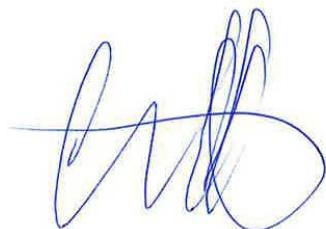


# Modification of Development Consent

Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Cameron Sargent  
**Team Leader**  
**Key Sites Assessments**

Sydney

8 March 2022

## SCHEDULE 1

**Development consent:** **SSD 8671** granted by the Minister for Planning on 17 May 2018

**For the following:**

Walsh Bay Arts and Cultural Precinct:

- demolition and early construction works
- internal and external works to Pier 2/3
- internal and external works to Wharf 4/5
- internal and external works to Shore Shed 4/5
- use of Pier 2/3, Wharf 4/5 and Shore Shed 4/5 for arts and cultural uses and ancillary uses, functions and events
- use of Pier 2/3, Wharf 4/5 and Shore Shed 4/5 and wharf aprons for Biennale and Sydney Writer's Festival events
- public domain works.

**Applicant:** Infrastructure NSW

**Consent Authority:** Minister for Planning

**The Land:** Lot 11 DP 1138931 (Pier 2/3) and Lot 65 DP 1048377 (Wharf 4/5 and Wharf 4/5 Shore Sheds), Hickson Rd, Walsh Bay

**Modification:** **SSD 8671 MOD 7:** Internal amendments to commercial tenancies 2 – 4 in Shore Shed 4/5 and the installation of additional louvres to Wharf 4/5.

## SCHEDULE 2

1. Part A – Administrative Conditions – Condition A1 and A7 are amended by the deletion of ~~struck out~~ words and insertion of **bold and underlined** words as follows:

### Terms of Consent

A1 The development may only be carried out:

- a) in compliance with the conditions of this consent;
- b) in accordance with all written directions of the Secretary;
- c) generally in accordance with the EIS and RTS; and
- d) in accordance with the approved plans in the table below; and,
- e) ~~in accordance with the modification application titled 'Walsh Bay Arts Precinct Modification Application Mod 6' prepared by GTK Consulting dated October 2021~~
- f) **Modification applications including:**

- i) **Modification 1: Section 4.55(1A) Modification Application prepared by Infrastructure NSW (dated 27 February 2018);**
- ii) **Modification 3: Section 4.55(1A) Modification Application prepared by MG Planning (dated 15 July 2020) and Response to Submissions prepared by MG Planning (dated 29 August 2020);**
- iii) **Modification 4: Section 4.55(1) Modification Application prepared by GTK Consulting (dated 23 November 2020);**
- iv) **Modification 5: Section 4.55(1A) Modification Application prepared by GTK Consulting (dated July 2021) and Response to Submissions prepared by GTK Consulting (dated 6 November 2021);**
- v) **Modification 6: Section 4.55(1A) Modification Application prepared by GTK Consulting (dated October 2021);**
- vi) **Modification 7: Section 4.55(1A) Modification Application prepared by GTK Consulting (dated February 2022) and Response to Submissions prepared by GTK Consulting (dated 1 March 2022).**

Architectural Drawings prepared by Tonkin Zulaikha Greer Architects			
Drawing No.	Revision	Name of Plan	Date
A-000	A	Cover Sheet and Drawing List	25.09.2017
A-001	A	Legend	25.09.2017
A-002	A	Site Analysis Plan	25.09.2017
A-050	A	Ground Floor Demolition Plan	25.09.2017
A-051	A	Mezzanine Demolition Plan	25.09.2017
A-052	A	Level 1 Demolition Plan	25.09.2017
A-053	A	Level 2 Demolition Plan	25.09.2017
A-054	A	Level 3 Demolition Plan	25.09.2017
A-055	A	Roof Demolition Plan	25.09.2017
A-060	A	Pier 2/3 – Cross Sections – Demolition and Conservation	25.09.2017
A-061	A	Pier 2/3 – Long Section Grid H – Demolition and Conservation	25.09.2017
A-062	A	Wharf 4/5 – Cross Sections – Demolition and Conservation	25.09.2017
A-063	A	Wharf 4/5 – Long Section – Demolition and Conservation	25.09.2017

