

Modification of Development Consent

Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning under delegation dated 11 October 2017, I approve the modification application referred to in Schedule 1, subject to the conditions in Schedule 2.

David McNamara
Director
Key Sites Assessments

Date: 16 August 2019 Sydney

SCHEDULE 1

Development Consent:	SSD 7683 granted by the Minister for Planning on 25 August 2017
Applicant:	Jimmy's on the Mall Pty Ltd
For the following:	The use of Tenancy 5 of the Overseas Passenger Terminal (OPT) as a restaurant and: • external alterations to the OPT building • new elevated micro-brewery pod to the north of the OPT • outdoor dining to the north of the site • business identification signage.
The Land:	Overseas Passenger Terminal (Tenancy 5), Circular Quay Way, The Rocks, (Lots 1-3 DP 876516)
Modification:	SSD 7683 (MOD 2): Extension of trial period trading hours and increased patron capacity

SCHEDULE 2

The above approval is modified as follows:

1. Condition F2 is amended by the deletion of ~~strikethrough~~ text and inclusion of **bold and underlined** text as follows:

Hours of Operation

- F2 Notwithstanding (d) above, the use of the outdoor areas of the premises may operate between 6 am to 8 am and 10 pm to 1 am Monday to Sunday; and between 10 pm on New Year's Eve to 2 am on New Year's Day for a trial period of one year **until 21 May 2022** ~~commencing from the date of the issue of any Occupation Certificate.~~ The Secretary must be informed in writing of the date of commencement of the trial hours.

2. Condition F4 is amended by the deletion of ~~strikethrough~~ text and inclusion of **bold and underlined** text as follows:

Maximum Patron Capacity

- F4 The maximum number of persons (including staff, patrons and performers) permitted in the premises at any one time is ~~870~~ **1,070** persons and includes:
- i. ~~800~~ **1,000 patrons;**
 - ii. Across premises: 70 staff;
 - iii. A comfortable dining position must be available for each patron upon the premises. This must include a seat and access to table/bench space in accordance with the approved plans **as identified within the updated Squire's Landing Plan of Management dated August 2019;** and
 - iv. **In the event of any inconsistency between Condition F4 (i) and Condition F4 (iii), the maximum number of patrons permitted in the premises must not exceed 1000 patrons at any time.** ~~Management is responsible for ensuring the number of patrons in the premises does not exceed the approved capacity specified in sub-clause (i).~~

End of modification SSD 7683 MOD 2