

**DARLING HARBOUR AUTHORITY (AMENDMENT) ACT
1988 No. 55**

NEW SOUTH WALES



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THE HARBOR AT LIBERTY - A DOCUMENTARY
1982

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DARLING HARBOUR AUTHORITY (AMENDMENT) ACT 1988
No. 55

NEW SOUTH WALES



Act No. 55, 1988

An Act to amend the Darling Harbour Authority Act 1984, and a development plan made under that Act, so as to facilitate the carrying out of certain development; and to validate certain matters. [Assented to 7 November 1988]

Darling Harbour Authority (Amendment) 1988

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Darling Harbour Authority (Amendment) Act 1988.

Commencement

2. This Act commences on the date of assent.

Definitions

3. In this Act—

“the Principal Act” means the Darling Harbour Authority Act 1984;

“the Principal Plan” means Darling Harbour Development Plan No. 1.

Amendment of Darling Harbour Authority Act 1984 No. 103

4. The Principal Act is amended as set out in Schedule 1.

Amendment of Darling Harbour Development Plan No. 1

5. (1) The Principal Plan is amended as set out in Schedule 2.

(2) The Principal Plan, as amended by this Act, may be amended or repealed in accordance with section 31 (1) of the Principal Act as if the amendments made by this Act had been made by a development plan.

Validation

6. Anything done or omitted under the Principal Act or the Principal Plan before the date of assent to this Act, including, but without limiting the generality of the foregoing—

- (a) the making of any development plan; and
- (b) the issue of any permit; and
- (c) the entering into of any contract or agreement; and
- (d) the granting of any lease; and
- (e) the carrying out of any development,

that would have been valid, had this Act been in force when the thing was done or omitted, is validated.

Continuation of Paddy's Market

7. The Darling Harbour Authority shall ensure that the development of the Development Area will be carried out in such a manner as to enable not less than 85 per cent of the number of stalls existing at the Paddy's Market site as at 25 January 1988 to be re-accommodated with minimal reduction in stall size, level with Hay Street throughout that site and with adequate vehicle access points as soon as practicable after the date of assent to this Act.

SCHEDULE 1—AMENDMENT OF THE PRINCIPAL ACT

(Sec. 4)

(1) Section 10A—

After section 10, insert:

Purposes for which development may be carried out by the Authority

10A. The purposes for which the Authority may carry out development on land within the Development Area are—

- (a) the purposes authorised under this Part; and
- (b) the purposes for which any other person may (with or without the necessity for a permit or any other consent, approval or permission) carry out development on the land under or in accordance with this or any other Act.

(2) Section 11 (**Authority to promote development etc.**)—

Omit “The Authority”, insert instead “Without limiting the generality of section 10A, the Authority”.

SCHEDULE 2—AMENDMENT OF THE PRINCIPAL PLAN

(Sec. 5)

(1) Clause 3 (**Objects of plan**)—

(a) Clause 3 (1)—

Omit “to assist the Authority in”.

(b) Clause 3 (1) (a)—

Omit “promoting”, insert instead “to promote”.

(c) Clause 3 (1) (b)—

Omit “encouraging participation by other persons in”, insert instead “to encourage”.

(d) Clause 3 (1) (c)—

Before “controlling”, insert “to make provision with respect to”.

(2) Clause 5 (**Definitions**)—

(a) Clause 5—

Insert, in alphabetical order, the following definitions:

“child care centre” has the same meaning as it has in the Environmental Planning and Assessment Model Provisions 1980;

“light industry” has the same meaning as it has in the Environmental Planning and Assessment Model Provisions 1980;

Darling Harbour Authority (Amendment) 1988

 SCHEDULE 2—AMENDMENT OF THE PRINCIPAL PLAN—
continued

“recreation facility” has the same meaning as it has in the Environmental Planning and Assessment Model Provisions 1980;

(b) Clause 5 (2)—

At the end of clause 5, insert:

(2) Such of the expressions used in Schedule 1 as are defined in the City of Sydney Planning Scheme Ordinance have the same meanings as they have in that Ordinance.

(3) Clause 6—

Omit the clause, insert instead:

Permit required for certain development

6. Development—

- (a) for the purposes of tourist, educational, recreational, entertainment, cultural or commercial facilities;
- (b) for the purposes of transport facilities;
- (c) for the purposes of beautifying the landscape;
- (d) for any purpose specified in Schedule 1; or
- (e) for any purpose incidental or subsidiary to a purpose referred to in paragraph (a), (b), (c) or (d),

may not be carried out except with a permit being obtained therefor.

