

**DARLING HARBOUR AUTHORITY (AMENDMENT) BILL  
1986**

NEW SOUTH WALES



**EXPLANATORY NOTE**

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

The object of this Bill is to amend the Darling Harbour Authority Act 1984—

- (a) to enable monorail stations to be provided within buildings not situated within the Darling Harbour Development Area but on land described in a new Schedule (Schedule 7) to that Act; and
- (b) to enable the Darling Harbour Authority to exercise in its Development Area certain functions under the Liquor Act 1982 that would otherwise be exercisable by the council of the City of Sydney.

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Clause 1 specifies the short title to the proposed Act.

Clause 2 is a formal provision that gives effect to the Schedule of amendments to the Darling Harbour Authority Act 1984 ("the Principal Act").

Schedule 1 (1) enables the Governor to add to, amend or omit a description of land in Schedule 7 (inserted in the Principal Act by Schedule 1 (9)) subject, in the case of an addition, to the agreement of the Minister for Planning and Environment.

Schedule 1 (2) includes among the objects of the Authority matters relating to the development of the land described in the new Schedule to the Principal Act ("Schedule 7 land").

Schedule 1 (3) excludes from the prescribed procedures relating to the erection of pillars supporting the proposed monorail transport system those within Schedule 7 land.



Schedule 1 (4) has the general effect of requiring development of Schedule 7 land to be approved by the Authority and, because of the amendments proposed by Schedule 1 (6), only by the Authority.

Schedule 1 (5) requires the Authority, in determining a development approval for Schedule 7 land—

- (a) to take into consideration any planning instrument that, but for the proposed Act, would affect the land; and
- (b) in so far as the application relates to the calculation of floor space ratios and the parking of vehicles, to act as directed by the Minister for Planning and Environment.

Schedule 1 (6) amends section 59 of the Principal Act (which excludes the effect of certain legislation in relation to the Darling Harbour Development Area) and—

- (a) by Schedule 1 (6) (a)—adds to those exclusions the effect of certain provisions of the Local Government Act 1919 relating to parking stations;
- (b) by Schedule 1 (6) (b)—makes a consequential amendment;
- (c) by proposed section 59 (2) inserted by Schedule 1 (6) (c)—provides for the exercise by the Authority in the Development Area of certain functions under the Liquor Act 1982 that would be otherwise exercisable by a council under the Local Government Act 1919; and
- (d) by proposed section 59 (3) inserted by Schedule 1 (6) (c)—excludes the operation of certain Acts in relation to Schedule 7 land.

Schedule 1 (7) authorises the making in relation to Schedule 7 land of certain regulations of a kind that may be made in relation to the Development Area.

Schedule 1 (8) amplifies the description of the works relating to the proposed monorail transport system.

Schedule 1 (9) inserts Part 1 of the proposed Schedule 7 which describes certain land situated at the corner of Pitt and Market Streets in the City of Sydney.

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**DARLING HARBOUR AUTHORITY (AMENDMENT)  
BILL 1986**

NEW SOUTH WALES



**TABLE OF PROVISIONS**

1. Short title
2. Amendment of Act No. 103, 1984

SCHEDULE 1—AMENDMENTS TO THE DARLING HARBOUR AUTHORITY  
ACT 1984

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THE NATIONAL ASSOCIATION OF REALTORS

1900 BROADWAY, NEW YORK, N. Y.

W. F. BROWN, JR.

MEMBER

RESIDENT

ADDRESS

STATE OF NEW YORK

COUNTY OF NEW YORK

IN SENATE

January 1, 1900

REPORT

**DARLING HARBOUR AUTHORITY (AMENDMENT) BILL  
1986**

NEW SOUTH WALES



No. , 1986

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**A BILL FOR**

An Act to amend the Darling Harbour Authority Act 1984 with respect to the development of certain land; and for other purposes.

