

1994—No. 461

DARLING HARBOUR AUTHORITY ACT 1984—REGULATION

(Darling Harbour Authority (General) Regulation 1994)

NEW SOUTH WALES



[Published in Gazette No. 111 of 31 August 1994]

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.

PART 1—PRELIMINARY

Citation

1. This Regulation may be cited as the Darling Harbour Authority (General) Regulation 1994.

Commencement

2. This Regulation commences on 1 September 1994.

Definitions

3. (1) In this Regulation:

“**approved**” means approved for the time being by the Authority;

“**council**” has the same meaning as it has in the Local Government Act 1993;

“**demolition**”, in relation to a building or work, means the damaging, defacing, destruction, gulling down or removal of the building or work, in whole or in part;

“private land” means land within the Development Area, other than:

- (a) controlled land; or
- (b) public land,

and, despite paragraph (b), includes land that is vested in a council, or in a person on behalf of a council;

“register” means the register referred to in clause 31;

“relevant date” means:

- (a) in relation to an existing use for a purpose referred to in paragraph (a) of the definition of “existing use” in section 3 (1) of the Act—the date on which a provision having the effect of prohibiting the existing use first comes into force; or
- (b) in relation to an existing use for a purpose referred to in paragraph (b) of the definition of “existing use” in section 3 (1) of the Act—the date on which the building, work or land being used for the existing use was first erected, carried out or so used;

“renovation”, in relation to a building or work, means the making of non-structural changes to the fabric or appearance of the outside of the building or work (including changes that involve the repair, or the painting, plastering or other decoration, of the outside of the building or work);

“the Act” means the Darling Harbour Authority Act 1984.

(2) In this Regulation:

- (a) a reference to a Form is a reference to a Form set out in Schedule 1; and
- (b) a reference, in relation to an application for a permit, to the estimated cost of erecting a building or carrying out a work is a reference to the reasonable cost (estimated on the basis of prices current as at the date on which the application is made) of erecting the building or carrying out the work in accordance with the terms of the application.

Notes to clauses

- 4. Notes to clauses do not form part of this Regulation.

PART 2—DEVELOPMENT PLANS

Additional matters for which development plans may make provision

- 5. For the purposes of section 34 (1) (b) of the Act:

- (a) the demolition of buildings and works; and
 - (b) the renovation of buildings and works,
- are prescribed matters.

Minister may exclude certain land from the application of a development plan

6. If the Development Area is to be varied under section 5 of the Act in such a manner that any land would, but for the making of an order under this clause, become subject to a development plan, the Minister may, by order published in the Gazette on or before the date on which the variation takes effect, declare that the plan does not apply to the whole, or to any specified part of that land.

Form of development plans

7. (1) A development plan:

- (a) may include a provision that sets out the objects that the plan is intended to achieve; and
- (b) may refer to, embody or incorporate any planning map or other instrument or material.

(2) A provision referred to in subclause (1) (a) does not affect the construction or effect of any other provision of the development plan in which it is included.

(3) However:

- (a) if a development plan includes a provision referred to in subclause (1) (a); and
- (b) if some other provision of the development plan is genuinely capable of different interpretations,

the interpretation that best meets the objects set out in the provision referred to in subclause (1) (a) is to be preferred.

(4) A reference in this clause to a development plan includes a reference to a draft development plan.

Planning maps

8. (1) A planning map that is referred to, embodied or incorporated in a development plan:

- (a) must indicate the boundaries of the land to which the map applies; and

- (b) must indicate any existing roads and railways situated on that land; and
- (c) must specify the scale to which the map is drawn; and
- (d) must indicate the north point; and
- (e) must contain an index of the various distinctive colourings, edgings, abbreviations and symbols used on the map; and
- (f) must indicate the date on which the map was prepared.

(2) A reference in this clause to a development plan includes a reference to a draft development plan.

Development plans to be maintained in up-dated form

9. (1) If a development plan is amended by a subsequent development plan, the Authority must cause a copy of the development plan, as so amended, to be kept available for public inspection, without charge, at the office of the Authority during ordinary office hours.

(2) A reference in this clause to a development plan includes a reference to any planning map that is referred to, embodied or incorporated in the plan.