(4) Schedule 1—

Omit the Schedule, insert instead:

**SCHEDULE 1—DEVELOPMENT THAT MAY BE CARRIED
OUT UNDER A PERMIT**

(Cl. 6)

Amusement parks; art galleries; child care centres; commercial premises; car parking stations; charter boat facilities; convention centres; entertainment centres; exhibition centres; film, television and radio studios; hotels; light industries; markets; motels;

Darling Harbour Authority (Amendment) 1988

SCHEDULE 2—AMENDMENT OF THE PRINCIPAL PLAN—
continued

museums; parks and gardens; places of assembly; places of public worship; professional consulting rooms; public buildings; public utility undertakings; recording studios; recreation facilities; refreshment rooms; shops; theatre restaurants; utility installations.

[*Minister's second reading speech made in—
Legislative Assembly on 21 September 1988
Legislative Council on 13 October 1988*]



DARLING HARBOUR AUTHORITY (AMENDMENT) BILL 1988

NEW SOUTH WALES



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SCHEDULE 1—AMENDMENT OF THE PRINCIPAL ACT
SCHEDULE 2—AMENDMENT OF THE PRINCIPAL PLAN



This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, , 1988*

NEW SOUTH WALES



Act No. , 1988

An Act to amend the Darling Harbour Authority Act 1984, and a development plan made under that Act, so as to facilitate the carrying out of certain development; and to validate certain matters.

Darling Harbour Authority (Amendment) 1988

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Darling Harbour Authority (Amendment) Act 1988.

5 Commencement

2. This Act commences on the date of assent.

Definitions

3. In this Act—

“the Principal Act” means the Darling Harbour Authority Act 1984;

10 “the Principal Plan” means Darling Harbour Development Plan No. 1.

Amendment of Darling Harbour Authority Act 1984 No. 103

4. The Principal Act is amended as set out in Schedule 1.

Amendment of Darling Harbour Development Plan No. 1

5. (1) The Principal Plan is amended as set out in Schedule 2.

15 (2) The Principal Plan, as amended by this Act, may be amended or repealed in accordance with section 31 (1) of the Principal Act as if the amendments made by this Act had been made by a development plan.

Validation

20 6. Anything done or omitted under the Principal Act or the Principal Plan before the date of assent to this Act, including, but without limiting the generality of the foregoing—

(a) the making of any development plan; and

(b) the issue of any permit; and

(c) the entering into of any contract or agreement; and

25 (d) the granting of any lease; and

(e) the carrying out of any development,

that would have been valid, had this Act been in force when the thing was done or omitted, is validated.

Continuation of Paddy's Market

30 7. The Darling Harbour Authority shall ensure that the development of the Development Area will be carried out in such a manner as to enable not less than 85 per cent of the number of stalls existing at the Paddy's Market site as at 25 January 1988 to be accommodated within the Development Area as soon as practicable after the date of assent to this Act.

SCHEDULE 1—AMENDMENT OF THE PRINCIPAL ACT

(Sec. 4)

(1) Section 10A—

After section 10, insert:

5 **Purposes for which development may be carried out by the Authority**

10A. The purposes for which the Authority may carry out development on land within the Development Area are—

- 10 (a) the purposes authorised under this Part; and
 (b) the purposes for which any other person may (with or without the necessity for a permit or any other consent, approval or permission) carry out development on the land under or in accordance with this or any other Act.

(2) Section 11 (**Authority to promote development etc.**)—

- 15 Omit “The Authority”, insert instead “Without limiting the generality of section 10A, the Authority”.

SCHEDULE 2—AMENDMENT OF THE PRINCIPAL PLAN

(Sec. 5)

(1) Clause 3 (**Objects of plan**)—

- 20 (a) Clause 3 (1)—
 Omit “to assist the Authority in”.
 (b) Clause 3 (1) (a)—
 Omit “promoting”; insert instead “to promote”.
 (c) Clause 3 (1) (b)—
 25 Omit “encouraging participation by other persons in”, insert instead “to encourage”.
 (d) Clause 3 (1) (c)—
 Before “controlling”, insert “to make provision with respect to”.

(2) Clause 5 (**Definitions**)—

- 30 (a) Clause 5—
 Insert, in alphabetical order, the following definitions:
 “child care centre” has the same meaning as it has in the Environmental Planning and Assessment Model Provisions 1980;
 35 “light industry” has the same meaning as it has in the Environmental Planning and Assessment Model Provisions 1980;

Darling Harbour Authority (Amendment) 1988

 SCHEDULE 2—AMENDMENT OF THE PRINCIPAL PLAN—
continued

“recreation facility” has the same meaning as it has in the Environmental Planning and Assessment Model Provisions 1980;

(b) Clause 5 (2)—

5 At the end of clause 5, insert:

(2) Such of the expressions used in Schedule 1 as are defined in the City of Sydney Planning Scheme Ordinance have the same meanings as they have in that Ordinance.

