

# Application to modify a development consent

Date lodged: \_\_\_\_/\_\_\_\_/\_\_\_\_



NSW GOVERNMENT  
Department of Planning

DA modification no. \_\_\_\_\_  
(Office use only)

## 1. Before you lodge

This form is to be used for applications to modify Part 4 development consents under section 96 or 96AA of the *Environmental Planning and Assessment Act 1979* (EP&A Act). This form is also to be used for Part 4 development consents that are to be modified under section 75W of the Act.

### Disclosure statement

Persons lodging modification applications are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years. For more details, including a disclosure form, go to [www.planning.nsw.gov.au/donations](http://www.planning.nsw.gov.au/donations).

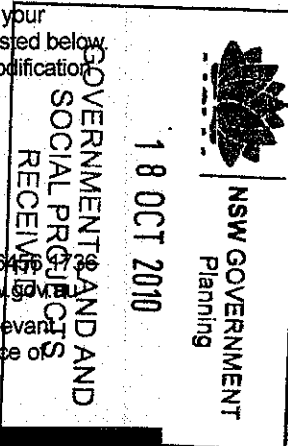
### Lodgement

Anyone wishing to lodge an application is recommended to call the Department of Planning to discuss their proposal and modification application requirements prior to lodging their application. You can lodge your completed form, together with attachments and fees at the relevant Department of Planning office listed below. Please lodge Part 4 modification applications with the Department of Planning head office or, for modification applications that are within the Kosciuszko ski resorts area, the Department's Alpine Resorts team.

NSW Department of Planning  
Head Office  
Ground Floor, 23-33 Bridge Street, Sydney NSW 2000  
GPO Box 39 Sydney NSW 2001  
Phone: 1300 305 695 Fax: (02) 9228 6555  
Email: [information@planning.nsw.gov.au](mailto:information@planning.nsw.gov.au)

NSW Department of Planning  
Alpine Resorts Team  
Shop 5A, Snowy River Avenue  
PO Box 36, Jindabyne NSW 2627  
Phone: (02) 6456 1733 Fax: (02) 6456 1734  
Email: [alpineresorts@planning.nsw.gov.au](mailto:alpineresorts@planning.nsw.gov.au)

To minimise delay in receiving a decision about your application, please ensure you submit all relevant information to the Department. When your application has been assessed, you will receive a notice of determination.



## 2. Applicant and contact details

Company/organisation/agency

Baroque Bistro Pty Ltd

ABN

67 134 562 931

☒ Mr ☐ Ms ☐ Mrs ☐ Dr ☐ Other

First name

Christophe

Family name

Charkos

### STREET ADDRESS

Unit/street no.

86 - 88

Street name

George Street

Suburb or town

The Rocks

State

NSW

Postcode

2000

POSTAL ADDRESS (or mark 'as above')

as above

Suburb or town

State

Postcode

Daytime telephone

(02) 9241 4811

Fax

(02) 9241 4812

Mobile

0403 487 586

Email

[christophe@baroquebistro.com.au](mailto:christophe@baroquebistro.com.au)

### 3. Property description

Unit/street no. (or lot no. for Kosciuszko ski resorts)

86 - 88

Street or property name

George Street

Suburb, town or locality

The Rocks

Postcode

2000

Local government area

City of Sydney

Lot/DP or Lot/Section/DP or Lot/Strata no.

Please ensure that you put a slash ( / ) between lot, section, DP and strata numbers. If you have more than one piece of land, you will need to separate them with a comma e.g. 123/579, 162/2.

Lot 6 DP 247 644

Note: You can find the lot, section, DP or strata number on a map of the land or on the title documents for the land, if title was provided after 30 October 1983. If you have documents older than this, you will need to contact the NSW Department of Lands for updated details. If the subject land is located within the Kosciuszko ski resorts area, DP and strata numbers do not apply.

### 4. Details of the original development consent

Briefly describe your approved development in the space below. If the development has been modified previously you must list all previous modifications and the relevant determination date(s).

Patisserie and licensed Bistro/Restaurant

What was the original development application no.?

DA 008 - 01 - 2009

What was the date consent was granted?

16 February 2010

What was the original application fee?

unknown

### 5. Type of modification

An application under section 96 of the EP&A Act is an application to modify a development consent. Modifications to a development consent can also be made under section 75W of the EP&A Act, or section 96AA for court granted consents.

