

## **REPORTS FROM OFFICERS**

### **8. REPORT OF GENERAL MANAGER**

**No reports this round**

### **9. REPORT OF DIRECTOR BUSINESS SERVICES**

#### **9.1 Contribution toward staff Christmas functions**

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#### **Attachments**

Nil

#### **Report**

Council has previously made a contribution to both the Indoor and Outdoor Staff Christmas functions when considering the proposed operating hours during the Christmas holiday period report. This year the new General Manager was considering a more cohesive approach in conducting the staff Christmas functions however organising of both the Indoor and Outdoor staff Christmas parties had already commenced and function details have been announced.

It has been normal practice for Council to contribute to the cost of the Staff Christmas parties. In previous years Council has contributed \$2200 to both the Indoor and Outdoor Staff Christmas Parties. It is proposed that Council make a donation of \$2200 to each of the functions.

#### **Officer's Recommendation**

That Council make a contribution of \$2200 to both the Indoor and Outdoor Staff Christmas Functions.

#### **Council Meeting 17 November 2015 (Borg/Greiss)**

That the Officer's Recommendation be adopted.

#### **Council Resolution Minute Number 215**

That the Officer's Recommendation be adopted.

## 9.2 Progress Report: Amounts Expended on Providing Facilities and Payment of Expenses - Mayor, Deputy Mayor and Councillors October 2015

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### Attachments

Nil

### Report

On 15 September 2015, Council reviewed its policy concerning payment of expenses and provision of facilities to the Mayor, Deputy Mayor and Councillors.

Section 217 (a1) of the *Local Government (General) Regulation 2005* requires councils to include additional information for inclusion in annual report:

- (a1) details of the total cost during the year of the payment of the expenses of, and the provision of facilities to, councillors in relation to their civic functions (as paid by the council, reimbursed to the councillor or reconciled with the councillor), including separate details on the total cost of each of the following:
  - (i) the provision during the year of dedicated office equipment allocated to councillors on a personal basis, such as laptop computers, mobile telephones and landline telephones and facsimile machines installed in councillors' homes (including equipment and line rental costs and internet access costs but not including call costs)
  - (ii) telephone calls made by councillors, including calls made from mobile telephones provided by the council and from landline telephones and facsimile services installed in councillors' homes
  - (iii) the attendance of councillors at conferences and seminars
  - (iv) the training of councillors and the provision of skill development for councillors
  - (v) interstate visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses
  - (vi) overseas visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses
  - (vii) the expenses of any spouse, partner (whether of the same or the opposite sex) or other person who accompanied a councillor in the performance of his or her civic functions, being expenses payable in accordance with the *Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors for Local Councils in NSW* prepared by the Director-General from time to time

- (viii) expenses involved in the provision of care for a child of, or an immediate family member of, a councillor, to allow the councillor to undertake his or her civic functions.

These expenses are calculated on a monthly basis and reported to Council. Expenses for the month of October 2015 were as follows:

### **Expenses**

- |    |  |        |
|----|--|--------|
| 1. | <b>Training Seminars and Conferences</b><br>Cost for October 2015.   | \$371  |
| 2. | <b>Staff</b><br>Personal Secretary for the Mayor on a shared basis with the General Manager, together with Receptionist shared with Corporate Services. Apportioned cost for October 2015. | \$5046 |
| 3. | <b>Stationery and Postage</b><br>Cost of Mayoral and Councillors' stationery, business cards and postage expenses. Approximate cost for October 2015.                                      | \$201  |
| 4. | <b>Periodicals</b><br>Cost of annual subscriptions. Cost for October 2015.   | \$547  |
| 5. | <b>Meals</b><br>Provision of meals in conjunction with Council and Committee Meetings and Inspections. Cost for October 2015.  | \$1863 |
| 6. | <b>Refreshments</b><br>Provision of refreshments in the Mayor's Suite and Councillors' Lounge and Civic Receptions. Cost for October 2015.   | \$1883 |
| 7. | <b>Insignia of Office</b><br>Replacement costs Mayoral robes, chain, badge and name plates. Cost for October 2015.   | \$325  |
| 8. | <b>Travelling Expenses for Use of Private Vehicle</b><br>Reimbursement of travelling expenses on authorised Council business. Claims submitted for October 2015.                           | \$762  |

### **Provision of Facilities**

- |    |  |        |
|----|--|--------|
| 1. | <b>Accommodation</b><br>Office located on the Third Floor of the Administration Building - costs are included in total maintenance and operating expenses of the Administration Building and apportioned on an area basis (3.5%). Cost for October 2015. | \$5145 |
|----|--|--------|