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*Darling Harbour Authority (Amendment) 1986*

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BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

5 **Short title**

1. This Act may be cited as the "Darling Harbour Authority (Amendment) Act 1986".

**Amendment of Act No. 103, 1984**

10 2. The Darling Harbour Authority Act 1984 is amended in the manner set forth in Schedule 1.

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SCHEDULE 1

(Sec. 2)

AMENDMENTS TO THE DARLING HARBOUR AUTHORITY ACT  
1984

15 (1) Section 5A—

After section 5, insert:

**Amendment of Schedule 7**

20 5A. (1) The Governor may, by regulation, amend Schedule 7 by adding, amending or omitting a description of land in a Part of the Schedule.

(2) A description of land may not be added under subsection (1) (whether or not by amending a description) unless the land is to be used in connection with the works described in Schedule 6 and the Minister for Planning and Environment agrees.

25 (3) Section 12B applies in relation to a regulation referred to in subsection (1) in the same way as it applies to a proclamation, order or determination referred to in that section.

(4) In this section, "land" includes cubic space within the meaning of the Strata Titles Act 1973.



*Darling Harbour Authority (Amendment) 1986*

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(2) Section 9 (**Objects of the Authority**)—

After “Area”, insert “and land described in Schedule 7”.

(3) Section 23F (**Approval for erection of supporting pillars**)—

Section 23F (1)—

5 After “Schedule 6”, insert “other than such of them as are to be situated on land described in Schedule 7”.

(4) Section 38 (**Restrictions on development**)—

Section 38 (4)—

After section 38 (3), insert:

10 (4) Except to the extent that the regulations otherwise provide and subject to any modifications specified in the regulations, this Part applies to land described in Schedule 7 as if it were the subject of a development plan providing that development by way of erection of a building may not be carried out without a permit.

15 (5) Section 40 (**Matters for consideration**)—

At the end of section 40, insert:

(2) In determining an application that relates to land described in Schedule 7, the Authority—

20 (a) shall take into consideration the provisions of any planning instrument that, but for this Act, would affect the land; and

(b) in so far as the application involves the calculation of floor space ratios or provision for the parking of vehicles, shall act in accordance with the directions of the Minister for Planning and Environment.

25 (6) Section 59 (**Application of certain legislation to land within the Development Area and Schedule 7**)—

(a) Section 59 (b)—

Before “Parts”, insert “sections 270L and 277 (3) (b) and”.

(b) Section 59 (i)—

30 Omit “under any of those Acts or those Parts, as the case may require”, insert instead “for the purposes of any of the provisions referred to in paragraphs (a)–(h)”.



*Darling Harbour Authority (Amendment) 1986*

## (c) Section 59 (2), (3)—

At the end of section 59, insert:

5 (2) Except to the extent that the regulations otherwise provide and subject to any modifications specified in the regulations, the provisions of the Liquor Act 1982 and of any instruments in force under that Act have effect in relation to premises located, or to be located, within the Development Area as if a reference in those provisions—

10 (a) to the council of a city (including the City of Sydney), municipality or shire were a reference to the Authority;

(b) to a council within the meaning of the Local Government Act 1919 were a reference to the Authority;

15 (c) to the boundaries of a city (including the City of Sydney), municipality or shire were a reference to the boundaries of the Development Area; and

(d) to a notice under a specified provision of the Local Government Act 1919 given by a council were a reference to a notice of the same kind given by the Authority.

20 (3) Except to the extent that the regulations otherwise provide and subject to any modifications specified in the regulations, the provisions of—

(a) the Environmental Planning and Assessment Act 1979;

(b) sections 270L and 277 (3) (b) and Parts XI and XII of the Local Government Act 1919;

25 (c) the Heritage Act 1977; and

(d) any instrument in force for the purposes of any of the provisions referred to in paragraphs (a)–(c),

do not apply to or in respect of land described in Schedule 7.

(7) Section 67 (**Regulations**)—

30 Section 67 (3)—

After “Area”, insert “or land described in Schedule 7”.