PART 3—APPLICATION FOR PERMITS

Applications generally

10. (1) For the purposes of section 39 (2) (b) of the Act:

- (a) the prescribed form of application for a permit is Form 1; and
- (b) the prescribed manner of making an application for a permit is by giving 3 copies of the application (together with 3 copies of any plan, drawing or other information or material required to accompany the application) to the Authority.

(2) For the purposes of section 39 (2) (c) of the Act, the prescribed fee in relation to an application for a permit is the fee calculated in accordance with this clause.

(3) The fee payable for development:

- (a) involving the erection of a building or the carrying out of a work; and
- (b) having an estimated cost within a range specified in the Table to this clause,

is as calculated in accordance with that Table.

(4) If the development the subject of the application involves the subdivision of land, the fee is \$50, plus an additional \$15 for each allotment to be created by the subdivision.

(5) If the development is of a kind other than that referred to in subclause (3) or (4), the fee is \$150.

(6) If 2 or more fees are appropriate, the fee is an amount equivalent to the sum of the appropriate fees.

TABLE

Estimated cost	Fee
Less than \$100,000	\$550, plus an additional \$3 for each \$1,000 (or part of \$1,000) of the estimated cost
\$100,000—\$500,000	\$850, plus an additional \$1.50 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$100,000
\$500,000—\$1,000,000	\$1,450, plus an additional \$1 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$500,000
\$1,000,000—\$10,000,000	\$1,950, plus an additional \$0.75 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$1,000,000
More than \$10,000,000	\$8,700, plus an additional \$0.50 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$10,000,000

Amendment of applications

11. (1) An application to amend an application for a permit may be made:

- (a) by the owner of the land to which the application for the permit relates; or
- (b) by any person, with the consent in writing of the owner of that land.

(2) The application:

- (a) must be in the approved form; and
- (b) must 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 (together with any additional fee paid in accordance with clause 10 (4)) was actually paid; or

(ii) in any other case—\$150; and

(c) must be given to the Authority.

(3) The application is to be determined by:

(a) the granting of the application in accordance with the terms of the application; or

(b) the refusing of the application.

(4) Written notice of the determination must be given to the applicant concerned as soon as practicable after the determination is made.

Matters for consideration

12. For the purposes of section 40 (1) (b) of the Act, the following matters are prescribed in relation to development the subject of an application for a permit:

(a) the impact of the development on the environment;

(b) the effect of the development on the amenity of the Development Area;

(c) the relationship between the development and any other development that is being carried out in the immediate vicinity of the land to which the application relates;

(d) the circumstances of the case;

(e) the public interest.

Notices of determinations

13. (1) For the purposes of section 42 (1) of the Act:

(a) the prescribed form of notice is Form 2; and

(b) the prescribed manner of giving notice is by giving the notice to the applicant concerned in accordance with clause 34.

(2) If the determination to which a notice under section 42 of the Act relates is a determination that a permit be granted (either unconditionally or subject to conditions), the notice constitutes the permit so granted.

PART 4—PERMITS

Conditions

14. (1) A condition requiring:

(a) the dedication of land, free of cost, to the Authority; or

(b) the payment to the Authority of an amount of money, may only be imposed on a permit if the development the subject of the permit is likely to give rise to a need for additional public amenities and public services, as specified in the permit, within the Development Area.

(2) If such a condition is imposed on a permit:

(a) the area of land required to be dedicated to the Authority; or

(b) the amount of money required to be paid to the Authority,

must not exceed such area or amount as is reasonably necessary to recompense the Authority for the land used or to be used by it, or the costs incurred or to be incurred by it, in providing the public amenities and public services specified in the permit.

Amendment of permits

15. (1) An application to amend a permit may be made:

(a) by the owner of the land to which the permit relates; or

(b) by any person, with the consent in writing of the owner of that land.

(2) The application:

(a) must be in the approved form; and

(b) must 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 application, on the basis of the higher cost, and the fee that (together with any additional fee paid in accordance with clause 10 (4)) was actually paid; or

(ii) in any other case—\$150; and

(c) must be given to the Authority.

(3) In determining an application under this clause, the Authority must take into consideration such matters as it would be required to take into consideration were the application an application for a permit.

(4) The application is to be determined by:

(a) the granting of the application, either unconditionally or subject to conditions; or

(b) the refusing of the application.