- |    |  |        |
|----|--|--------|
| 2. | <b>Communication System</b><br>Mobile telephone, personal computer or a laptop, personal digital assistant and combined printer, copier, scanner, facsimile machine and telephone answering machine provided for the Mayor and Councillors.<br>Cost of equipment for October 2015 in accordance with Councillors Policy. | \$1583 |
| 3. | <b>Office Equipment</b><br>Facsimile machines, photocopier and telephone facilities for the Mayor and Councillors at the Civic Centre. Cost for October 2015.  | \$416  |
| 4. | <b>Council Vehicle</b><br>Costs associated with the use of Council vehicles by the Mayor and Councillors on authorised Council business. All usage is subject to the prior approval of the Mayor. Cost for October 2015.   | \$341  |
| 5. | <b>Internet Facilities</b><br>Costs associated with the provision of internet facilities in accordance with Council's Policy. Cost for October 2015.   | \$1020 |
| 6. | <b>Care Expenses</b><br>Costs associated with care arrangements including childcare expenses and the care of elderly, disabled and/or sick immediate family members.<br>Cost for October 2015.   | Nil    |

The total cost for the payment of expenses and provision of facilities to the Mayor, Deputy Mayor and Councillors for October 2015 amounted to \$19,503.

### **Officer's Recommendation**

That the information be noted.

### **Council Meeting 17 November 2015 (Borg/Lound)**

That the Officer's Recommendation be adopted.

### **Council Resolution Minute Number 216**

That the Officer's Recommendation be adopted.

### **9.3 Reports Requested**

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#### **Attachments**

Status list of reports requested (contained within this report)

#### **Report**

Attached for the information of Councillors is a status list of reports requested of Council as at 27 October 2015.

#### **Officer's Recommendation**

That the information be noted.

#### **Council Meeting 17 November 2015 (Glynn/Dobson)**

That the Officer's Recommendation be adopted.

#### **Council Resolution Minute Number 217**

That the Officer's Recommendation be adopted.

# ATTACHMENT 1

## Reports Requested as at 27 October 2015

*Date of Decision *Mover *DocSet	Item/Comments	Div.Resp	Comp Date
11.02.14 MO 3714105	CCS20.1 - That a report be presented at the end of the 2014 season comparing the financial returns with the previous returns from 2013 regarding the Wests Tigers proposed hire fee. <b>Comment:</b> Finalising information for the report	CS	December 2015
03.06.14 BT 3859092	CS3.5 - That a report be provided examining the feasibility of establishing an 'artist walk' as part of the new street scape in Queen Street, Campbelltown. <b>Comment:</b> proposal cannot be undertaken until City Works report on footpath upgrades is completed.	CS	December 2015
29.7.14 PL 3934158	CG3.3 - Report identifying alternative methods for managing the hire of Council's sporting fields. <b>Comment:</b> Sport and Recreation plan currently being commissioned.	CS	December 2015
09.12.14 DL 4106172	CS6.3 - That a further report be presented to Council at the conclusion of the exhibition period to consider any public submissions received and/or for final adoption of the policy - Use of Public Open Space by Commercial Fitness Trainers and Personal Trainers. <b>Comment:</b> Reported to Community Services Committee 10 November 2015 - Item 6.1	CS	
24.04.15 MO 4275729	CS2.1 - That a further report be provided to Council: <ul style="list-style-type: none"> <li>• outlining the National Disability Insurance Scheme transition process once this information becomes available.</li> <li>• on the Regional Assessment Service once details on the funding and service requirements are available.</li> </ul> <b>Comment:</b> Information not available at this time to report NDIS transition. Regional Assessment Service reported as item 2.2 of the Community Services Committee meeting held 12 May 2015.	CS	December 2015
21.07.15 WG 4388307	CS8.1 - That a report be presented outlining the feasibility of supporting major local sporting bodies that attempt to acquire defibrillators.	CS	December 2015

<b>*Date of Decision</b> <b>*Mover</b> <b>*DocSet</b>	<b>Item/Comments</b>	<b>Div.Resp</b>	<b>Comp Date</b>
12.11.13 WG 3563387	CW1.2 - Further report on the findings of the Expressions of Interest for footpath reconstruction in Queen St Campbelltown. <b>Comment:</b> Report awaiting Council to respond to DoPE on Glenfield to Macarthur Corridor Strategy before putting to Council.	CW	December 2015
06.05.14 PL 3815091	CW5.2 - That a report be presented outlining the feasibility and cost of purchasing and erecting electronic signs in the Campbelltown Local Government Area along major transport corridors, to promote Council and other community events. <b>Comment:</b> Report drafted awaiting date for briefing.	CW	December 2015
18.08.15 PH 4439247	CW1.4 - That a further report be tabled for Council consideration upon completion of the specialist consultant's investigations on possible large scale reforms to the street lighting network and on the option of converting the complete network to an LED solution and possible Council ownership of the network. <b>Comment:</b> Currently finalising the report.	CW	December 2015