(3) Clause 6—

10 Omit the clause, insert instead:

Permit required for certain development

6. Development—

- (a) for the purposes of tourist, educational, recreational, entertainment, cultural or commercial facilities;
- 15 (b) for the purposes of transport facilities;
- (c) for the purposes of beautifying the landscape;
- (d) for any purpose specified in Schedule 1; or
- (e) for any purpose incidental or subsidiary to a purpose referred to in paragraph (a), (b), (c) or (d),

20 may not be carried out except with a permit being obtained therefor.

(4) Schedule 1—

Omit the Schedule, insert instead:

25 **SCHEDULE 1—DEVELOPMENT THAT MAY BE CARRIED OUT UNDER A PERMIT**

(Cl. 6)

30 Amusement parks; art galleries; child care centres; commercial premises; car parking stations; charter boat facilities; convention centres; entertainment centres; exhibition centres; film, television and radio studios; hotels; light industries; markets; motels;

Darling Harbour Authority (Amendment) 1988

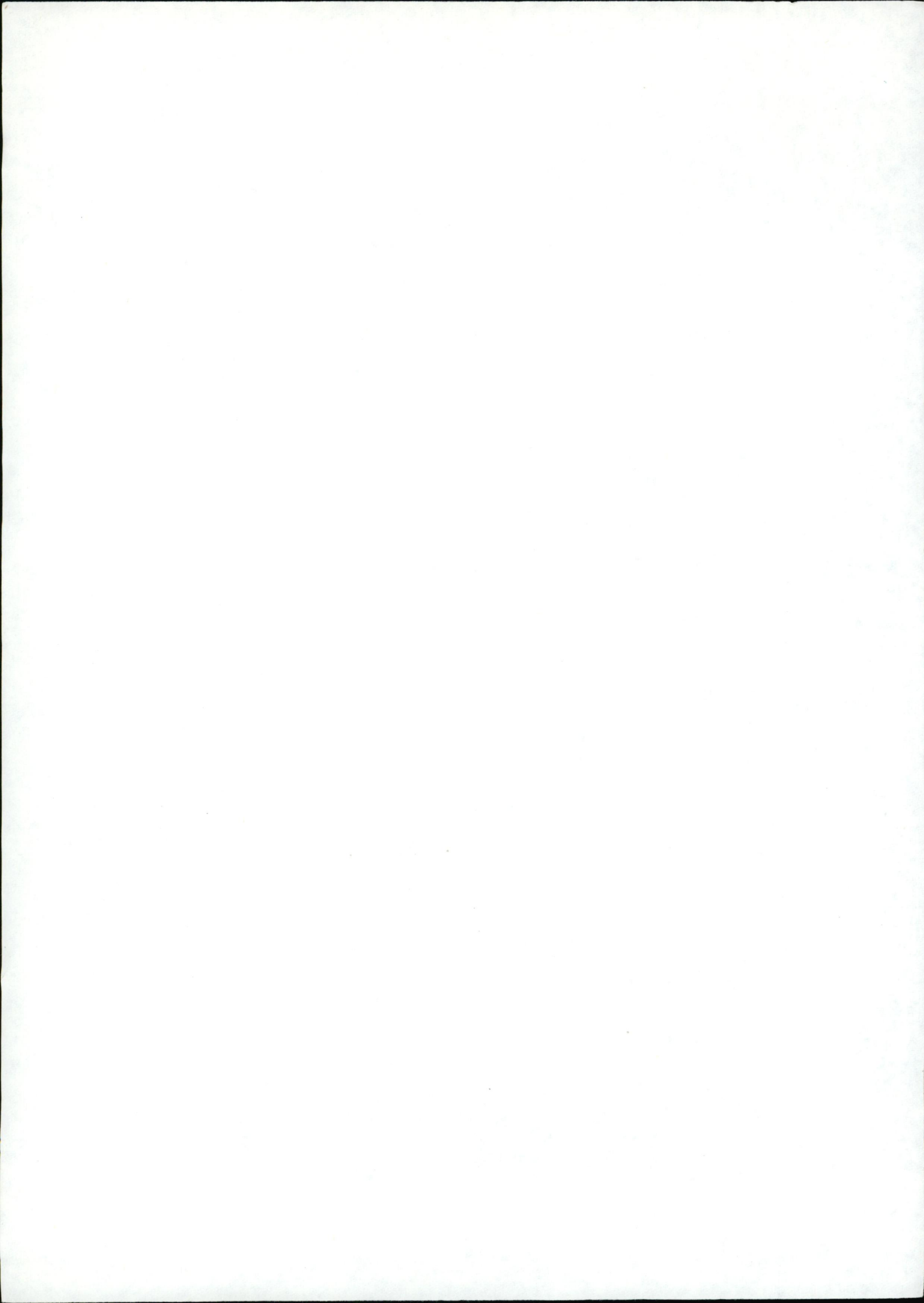
SCHEDULE 2—AMENDMENT OF THE PRINCIPAL PLAN—
continued

