

1990 - No. 294

DARLING HARBOUR AUTHORITY ACT 1984 - REGULATION

(Relating to fees and to certificates under section 149 of
the Environmental Planning and Assessment Act 1979)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Darling Harbour Authority Act 1984, has been pleased to make the Regulation set forth hereunder.

DAVID HAY
Minister for Local Government
and Minister for Planning.

The Darling Harbour Authority Regulation 1984 is amended:

- (a) by omitting from clause 7 (2) (c) the matter "\$50" and by inserting instead the matter "\$100";
- (b) by omitting clause 8 (2) (b) and by inserting instead the following paragraph:
 - (b) be accompanied by a fee of:
 - (i) if the estimated cost of erecting the building or carrying out the work to which the permit relates is greater than that on which the fee for the original application for the permit was calculated - the difference between the fee that would have been payable in respect of the original application, on the basis of the higher cost, and the fee that was actually paid; or

(ii) in any other case - \$100.

(c) by inserting after clause 20A the following clause:

Application of section 149 of the Environmental Planning and Assessment Act 1979

20B. (1) This clause applies to:

- (a) all land within the Development Area (other than land to which clause 19 applies); and
- (b) all land described in Schedule 7 to the Act.

(2) Notwithstanding section 59 (1) and (3) of the Act but subject to subclause (3), the provisions of:

- (a) section 149 of the Environmental Planning and Assessment Act 1979; and
- (b) clauses 68 (1) and (2) of the Environmental Planning and Assessment Regulation 1980,

apply to and in respect of the land to which this clause applies in the same way as they would, but for section 59 (1) and (3) of the Darling Harbour Authority Act 1984, apply to and in respect of that land.

(3) For the purposes only of the application of a provision referred to in subclause (2) to or in respect of the land to which this clause applies:

- (a) a reference in any such provision to a council is to be construed as a reference to the Authority and
- (b) the reference in section 149 (5) of the Environmental Planning and Assessment Act 1979 to "this Act or the regulations" is to be construed as a reference to "the Darling Harbour Authority Act 1984 or the regulations made under that Act".

(4) For the purposes of section 149 (2) of the Environmental Planning and Assessment Act 1979 (as applied by subclause (2)), the prescribed matters are:

- (a) where a development plan, or a draft development plan that has been placed on exhibition pursuant to section 26 of the Darling Harbour Authority Act 1984, restricts, or purports to restrict, the purposes for which development may be carried out on the land:

- (i) the citation of the plan; and
- (ii) the purposes for which development may be carried out in accordance with the plan without a permit and with a permit; and
- (iii) the purposes for which the carrying out of development is prohibited under the plan; and

- (b) whether or not the demolition of any building on the land requires a permit to be obtained; and
- (c) whether or not the land is affected by any road widening or road realignment under section 18 of the Darling Harbour Authority Act 1984.

EXPLANATORY NOTE

The object of this Regulation is to amend the Darling Harbour Authority Regulation 1984:

- (a) to increase the fee payable for an application for a permit to carry out development that does not involve the erection of a building, the carrying out of work or the subdivision of land; and
- (b) to increase the fee payable for an amended application for a permit; and
- (c) to provide for the application, to the Darling Harbour Development Area and certain other land, of section 149 of the Environmental Planning and Assessment Act 1979 (relating to the issue of certificates as to the purposes for which development may or may not be carried out on land to which the certificate relates).

The fee referred to in paragraph (a) is to rise from \$50 to \$100.

The fee referred to in paragraph (b) is to be calculated on the change in the estimated cost of the development to which the amended application relates. Generally, the amount of the fee is to be the amount of the difference between the fee originally paid and the fee that would have been payable if based on the later estimate of the cost of the development.
