunity to you as representatives of council to put the argument succinctly

why the discretion should be exercised the way the department has recommended please. In other words, to apply the plan and require the development contributions.

MR MANSFIELD: I guess it's fairly simple for us that we have no authorisation to suggest anything but, that as we've indicated in our letter the plan applies to the subject land and to the proposed development and a one per cent levy is required and that's all we can say. As to - as pointed out, the consent authority does have some discretion but from council officer's point of view all we can do is recommend the plan.

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PROF. MACKAY: Thank you. That's very clear. And then - I mean, in fact, you know, with these applications it does seem that issues have been dealt with thoroughly and appropriately through the application documents, the assessment process and the exchange with council. The department has published a set of conditions of consent. Is there anything else that council would like to comment on in the conditions of consent? What I'm hearing, I think, is that council is comfortable with the assessment report, would seek to have the contribution applied as recommended and I'm asking is there anything else?

20 MR MANSFIELD: Look, I'll have to take that on notice, to be honest. I haven't looked at the conditions of consent but I will do so in the next couple of days and respond to that question.

PROF. MACKAY: Well, thank you. And look, again the timing for that would need to be by close of business on 21 December please and look, yes, as I said, it seems to me that there's been quite a good exchange through the course of these applications. Are there any other issues that council would like to raise with the Commission? I mean, I've got no further questions coming out of the council's submissions which, as you said, are explicitly clear on council's position.

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MR MANSFIELD: No, we have no other issues.

MS EMMETT: No. The issues that we've raised with you are very similar, pretty much exact for both application so our same concerns apply so there's - yeah, no additional - no additional questions at this stage.

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PROF. MACKAY: All right. Well, look, thank you. I mean, a short meeting is a good meeting and I'm conscious that this one is unusually short and not exactly replete with matters to discuss but it is actually an important part of this transparent process when matters come before the Commission so that the community can see explicitly the exchange between the consent authority and the interested parties including

council so thank you very much for participating in that process. I looked just quickly to the officers from the OIPC. Is there any other matter that either of you would like to raise?

MR BARRY: No further questions from me, thank you.

MS SALEK: Same, no further questions from me, thank you.

10 PROF. MACKAY: I would envisage that the Office of the Independent Planning Commission will just, as a matter of formality, put back the two questions, one is about the public benefit being the five per cent use of the sign and the other question is about any comments on the condition of consent. We would welcome input from council on those or frankly any other matter by the 21st of December but there being no other business to discuss I'll wish everyone - - -

MS EMMETT: Sorry, Mr Chair, sorry, just another quick question. Like we will take on notice and come back to you some comments on that five per cent use. I guess my question would be is if council elects to accept that or are happy with that offer to proceed it's just setting some sort of framework or parameters of how that work and whether that would be something that would be set up in the condition of consent or not just in terms of how that's actually managed.

PROF. MACKAY: It would be necessary to have it reflected in the conditions and the consent conditions, it would need to make reference to the offer that has been made by the applicant as part of the response to the request for information. So there is already a documentary trail where the issue has been raised and the response has been provided by the applicant with this proposal. It is not open to the Commission as consent authority to require council to accept that offer. It would help the Commission in considering that offer as the public benefit to know whether council's of a mind to accept or not. It's not essential that council tell us before the decision is made and ultimately, yes, it would be reflected in the consent condition requiring an arrangement to be entered into by the applicant and council.

MS EMMETT: Okay. Thank you.

PROF. MACKAY: All right. Well, look, with that clarification I will wish everybody all the best with the rest of their afternoon, the impending festive season summer break and thank you for your participation. Thank you.

40 MS EMMETT: Thank you.

MR MANSFIELD: Thank you.

PROF. MACKAY: Declare the meeting closed.

MR BARRY: Thank you.

MS SALEK: Thank you.

MEETING CONCLUDED

[3.46pm]

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