(5) Clause 14 applies to a condition imposed under this clause in the same way as it applies to a condition imposed on a permit.

(6) Written notice of a determination under this clause must be given to the applicant concerned as soon as practicable after the determination is made.

(7) A reference to a permit:

- (a) in the Act, in this Regulation or in a development plan; or
- (b) in any other Act or in any instrument under any other Act; or
- (c) in any other document (whether of the same or of a different kind),

includes a reference to a permit as amended from time to time under this clause.

Surrender of permits

16. (1) A permit may be surrendered:

- (a) by the owner of the land to which the permit relates; or
- (b) by any person, with the consent in writing of the owner of that land,

by notice in writing in the approved form, given to the Authority.

(2) A permit surrendered under this clause ceases to have effect when it is surrendered.

PART 5—EXISTING USES

Certain development allowed

17. (1) An existing use may, in accordance with this Division, be:

- (a) enlarged, expanded or intensified; or
- (b) altered or extended; or
- (c) rebuilt; or
- (d) changed to another use, including a use that would otherwise be prohibited under the Act.

(2) A use to which an existing use is changed is itself taken to be an existing use for the purposes of the Act, and may, subject to this Division, be changed to another use.

(3) Nothing in this Part prevents the granting of a permit referred to in clause 18, 19 or 20 at the same time as the granting of a permit referred to in clause 21.

Permit required for enlargement, expansion or intensification of existing uses

18. (1) A permit is required for any enlargement, expansion or intensification of an existing use.

(2) The enlargement, expansion or intensification:

- (a) must be for the existing use, or for a use changed under clause 21, but for no other use; and
- (b) must be carried out only on the land on which the existing use was carried out immediately before the relevant date.

Permit required for alteration or extension of buildings and works

19. (1) A permit is required for any alteration or extension of a building or work used for an existing use.

(2) The alteration or extension:

- (a) must be for the existing use of the building or work, or for a use changed under clause 21, but for no other use; and
- (b) must be erected or carried out only on the land on which the building or work was erected or carried out immediately before the relevant date.

Permit required for rebuilding of buildings and works

20. (1) A permit is required for any rebuilding of a building or work used for an existing use.

(2) The rebuilding:

- (a) must be for the existing use of the building or work, or for a use changed under clause 21, but for no other use; and
- (b) must be carried out only on the land on which the building or work was erected or carried out immediately before the relevant date.

Permit required for changes of existing uses

21. A permit is required:

- (a) for an existing use to be changed to another use; and
- (b) in the case of a building, work or land that is used for different existing uses, for any change in the proportions in which the various parts of the building, work or land are used for those purposes.

**PART 6—APPLICATION OF CERTAIN LEGISLATION
WITHIN THE DEVELOPMENT AREA AND WITHIN LAND
ANCILLARY TO THE DEVELOPMENT AREA**

**Division 1—Application of Environmental Planning and
Assessment Act 1979**

Application of Act generally to private land

22. (1) This clause applies to all private land to which a development plan does not apply.

- (2)** Despite section 59 (1) of the Act, the provisions of
- (a) the Environmental Planning and Assessment Act 1979; and
 - (b) any instrument in force under that Act,

apply to and in respect of the land to which this clause applies.

(3) In the application of any such provision to or in respect of land to which this clause applies:

- (a) a reference to:
 - (i) a council; or
 - (ii) a consent authority (within the meaning of the Environmental Planning and Assessment Act 1979); or
 - (iii) a responsible authority (within the meaning of the City of Sydney Planning Scheme Ordinance),is taken to be a reference to the Authority; and
- (b) a reference to the general manager of a council is taken to be a reference to the General Manager; and
- (c) a reference to a member of staff of a council is taken to be a reference to a member of staff of the Authority; and
- (c) a reference to a member of staff of a council holding a specified office is taken to be a reference to the member of staff of the Authority holding the office whose functions most closely resemble the functions of that specified office.

Application of sec. 149 to other land

23. (1) This clause applies to all land within the Development Area (other than land to which clause 22 applies).

- (2)** Despite section 59 (1) and (3) of the Act, the provisions of
- (a) section 149 of the Environmental Planning and Assessment Act 1979; and

(b) any regulation in force under that Act, to the extent to which it deals with certificates issued under that section,
apply to and in respect of the land to which this clause applies.

