



New South Wales

Planning Legislation Amendment (Greater Sydney Commission) Bill 2018

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are as follows:

- (a) to enable the Independent Planning Commission (the **IPC**) to appoint additional members from subcommittees of the IPC and enable terms of members to be extended to complete work,
- (b) to extend by 12 months the second review of the Greater Sydney regional strategic plan,
- (c) to require the support of the Greater Sydney Commission (the **GSC**) before local strategic planning statements of councils can be made,
- (d) to require the Minister for Planning (the **Minister**) to consult with the GSC about a proposed State environmental planning policy (a **SEPP**) relating to land within the Greater Sydney Region if the SEPP is likely to significantly affect the implementation of a strategic plan,
- (e) to require the Minister to refer a planning proposal for a local environmental planning instrument (an **LEP**) to the GSC if it relates to land within the Greater Sydney Region and the proposal is likely to significantly affect the implementation of a strategic plan,
- (f) to remove from the GSC the function of making LEPs,
- (g) to appoint additional ex-officio members to the GSC and to provide that up to 3 persons are to be appointed as Greater Sydney Commissioners in addition to the Chief Commissioner,
- (h) to confer on the GSC additional advisory and assurance functions and to enable the GSC to obtain information from government agencies (including councils),
- (i) to update the functions of the Natural Resources Commission and to clarify certain auditing functions of that Commission,

- (j) to make other minor and consequential amendments and amendments of a savings or transitional nature.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

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

Schedule 1 [1] makes it clear that the Minister for Planning may appoint a member of a subcommittee of the IPC as an additional member of the IPC for the purpose of exercising specific functions of the IPC.

Schedule 1 [2] extends the time when the next review of the regional strategic plan for the Greater Sydney Region is to be undertaken from the end of 2022 to the end of 2023.

Schedule 1 [3] requires a council of an area in the Greater Sydney Region to obtain the written advice of the GSC that it supports a local strategic planning statement before making the statement. **Schedule 1 [4]** makes a consequential amendment.

Schedule 1 [6] requires the Minister to consult with the GSC before recommending the making of a SEPP if the proposed instrument relates to land within the Greater Sydney Region and the Minister is of the opinion that giving effect to the proposed instrument is likely to significantly affect the implementation of a strategic plan affecting that Region.

Schedule 1 [7] removes the power of the GSC to make LEPs for the local government areas in the Greater Sydney Region. **Schedule 1 [5], [8], [9] and [10]** make consequential amendments.

Schedule 1 [11] requires the Minister to seek advice from the GSC as to whether or not it supports a planning proposal for an LEP before making a determination that the proposal may proceed, if the proposal relates to land within the Greater Sydney Region and the Minister is of the opinion that giving effect to the proposal is likely to significantly affect the implementation of a strategic plan affecting that Region.

Schedule 1 [12] and [13] remove the powers of the GSC with respect to development control plans as a consequence of the removal of its plan-making powers.

Schedule 1 [14] removes the requirement for the IPC to issue a report on a matter for which it has conducted a public hearing in the circumstances where the IPC is also the consent authority for a matter to which the hearing relates.

Schedule 1 [15] enables the Minister for Planning to extend the term of appointment of a member of the IPC after the term expires so as to enable the member to complete a function.

Schedule 2 Amendment of Greater Sydney Commission Act 2015 No 57

Schedule 2 [2] enables the regulations that extend the area of the Greater Sydney Region to also limit the functions of the GSC in respect of the extended area.

Schedule 2 [3] provides for the appointment of the Chief Commissioner of the GSC separately from the appointment of the other Greater Sydney Commissioners. **Schedule 2 [1] and [7]** make consequential amendments.

Schedule 2 [4] provides for the appointment of up to 3 members as Greater Sydney Commissioners. At present, 4 persons (including the Chief Commissioner of the GSC) must be appointed in this category of membership. **Schedule 2 [8]** is a consequential amendment.

Schedule 2 [5], [13], [18] and [21] update references to the *Environmental Planning and Assessment Act 1979* (the *Planning Act*).

Schedule 2 [6] makes the Secretary of the Department of Premier and Cabinet and the Chief Executive Officer of the GSC ex-officio members of the GSC.

Schedule 2 [9] provides that a person appointed to the GSC may, if there are fewer than 3 members appointed as Greater Sydney Commissioners, have principal responsibility for more than one of the 3 matters (namely, environmental, social or economic) relating to the activities of the GSC.

Schedule 2 [10] provides that a District Commissioner may be appointed to represent more than one district in the Greater Sydney Region.

Schedule 2 [11] confers on the GSC the function of providing advice and making recommendations to the Minister administering the *Greater Sydney Commission Act 2015*, and other Ministers with the approval of the Minister administering the Act, on matters relating to land use and infrastructure in the Greater Sydney Region.

Schedule 2 [12] confers on the GSC the functions of providing progress and assurance reports to the Minister administering the *Greater Sydney Commission Act 2015*, and other Ministers with the approval of the Minister administering the Act, about the preparation and implementation of plans or proposals relating to development in the Greater Sydney Region.

Schedule 2 [14] confers on the GSC the function of providing the Minister administering the Planning Act with information, advice or reports at the Minister's request. **Schedule 2 [15]** makes a consequential amendment.

Schedule 2 [16] omits a note as a consequence of the removal of the LEP-making functions of the GSC.

Schedule 2 [17] imposes on government agencies (including councils) an obligation to provide information to the GSC that is relevant to the exercise of the GSC's functions in response to a reasonable request made by the GSC.

Schedule 2 [19] enables the GSC, or a delegate of the GSC (with the consent of the GSC), to delegate functions to the Secretary or other persons employed in the Department of Premier and Cabinet.

Schedule 2 [20] makes the Chief Executive Officer of the GSC a member of the Finance and Governance Committee of the GSC.

Schedule 2 [22] provides that the appointment of existing members of the GSC is not affected by the amendments made by the proposed Act.

Schedule 3 Amendment of other legislation

Schedule 3.1 Biodiversity Conservation Act 2016 No 63

Schedule 3.1 makes an amendment consequential on the removal of the LEP-making functions of the GSC.

Schedule 3.2 Environment Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017

Schedule 3.2 [1] enables the Minister to make LEPs for matters approved before the removal of the LEP-making functions of the GSC.

Schedule 3.2 [2] and [3] provide that provisions that preserve delegations and existing plan-making processes for the purposes of the exercise of LEP-making functions by the GSC will cease to have effect on the removal of those powers.

Schedule 3.3 Local Land Services Act 2013 No 51

Schedule 3.3 [1] enables the 5-yearly audit of the State strategic plan for local land services in the State to be carried out by the Natural Resources Commission as well as by an independent person, body or panel appointed by the Minister for Primary Industries.

Schedule 3.3 [2] enables the 3-yearly audit of the local strategic plan for local land services in a region to be carried out by the Natural Resources Commission as well as by an independent person, body or panel appointed by the Minister for Primary Industries.

Schedule 3.4 Natural Resources Commission Act 2003 No 102

Schedule 3.4 [1] removes from the Natural Resources Commission the function of enabling the adoption of State-wide standards and targets for natural resource management issues.

Schedule 3.4 [2] makes it clear that the Natural Resources Commission also has functions under other Acts.

Schedule 3.4 [3] confers on the Natural Resources Commission functions relating to advising on strategic or investment priorities in natural resource management in the State, undertaking audits relating to forestry or water management issues and advising on program design for natural resource management.