



NOTICE OF PART 4 DEVELOPMENT DETERMINATION

Commercial Development – 46 Fitzroy Street, Carrington

Application No	DA 10689
Description	Construction of a four-storey commercial building
Location	46 Fitzroy Street, Carrington (Lot 33 DP 1078910)
Applicant	Port of Newcastle Operations Pty Limited
Council Area	City of Newcastle
Determination	Approved
Determination Date	2 February 2022
Registration Date	11 February 2022
Consent Authority	Independent Planning Commission

On 2 February 2022, the Independent Planning Commission granted consent to the development application DA 10689 for the Commercial Development at 46 Fitzroy Street, Carrington in accordance with Part 4 of the *Environmental Planning and Assessment Act 1979* (the Act).

The development consent is subject to conditions, which are available on the Department's website. The reasons for approval and conditions are provided in the assessment report and the Statement of Reasons. These documents, including any endorsed plans can be found on the Department's NSW Planning Portal website at: <https://www.planningportal.nsw.gov.au/daex/under-consideration/46-fitzroy-street-carrington-commercial-facility>

The consent has effect on and from 11 February 2022.

The consent lapses on 11 February 2027 unless the development has physically commenced before that date (in the case of development consent for the erection of a building, subdivision of land or the carrying out of a work) or if the use of land, building or work has actually commenced before that date.

The Independent Planning Commission has not conducted a public hearing in respect of the application.

The development consent is subject to a condition under section 7.12 which has been imposed under the Newcastle Local Infrastructure Contributions Plan. The contributions plan may be inspected at <https://newcastle.nsw.gov.au/development/land-use-planning/contribution-plans-and-planning-agreements>.

Subsidence Advisory NSW has provided General Terms of Approval (GTA) under section 22 of the Coal Mine Subsidence Compensation Act 2017. These have not been incorporated into the conditions of consent.

Reviews/Appeals

Certain appeal and review rights are available to applicants and objectors following determination of a development application.

The applicant does not have the right to request a review of the determination under section 8.3 of the Act.

If the applicant is dissatisfied with the determination of the application, the applicant has the right, under section 8.7 of the Act, to appeal to the Land and Environment Court within 12 months of the date the determination was notified or registered on the NSW planning portal.