(3) 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) if a development plan, or a draft development plan that has been placed on exhibition under 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 order under the Roads Act 1993.

(4) In the application of any such provision to or in respect of land to which this clause applies:

- (a) a reference to a council is taken to be a reference to the Authority; and
- (b) the reference in section 149 (7) of the Environmental Planning and Assessment Act 1979 to “this Act or the regulations” is taken to be a reference to “the Darling Harbour Authority Act 1984 or the regulations made under that Act”.

Division 2—Application of Local Government Act 1919

Application of Part 12

24. (1) This clause applies to all land within the Development Area.

(2) Despite section 59 (1) and (3) of the Act, the provisions of

- (a) Part 12 of the Local Government Act 1919; and
- (b) Ordinance No. 32 under that Act (taken, by clause 5 of Schedule 7 to the Local Government Act 1993, to be a regulation under the Local Government Act 1993),

apply to and in respect of the land to which this clause applies.

(3) In the application of any such provision to or in respect of land within the Development Area:

- (a) a reference to a council is taken to be a reference to the Authority; and
- (b) a reference to a town or shire clerk is taken to be a reference to the General Manager; and
- (c) a reference to the Land and Environment Court is taken to be a reference to the Minister administering the Darling Harbour Authority Act 1984; and
- (d) a reference to the Environmental Planning and Assessment Act 1979 is taken to be a reference to the Darling Harbour Authority Act 1984.

Application of sec. 510

25. (1) This clause applies to the provisions of:

- (a) section 510 of the Local Government Act 1919; and
- (b) Ordinance No. 55 under that Act.

(2) In the application of any such provision to or in respect of land within the Development Area:

- (a) a reference to a council is taken to be a reference to the Authority; and
- (b) a reference to the Land and Environment Court is taken to be a reference to the Minister administering the Darling Harbour Authority Act 1984.

Division 3—Application of Local Government Act 1993

Application of Chapter 7

26. (1) This clause applies to:

- (a) the following provisions of Chapter 7 of the Local Government Act 1993:
 - (i) Division 2 of Part 1;
 - (ii) Parts 2 and 4;
 - (iii) sections 180–184;
 - (iv) Division 2 of Part 5; and
- (b) any other provision of the Local Government Act 1993 with respect to the matters (such as orders, local policies and building certificates) dealt with in the provisions referred to in paragraph (a)

(2) Despite section 59 (1) and (3) of the Act, the provisions to which this clause applies apply to and in respect of land within the Development Area.

(3) In the application of any such provision to or in respect of land within the Development Area:

- (a) a reference to a council is taken to be a reference to the Authority; and
- (b) a reference to the Land and Environment Court is taken to be a reference to the Minister administering the Darling Harbour Authority Act 1984.

Division 4—Application of Strata Titles legislation

Application of Acts generally

27. (1) This clause applies to the provisions of:

- (a) the Strata Titles Act 1973; and
- (b) the Strata Titles (Leasehold) Act 1986.

(2) In the application of any such provision to or in respect of land within the Development Area:

- (a) a reference to a local council is taken to be a reference to the Authority; and
- (b) a reference to a council clerk of a local council is taken to be a reference to the General Manager.

Division 5—Appeals against decisions under applied provisions

Appeals

28. (1) An appeal against a decision of the Authority (being an appeal arising under a provision that applies by operation of, or as modified by, this Part) is to be determined by the Minister.

(2) A determination under this clause is final and binds the appellant and the Authority.

PART 7—MISCELLANEOUS

Effect of exclusion of land from Schedule 1

29. (1) This clause applies to land that ceases to be described in Schedule 1 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, to the extent to which it authorises development on the land, is 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
- (b) any permit duly granted by the Authority in relation to the land is taken to be a building approval duly given by the relevant council under the Local Government Act 1993 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 land, to the extent to which it permits the use or occupation of a building before completion, is taken to be an approval granted by the relevant council under item 6 of Part A of the Table to section 68 of the Local Government Act 1993; and
- (d) any building certificate duly issued by the Authority under the Local Government Act 1993 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 under the Local Government Act 1993 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 the exercise of the functions of a general manager of a council) is taken to have been duly taken by the general manager 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 general manager 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 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 1993.

