

Passed by both Houses



New South Wales

Greater Cities Commission Repeal Bill 2023

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Repeal of Greater Cities Commission Act 2022 No 8	2
Schedule 1	
Amendment of Environmental Planning and Assessment Act 1979 No 203	3
Schedule 2	
Amendment of other legislation	11

I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney,*

, 2023



New South Wales

Greater Cities Commission Repeal Bill 2023

Act No _____, 2023

An Act to repeal the *Greater Cities Commission Act 2022* and to amend the *Environmental Planning and Assessment Act 1979* to abolish the Greater Cities Commission and transfer the strategic planning functions of the Greater Cities Commission to the Secretary of the Department in which that Act is administered; and for related purposes.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *Greater Cities Commission Repeal Act 2023*.

2 Commencement

This Act commences on 1 January 2024.

3 Repeal of Greater Cities Commission Act 2022 No 8

The *Greater Cities Commission Act 2022* is repealed.

Schedule 1 Amendment of Environmental Planning and Assessment Act 1979 No 203

[1] Section 1.4 Definitions

Omit the definitions of *designated Sydney districts* and *Six Cities Region*.

Insert in alphabetical order—

city, in the Six Cities Region, means an area of land described as a city in Schedule 9.

designated Sydney districts means the following cities in the Six Cities Region, as described in Schedule 9—

- (a) the Eastern Harbour City,
- (b) the Central River City,
- (c) the Western Parkland City.

Six Cities Region means the region described in Schedule 9.

[2] Section 1.8

Insert after section 1.7—

1.8 Amendment of area comprising Six Cities Region

(1) The regulations may amend Schedule 9 as follows—

- (a) to add a city to the Six Cities Region,
- (b) to remove a city from the Six Cities Region,
- (c) to amalgamate 2 or more cities in the Six Cities Region into 1 or more new cities,
- (d) to add a local government area, or part of a local government area, to a city in the Six Cities Region,
- (e) to remove a local government area, or part of a local government area, from a city in the Six Cities Region.

(2) The regulations may contain provisions of a savings or transitional nature consequent on the making of a regulation under subsection (1).

[3] Section 2.4 Delegation by Minister, Planning Ministerial Corporation or Planning Secretary

Omit section 2.4(1)(b).

[4] Section 2.21 Planning authorities and functions subject to community participation requirements

Omit section 2.21(1)(c).

[5] Section 3.1 Definitions

Omit section 3.1(1), definition of *district*, paragraph (a). Insert instead—

- (a) a city in the Six Cities Region, or

[6] Section 3.1(1), definitions of “dwelling” and “housing target”

Insert in alphabetical order—

dwelling means a room or suite of rooms occupied or used or so constructed or adapted to be capable of being occupied or used as a separate domicile.

housing target means a target for a district for the number of net additional dwellings required for each local government area in the district for the next 5, 10 and 20 years, and may include a target for development consents to be granted to achieve the net additional dwellings.

[7] Section 3.1(1), definition of “relevant strategic planning authority”

Omit the definition.

[8] Sections 3.3–3.6A

Omit sections 3.3–3.6. Insert instead—

3.3 Regional strategic plans—preparation and content

- (1) The Planning Secretary may, or must if directed to do so by the Minister, prepare a draft regional strategic plan for a region.
- (2) A draft regional strategic plan must include or identify the following—
 - (a) the basis for strategic planning in the region, having regard to economic, social and environmental matters,
 - (b) a vision statement and objectives consistent with the vision statement,
 - (c) strategies and actions for achieving the objectives,
 - (d) the basis on which the Planning Secretary is to monitor and report on the implementation of the actions,
 - (e) any other matters the Planning Secretary considers relevant to planning for the region.
- (3) In preparing a draft regional strategic plan, the Planning Secretary must have regard to the following—
 - (a) State environmental planning policies that apply to the region,
 - (b) any other strategic plan that applies to the region,
 - (c) any 20-year State infrastructure strategy, 5-year infrastructure plan or sectoral State infrastructure strategy statement under the *Infrastructure NSW Act 2011*, Part 4,
 - (d) the State disaster mitigation plan, to the extent relevant, and any relevant disaster adaptation plan under the *NSW Reconstruction Authority Act 2022*,
 - (e) any other relevant government policies and plans in force at the time the draft plan is prepared,
 - (f) any matter the Minister directs the Planning Secretary to have regard to in preparing the draft plan,
 - (g) any other matters the Planning Secretary considers relevant.