A-064	A	Shore Sheds – Sections – Demolition and Conservation	25.09.2017
A-070	A	Pier 2/3 – East Elevation – Demolition	25.09.2017
A-071	A	Pier 2/3 – West Elevation – Demolition	25.09.2017
A-072	A	Wharf 4/5 – East Elevation – Demolition	25.09.2017
A-073	A	Wharf 4/5 – West Elevation – Demolition	25.09.2017
A-074	A	Pier 2/3 and Wharf 4/5 – North and South Elevations - Demolition	25.09.2017
A-075	A	Shore Sheds – South Elevation (Hickson Road) - Demolition	25.09.2017
A-076	A	Shore Sheds – North Elevation - Demolition	25.09.2017
A-100	A	Ground Floor Plan	25.09.2017
A-101	A	Mezzanine Plan	25.09.2017
A-102	A	Level 1 Plan	25.09.2017
A-103	A	Level 2 Plan	25.09.2017
A-104	A	Level 4 Plan	25.09.2017
A-105	B	Roof Plan	13.07.2021
A-122	A	Wharf 4/5 South – Ground Floor Plan	26.06.2020
A-128	A	Wharf 4/5 North – Ground Floor Plan	26.06.2020
A-133	A	Wharf 4/5 North – Roof Plan	26.06.2020
A-134	A	Shore Sheds – Ground Floor Plan	26.06.2020
	<u>B</u>		<u>24.01.2022</u>
<u>A-135</u>	<u>B</u>	<u>Shore Sheds – Mezzanine Floor Plan</u>	<u>24.01.2022</u>
A-138	A	Shore Sheds – Roof Plan	26.06.2020
A-140	A	Pier 2/3 South – Ground Floor Plan	07.07.2020
A-141	C	Pier 2/3 North – Ground Floor Plan	24.11.2021
A-200	A	Pier 2/3 - Cross Sections - Proposed	25.09.2017
A-201	A	Pier 2/3 - Long Section - Proposed	25.09.2017
A-202	A	Wharf 4/5 - Cross Sections - Proposed	25.09.2017
A-203	A	Wharf 4/5 - Long Section - Proposed	25.09.2017
A-204	A	Shore Sheds - Sections - Proposed	25.09.2017
A-220	A	Shore Sheds – North Elevation – Proposed	07.07.2020
A-221	A	Wharf 4/5 – East Elevation – Proposed	07.07.2020
A-222	A	Wharf 4/5 – West Elevation – Proposed	07.07.2020
	<u>B</u>		<u>24.01.2022</u>
A-223	B	Pier 2/3 + Wharf 4/5 – North + South Elevations – Proposed	13.07.2021
A-224	A	Shore Sheds – South Elevation + Breezeway – Proposed	07.07.2020
A-225	B	Pier 2/3 – West Elevation – Proposed	13.07.2021
A-226	C	Pier 2/3 – East Elevation - Proposed	24.09.2021
A-305	A	Shore Sheds – North Elevation - Proposed	25.09.2017
A-401	A	Shadow Diagram Summer Solstice	25.09.2017

#### Limits on Consent

A7 This consent in no way implies or grants approval for the following:

- a) events held in the public domain, excluding the Sydney Writer's Festival and the Biennale;
- b) construction a waterfront square; and

c) the fit-out and use of commercial tenancies/spaces 2 to 4 **for use as shops, cafes, restaurants and small bars.**

Separate development application(s) must be lodged and consent obtained from the relevant consent authority for the above works and uses (except where exempt and complying development applies).

2. Part B – Prior to the Commencement of Works – Condition B13 is amended by the deletion of ~~struck out~~ words and insertion of **bold and underlined** words as follows:

#### Heritage Mitigation

B13 The Applicant must ensure the detailed design of the development is consistent with and incorporates the recommendations and mitigation measures outlined in Sections 8 and 9 of the Heritage Impact Assessment (dated 11 October 2017) in Appendix 14 of the EIS **as amended by Heritage Impact Statement (HIS), prepared by Tropman and Tropman Architects (dated January 2022) in Appendix C of Modification 7.**

Details demonstrating compliance with this condition must be submitted to the Certifying Authority prior to the commencement of works.

3. Part E – Post Occupation or During Use – Conditions E3 and E4 are amended by the deletion of ~~struck out~~ words and insertion of **bold and underlined** words as follows:

#### Hours of Operation – Commercial Spaces 2 to 4

E3 The hours of operation for commercial spaces 2 to 4 in Shore Sheds 4/5 shall be restricted as outlined in the table below.

<b>Land Use</b>	<b>Hours of Operation</b>
Cafés, restaurants and small bars*	6 am to 12 midnight (indoor areas) 6 am to 10 pm (outdoor areas)
Shops*	10 am to 10 pm (indoor and outdoor areas)
Deliveries	6 am to 12 midnight
<b>Offices</b>	<b>24 hours</b>
<b>Teaching, rehearsals relating to arts and cultural uses</b>	<b>6 am to 12 midnight (indoor areas)</b>

\*As defined in the Standard Instrument - Principal Local Environmental Plan.

#### Limits on Use - Commercial Spaces

E4 Commercial spaces 2 to 4 approved under this consent may only be used for the purposes of **offices, teaching and rehearsals relating to arts and cultural uses or as** shops, restaurants, cafés or small bars as defined in the *Standard Instrument - Principal Local Environmental Plan*.

**Note:** Nothing in this consent prevents any uses not listed above being established or changed under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, or that are the subject of a separate development application.

**End of modification**  
**(SSD 8671 MOD 7)**