

1993—No. 164

**DARLING HARBOUR AUTHORITY ACT 1984—REGULATION**

(Relating to land formerly under the control of the Darling Harbour Authority)

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.

ROBERT WEBSTER, M.L.C.,  
Minister for Planning.

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The Darling Harbour Authority Regulation 1984 is amended by inserting after clause 28 the following clauses:

**Variation of land ancillary to the Development Area**

29. Schedule 7 to the Act is amended by omitting the description of land in Part 1 of that Schedule.

**Effect of exclusion of land from Schedule 1 or 7**

30. (1) This clause applies to land that ceases to be described in Schedule 1 or 7 to the Act.

(2) Any action that was duly taken by the Authority in relation to land to which this clause applies (being action taken by the Authority in its exercise of the functions of a council or consent authority) is taken to have been duly taken by the relevant council or consent authority.

(3) In particular:

(a) any permit duly granted by the Authority in relation to the land is, to the extent to which it authorises development on the land, taken to be a development consent duly granted by the relevant consent authority under the Environmental Planning and Assessment Act 1979 and subject to the same conditions as those to which the permit is subject; and

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- (b) any permit duly granted by the Authority in relation to the land is, to the extent to which it permits the erection of a building on the land, taken to be a building approval duly given by the relevant council under section 311 of the Local Government Act 1919 and subject to the same conditions as those to which the permit is subject; and
- (c) any permit duly granted by the Authority in relation to the land is, to the extent to which it permits the use or occupation of a building before completion, taken to be a permission duly granted by the relevant council under section 316 of the Local Government Act 1919 and subject to the same conditions as those to which the permit is subject; and
- (d) any building certificate duly issued by the Authority under section 317AE of the Local Government Act 1919 in relation to the land is taken to have been duly issued by the relevant council; and
- (e) any approval or decision duly given or made by the Authority under section 331 of the Local Government Act 1919 in respect of the land is taken to have been duly given or made by the relevant council; and
- (f) any certificate duly issued by the Authority under section 149 of the Environmental Planning and Assessment Act 1979 in relation to the land is taken to have been duly issued by the relevant consent authority; and
- (g) any certificate, statement, permission, act or thing duly issued, given or done by the Authority pursuant to the Building Code of Australia (Administrative Provisions) Ordinance 1991 (being Ordinance No. 70 under the Local Government Act 1919) in relation to the land is taken to have been duly issued, given or done by the relevant council.

(4) Any action duly taken by the General Manager in relation to land to which this clause applies (being action taken by the General Manager in his or her exercise of the functions of a clerk of a council) is taken to have been duly taken by the clerk of the relevant council.

(5) In particular, any certificate duly issued by the General Manager under section 327 of the Local Government Act 1919 in relation to the land is taken to have been duly issued by the clerk of the relevant council.

(6) This clause ceases to have effect with respect to land to which this clause applies if a description of the land is subsequently included in Schedule 1 or 7 to the Act.

(7) In this clause:

“**consent authority**” has the same meaning as it has in the Environmental Planning and Assessment Act 1979;

“**council**” has the same meaning as it has in the Local Government Act 1919.

#### **EXPLANATORY NOTE**

The Darling Harbour Authority has planning and building control functions for land described in Schedule 1 to the Act (the Darling Harbour area) and land described in Schedule 7 to the Act (land at the corner of Pitt and Market Streets on which a monorail station is situated). The City of Sydney Act 1988 contains provisions which, when commenced, will remove the remaining planning and building control functions of the Authority and enacts appropriate savings consequent on the transfer of those functions. In the meantime land can be removed from the control of the Darling Harbour Authority by regulation amending the Schedules to the Act.

The object of this Regulation is:

- (a) to transfer planning and building control functions of the Authority over the land in Schedule 7 (City Centre, No. 55 Market Street) to the Sydney City Council (or, in the case of major development, the Central Sydney Planning Committee); and
- (b) to provide general savings provisions consequent on the transfer in respect of that land or any other land removed from the Schedules to the Act. In particular the provisions will continue the effect of planning permits granted by the Authority when it exercised planning control functions.

The Regulation is made under the general regulation making power of the Act (section 67) and, in particular, section 5A.

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