museums; parks and gardens; places of assembly; places of public worship; professional consulting rooms; public buildings; public utility undertakings; recording studios; recreation facilities; refreshment rooms; shops; theatre restaurants; utility installations.

DARLING HARBOUR AUTHORITY (AMENDMENT) BILL

**Schedule of the amendment referred to in the Legislative Council's
Message of 18 October 1988.**

**Page 2, clause 7, lines 33 and 34. Omit "accommodated within the
Development Area", insert instead "re-accommodated with minimal reduction
in stall size, level with Hay Street throughout that site and with adequate
vehicle access points".**



**DARLING HARBOUR AUTHORITY (AMENDMENT) BILL
1988**

NEW SOUTH WALES



EXPLANATORY NOTE

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

The objects of this Bill are—

- (a) to amend the Darling Harbour Authority Act 1984 and Darling Harbour Development Plan No. 1 so as to enable the carrying out of certain development; and
- (b) to amend the Darling Harbour Authority Act 1984 so as to enable the Darling Harbour Authority as well as any other person to carry out any such development; and
- (c) to validate certain matters.

Clause 1 specifies the short title to the proposed Act.

Clause 2 provides that the proposed Act is to commence on the date of assent.

Clause 3 defines the expressions “the Principal Act” and “the Principal Plan” (meaning the Darling Harbour Authority Act 1984 and Darling Harbour Development Plan No. 1, respectively) for the purposes of the proposed Act.

Clause 4 gives effect to the Schedule of amendments to the Principal Act.

Clause 5 gives effect to the Schedule of amendments to the Principal Plan and provides that those amendments are to have effect as if they had been made by a development plan.

Clause 6 validates certain acts and omissions, in particular—

- (a) the making of any development plan; and
- (b) the issue of any permit; and
- (c) the entering into of any contract or agreement; and
- (d) the granting of any lease; and

Darling Harbour Authority (Amendment) 1988

(e) the carrying out of any development, that would have been valid had the proposed Act been in force when the act or omission occurred.

SCHEDULE 1—AMENDMENT OF THE PRINCIPAL ACT

Schedule 1 (1) inserts a new section 10A into the Principal Act. The new section specifies the purposes for which the Darling Harbour Authority may carry out development on land within the Development Area.

Schedule 1 (2) amends section 11 of the Principal Act so as to provide that the powers conferred on the Darling Harbour Authority by that section are not to be construed so as to limit the powers conferred on the Authority by proposed section 10A.

SCHEDULE 2—AMENDMENT OF THE PRINCIPAL PLAN

Schedule 2 makes amendments to the Principal Plan. The Principal Plan was published in Gazette No. 117 of 16 August 1985 (at page 4327) and has been amended by Darling Harbour Development Plan No. 2 published in Gazette No. 167 of 17 October 1986 (at page 5185).

Schedule 2 (1) amends clause 3 of the Principal Plan so as to ensure that the provisions of the plan are not limited by reference to any particular functions of the Darling Harbour Authority specified in the Principal Act.

Schedule 2 (2) amends clause 5 of the Principal Plan so as to define certain expressions to be used in the Principal Plan. The expressions "child care centre", "light industry" and "recreation facility" are to have the same meanings as they have in the Environmental Planning and Assessment Model Provisions 1980. Other expressions (including, in particular, "commercial premises") are to have the same meanings as they have in the City of Sydney Planning Scheme Ordinance.

Schedule 2 (3) and (4) substitute clause 6 of, and Schedule 1 to, the Principal Plan so as to specify the purposes for which development may be carried out on land within the Darling Harbour Development Area under a permit issued by the Darling Harbour Authority.