*Date of Decision *Mover *DocSet	Item/Comments	Div.Resp	Comp Date
18.6.13 PL 3450946	CG3.1 - Further report following expressions of interest on the ground lease in Blaxland road. <b>Comment:</b> Subject to marketing timeframe.	BS	February 2016
29.7.14 PL 3934173	CG2.2 - Further report prior to entering into a licence agreement for the provision of a coffee cart operation within the Campbelltown Civic Centre building. <b>Comment:</b> Undertaking an amended marketing campaign through an agent for a café opportunities on Council land.	BS	February 2016
16.09.14 GG 3998030	DR9.4 - 1. That Council provide support for the Werriwa ACLGP Committee to submit an application for funding to install a 9 metre tapered white powder coated flagpole, plaque and Lone Pine seedling at the Soldiers Memorial Park, Ingleburn. 2. That in recognition of Council's belief in the principle of transparency and prudent decision making, a report be presented to this Council highlighting how this rose garden came about and detailing the events associated with the construction of the rose garden. <b>Comment:</b> Part 1 complete. Still awaiting the outcome of the investigation.	BS	December 2015
14.10.14 RK 4033794	CG2.3 - 4. That a further report will be submitted to Council once a draft VPA/Infrastructure Services Delivery Plan (ISDP) have been finalised which will deal with the compulsory acquisition/land transfer issues concerning the whole of the Claymore Urban Renewal Project. <b>Comment:</b> Still in the process of finalising the VPA/ISDP with Urban Growth. Currently awaiting response from Urban Growth.	BS	March 2016
17.02.15 PH 4188336	CG2.1 - That Council note the information contained in this report and that a further report be submitted to Council once the Roads and Maritime Services has made an offer for the compulsory acquisition of the land. <b>Comment:</b> RMS has indicated it will compulsorily acquire the land. This is a 6-9month process.	BS	June 2016



*Date of Decision *Mover *DocSet	Item/Comments	Div.Resp	Comp Date
13.12.11 BT 3421776	2.4PE - Further Report detailing the outcome of all submissions received as a result of the public exhibition of all Menangle Park documentation. <b>Comment:</b> further discussions required between the General Manager and State Government regarding infrastructure.	PE (EP)	February 2016
13.12.11 RK 3421767	2.5PE - Report following the exhibition period detailing all submissions and the outcomes of the exhibition - Draft Macarthur Precinct DCP. <b>Comment:</b> Placed on hold pending the outcome of Glenfield-Macarthur Urban Renewal Corridor.	PE (EP)	February 2016
5.6.12 RK 3068270	PE5.2 - Report outlining the role, procedures and limits of authority of the Land and Environment Court in so far as they affect amendments to development applications made as part of the Court proceedings. <b>Comment:</b> further information is being investigated and considered.	PE (DS)	February 2016
18.12.12 AM 3259490	PE2.5 - Further report on outcome of the public exhibition of proposal to name reserve within the 'Vista' development, Glenfield. <b>Comment:</b> Report provided to the Planning and Environment Committee Meeting 10 November 2015 - Item 2.1.	PE (EP)	
18.6.13 RK 3451045	PE2.4 - Report identifying what impact the creation of the Local Land Services will have on the Campbelltown LGA. <b>Comment:</b> Rating structure report not yet released by Government.	PE (EP)	February 2016
16.7.13 RK 3483315	PE4.1 - Further report to review implementation of the draft Swimming Pool Barrier Inspection Program including the cost and resourcing implications after 12 months of the programs implementation. <b>Comment:</b> Trial completed mid December 2014, information being collated. Additional time required to assess impact of the implementation of the provisions of the <i>Swimming Pools Act 1992</i> requiring pool owners to obtain a Certificate of Compliance before selling or leasing their property commencing on 29 April 2016	PE (CS)	August 2016
1.7.14 BT 3858912	PE 2.5 - Further report following the Trial Indian Myna Bird Action Program. <b>Comment:</b> Report provided to the Planning and Environment Committee Meeting 10 November 2015 - Item 2.4.	PE (EP)	