Appeals

30. (1) For the purposes of section 48 (1) of the Act, an appeal is to be made by:

- (a) lodging a notice of appeal at the office of the Director of Planning; and
- (b) serving on the Authority a copy of the notice of appeal.

(2) The notice of appeal:

- (a) must be in the form of Form 3; and
- (b) must be signed by the appellant.

The register

31. (1) The Authority must cause a register to be kept for the purposes of the Act.

(2) The register must contain the following:

- (a) a copy of each application made to the Authority under section 39 of the Act, endorsed with the date on which it was so made;
- (b) a copy of each notice given by the Authority under section 42 of the Act, endorsed with the date on which it was so given;
- (c) a copy of each determination made by the Minister under section 48 (2) of the Act, endorsed with the date on which it was so made;
- (d) a copy of each application given to the Authority under clause 11 (2) (c), endorsed with the date on which it was so given;
- (e) a copy of each notice given by the Authority under clause 11 (4), endorsed with the date on which it was so given;
- (f) a copy of each application given to the Authority under clause 15 (2) (c), endorsed with the date on which it was so given;

- (g) a copy of each notice given by the Authority under clause 15 (6), endorsed with the date on which it was so given;
- (h) a copy of each notice given to the Authority under clause 16 (1), endorsed with the date on which it was so given;
- (i) a copy of each notice of appeal served on the Authority under clause 30 (1) (b), endorsed with the date on which it was so served.

(3) The Authority must cause the register to be kept available for public inspection, without charge, at the office of the Authority during ordinary office hours.

Advisory committee procedures

32. (1) The procedure for the calling of meetings of an advisory committee and for the conduct of business at those meetings is, subject to the Act and this Regulation, to be as determined by the Authority.

(2) A majority of the members of an advisory committee forms a quorum and any duly convened meeting of an advisory committee at which a quorum is present is competent to transact any business of the committee.

(3) The chairperson of an advisory committee (or, in the absence of the chairperson, another member of the advisory committee elected as chairperson for the meeting by the members present) is to preside at a meeting of the committee.

(4) The person acting as chairperson at a meeting of an advisory committee has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

(5) A decision supported by a majority of votes cast at a meeting of an advisory committee at which a quorum is present is the decision of the committee.

(6) An advisory committee must cause full and accurate minutes to be kept of the proceedings of each meeting of the committee.

Charges and fees

33. (1) The General Manager may demand, levy and recover charges and fees if the Authority:

- (a) supplies any service; or
- (b) makes any registration; or
- (c) gives any permission; or

- (d) furnishes any information; or
 - (e) receives any application for its approval.
- (2) The amount of any such charge or fee must not exceed:
- (a) such amount, if any, as may be determined generally or in any particular case or class of cases by the General Manager, having regard to the cost incurred by the Authority in undertaking that function; or
 - (b) if no determination is made by the General Manager under paragraph (a), 120 per cent of the cost incurred by the Authority in undertaking that function.
- (3) Nothing in this clause authorises the General Manager to demand, levy or recover any charge or fee contrary to the provisions of any Act, regulation or by-law.
- (4) A charge or fee must be paid to the Authority by the person to whom or at whose request the service, permission or information is supplied, given or furnished, at whose request the registration is made or from whom the application is received.

Service of notices

34. A notice that is required or permitted to be given to a person may be given personally or by means of a letter addressed to the person at the person's address last known to the General Manager.

False or misleading statements

35. A person must not, in or in connection with an application under the Act or this Regulation, make any statement that is false or misleading in a material particular.

NOTE: A contravention of this clause constitutes an offence for which section 53 of the Act imposes a maximum penalty of 20 penalty units (\$2,000).

Repeal

36. (1) The Darling Harbour Authority Regulation 1984 is repealed.

(2) Any act, matter or thing that, immediately before the repeal of the Darling Harbour Authority Regulation 1984, had effect under that Regulation continues to have effect under this Regulation.

SCHEDULE 1—FORMS

Form 1

(Cl.10)

APPLICATION FOR PERMIT

Darling Harbour Authority Act 1984

(Section 39 (2) (b))

I,
(full name)
of
(address in full)

apply for a permit to carry out the development described hereunder:

Description of Land:
(See Instruction 1)

Description of Development:
(See Instruction 2)

Estimated Cost of Development:
(See Instruction 3)

Amount of Fee Enclosed:
(See Instruction 4)

Additional Information:
(See Instruction 5)

(Insert appropriate identifiers)

.....
Signature of applicant or person signing on behalf of applicant

.....
Capacity in which application is signed (if not signed by applicant)

.....
Date

CONSENT OF OWNER

(See Instruction 6)

I, d

being the owner of the land to which this application relates, hereby consent to the making of this application.