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SCHEDULE 2—AMENDMENT OF THE PRINCIPAL PLAN



DARLING HARBOUR AUTHORITY (AMENDMENT) BILL 1988

NEW SOUTH WALES



No. , 1988

A BILL FOR

An Act to amend the Darling Harbour Authority Act 1984, and a development plan made under that Act, so as to facilitate the carrying out of certain development; and to validate certain matters.

Darling Harbour Authority (Amendment) 1988

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Darling Harbour Authority (Amendment) Act 1988.

5 Commencement

2. This Act commences on the date of assent.

Definitions

3. In this Act—

“the Principal Act” means the Darling Harbour Authority Act 1984;

10 “the Principal Plan” means Darling Harbour Development Plan No. 1.

Amendment of Darling Harbour Authority Act 1984 No. 103

4. The Principal Act is amended as set out in Schedule 1.

Amendment of Darling Harbour Development Plan No. 1

5. (1) The Principal Plan is amended as set out in Schedule 2.

15 (2) The Principal Plan, as amended by this Act, may be amended or repealed in accordance with section 31 (1) of the Principal Act as if the amendments made by this Act had been made by a development plan.

Validation

20 6. Anything done or omitted under the Principal Act or the Principal Plan before the date of assent to this Act, including, but without limiting the generality of the foregoing—

(a) the making of any development plan; and

(b) the issue of any permit; and

(c) the entering into of any contract or agreement; and

25 (d) the granting of any lease; and

(e) the carrying out of any development,

that would have been valid, had this Act been in force when the thing was done or omitted, is validated.

SCHEDULE 1—AMENDMENT OF THE PRINCIPAL ACT

(Sec. 4)

(1) Section 10A—

After section 10, insert:

5 **Purposes for which development may be carried out by the Authority**

10A. The purposes for which the Authority may carry out development on land within the Development Area are—

- 10 (a) the purposes authorised under this Part; and
- (b) the purposes for which any other person may (with or without the necessity for a permit or any other consent, approval or permission) carry out development on the land under or in accordance with this or any other Act.

(2) Section 11 (**Authority to promote development etc.**)—

- 15 Omit “The Authority”, insert instead “Without limiting the generality of section 10A, the Authority”.

SCHEDULE 2—AMENDMENT OF THE PRINCIPAL PLAN

(Sec. 5)

(1) Clause 3 (**Objects of plan**)—

- 20 (a) Clause 3 (1)—
 Omit “to assist the Authority in”.
- (b) Clause 3 (1) (a)—
 Omit “promoting”, insert instead “to promote”.
- 25 (c) Clause 3 (1) (b)—
 Omit “encouraging participation by other persons in”, insert instead “to encourage”.
- (d) Clause 3 (1) (c)—
 Before “controlling”, insert “to make provision with respect to”.

(2) Clause 5 (**Definitions**)—

- 30 (a) Clause 5—
 Insert, in alphabetical order, the following definitions:
- “child care centre” has the same meaning as it has in the Environmental Planning and Assessment Model Provisions 1980;
- 35 “light industry” has the same meaning as it has in the Environmental Planning and Assessment Model Provisions 1980;

Darling Harbour Authority (Amendment) 1988

 SCHEDULE 2—AMENDMENT OF THE PRINCIPAL PLAN—
continued

“recreation facility” has the same meaning as it has in the Environmental Planning and Assessment Model Provisions 1980;

(b) Clause 5 (2)—

5 At the end of clause 5, insert:

(2) Such of the expressions used in Schedule 1 as are defined in the City of Sydney Planning Scheme Ordinance have the same meanings as they have in that Ordinance.

(3) Clause 6—

10 Omit the clause, insert instead:

Permit required for certain development

6. Development—

- (a) for the purposes of tourist, educational, recreational, entertainment, cultural or commercial facilities;
- 15 (b) for the purposes of transport facilities;
- (c) for the purposes of beautifying the landscape;
- (d) for any purpose specified in Schedule 1; or
- (e) for any purpose incidental or subsidiary to a purpose referred to in paragraph (a), (b), (c) or (d),

20 may not be carried out except with a permit being obtained therefor.

(4) Schedule 1—

Omit the Schedule, insert instead:

25 **SCHEDULE 1—DEVELOPMENT THAT MAY BE CARRIED
OUT UNDER A PERMIT**

(Cl. 6)

30 Amusement parks; art galleries; child care centres; commercial premises; car parking stations; charter boat facilities; convention centres; entertainment centres; exhibition centres; film, television and radio studios; hotels; light industries; markets; motels; museums; parks and gardens; places of assembly; places of public worship; professional consulting rooms; public buildings; public utility undertakings; recording studios; recreation facilities; refreshment rooms; shops; theatre restaurants; utility installations.