

Modification of Development Consent

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

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



Anthony Witherdin
Director
Key Sites Assessments

Sydney: 9 December 2020

SCHEDULE 1

Development consent:	SSD 6513 granted by the Executive Director, Key Sites and Industry Assessments on 25 August 2016
For the following:	Construction of Building R1, Barangaroo South and fit-out and use as a pub
Applicant:	The Trustee for Barangaroo Trust & The Trustee for the Mash Barangaroo Trust
Consent Authority:	Minister for Planning and Public Spaces
The Land:	35 Barangaroo Avenue, Barangaroo (Lot 301 DP 1244221)
Modification:	SSD 6513 MOD 5: Continuation of existing trial period for extended hours of operation until 6 December 2025

SCHEDULE 2

The above approval is modified as follows:

1. Part A – Approved Development – Condition A5 is amended by the deletion of ~~struck-out words~~ and the insertion of **bold and underlined words** as follows:

A5 HOURS OF OPERATION

The hours of operation are regulated as follows:

- 1) The hours of operation must be restricted to between 7am and 11pm for internal areas and 10pm for outdoor areas Mondays to Sundays;
- 2) Notwithstanding (a) above, the use of the premises may operate between 11pm and 12 midnight for indoor areas and 10pm and 12 midnight for outdoor areas for a further trial period of ~~2 years ending on 6 December 2020~~ **5 years ending on 6 December 2025**;
- 3) A modification or development application may be lodged to continue any trial period specified in these conditions no earlier than 120 days before the end of the trial period and no later than 60 days before the end of the trial period. The consideration of a proposed continuation and/or extension of a trial will be based on, among other things, the performance of the operator in relation to the compliance with the development consent conditions, any substantiated complaints received and any views expressed by the NSW Police Force;
- 4) Provided that:
 - a) any application to continue a trial period is lodged no earlier than 120 days before the end of the trial period and no later than 60 days before the end of the trial period; and
 - b) the applicant provides any additional information that the consent authority reasonably requests to assess the application within 7 days of receipt of that request; and
 - c) the applicant diligently prosecutes the application and any appeal in respect of the application;

then the activity the subject of the application for extension may continue until such time as the application is finally determined.

**End of modification
(SSD 6513 MOD 5)**