*Date of Decision *Mover *DocSet	Item/Comments	Div.Resp	Comp Date
14.10.14 CM 4033787	<p>CG6.1 -</p> <ol style="list-style-type: none"> <li>That a report be presented on the development application process, particularly as it relates to residential and small business, regarding: <ol style="list-style-type: none"> <li>DA approval times – including a comparison to Camden and the councils that fall within the Group 7 Metropolitan Fringe category of the Office of Local Government's Comparative Data publication.</li> <li>The types of developments which require approval in Campbelltown but do not require approval in other similar councils (e.g. Group 7 councils and Camden).</li> </ol> </li> <li>That Council contact the NSW Business Chamber and the local Chambers of Commerce and report on their suggestions regarding: <ol style="list-style-type: none"> <li>How Council could streamline the DA process for small business.</li> <li>Any developments currently requiring approval which they believe would be appropriate to be made exempt.</li> </ol> </li> </ol> <p><b>Comment:</b> Investigating further exempt opportunities. Letters sent to NSW Business Chamber and local Chambers of Commerce on 22 July providing 28 days for response - still waiting for responses.</p>	PE (DS)	December 2015
21.07.15 MO 4388310	<p>PE5.1 - That a report be presented outlining how Council monitors and controls Affordable Housing properties in terms of occupancy and rental pricing.</p> <p><b>Comment:</b> Information being finalised</p>	PE (DS)	December 2015
18.08.15 MO 4439120	<p>PE4.2 - That a further report be provided to Council on the re-establishment and amendment of the Alcohol Free Zones at the completion of the period for comment by the organisations/groups.</p>	PE (CS)	December 2015
27.10.15 GG 4526199	<p>PE5.2 - That Council's Public Notification Policy, in respect to Development Applications, be reviewed and a report provided back to Council recommending options for a more comprehensive community notification process.</p>	PE (EP)	February 2016



*Date of Decision *Mover *DocSet	Item/Comments	Div.Resp	Comp Date
29.7.14 PL 3934241	CW5.1 - detailed report on the Leumeah Sports Precinct by the Strategic Planner for a new 40,000 seat sporting/entertainment complex with parking facilities to include both the eastern and western side of the railway line. <b>Comment:</b> Matter continues to be under investigation in light of Glenfield-Macarthur Urban Renewal Corridor strategy and local precinct planning.	Strategy (DSt)	December 2015
29.7.14 GG 3939939	PE5.3 - Report investigating possible further partnerships with University Western Sydney, Campbelltown and Campbelltown TAFE. <b>Comment:</b> Awaiting outcome of further discussions with TAFE and UWS concerning potential economic development initiatives. UWS Vice Chancellor Professor Glover presented a briefing to the Councillors in May on initiatives by UWS. Continues to be under investigation.	Strategy (DSt)	December 2015
17.02.15 GG 4189107	PE3.3 - 3. That a future report be presented to the Council which investigates options and identifies practical limits for a core Campbelltown CBD precinct, for the purposes of permanently varying the commercial parking rates within that precinct. Comment: Investigation to be undertaken in conjunction with review of Parking and Traffic Study for CBD. Parking strategy project brief has been distributed, awaiting EOI - scheduled for completion in January 2016.	Strategy (DSt)	February 2016
24.04.15 GG 4275787	PE2.6 - The Council receive a further report on a proposal to establish a Business Advisory Board following further consultation with the Campbelltown and Ingleburn Chambers of Commerce. Comment: Continues to be under investigation.	Strategy (DSt)	December 2015

## **10. REPORT OF DIRECTOR CITY WORKS**

### **10.1 City Works Activity Report**

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#### **Attachments**

City Works Activity Report (contained within this report)

#### **Report**

Works activities are proceeding to program and on demand and are outlined in the Activity Report. Statistics on graffiti are also presented in the Activity Report. It should be noted that the Activity Report continues to be reviewed to better reflect the areas and program/projects being undertaken by Council.

#### **Officer's Recommendation**

That the information be noted.

#### **Council Meeting 17 November 2015 (Borg/Brticevic)**

That the Officer's Recommendation be adopted.

#### **Council Resolution Minute Number 218**

That the Officer's Recommendation be adopted.

# ATTACHMENT 1

**OPERATIONAL SERVICES SECTION** (Reporting period 5 October 2015 to 25 October 2015)

## GRAFFITI

The Graffiti Action Team has for the period undertaken the following graffiti tasks to various Council assets. Downtime due to inclement weather conditions.

Area	Jan to Mar 2014	Apr to June 2014	Jul to Sept 2014	Oct to Dec 2014	Jan to Mar 2015	Apr to June 2015	July to Sept 2015	Oct 2015
Area 1	1573	2343	3301	2706	2959	2212	2770	777
Area 2	1169	1946	2228	2309	3285	1534	3260	311
Area 3	435	492	848	570	1384	1122	1453	300
Area 4	887	2102	2368	1852	2730	1888	2429	404
Total	4044	6883	8745	7437	10358	6756	9912	1792

Council's contractor has removed 350sqm of graffiti from Council's public facilities throughout the local government area.