.....
Signature of owner or person signing on behalf of owner

.....
Capacity in which consent is signed (if not signed by owner)

.....
Date

INSTRUCTIONS FOR COMPLETION OF THIS FORM

1. Show number, street and suburb and the appropriate property description (e.g., lot and deposited plan or miscellaneous plan of subdivision and volume and folio or folio identifier, parish and county). A plan of the land must accompany the application indicating the following:

- (a) the location, boundary dimensions, site area and north point of the land;
- (b) the existing vegetation and trees on the land;
- (c) the location and uses of existing buildings on the land;
- (d) the existing levels of the land in relation to buildings and roads; and
- (e) the location and uses of buildings on sites adjoining the land.

2. A plan or drawing and other information fully describing the proposed development must accompany the application and, if applicable, the plan or drawing must indicate the following:

- (a) the location and uses of proposed new buildings or works (including extensions or additions to existing buildings or works) in relation to boundaries of the land;
- (b) floor plans of proposed buildings showing layout, partitioning, intended uses of each part of the building and room sizes;
- (c) elevations and sections showing proposed external finishes and heights;
- (d) proposed finished levels of the land in relation to buildings and roads;
- (e) building perspectives if necessary to illustrate the proposed building;
- (f) proposed parking arrangements, vehicular ingress, egress and movements on the land (including dimensions where appropriate);
- (g) proposed landscaping and treatment for the land (indicating plant types and their height at maturity); and
- (h) proposed methods of draining the land.

The following information must, if applicable, accompany the application:

- (a) in the case of shops or offices or commercial or industrial development, details of:
 - (i) proposed hours of operation;
 - (ii) plant and machinery to be installed;
 - (iii) type, size and quantity of goods to be manufactured, stored or transported; and
 - (iv) loading and unloading facilities;
- (b) in the case of subdivision, details of
 - (i) existing and proposed subdivision patterns (including the numbers of allotments and the location of roads); and
 - (ii) consultations with public authorities responsible for the provision or amplification of utility services required by the proposed subdivision;
- (c) in the case of demolition, details of the age and condition of the buildings or works proposed to be demolished;
- (d) in the case of an advertisement, details of the size, type, colour, materials and position of the sign board or structure on which the proposed advertisement is to be displayed; and
- (e) in the case of development relating to an existing use, details of the existing use.

The applicant may support the application with additional material (e.g., photographs, slides, models, etc.) for the purpose of further illustrating the proposed development.

3. If the development involves the erection of a building or the carrying out of a work, indicate the estimated cost of the development. Otherwise leave blank.

4. The appropriate fee determined in accordance with clause 10 of the Darling Harbour Authority Regulation 1994 must accompany the application. In the case of a building or work the fee is based upon the estimated cost of the building or work.

5. The following information must accompany the application in the form of annexures to the application:

- (a) an assessment of the likely impact of the proposed development on the environment;
- (b) an assessment of the likely effect of the proposed development on the amenity of the Development Area; and
- (c) an assessment of the relationship between the proposed development and any existing development being carried out in the immediate vicinity of the land.

The annexures should each be identified and the identifiers inserted in the appropriate place in the application.

6. This part of the application must be completed if the applicant is not the owner of the land.

Form 2

(Cl. 13)

NOTICE OF DETERMINATION

Darling Harbour Authority Act 1984

(Section 42 (1))

To: ,
of
being the applicant in respect of application No. for a permit.

Under section 42 (1) of the Act, notice is given of the determination by the Authority of an application for a permit relating to the following land:

.....
.....

The application has been determined by:

- (a) *the granting of the permit unconditionally;
(b) *the granting of the permit subject to the conditions specified in this notice;
(c) *the refusing of the permit.

If the application for a permit has been determined by the granting of the permit (either unconditionally or subject to conditions), this notice constitutes the permit.

The conditions of the permit are as follows*:

- 1.
2.
3. etc.