(8) Schedule 6 (**Description of works**)—

(a) From clause 4, omit “item”, insert instead “clause”.



*Darling Harbour Authority (Amendment) 1986*

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(b) After clause 4, insert:

5           5. Without affecting the generality of clause 4, the works referred to in that clause include works that, irrespective of their location in relation to the monorail transport system, are provided for the movement to or from any of the other works of pedestrian or vehicular traffic associated with the construction of the monorail transport system or its subsequent operation.

(9) Schedule 7—

After Schedule 6, insert:

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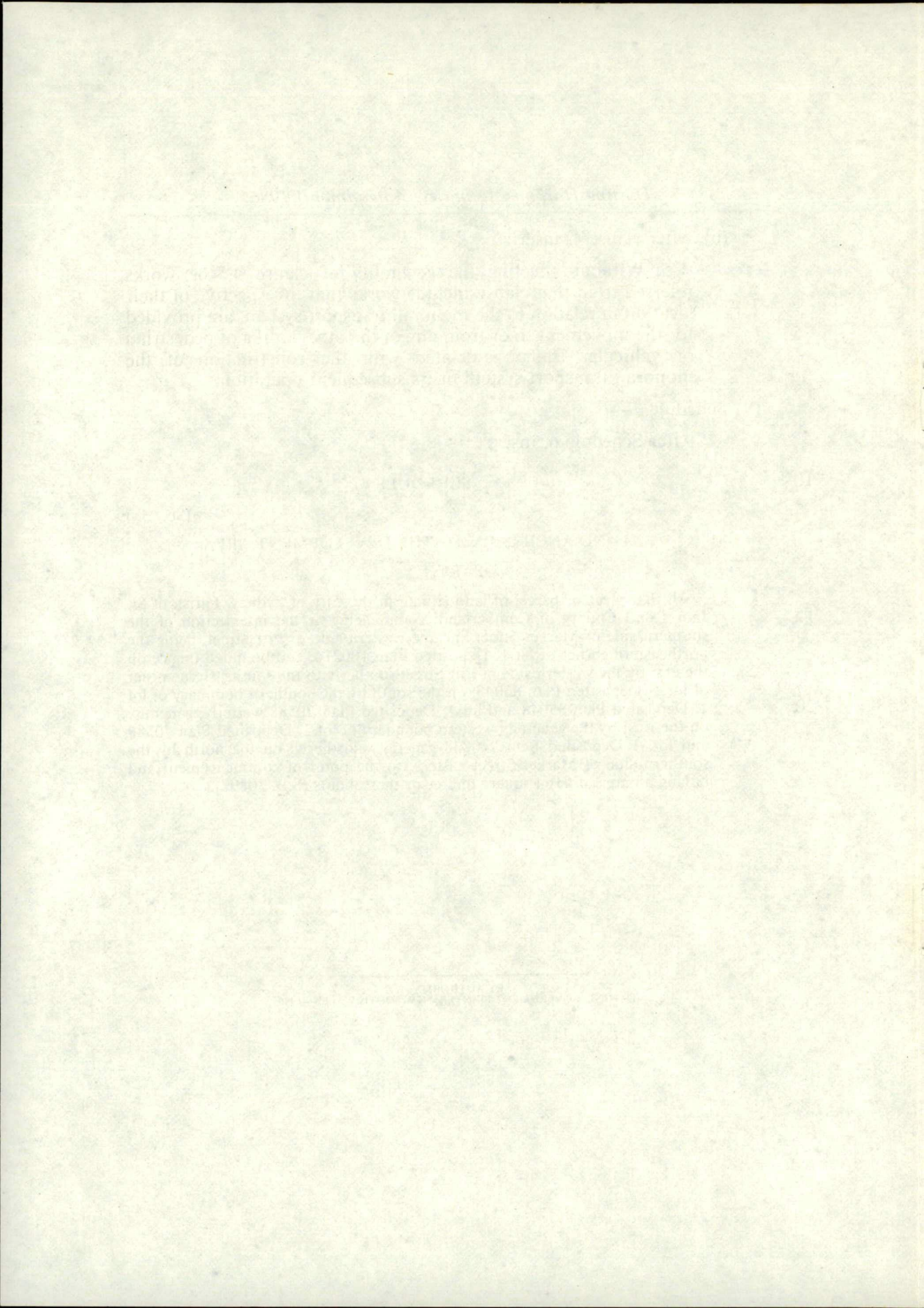
SCHEDULE 7

