

Notice of decision SSD 7683 MOD 2

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development modification
Application number and project name	SSD 7683 MOD 2: Extension of trial period trading hours and increased patron capacity
Applicant	JIMMY'S ON THE MALL PTY LIMITED
Consent Authority	Minister for Planning

Decision

The Director, Key Sites Assessments, under delegation from the Minister for Planning has, under 4.55(2) of the *Environmental Planning and Assessment Act 1979 (the Act)* modified the consent subject to the recommended conditions and any additional conditions.

A copy of the instrument of modification and conditions is available at <https://www.planningportal.nsw.gov.au/major-projects/project/12706>

A copy of the Department of Planning & Environment's assessment report is available at <https://www.planningportal.nsw.gov.au/major-projects/project/12706>

Date of decision

16.8.19

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2000*;
- the reasons given by the consent authority for the grant of the original consent;
- the objects of the Act;
- all information submitted with the modification application during the assessment and information considered in the Department's Assessment Report;
- the findings and recommendations in the Department's Assessment Report;
- the submissions made concerning the modification; and
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision.

The decision maker was satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted was modified.

The key reasons for granting the modification are as follows:

- *[Benefits]* - the modification would provide a range of benefits for the region and the State as a whole.
- *[Consistent with NSW Government Policy]* - the modification is permissible with consent and is consistent with NSW Government policies.
- *[Impacts can be managed]* - the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards and
- *[Community views considered]* - the issues raised by the community during consultation and in submissions have been considered and adequately addressed through the recommended conditions of consent.
- *[Public interest]* – weighing all relevant considerations, the modification is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the modification from 30 May 2019 until 12 June 2019 (14 days) and received four submissions, including no objections.

The key issues raised by the community related to compliance with Condition F4 of the consent and was considered in the Department's Assessment Report and by the decision maker. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<i>Compliance with Condition F4</i> <ul style="list-style-type: none">The modification application should comply with Condition F4 of the consent	<ul style="list-style-type: none">Refer to Section 6.3. The RtS included revised venue floor plans to demonstrate that venue could accommodate 1054 patrons with a seat and access to table or bench space. The application seeks a maximum of 1000 patrons and would therefore have a surplus of seating and table or bench space.The Department is therefore satisfied the proposal would comply with Condition F4 of the consent.