3.4 District strategic plans—preparation and content

- (1) The Planning Secretary must prepare a draft district strategic plan for each district in the Six Cities Region.
- (2) The Planning Secretary may, or must if directed to do so by the Minister, prepare a draft district strategic plan for a district in a region outside the Six Cities Region.
- (3) A draft district strategic plan must include or identify the following—
 - (a) the basis for strategic planning in the district, having regard to economic, social and environmental matters,

- (b) the planning priorities for the district that are consistent with the objectives, strategies and actions specified in the applicable regional strategic plan,
 - (c) the actions required for achieving the planning priorities,
 - (d) the basis on which the Planning Secretary is to monitor and report on the implementation of the actions,
 - (e) areas of State, regional or district significance, including priority growth areas,
 - (f) any other matters the Planning Secretary considers relevant to planning for the district.
- (4) The planning priorities referred to in subsection (3)(b)—
- (a) must include housing targets, if the district is in the Six Cities Region, and
 - (b) may include housing targets, if the district is outside the Six Cities Region.
- (5) In preparing a draft district strategic plan, the Planning Secretary must have regard to the following—
- (a) any environmental planning instruments that apply to the district,
 - (b) any other strategic plan that applies to the district or an area adjoining the district,
 - (c) any 20-year State infrastructure strategy, 5-year infrastructure plan or sectoral State infrastructure strategy statement under the *Infrastructure NSW Act 2011*, Part 4,
 - (d) the State disaster mitigation plan, to the extent relevant, and any relevant disaster adaptation plan under the *NSW Reconstruction Authority Act 2022*,
 - (e) any other relevant government policies and plans in force at the time the draft plan is prepared,
 - (f) any matter the Minister directs the Planning Secretary to have regard to in preparing the draft plan,
 - (g) any other matters the Planning Secretary considers relevant.
- (6) If there is no regional strategic plan for a part of the district, the draft district strategic plan may identify for that part of the district matters that may be identified in a regional strategic plan, until there is a regional strategic plan.
- (7) This section does not prevent—
- (a) the Planning Secretary from issuing housing targets for a district before a draft district strategic plan is publicly exhibited, or
 - (b) changes being made to the housing targets before the district strategic plan is made under section 3.6 or 3.6A.

3.5 Making of regional strategic plans

- (1) The Planning Secretary may, or must if directed to do so by the Minister, submit a draft regional strategic plan for a region to the Minister.
- (2) The Minister may—
 - (a) make a regional strategic plan in the form in which it is submitted or with the modifications the Minister considers appropriate, or
 - (b) decide not to make the draft regional strategic plan.

- (3) The document entitled *Greater Sydney Region Plan—A Metropolis of Three Cities* continues to be taken to be the regional strategic plan made under this division for the Six Cities Region, but has effect only in relation to the designated Sydney districts.
- (4) As soon as practicable after 1 January 2024, the Planning Secretary must—
 - (a) review the regional strategic plan referred to in subsection (3), and
 - (b) submit a draft regional strategic plan that applies to the whole of the Six Cities Region to the Minister.
- (5) The Planning Secretary must review a regional strategic plan for the Six Cities Region, other than the regional strategic plan referred to in subsection (3), every 5 years after it is made by the Minister.
- (6) The Planning Secretary must review a regional strategic plan for a region outside the Six Cities Region as directed by the Minister.
- (7) A failure to comply with a provision of this section does not affect the validity of a regional strategic plan, including the continuing validity of an existing regional strategic plan.

3.6 Making of district strategic plans for districts in Six Cities Region

- (1) The Planning Secretary may make a district strategic plan for a district in the Six Cities Region.
- (2) The Planning Secretary must review a district strategic plan for a district in the Six Cities Region every 5 years.