During the reporting period 1 Graffiti Removal Kits have been requested by the Community.

Jan to Mar 2014	Apr to June 2014	July to Sept 2014	Oct to Dec 2014	Jan to Mar 2015	Apr to June 2015	July to Sept 2015	Oct 2015
13	18	16	12	32	4	22	1

## OPEN SPACE

Activity	Area 1	Area 2	Area 3	Area 4	Total
Servicing of Parks and Reserves (Sites)	100	16	24	1	141
Road Verges (Sites)	27	10	20	21	78
Community/Childcare Centre's (Sites)	4	2	5	1	12
Servicing Laneways (Sites)	2	42	83	68	195
Litter/Rubbish Pickup	35	49	17	1	102
Herbicide Spraying (hrs)	19	14	8.5	22	63.5
Mulching (m <sup>3</sup> )	0	0	0	0	0
Garden Maintenance	0	0	0	0	0
Garden Refurbishment	0	0	0	0	0
Top Dressing (hrs)	0	0	0	0	0
Aeration of Fields	0	0	0	0	0
Sharps Pickup	0	0	0	0	0
Pathway Requests	17	14	2	3	36
Tractor Road Verge (Sites)	5	4	4	2	15
Tractor Servicing Parks and Reserves (Sites)	16	17	21	12	66
Cemetery	0	0	0	0	0
Fire Hazard Reduction	0	1	0	0	1
Road Crews Servicing Parks	0	0	0	0	0
Refilling of Sandpits	0	0	0	0	0



## HORTICULTURE

Activity	Area 1	Area 2	Area 3	Area 4	Total
Servicing of Parks and Reserves (Sites)	20	22	14	15	71
Road Verges (Sites)	15	10	12	13	50
Community/Childcare Centre's (Sites)	7	10	7	6	30
Cemetery	0	0	0	0	0
Tractors Servicing Sporting Fields	18	14	36	28	96
Litter/Rubbish Pickups (hrs)	23	29	22	12	86
Herbicide Spraying (hrs)	17	19	22	18	76
Mulching (m <sup>3</sup> )	70	30	0	0	100
Garden Maintenance (Sites)	21	16	23	23	83
Garden Refurbishment (Sites)	4	2	1	0	7
Top Dressing (tonne)	2	0	0	0	2
Aeration of Fields (Sites)	3	3	0	0	6
Sharps Pickups	0	0	0	0	0
Miscellaneous Requests (hrs)	2	0	2	0	4
Refilling of Sandpits	0	0	0	0	0
Plumbing	17	10	11	7	45
Placing of goal posts (Sites)	0	0	0	0	0
Cricket Wicket Maintenance	0	0	0	0	0

## HORTICULTURE ACTIVITIES

### Koshigaya Park - Christmas Tree

- The installation of an advanced Cedrus deodara, commonly known as the Box Cedar was carried out at Koshigaya Park.
- Council has 80 assorted plants on order for the landscaping around the Christmas tree which are expected to be planted by late November.
- Electrical work for the Christmas tree has been scheduled.
- Topdressing was carried out in various locations around the park.

### Planting Activities - Various Locations

- Corner of Moore Oxley Bypass and Rudd Road, Campbelltown - 100 shrubs were planted.
- Mawson Park - 40 shrubs were planted.
- Campbelltown Animal Care Facility - 250 assorted plants were planted and areas around the new amenities mulched

### HMAS Sydney Project

- 150 assorted plants have been ordered for refurbishment of the HMAS site. Planting works expected to be carried within the middle of November.

### Art Centre Sculpture Gardens

- Areas within the Sculpture Garden were refilled with granite.

### Mulching

- Various gardens in and around Queen Street, Campbelltown

## **COUNCIL TREE INSPECTIONS**

<b>Activity</b>	<b>Area 1</b>	<b>Area 2</b>	<b>Area 3</b>	<b>Area 4</b>	<b>Total</b>
Contract	14	6	3	8	31
Council	28	6	14	13	61
Termites	0	1	0	0	1
Plumber - Sewer Chokes	0	0	0	0	0
N/A	7	3	2	3	15
HOLD	0	0	0	0	0
Total	49	16	19	24	108

