Darling Harbour Development Plan No 1

Status information

Currency of version
Current version for 29 March 1996 to date (accessed 20 October 2020 at 11:36)
Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force
The provisions displayed in this version of the legislation have all commenced. See Historical Notes

Deemed SEPP
The Darling Harbour Development Plan No 1 made under the Darling Harbour Authority Act 1984 is on and from 10.7.1998 taken to be a regional environmental plan — see clause 23 (1) of Schedule 6 to the Environmental Planning and Assessment Act 1979 No 203. From 1 July 2009 this plan is taken to be a State environmental planning policy (see clause 120 of Schedule 6 to the Environmental Planning and Assessment Act 1979 No 203).

Authorisation
This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the Interpretation Act 1987.

File last modified 1 July 2009.
Darling Harbour Development Plan No 1

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Darling Harbour Development Plan No 1

1 Name of plan

This plan may be cited as *Darling Harbour Development Plan No 1*.

2 Land to which plan applies

(1) Except as provided by subclause (2), this plan applies to the whole of the land within the Development Area, as varied from time to time.

(2) This plan does not apply to land in respect of which an order is in force under clause 3B of the *Darling Harbour Authority Regulation 1984*.

3 Objects of plan

(1) The objects of this plan are:

(a) to promote the development of the Darling Harbour area as part of the State’s Bicentennial Program,

(b) to encourage the development of a variety of tourist, educational, recreational, entertainment, cultural and commercial facilities within that area, and

(c) to make provision with respect to controlling development within that area.

(2) The means whereby this plan aims to achieve its objects are:

(a) by providing that certain kinds of development may not be carried out in the Darling Harbour area otherwise than in accordance with the terms of a permit,

(b) by prohibiting all other kinds of development within that area, and

(c) by ensuring that the controls that apply in that area in relation to the carrying out of development apply also in relation to the demolition and renovation of buildings and works.

4 Plan not to apply to acts of the Authority

This plan does not apply to or in respect of any act, matter or thing done or caused to be done by the Authority pursuant to Part 3 of the Act.

5 Definitions

(1) In this plan, except in so far as the context or subject-matter otherwise indicates or requires:

*child care centre* has the same meaning as it has in the *Environmental Planning and Assessment*
\textit{Model Provisions 1980.}

\textit{conservation} has the same meaning as it has in the \textit{Australia ICOMOS Charter for the Conservation of Places of Cultural Significance} ("the Burra Charter"), as adopted by the Australia ICOMOS on 23 February 1961.

\textit{demolition}, in relation to a building or work, means the damaging, defacing, destruction, pulling down or removal of that building or work, in whole or in part.

\textit{light industry} has the same meaning as it has in the \textit{Environmental Planning and Assessment Model Provisions 1980}.

\textit{moneylending} does not include the business of lending money carried out by a bank, building society or credit union.

\textit{pawnbroking} means the business of lending money on the security of pawned goods.

\textit{recreation facility} has the same meaning as it has in the \textit{Environmental Planning and Assessment Model Provisions 1980}.

\textit{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).

\textit{the Act} means the \textit{Darling Harbour Authority Act 1984}.

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

6 Permit required for certain development

Development:

(a) for the purposes of tourist, educational, recreational, entertainment, cultural or commercial facilities (other than facilities used for pawnbroking or other forms of moneylending),

(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.

7 Prohibition of all other development

Development of a kind not referred to in clause 6, or of a kind referred to in clause 6 by way of exception only, is prohibited.

8 Permits required for renovation and demolition

(1) The renovation or demolition of a building or work may not be carried out except with a permit
being obtained therefor.

(2) Part 5 of the Act applies to and in respect of the renovation or demolition of a building or work in the same way as it applies to and in respect of the carrying out of development.

9 Development etc of the Corn Exchange

(1) This clause applies to that part of Lot 1, DP 775101, on which the building known as the Corn Exchange is situated.

(2) Conservation of the Corn Exchange may not be carried out except with a permit being obtained therefor.

(3) Part 5 of the Act applies to and in respect of the conservation of the Corn Exchange in the same way as it applies to and in respect of the carrying out of development.

(4) The Authority shall not grant a permit that would allow the Corn Exchange to be demolished, damaged or despoiled.

(5) In determining an application for a permit for the development, conservation or renovation of the Corn Exchange, the Authority shall ensure that the heritage value of the Corn Exchange is maintained.

(6) This clause does not prevent the Authority from granting a permit for the development, conservation or renovation of the Corn Exchange that enhances, or does not detract from, its heritage value.

10 Development etc of buildings on the same street frontage as the Corn Exchange

(1) This clause applies to Lot 1, DP 775101, other than that part of that lot on which the building known as the Corn Exchange is situated.

(2) In determining an application for a permit for the carrying out of development on the land to which this clause applies, or for the renovation or demolition of any building situated on that land, the Authority:

   (a) shall ensure that the heritage value of the Corn Exchange is maintained, and

   (b) shall ensure that:

      (i) a sufficient number of the buildings situated on the land are retained, and

      (ii) any infill development is carried out on the street frontage,

      so as to maintain the coherence of the streetscape.

11 Other development in the vicinity of the Corn Exchange

(1) This clause applies to land (other than Lot 1, DP 775101) in the vicinity of the Corn Exchange.

(2) In determining an application for a permit for the carrying out of development on the land to which this clause applies, or for the renovation or demolition of any building situated on that land, the Authority shall take into consideration the effect of the proposed development, renovation or demolition on the heritage value of the Corn Exchange.
Schedule 1 Development that may be carried out under a permit

Amusement parks; art galleries; child care centres; commercial premises (other than premises used for pawnbroking or other forms of moneylending); 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; residential buildings; serviced apartments; shops; theatre restaurants; utility installations.
Historical notes

The following abbreviations are used in the Historical notes:

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Table of amending instruments


Table of amendments

| Cl 2 | Subst 17.10.1986. |
| Cl 3 | Am 1988 No 55, Sch 2 (1). |
| Cl 7 | Am 29.3.1996. |