3.6A Making of district strategic plans for districts outside Six Cities Region

- (1) The Planning Secretary may, or must if directed to do so by the Minister, submit a draft district strategic plan for a district outside the Six Cities Region to the Minister.
- (2) The Minister may—
 - (a) make a district strategic plan in the form in which it is submitted or with the modifications the Minister considers appropriate, or
 - (b) decide not to make the draft district strategic plan.

[9] Section 3.8 Implementation of strategic plans

Omit “relevant strategic planning authority” from section 3.8(1).

Insert instead “Planning Secretary”.

[10] Section 3.8(4)

Omit “Greater Cities Commission”. Insert instead “Planning Secretary”.

[11] Section 3.9 Local strategic planning statements of councils

Omit “relevant strategic planning authority referred to in Division 3.1” from section 3.9(3)(b).

Insert instead “Planning Secretary”.

[12] Section 3.9(3A)

Omit “Greater Cities Commission” and “the Commission”.

Insert instead “Planning Secretary” and “the Planning Secretary”, respectively.

- [13] **Section 3.9(4)**
Omit “and the support of the Greater Cities Commission if it is required by this section in the preparation of such a statement”.
- [14] **Section 3.12 Regulations relating to strategic planning**
Omit section 3.12(b). Insert instead—
(b) the functions of the Planning Secretary under this division,
- [15] **Section 3.30 Consultation requirements**
Omit section 3.30(2).
- [16] **Section 3.34 Gateway determination**
Omit section 3.34(3A) and (3B).
- [17] **Section 7.31B Purpose of HAP Fund**
Omit “the targets for net additional dwellings in each district referred to in section 3.4(6), definition of *planning priorities*” from section 7.31B(3).
Insert instead “the housing targets for a district identified in a district strategic plan, as referred to in section 3.4”.
- [18] **Section 10.5 Disclosure and misuse of information**
Omit section 10.5(6).
- [19] **Schedule 4 Savings, transitional and other provisions**
Insert at the end of the schedule, with appropriate part and clause numbering—

Part Provisions consequent on enactment of Greater Cities Commission Repeal Act 2023

Definitions

In this part—

Commission means the Greater Cities Commission constituted under the repealed Act immediately before its repeal.

document means an Act or statutory or other instrument, or any contract or agreement.

repealed Act means the *Greater Cities Commission Act 2022*.

Abolition of Greater Cities Commission

- (1) The Commission is abolished.
- (2) The Commission’s assets, rights and liabilities are, on its abolition, transferred to the Crown.
- (3) A person who, immediately before the abolition of the Commission, held office as the Chief Commissioner, a City Commissioner, a Greater Cities Commissioner or other member of the Commission, ceases, on the abolition, to hold the office.
- (4) The person is not entitled to remuneration or compensation because of the loss of the office.
- (5) In this clause—

asset—

- (a) means a legal or equitable estate or interest, whether present or future, whether vested or contingent and whether personal or assignable, in real or personal property of any description, and
- (b) includes money, securities, choses in action and documents.

liability means a liability, debt or obligation, whether present or future, whether vested or contingent and whether personal or assignable.

right means a right, power, privilege or immunity, whether present or future, whether vested or contingent and whether personal or assignable.

Abolition of committees

- (1) The following committees of the Commission are abolished—
 - (a) the Finance and Governance Committee,
 - (b) the Strategic Planning Committee,
 - (c) the Infrastructure Delivery Committee,
 - (d) other committees or subcommittees established by the Commission under the repealed Act, section 16 or 17.
- (2) A person who, immediately before the abolition of a committee or subcommittee, held office as a member of the committee or subcommittee, ceases, on the abolition, to hold the office.
- (3) The person is not entitled to remuneration or compensation because of the loss of the office.

References to Commission and Commissioners

A reference in a document to the Commission, the Chief Commissioner, a City Commissioner, a Greater Cities Commissioner or other member of the Commission under the repealed Act is to be read as a reference to the Planning Secretary.