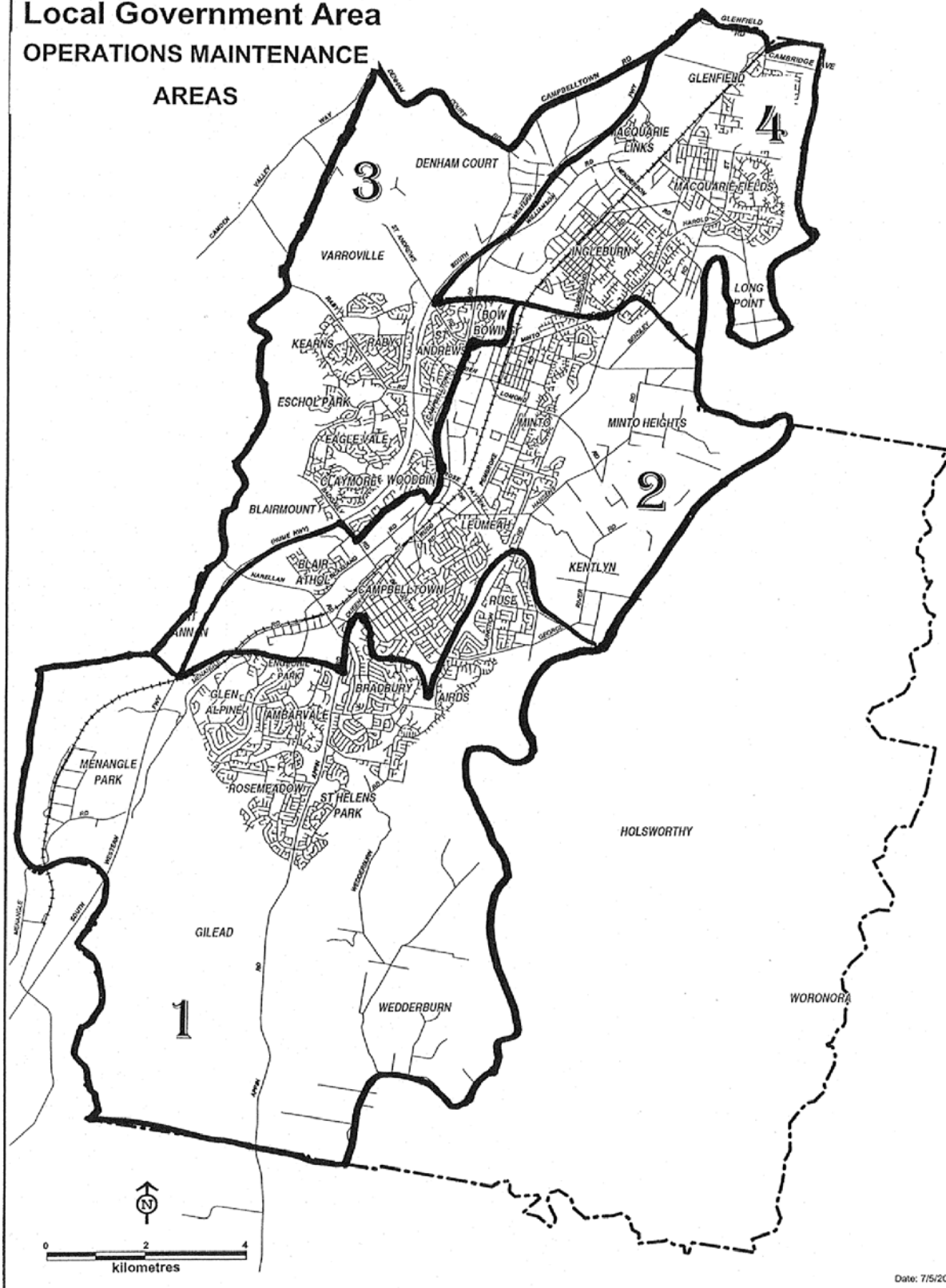
## **PRIVATE PROPERTY TREE INSPECTIONS**

<b>Activity</b>	<b>Area 1</b>	<b>Area 2</b>	<b>Area 3</b>	<b>Area 4</b>	<b>Total</b>
Private Trees	15	5	11	8	39



# Campbelltown City Council Local Government Area OPERATIONS MAINTENANCE

## AREAS



## ROADS AND DRAINAGE

### A. HEAVY PATCHING - Roads And Footpaths

Activity	Area 1	Area 2	Area 3	Area 4	Total
Road repairs heavy patching (sqm)	134	117	319	273	843
Road restorations (sqm)	0	0	0	0	0
AC Base Course Total (T)	24	20	38	40	122

### B. MINOR PATCHING - Roads And Footpaths

Activity	Area 1	Area 2	Area 3	Area 4	Total
Pot holes (no.)	201	191	392	217	1001
Edge breaks (LM)	32	14	17	21	84
Restorations (sqm)	0	0	0	0	0
Car parks pot holes (no.)	0	7	0	155	162
Trip Hazard Footpaths (no.)	0	0	10	0	10

