



New South Wales

Greater Sydney Commission Bill 2015

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 constitute the Greater Sydney Commission (the **Commission**) as a NSW Government agency having functions relating to planning and development in the Greater Sydney Region,
- (b) to provide for the constitution of Sydney planning panels for the Greater Sydney Region which will operate as joint regional planning panels under the *Environmental Planning and Assessment Act 1979* (the **Planning Act**),
- (c) to amend the Planning Act to authorise the Commission to make local environmental plans under that Act for the Greater Sydney Region and to establish a scheme for strategic planning in the Greater Sydney Region and other regions declared by the Minister.

Outline of provisions

Part 1 Preliminary

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.

Clause 3 defines words and phrases used in the proposed Act. The **Greater Sydney Region** is the region identified by the map in Schedule 1 to the proposed Act.

Clause 4 provides that the regulations may amend Schedule 1 to replace the map so as to extend or reduce the Greater Sydney Region.

Part 2 Greater Sydney Commission

Division 1 Constitution of Commission

Clause 5 constitutes the Greater Sydney Commission as a body corporate and provides that it is a NSW Government agency (which has the effect of conferring the status, privileges and immunities of the Crown on the Commission).

Clause 6 provides that the Commission will consist of persons appointed by the Minister and 3 ex-officio members (being the Secretaries of the Department of Planning and Environment, the Department of Transport and the Treasury). The appointed persons consist of 4 persons (referred to as *Greater Sydney Commissioners*) who will have expertise in specified areas, and those persons appointed by the Minister to represent the districts declared under proposed section 75AB (b) of the Planning Act in respect of the Greater Sydney Region (referred to as *District Commissioners*). One of the Greater Sydney Commissioners is to be appointed by the Minister as the Chief Commissioner. The other Greater Sydney Commissioners will have principal responsibility for the activities of the Commission to the extent they relate to environmental, social and economic matters.

Clause 7 provides that the Chief Executive Officer of the Commission (who is employed in the Public Service) is responsible for the day to day management of the affairs of the Commission in accordance with any directions of the Commission.

Clause 8 provides that staff may be employed in the Public Service to enable the Commission to exercise its functions.

Division 2 Objectives and functions of Commission

Clause 9 specifies the principal objectives of the Commission which include leading metropolitan planning for the Greater Sydney Region.

Clause 10 specifies the functions of the Commission which include providing advice and making recommendations to the Minister on matters relating to planning and development in the Greater Sydney Region. The Commission has such other functions as are conferred or imposed on it (including functions delegated to it) under any other Act such as the Planning Act.

Clause 11 enables the Commission to delegate its functions (including functions delegated to it) to certain authorised persons or bodies.

Division 3 Committees

Clause 12 establishes the Finance and Governance Committee of the Commission which will comprise the Greater Sydney Commissioners.

Clause 13 establishes the Strategic Planning Committee of the Commission which will comprise the Greater Sydney Commissioners and the District Commissioners representing the districts of the Greater Sydney Region in respect of which the Committee is exercising its functions.

Clause 14 establishes the Infrastructure Delivery Committee of the Commission which will comprise the Greater Sydney Commissioners, the ex-officio members and optional District Commissioners appointed by the Chief Commissioner.

Clause 15 enables the Commission to establish other committees.

Clause 16 provides for the establishing of subcommittees of any committee of the Commission.

Clause 17 provides for the procedure of committees of the Commission and any subcommittee of a committee.

Part 3 Sydney planning panels

Clause 18 enables the Minister to constitute a Sydney planning panel for any part (or for the whole) of the Greater Sydney Region. A Sydney planning panel is taken to be a joint regional planning panel under and for the purposes of the Planning Act and the instruments made under that Act. However the membership of a Sydney planning panel will be determined in accordance with the proposed Act (see proposed Schedule 3).

Part 4 Miscellaneous

Clause 19 provides that the proposed Act binds the Crown.

Clause 20 requires local councils in the Greater Sydney Region to co-operate with the Commission in connection with the exercise of its functions.

Clause 21 requires the Commission to report annually on the outcomes achieved by the Commission and on the implementation of strategic plans made under proposed Part 3B of the Planning Act for the Greater Sydney Region.