(Sec. 5A)

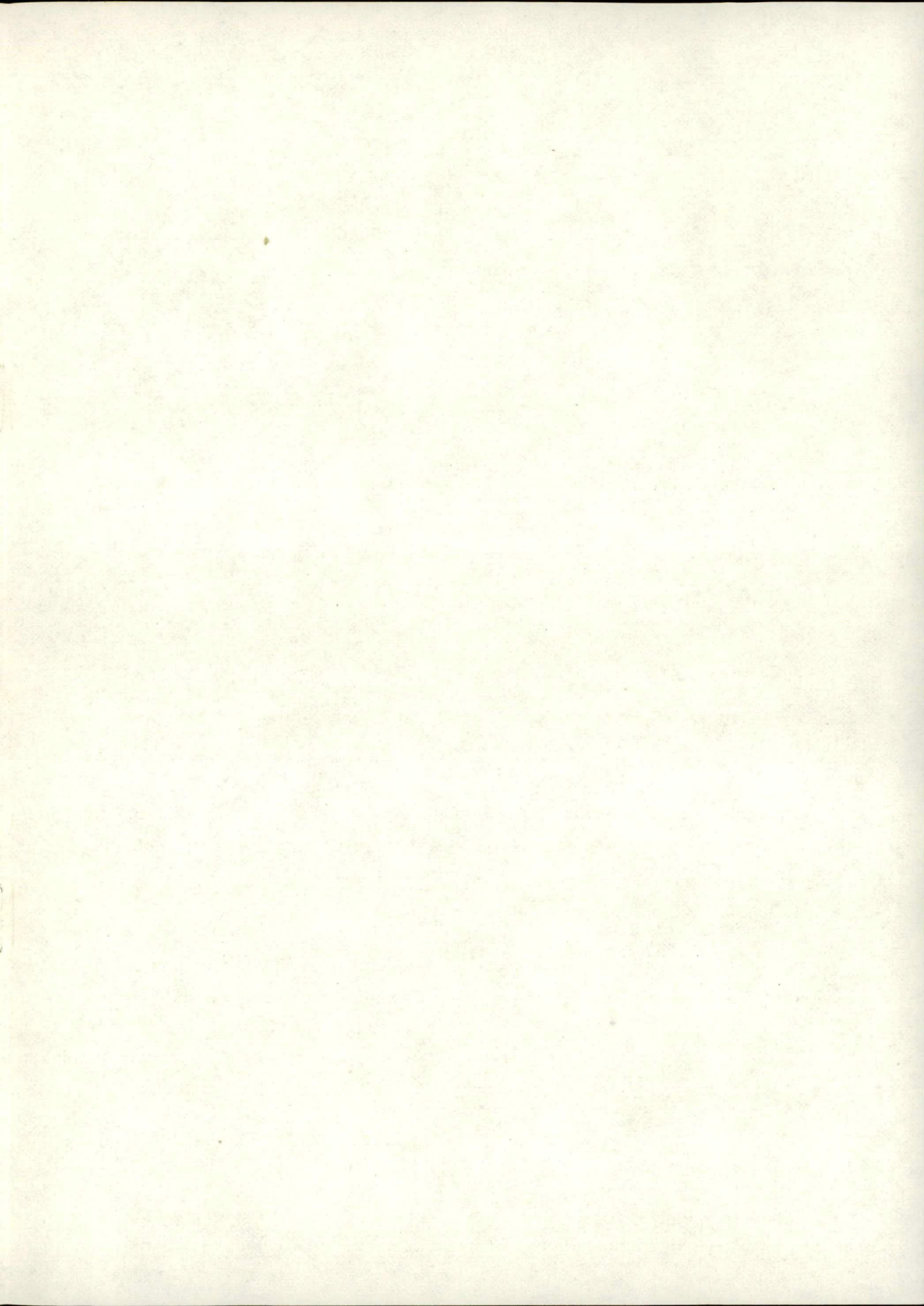
LAND ANCILLARY TO THE DEVELOPMENT AREA

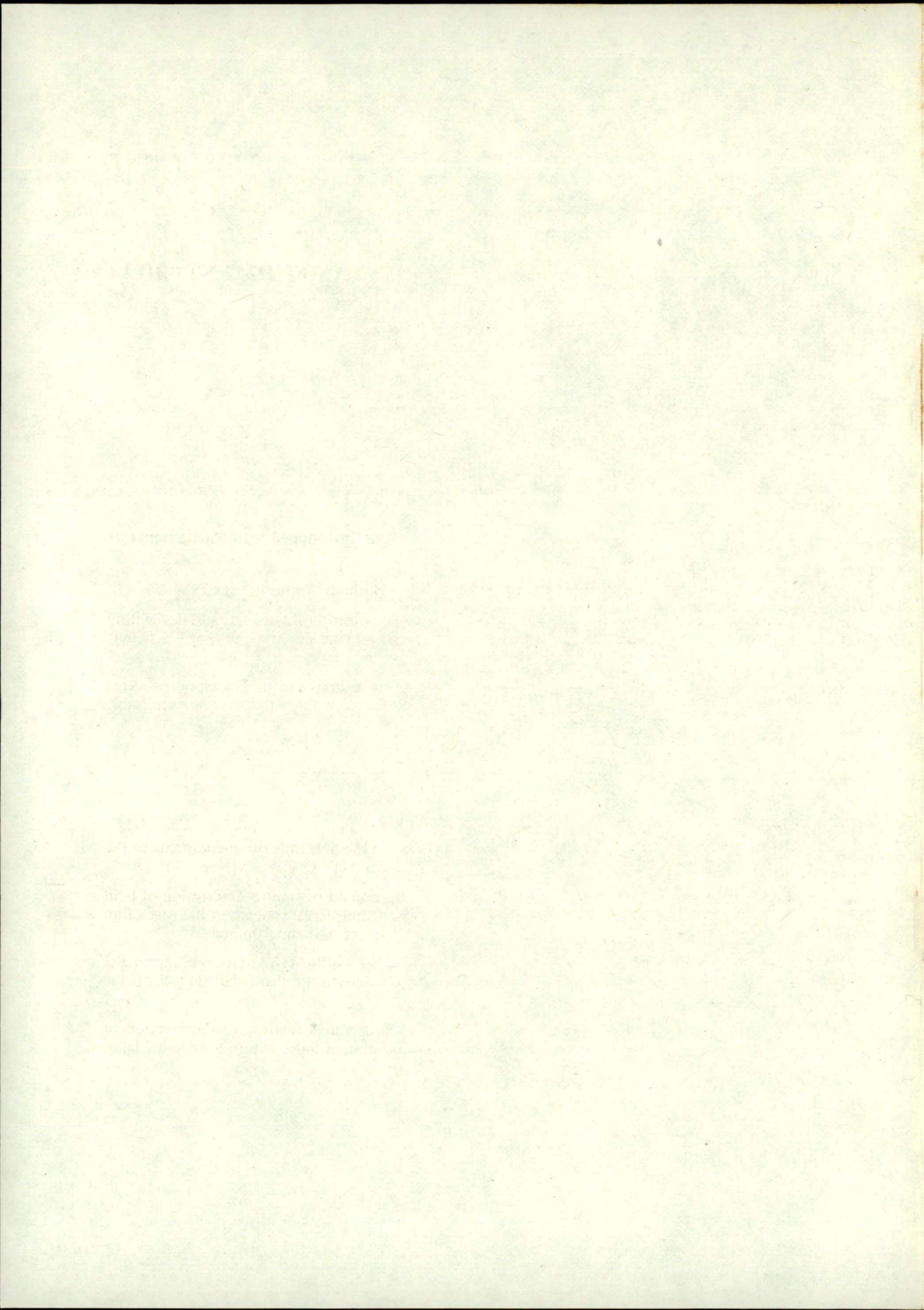
PART 1

15           All that piece or parcel of land situate in the City of Sydney, Parish of St. James and County of Cumberland: commencing at the intersection of the southern side of Market Street and the western side of Pitt Street, being the northeastern corner of lot 1, Deposited Plan 100216, and bounded thence on the east by the western side of Pitt Street southerly to the southeastern corner of lot 1, Deposited Plan 85048; on the south by the southern boundary of lot 20           1, Deposited Plan 85048 and lot 1, Deposited Plan 70588 westerly; generally on the west by the generally western boundary of lot 1, Deposited Plan 70588 and lot, 1 Deposited Plan 940838 generally northerly; on the north by the southern side of Market Street easterly to the point of commencement and having an area of 2164 square metres or thereabouts (S.B. 30897).











**DARLING HARBOUR AUTHORITY (AMENDMENT)  
ACT 1986 No. 184**

NEW SOUTH WALES



**TABLE OF PROVISIONS**

1. Short title
2. Amendment of Act No. 103, 1984

SCHEDULE 1—AMENDMENTS TO THE DARLING HARBOUR AUTHORITY  