### C. ROADS RESERVE OPENING & RESTORATIONS

Activity	Area 1	Area 2	Area 3	Area 4	Total
Vehicle crossings constructed	5	12	20	7	44
Telstra Inspections	2	3	1	0	6
Sydney Water inspections	2	7	3	6	18
Endeavour Energy Inspections	0	1	1	2	4
Jemena Gas Inspections	0	1	3	1	5
NBN	0	12	0	0	12
Customer & Road Opening requests	2	6	4	12	24

### D. MULTI FUNCTIONAL VERGE

Activity	Area 1	Area 2	Area 3	Area 4	Total
Cleaning of gross pollutant trash	8	1	2	4	15
Pits cleaned by hand or suction	85	26	85	39	235
Tail out drains/headwalls	6	2	8	0	16
Removal of waste matter (m <sup>3</sup> )	17.5	18.4	1.5	3	40.4
Flushing of stormwater lines (LM)	1500	728	350	900	3478
Underpass (drainage) cleaning	1	3	0	1	5
Trip hazards/footpath hazards	10	10	0	23	43
Dead animals removed	7	0	3	5	15
Parra webbing drainage	5	4	0	1	10
Sign retrievals and straightening	0	2	0	11	13
Syringes	9	149	2	6	166
Deliver and set up at venues	0	2	0	4	6
Paver repairs (sqm)	0	2	1	4	7
Oil/ paint spill/debris on road	7	49	1	0	57
Median cleaning/poisoning (LM)	178	4	93	14	289
Guide Posts	1	0	2	0	3

**E. STREET ACCESSORIES - Sign Manufacturer**

Activity	Area 1	Area 2	Area 3	Area 4	Total
Regulatory signs	0	11	0	0	11
Street signs	3	4	2	2	11
Ordinance signs	0	5	0	6	11
Directional signs	0	4	4	0	8
Warning signs	0	8	8	2	18
Community signs	0	29	0	0	29
Various council signs	6	220	6	6	238
Council special events	0	69	0	0	69
Banners/ Posters	0	0	0	0	0
Various Stickers / Labels	0	284	0	0	284
Total	9	634	20	16	679

**Sign Erection**

Activity	Area 1	Area 2	Area 3	Area 4	Total
Regulatory signs	66	79	56	60	261
Street signs	15	16	26	21	78
Ordinance signs	24	16	13	23	76
Directional signs	14	7	6	12	39
Warning signs	18	17	14	11	60
Community signs	4	54	2	1	61
Various council signs	0	0	0	0	0
Banner / Bin Installation	1	2	2	5	10
Graffiti Removal (sqm)	10	8	15	2	35
Works orders (traffic)	0	3	0	1	4
Bollard replacement/ repair	34	29	12	8	83
Line Marking/Car Park (sqm)	0	0	0	0	0

**F. FOOTPATH RECONSTRUCTION PROGRAM 2015 – 2016**

Stage 1A - 84% complete.

Stage 1B - 50% complete.

Stage 2 - 56% complete.

**G. NEW FOOTPATH CONTRUCTION PROGRAM 2015 – 2016**

Stage 1A - 30% complete.

Stage 1B - 0% complete.

**H. KERB AND GUTTER RECONSTRUCTION 2015 – 2016**

Stage 1 - 46% complete.

Stage 2 - 96% complete.

**I. ROADS PROGRAM 2015 – 2016**

48% complete.

**J. OPERATIONS MINOR WORKS**

HMAS Sydney Memorial - 95% complete.

Ingleburn CCTV Cameras - 45% complete.



**Campbelltown CCTV Cameras** - 30% complete.

**Pedestrian Refuge Islands Evelyn Street, Macquarie Fields** – 5% complete.

**Solar Lighting Therry Road, Campbelltown** – 50% complete.

#### **K. CAPITAL WORKS**

**Eagle Vale Drive Road Stage 3 (Widening and Roundabout)** - 80% complete.

**Eagle Vale Drive Road (Wynn Street to Badgally Road)** – 30% complete.

**Smith's Creek Formalisation** - 100% complete.

**John Kidd Reserve Recreational Play Area** – 99% complete, pending final turf installation.

**Beverley Road Extension between Chamberlain and Warby Streets** – 99% complete.

**Noorumba Fire Trail Drainage Works and Embankment Stabilisation Works** – 0% complete. Pending environmental assessment.