References to Six Cities Region and cities

A reference in a document to the Six Cities Region under the repealed Act, or a city in the Six Cities Region, is to be read as a reference to the Six Cities Region, or a city in the Six Cities Region, under this Act.

General savings

An act, matter or thing done or omitted to be done before the abolition of the Commission by, to or in relation to the Commission is, to the extent the act, matter or thing has force or effect, taken to have been done or omitted to be done by, to or in relation to the Planning Secretary.

[20] Schedule 9

Insert after Schedule 8—

Schedule 9 Six Cities Region and its cities

section 1.4, definition of “Six Cities Region”

1 The Six Cities Region

The Six Cities Region comprises the following cities—

- (a) the Eastern Harbour City,

- (b) the Central River City,
- (c) the Central Coast City,
- (d) the Lower Hunter and Greater Newcastle City,
- (e) the Western Parkland City,
- (f) the Illawarra-Shoalhaven City.

2 Eastern Harbour City

The Eastern Harbour City comprises the land in the following local government areas—

- (a) Bayside,
- (b) Burwood,
- (c) Canada Bay,
- (d) Hornsby,
- (e) Hunter's Hill,
- (f) Inner West,
- (g) Ku-ring-gai,
- (h) Lane Cove,
- (i) Mosman,
- (j) North Sydney,
- (k) Northern Beaches,
- (l) City of Randwick,
- (m) City of Ryde,
- (n) Strathfield,
- (o) Sutherland Shire,
- (p) City of Sydney,
- (q) Waverley,
- (r) City of Willoughby,
- (s) Woollahra.

3 Central River City

The Central River City comprises the land in the following local government areas—

- (a) City of Blacktown,
- (b) Canterbury-Bankstown,
- (c) Cumberland,
- (d) Georges River,
- (e) City of Parramatta,
- (f) The Hills Shire.

4 Lower Hunter and Greater Newcastle City

The Lower Hunter and Greater Newcastle City comprises the land in the following local government areas—

- (a) City of Cessnock,
- (b) City of Lake Macquarie,

- (c) City of Maitland,
- (d) City of Newcastle,
- (e) Port Stephens.

5 Western Parkland City

The Western Parkland City comprises the land in the following local government areas—

- (a) City of Blue Mountains,
- (b) Camden,
- (c) City of Campbelltown,
- (d) City of Fairfield,
- (e) City of Hawkesbury,
- (f) City of Liverpool,
- (g) City of Penrith,
- (h) Wollondilly.

6 Central Coast City

The Central Coast City comprises the land in the Central Coast local government area.

7 Illawarra-Shoalhaven City

The Illawarra-Shoalhaven City comprises the land in the following local government areas—

- (a) Kiama,
- (b) City of Shellharbour,
- (c) City of Shoalhaven,
- (d) City of Wollongong.

Schedule 2 Amendment of other legislation

2.1 Defamation Act 2005 No 77

Schedule 1 Additional publications to which absolute privilege applies

Omit clause 34(1). Insert instead—

- (1) Without limiting section 27(2)(a)–(c), matter published by the Independent Planning Commission or the former Planning Assessment Commission in a report or other document, including an audio/video record, an audio record or a transcription record, under the *Environmental Planning and Assessment Act 1979*.

2.2 Government Sector Finance Regulation 2018

Schedule 2 Transitional reporting GSF agencies

Omit “Greater Cities Commission” from Part 1.

2.3 Inner West Local Environmental Plan 2022

Land Use Table

Omit “of the Greater Cities Commission” from Zone E4, item 1, sixth bullet point.

2.4 State Environmental Planning Policy (Housing) 2021

Schedule 7A Savings and transitional provisions

Omit “under the *Greater Cities Commission Act 2022*” from section 4(4), definition of *Greater Sydney heritage conservation area*.

Insert instead “in the Six Cities Region”.

2.5 Statutory and Other Offices Remuneration Act 1975 (1976 No 4)

Schedule 2 Public offices

Omit “Full-time appointed member of the Greater Cities Commission” from Part 1.

2.6 Willoughby Local Environmental Plan 2012

Land Use Table

Omit “of the Greater Cities Commission” wherever occurring in Zone E2, item 1.