

Modification of Development Consent

Section 4.55(1) 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: 23 December 2020

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: <ul style="list-style-type: none">• 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 and Public Spaces
The Land:	Lot 11 DP 1138931 (Pier 2/3) Lot 65 DP 1048377 (Wharf 4/5 and Wharf 4/5 Shore Sheds), Hickson Rd, Walsh Bay
Modification:	SSD 8671 (MOD 4): Modifications to the development consent, including: <ul style="list-style-type: none">• Amendment to Condition E36: Outdoor Seating Plan.

SCHEDULE 2

1. Part E – Post occupation or during use – Condition E36 is amended by the deletion of the ~~struck-out~~ words and insertion of the **bold and underlined** words as follows:

Outdoor Seating Plan

~~E36—An Outdoor Seating Plan shall be provided and approved by the Secretary for all outdoor seating areas prior to occupation or commencement of the use. The Plan must outline the outdoor area dimensions, seating numbers, tenancies, street furniture and uses.~~

Outdoor Seating Area Details

E36 Within 7 days of the occupation of each outdoor seating area, Create NSW shall provide the Secretary with the following:

- a) **the specific use of the relevant tenancy**
- b) **numbers of outdoor seating patrons**
- c) **a copy of the relevant development consent granted by City of Sydney Council for the fitout of the tenancy**
- d) **a plan demonstrating the outdoor seating complies with the OSP approved under condition D15.**

End of modification
(SSD 8671 MOD 4)