There are five types of modification applications. Please tick the type of modification application that is being sought:

- ☐ Section 96(1) involving minor error, misdescription or miscalculation.
- ☒ Section 96(1A) involving minimal environmental impact, where the development as originally approved remains substantially the same.
- ☐ Section 96(2) other modification, where the development as originally approved remains substantially the same.
- ☐ Section 96AA modification of consent granted by the Land and Environment Court, where the development as originally approved remains substantially the same.
- ☐ Section 75W modification, involving use of Part 3A processes to modify the Part 4 consent.

Note: If the proposed modification will lead to the consented development being not 'substantially the same' (except in the case of a proposed modification under section 75W) then you will need to submit a new development application.

### 6. Extent of modification

Will the modified development be substantially the same as the development that was originally approved?

No ☐ Please submit a new development application.

Yes ☒ Please provide evidence that the development will remain substantially the same. (If you need to attach additional pages, please list below the material attached).

Proposal is for temporary extension to the approved hours of operation and temporary security fencing for New Years Eve, 31 December 2010

Note: Question 6 does not apply to proposed modifications under section 75W.

## 7. Description of modification

- In the case of a section 96(1) application, indicate the nature of the minor error, misdescription or miscalculation in the space below.
- In the case of a section 96(1A), section 96(2) or section 96AA application describe the impact of the modification in the space below. A statement of environmental effects will need to accompany the application, which includes an assessment of the development as proposed to be modified in accordance with section 79C(1) of the EP&A Act. Provisions of the *Heritage Act 1977* may also apply for works to a heritage item or works adjoining a heritage item.
- In the case of a section 75W application under clause 8J(8) of the Environmental Planning and Assessment Regulation 2000, a development consent in force immediately before the commencement of Part 3A of the Act may be modified under section 75W as if the consent were an approval under that Part. However, approval from the Minister is required to lodge a section 75W application. **Applicants should contact the Department first if they are considering applying for a modification under section 75W.**

Regardless of the type of modification, please state below the specific conditions of consent to be modified, deleted or additional conditions request, and details of any other changes being sought.

Modify conditions G1a and G1b to extend trading hours according to the to the standard OLGR hours of operation for restaurants with an on premises license for New Years Eve, 31 Dec 2010.  
The trading hours for New Year are as follows  
8am - 2am (New Years Day)

Note: If your proposal is within Kosciuszko ski resorts area, please attach a copy of the Interim Lease Variation Approval received from the Department of Environment and Climate Change to your application.

## 8. General terms of approval from State agencies

If the original development application was classified as integrated development and required approval from one or more State agencies, list them in the space below and their respective general terms of approval. Depending on the type of modification, it may be necessary to refer the modification application to the approval body.

Section 57 Heritage Exemption Attached

## 9. Number of jobs to be created

Please indicate the number of jobs the proposed development will create. This should be expressed as a proportion of full time jobs over a full year, (e.g. a person employed full time for 6 months would equal 0.5 of a full time equivalent job; six contractors working on and off over 2 weeks equate to 2 people working full time for 2 weeks, which equals approximately 0.08 of an FTE job).

Construction jobs (full time equivalent)

Operational jobs (full time equivalent)

2 Security Jobs

## 10. Application fee

Part 15 of the Environmental Planning and Assessment Regulation 2000 sets out how to calculate the fees for an application for modification of a development consent. If your development needs to be advertised to the public you may also need to include an advertising fee.

Note: Advertising fees attract GST, all other fees do not.

Please contact the Department in order to calculate the fee for your modification application.

Estimated cost of the development

\$0

Original application fee

Total fees lodged

## 11. Political donation disclosure statement

Persons lodging modification applications are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years. Disclosure statements are to be submitted with your application.

Have you attached a disclosure statement to this application?

Yes ☐

No ☒

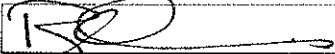
Note: For more details about political donation disclosure requirements, including a disclosure form, go to [www.planning.nsw.gov.au/donations](http://www.planning.nsw.gov.au/donations).

## 12. Owner's consent

**The owner(s) of the land to be developed must sign the application.** If you are not the owner of the land, you must have all the owners sign the application. If the land is Crown land, an authorised officer of the NSW Department of Lands must sign the application. **An original signature must be provided.**

As the owner(s) of the above property, I/we consent to this application:

Signature



Name

PETER HAZELDINE

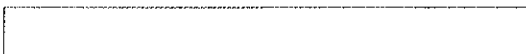
Date

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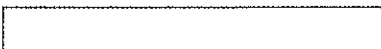
Signature



Name



Date

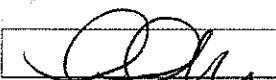


Note: For applications within the Kosciuszko ski resorts area, the approval of the lessee rather than the owner is required.