Clause 22 prohibits the disclosure of information obtained in connection with the administration of the proposed Act.

Clause 23 limits personal liability for matters or things done or omitted to be done in good faith for the purposes of executing the proposed Act or the provisions of any other Act that confer or impose functions on the Commission.

Clause 24 provides for proceedings for an offence under the proposed Act to be dealt with summarily before the Local Court.

Clause 25 provides for the making of regulations for the purposes of the proposed Act.

Clause 26 provides for the review of the proposed Act 5 years after its commencement.

Schedule 1 Greater Sydney Region

Schedule 1 contains a map of the Greater Sydney Region.

Schedule 2 Members and procedure of Commission

Schedule 2 contains standard provisions relating to the members and procedure of the Commission.

Schedule 3 Sydney planning panels

Schedule 3 contains provisions with respect to the members and procedure of Sydney planning panels. A Sydney planning panel is to consist of 3 members appointed by the Minister (one of whom is a District Commissioner) and 2 nominees of an applicable council (being the council of an area situated in the part of the Greater Sydney Region for which the planning panel is constituted).

Schedule 4 Savings, transitional and other provisions

Schedule 4 provides for the making of savings and transitional regulations consequent on the enactment of the proposed Act and Acts that amend it.

Schedule 5 Amendment of Environmental Planning and Assessment Act 1979 No 203

Schedule 5 [1] and [2] make it clear that the Greater Sydney Commission may be the consent authority in relation to a development application if legislation so specifies.

Schedule 5 [3] inserts a definition of *Greater Sydney Region* for the purposes of the Planning Act.

Schedule 5 [4] adds a note in the definition of *joint regional planning panel* referring to Part 3 of the proposed Act which provides that a Sydney planning panel constituted under that Part is taken to be a joint regional planning panel.

Schedule 5 [5] enables certain functions to be delegated to the Greater Sydney Commission.

Schedule 5 [6] makes it clear that the Planning Assessment Commission can exercise functions delegated to it under Acts other than the Planning Act.

Schedule 5 [7] makes it clear that a joint regional planning panel can exercise functions delegated to it under the Planning Act or any other Act.

Schedule 5 [9] and [12] provide that the matters in respect of which SEPPs and LEPs may be made will include matters that are of environmental planning significance to a district under proposed Part 3B (to be inserted by the proposed Act).

Schedule 5 [11] authorises the Greater Sydney Commission to make local environmental plans for local government areas in the Greater Sydney Region. **Schedule 5 [8]** is a consequential amendment and **Schedule 5 [10]** precludes the Minister from making local environmental plans for local government areas in the Greater Sydney Region.

Schedule 5 [13] provides that the Minister may direct that a person or body other than a local council is the relevant planning authority for a proposed instrument if the Secretary of the Department of Planning and Environment has recommended that the proposed instrument should be submitted for a “gateway” determination under section 56 of the Planning Act or should be made.

Schedule 5 [14] inserts a new Part that makes provision for strategic planning in relation to regions of the State (being the Greater Sydney Region and any other region declared by the Minister) and to districts in those regions. Under the proposed Part, draft regional plans and district plans may be prepared (or required to be prepared) for the region or district concerned. Once such a plan is made by the Minister (or, in the case of district plans for the Greater Sydney Region, by the Greater Sydney Commission) it must be published on the NSW planning portal. The existing document called *A Plan for Growing Sydney* is taken to be the regional plan for the Greater Sydney Region and the Greater Sydney Commission will be required to review this initial plan. The proposed Part also provides for the content, public exhibition and implementation of plans prepared and made under the proposed Part.

Schedule 6 Amendment of other Acts

Schedule 6.1 amends the *Public Finance and Audit Act 1983* to provide for financial auditing and annual reporting in relation to the Commission.

Schedule 6.2 amends the *Statutory and Other Offices Remuneration Act 1975* to provide that the remuneration payable to any Greater Sydney Commissioner who is appointed to hold office on a full-time basis is to be determined by the Statutory and Other Offices Remuneration Tribunal.