Such of the above conditions as require*:

- (a) the dedication of land, free of cost, to the Authority; or
(b) the payment to the Authority of an amount of money,

have been imposed on the permit because the development the subject of the permit is likely to give rise to a need for the following additional public amenities and public services within the Development Area:

- 1.
2.
3. etc.

Date from which the permit operates*:

Signed on behalf of the Authority

Date

* Delete if inapplicable

NOTES:

1. Unless otherwise specified in this notice, the permit takes effect on the day on which it is granted.
2. To ascertain the circumstances under which the permit is liable to lapse, refer to section 46 of the Act.
3. Section 48 of the Act confers on an applicant who is dissatisfied with a determination of the Authority a right of appeal to the Minister for Planning. The right may only be exercised within 28 days after the giving of this notice.

Form 3

(Cl. 30)

NOTICE OF APPEAL

Darling Harbour Authority Act 1984

(Section 48 (1))

Full name of Appellant:

Address:

Occupation:

Description of Land:

Date of Application:

(See Instruction 1)

Date of Authority's Determination:

(See instruction 2)

Grounds of Appeal (in full):

.....
.....
.....
.....

.....
Signature of appellant

.....
Date

INSTRUCTIONS FOR COMPLETION OF THIS FORM

1. A copy of the application must be annexed.
2. Insert the date on which the Authority gave notice of its determination, if any, and annex a copy of the notice. If no such notice was given, indicate that the appeal is being made against a deemed refusal of a permit as referred to in section 43 of the Act.

NOTES**TABLE OF PROVISIONS****PART 1—PRELIMINARY**

1. Citation
2. Commencement
3. Definitions
4. Notes to clauses

PART 2—DEVELOPMENT PLANS

5. Additional matters for which development plans may make provision
6. Minister may exclude certain land from the application of a development plan
7. Form of development plans
8. Planning maps
9. Development plans to be maintained in up-dated form

PART 3—APPLICATION FOR PERMITS

10. Applications generally
11. Amendment of applications
12. Matters for consideration
13. Notices of determinations

PART 4—PERMITS

14. Conditions
15. Amendment of permits
16. Surrender of permits

PART 5—EXISTING USES

17. Certain development allowed
18. Permit required for enlargement, expansion or intensification of existing uses
19. Permit required for alteration or extension of buildings and works
20. Permit required for rebuilding of buildings and works
21. Permit required for changes of existing uses

1994—No. 461**PART 6—APPLICATION OF CERTAIN LEGISLATION WITHIN THE DEVELOPMENT AREA AND WITHIN LAND ANCILLARY TO THE DEVELOPMENT AREA****Division 1—Application of Environmental Planning and Assessment Act 1979**

- 22. Application of Act generally to private land
- 23. Application of sec. 149 to other land

Division 2—Application of Local Government Act 1919

- 24. Application of Part 12
- 25. Application of sec. 510

Division 3—Application of Local Government Act 1993

- 26. Application of Chapter 7

Division 4—Application of Strata Titles legislation

- 27. Application of Acts generally

Division 5—Appeals against decisions under applied provisions

- 28. Appeals

PART 7—MISCELLANEOUS

- 29. Effect of exclusion of land from Schedule 1
- 30. Appeals
- 31. The register
- 32. Advisory committee procedures
- 33. Charges and fees
- 34. Service of notices
- 35. False or misleading statements
- 36. Repeal

SCHEDULE 1—FORMS**EXPLANATORY NOTE**

The object of this Regulation is to repeal and remake, without any major changes in substance, the provisions of the Darling Harbour Authority Regulation 1984. The new Regulation deals with the following matters:

- (a) the form and content of development plans (Part 2);
- (b) matters relating to the making of applications for permits (Part 3);
- (c) matters relating to permits (Part 4);
- (d) development on land the subject of “existing use” rights (Part 5);

(e) the application of legislation to and in respect of land within the Development Area (Part 6);

(f) other matters of a formal nature (Parts 1 and 7).

This Regulation is made under the Darling Harbour Authority Act 1984, including section 67 (the general regulation making power) and sections 3, 5, 34, 39, 40, 42, 47 and 59.

This Regulation is made in connection with the staged repeal of Subordinate Legislation under the Subordinate Legislation Act 1989.