## 13. Applicant's signature

**The applicant, or the applicant's agent, must sign the application. Only an original signature will be accepted (photocopies or faxed copies will not be accepted).**

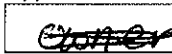
Signature



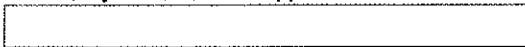
Date

20. 9. 2010

In what capacity are you signing if you are not the applicant



Name, if you are not the applicant



## 14. Privacy policy

The information you provide in this application will enable the Department, and any relevant state agency, to assess your application under the *Environmental Planning and Assessment Act 1979* and other applicable state legislation. If the information is not provided, your application may not be accepted.

If your application is for designated development or advertised development, it will be made available for public inspection and copying during a submission period. Written notification of the application will also be provided to the neighbourhood. You have the right to access and have corrected any information provided in your application. Please ensure that the information is accurate and advise the Department of any changes.

2 September 2010



Mr Christophe Charkos  
Baroque Bistro Pty Limited  
86-88 George Street  
**THE ROCKS NSW 2000**

Dear Mr Charkos

**RE: REQUEST FOR LANDOWNER'S CONSENT TO LODGE AN 'APPLICATION  
TO MODIFY A DEVELOPMENT CONSENT' AND AN 'S.57(2) APPLICATION'  
REFERENCE NUMBER: LOC 7981**

**Address: 86-88 George Street, The Rocks**

We refer to your request for landowner's consent to lodge an 'Application to Modify a Development Consent' and an 's.57(2) Application' for the following:

- Temporary extension to the approved hours of operation and temporary security fencing for New Year's Eve, 31 December 2010.

Sydney Harbour Foreshore Authority has considered the application and, based on the information provided, gives landowner's consent to lodge your application with the appropriate consent authority.

However a condition of this approval is that you immediately supply details of the security gate entry point to the Authority's Operations Manager, Gavin Rowley. His email address is [gavin.rowley@shfa.nsw.gov.au](mailto:gavin.rowley@shfa.nsw.gov.au).

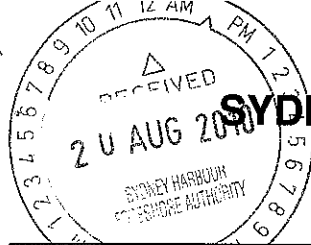
Your 's.57(2) Application' has been lodged with the Authority's Heritage and Design team for assessment. Please contact Lucy Burke-Smith on 02 9240 8527 if you have any questions in relation to your heritage application.

Your 'Application to Modify a Development Consent' and the supporting information is now available for collection at level 6, 66 Harrington Street, The Rocks. Please contact Lucinda Freestone on 02 9240 8741 if you have any questions.

Yours sincerely

**Peter Hazeldine**  
Acting Director  
Property and Asset Management

**Sydney Harbour Foreshore Authority**  
Level 6, 66 Harrington Street, The Rocks 2000  
PO Box N408, Grosvenor Place NSW 1220  
Telephone 02 9240 8500 Facsimile 02 9240 8899  
[www.shfa.nsw.gov.au](http://www.shfa.nsw.gov.au) ABN 51 437 725 177



# SYDNEY HARBOUR FORESHORE AUTHORITY

## EXEMPTION NOTIFICATION FORM

(S.57(2) NSW Heritage Act)

THERE IS NO FEE PAYABLE FOR AN EXEMPTION



- This form should be completed and submitted to the Executive Director, Tenant & Asset Management Services, Sydney Harbour Foreshore Authority to notify the Delegated Authority of the Heritage Council of a proposed development that may be exempt under section 57(2) of the Heritage Act.
- An application is required under section 60 of the Heritage Act if the proposed development is not covered by the Standard Exemptions Type listed on page 2.
- More information is available in the publication "Standard Exemptions for Works Requiring Heritage Council Approval" on the Heritage Office website at <http://www.heritage.nsw.gov.au>
- The Submission Requirements depend on the Standard Exemption Type (also refer to page 2, over).
- Two copies of the submission are required.
- Drawings (A4 or A3) and photographs may be needed in order to explain the proposal and if so should be attached.