ACT 1984

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**DARLING HARBOUR AUTHORITY (AMENDMENT)  
ACT 1986 No. 184**

NEW SOUTH WALES



**Act No. 184, 1986**

An Act to amend the Darling Harbour Authority Act 1984 with respect to the development of certain land; and for other purposes. [Assented to 18 December 1986]



*Darling Harbour Authority (Amendment) 1986*

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BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

**Short title**

1. This Act may be cited as the "Darling Harbour Authority (Amendment) Act 1986".

**Amendment of Act No. 103, 1984**

2. The Darling Harbour Authority Act 1984 is amended in the manner set forth in Schedule 1.

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SCHEDULE 1

(Sec. 2)

AMENDMENTS TO THE DARLING HARBOUR AUTHORITY ACT  
1984

(1) Section 5A—

After section 5, insert:

**Amendment of Schedule 7**

5A. (1) The Governor may, by regulation, amend Schedule 7 by adding, amending or omitting a description of land in a Part of the Schedule.

(2) A description of land may not be added under subsection (1) (whether or not by amending a description) unless the land is to be used in connection with the works described in Schedule 6 and the Minister for Planning and Environment agrees.

(3) Section 12B applies in relation to a regulation referred to in subsection (1) in the same way as it applies to a proclamation, order or determination referred to in that section.

(4) In this section, "land" includes cubic space within the meaning of the Strata Titles Act 1973.



SCHEDULE 1—*continued*AMENDMENTS TO THE DARLING HARBOUR AUTHORITY ACT  
1984—*continued*(2) Section 9 (**Objects of the Authority**)—

After “Area”, insert “and land described in Schedule 7”.

(3) Section 23F (**Approval for erection of supporting pillars**)—

Section 23F (1)—

After “Schedule 6”, insert “other than such of them as are to be situated on land described in Schedule 7”.

(4) Section 38 (**Restrictions on development**)—

Section 38 (4)—

After section 38 (3), insert:

(4) Except to the extent that the regulations otherwise provide and subject to any modifications specified in the regulations, this Part applies to land described in Schedule 7 as if it were the subject of a development plan providing that development by way of erection of a building may not be carried out without a permit.

