



Received by IPC
Friday 10 December 2021

Professor Mary O'Kane AC
Chair
Independent Planning Commission
Level 3, 201 Elizabeth Street
Sydney NSW 2001

ipcn@ipcn.nsw.gov.au

Dear Professor O'Kane

Commercial Building at 46 Fitzroy Street, Carrington (DA 10689)

The Department of Planning, Industry and Environment (the Department) has completed its merit assessment of a Part 4 Development Application for a commercial building at 46 Fitzroy Street, Carrington (DA 10689), lodged by Port of Newcastle Operations Pty Limited (the Applicant).

In accordance with the Clause 8A of the State Environmental Planning Policy (State and Regional Development) 2011 and Section 4.5 of the *Environmental Planning and Assessment Act 1979*, the application is referred to the Independent Planning Commission for determination as the Applicant disclosed a reportable political donation.

The Department exhibited the application and accompanying SEE and associated documents for 14 days from 9 July 2021 to 22 July 2021. It was made publicly available on the Department's website, notified to surrounding landowners, referred to Council and Ausgrid for comment and referred to Subsidence Advisory NSW to issue General Terms of Approval under Section 22 of the *Coal Mine Subsidence Compensation Act 2017*.

In assessing the merits of the project, the Department considered the environmental impacts of the proposal, Council and agency comments, relevant environmental planning instruments, and the public interest, in accordance with the EP&A Act.

Based on its assessment, the Department believes that the project is approvable subject to the recommended conditions.

I have attached a copy of the Department's assessment report and all other relevant documents for the Commission's consideration.

For any further information or to arrange a briefing, please contact Keiran Thomas, Director Regional Assessments, on (02) 9860 1578 or at keiran.thomas@planning.nsw.gov.au.

10/12/2021

Anthea Sargeant

**Executive Director
Key Sites and Regional Assessments
Planning and Assessment**