- A brief statement of heritage significance of the affected item is required to accompany this form.
- This form must be signed by the applicant and land owner.
- If the Executive Director, Tenant & Asset Management Services, is satisfied with the proposed development and accompanying submission, a copy of this form will be endorsed by the Delegated Authority of the NSW Heritage Council and returned to the applicant within 14 days.
- If the Executive Director, Tenant & Asset Management Services, is not satisfied with the proposal and accompanying submission, more information will be requested which may delay endorsement
- This form should be sent by mail, fax or email to:  
*Sydney Harbour Foreshore Authority*  
PO Box N408,  
Grosvenor Place NSW 2124  
Fax: (02) 9240 8899 Phone: (02) 9240 8527  
Email: [info@shfa.nsw.gov.au](mailto:info@shfa.nsw.gov.au)

### ITEM AFFECTED BY PROPOSED DEVELOPMENT:

Name of Heritage Item: Former Bushells Building and Bushells Place SHR No: 01535

Address: 86 - 88 George Street, The Rocks Post Code: 2000

Lot Number: 6 Plan Code (DP / SP): DP Plan Number: 247 644

### DESCRIPTION OF THE PROPOSAL (This MUST describe the proposed works. Do not write 'See attached'):

Installation of security fencing around perimeter of podium at 86 - 88 George Street for New Years Eve 2010

EXEMPTION UNDER WHICH NOTICE IS GIVEN: 16 COST OF PROPOSAL: \$ n/a

SUBMISSION REQUIREMENTS MUST BE ATTACHED AS REQUIRED BY THE EXEMPTION NOTES (Page 2)

### APPLICANT

Name: Christophe Charkos Organisation: Baroque Bistro Pty Ltd

Address: 86 - 88 George Street, The Rocks, 2000

Telephone: (02) 9241 4811 Mobile: 0403 487 586 Fax: (02) 9241 4812

Email: [christophe@baroquebistro.com.au](mailto:christophe@baroquebistro.com.au) Signature: [Signature]

### LAND OWNER

Name: PETER HAZELDINE Organisation: SYDNEY HARBOUR FORESHORE AUTHORITY

Address: LEVEL 6, 66 HARRINGTON STREET, THE ROCKS

Telephone: 9240 8500 Mobile: Fax:

Email: [peter.hazeldine@shfa.nsw.gov.au](mailto:peter.hazeldine@shfa.nsw.gov.au) Signature: [Signature]

### ENDORSEMENT (Office Use Only)

SHFA Ref. No. 557-2010-025

The proposed development described on this form has been assessed by Sydney Harbour Foreshore Authority as delegated under s.169 of the NSW Heritage Act. The proposed development does not require approval under section 57(1) of the Heritage Act as it is exempt under Standard Exemption No. 16 granted under section 57(2) of the Heritage Act by the Minister for Planning by Order published in the Government Gazette on 5 September 2008, and the relevant criteria have been satisfied. See reverse side for general conditions. An endorsed copy of the information lodged with this form is attached.

[Signature]  
EXECUTIVE DIRECTOR, Tenant & Asset Management Services  
Sydney Harbour Foreshore Authority

# New Years Eve - Security fencing plan

*Security*

Harbour Fencibles Authority

This plan forms part of the Authority's  
Landowner's Consent

File: 3.9.10 Officer: L. Froothorn

THIS IS NOT DEVELOPMENT CONSENT  
OR APPROVAL TO COMMENCE WORK

Entry to  
licensed premises

Security fencing placed within  
existing licenced area just  
inside of existing steel handrail.

HICKSON ROAD

TERRACE

114.87 m<sup>2</sup>

69.59 m<sup>2</sup>

RESTAURANT 01

KITCHEN 02

KITCHEN 01

WASH 02

STORAGE ROOM 01

EX. LIFT

BAR

STORAGE ROOM 02

DISABLED WC

FEMALE WC

MALE WC

FOYER 01

FOYER 02

STORE 01

EX. FIRE STAIRS

COOL ROOM

FREZER

HERITAGE ACT 1977

EXEMPTION UNDER S.57(1)

The proposed development shown on this plan has been assessed under the NSW Heritage Criteria. The proposed development does not require approval under section 57(1) of the Heritage Act as it is exempted under Standard Exemption 16. Order granted by the Minister for Planning on 4 April 2005, as amended 23 April 2006, and the criteria have been satisfied.

(01) EXECUTIVE DIRECTOR  
Tenant & Asset Management

7/9-10