(5) Section 40 (**Matters for consideration**)—

At the end of section 40, insert:

(2) In determining an application that relates to land described in Schedule 7, the Authority—

(a) shall take into consideration the provisions of any planning instrument that, but for this Act, would affect the land; and

(b) in so far as the application involves the calculation of floor space ratios or provision for the parking of vehicles, shall act in accordance with the directions of the Minister for Planning and Environment.

(6) Section 59 (**Application of certain legislation to land within the Development Area and Schedule 7**)—

(a) Section 59 (b)—

Before “Parts”, insert “sections 270L and 277 (3) (b) and”.



*Darling Harbour Authority (Amendment) 1986*

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SCHEDULE 1—*continued*

AMENDMENTS TO THE DARLING HARBOUR AUTHORITY ACT  
1984—*continued*

(b) Section 59 (i)—

Omit “under any of those Acts or those Parts, as the case may require”, insert instead “for the purposes of any of the provisions referred to in paragraphs (a)–(h)”.

(c) Section 59 (2), (3)—

At the end of section 59, insert:

(2) Except to the extent that the regulations otherwise provide and subject to any modifications specified in the regulations, the provisions of the Liquor Act 1982 and of any instruments in force under that Act have effect in relation to premises located, or to be located, within the Development Area as if a reference in those provisions—

- (a) to the council of a city (including the City of Sydney), municipality or shire were a reference to the Authority;
- (b) to a council within the meaning of the Local Government Act 1919 were a reference to the Authority;
- (c) to the boundaries of a city (including the City of Sydney), municipality or shire were a reference to the boundaries of the Development Area; and
- (d) to a notice under a specified provision of the Local Government Act 1919 given by a council were a reference to a notice of the same kind given by the Authority.

(3) Except to the extent that the regulations otherwise provide and subject to any modifications specified in the regulations, the provisions of—

- (a) the Environmental Planning and Assessment Act 1979;
- (b) sections 270L and 277 (3) (b) and Parts XI and XII of the Local Government Act 1919;
- (c) the Heritage Act 1977; and



*Darling Harbour Authority (Amendment) 1986*SCHEDULE 1—*continued*AMENDMENTS TO THE DARLING HARBOUR AUTHORITY ACT  
1984—*continued*

(d) any instrument in force for the purposes of any of the provisions referred to in paragraphs (a)–(c),  
do not apply to or in respect of land described in Schedule 7.

(7) Section 67 (**Regulations**)—

Section 67 (3)—

After “Area”, insert “or land described in Schedule 7”.

(8) Schedule 6 (**Description of works**)—

(a) From clause 4, omit “item”, insert instead “clause”.

(b) After clause 4, insert:

5. Without affecting the generality of clause 4, the works referred to in that clause include works that, irrespective of their location in relation to the monorail transport system, are provided for the movement to or from any of the other works of pedestrian or vehicular traffic associated with the construction of the monorail transport system or its subsequent operation.

## (9) Schedule 7—

After Schedule 6, insert:

## SCHEDULE 7

(Sec. 5A)

## LAND ANCILLARY TO THE DEVELOPMENT AREA

## PART 1

All that piece or parcel of land situate in the City of Sydney, Parish of St. James and County of Cumberland: commencing at the intersection of the southern side of Market Street and the western side of Pitt Street, being the northeastern corner of lot 1, Deposited Plan 100216, and bounded thence on the east by the western side of Pitt Street southerly to the southeastern corner of lot 1, Deposited Plan 85048; on the south by the southern boundary of lot 1, Deposited Plan 85048 and lot 1, Deposited Plan 70588 westerly; generally

*Darling Harbour Authority (Amendment) 1986*

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SCHEDULE 1—*continued*

AMENDMENTS TO THE DARLING HARBOUR AUTHORITY ACT  
1984—*continued*

on the west by the generally western boundary of lot 1, Deposited Plan 70588 and lot 1, Deposited Plan 940838 generally northerly; on the north by the southern side of Market Street easterly to the point of commencement and having an area of 2164 square metres or thereabouts (S.B. 30897).