**Lynwood Park Soccer Synthetic Turf Installation** – 43% complete.

#### **PLUMBERS ACTIVITIES REPORT**

Irrigation Works - Council's irrigation team has been involved in maintenance activities and system checks across the LGA, works have involved changing sprinkler heads, repairing leaks, pump systems, damaged pipes, wiring problems and testing of systems.

#### **WORKSHOP ACTIVITIES REPORT**

Vehicles/Plant and Equipment, reported here, are items that have accrued abnormal downtime due to awaiting parts/service from suppliers or priorities.

<b>Plant No</b>	<b>Item</b>	<b>Reason - Area of Repair</b>	<b>Repairer</b>	<b>Down Time Hours</b>
<b>9203.02</b>	Reach Mower	Excessive boom movement	CCC Workshops and Supplier	<b>290 hrs</b>

The following is a breakdown of the work performed since the last report **5 October – 25 October 2015**.

<b>9203.02</b>	The reach mower required repair to the main boom. Parts received and repairs are complete.
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All previous reported repairs have been completed and vehicles/plant are back in service.

Tyre Repairs	35
Services carried out	37
Repairs to trucks	27
Repairs to heavy plant	12
Repairs to trailers	12
Tractors/implements	25

SES repairs	3
RFS repairs	7
Small plant repairs	52
Repair to cars	5
Repairs to mowers	25
Repairs to sweepers	7
Pathway requests (completed)	6

Of the reported repairs above **18** were out in the field.

The Workshops Solar panel main power switch was turned off. As a result the total amount remains the same as the previous month at **57,078 kWh** back to the grid.

The Workshop has also carried out the following duties:

- Manufacture and repair of various gates, locks and lock boxes.
- Trailer repairs and modifications.
- Manufacture of various baulks.

#### **HAZARD REDUCTION PROGRAM**

**Hazard Reduction Burning** - No hazard reduction burning has been conducted in the reporting period.

**Asset Protection Zones Maintenance** - 35 hazard reduction treatments were completed in the reporting period, totalling an area of 34.5 hectares with 1011 assets protected.

**Fire Trails** –Fire trail surface and drainage works have been completed to Smiths Creek trail 1.1, totalling an area of 252sqm.

**Fire Trail Gates** – No maintenance was undertaken to fire trail gates during the reporting period.

#### **FACILITIES SUPPORT SERVICES**

<b>Customer Requests</b>	
Sporting Clubs with overdue keys	32 Clubs with 250 keys outstanding
Key access renewals, issues, alarm codes and access	756
Request for access to Council Reserves <sup>9</sup>	3

#### **ASSETS AND SUPPLY SERVICES**

##### **Procurement and Contract Management Services**

**Tenders/Quotes/Expressions of Interest and Agreements:**

**Tenders/Quotes currently being prepared:**

- T15/16 Irrigation Services
- T15/17 Traffic Signals on Eagle Vale Drive
- T15/19 Supply and Construct Recycling Shed at SITA site



- T15/20 Design and Construct Workshop at SITA site
- T15/28 Grounds Maintenance at Airds, Claymore and Macquarie Fields
- T15/30 Cleaning of Public Toilets and Sporting Grounds Amenities
- T15/31 Plumbing Services
- T15/32 Building Demolition Services

**Tenders/Quotes currently advertised:**

- Q15/20 Supply and Servicing of Sanitary, Nappy Disposal Units
- Q15/25 Stormwater Joint Sealing Maintenance Program 2015-2016
- Q15/27 Kerb and Gutter Reconstruction Program
- T15/14 Catering at Campbelltown Sports Stadium

**Tenders/Quotes currently under evaluation:**

- Q15/13 Pre-Employment Medical
- Q15/22 Development of a Sport and Recreation Strategy
- Q15/23 Development of a Play Space Strategy
- Q15/24 Design, Supply and Install Play Spaces
- T15/18 Street Lighting on Eagle Vale Drive Between Badgally Road and Wynn Street
- T15/21 Crane Truck
- T15/22 WHS Auditing and Consulting Services
- T15/24 Minto Indoor Sports Upgrade
- T15/25 Special Event Audio Production and Staging
- T15/26 Tree Pruning and Arboriculture Services

**ASSET MANAGEMENT**

**Roads**

- Road Inspection 2015-2016 is 3% completed.
- Visual and Laser Survey on Campbelltown City Council Road Network is 15% completed.
- Geotechnical Investigation for Westmoreland Road, Minto is completed.
- The following Road Programs 2015-2016 have been awarded:
  - Program 1D – Asphalt Program
  - Program 2A – Cementitious Stabilisation Program
  - Program 3C – Spray Sealing Program for Proposed Stabilised Area
  - Program 5D – Microsurfacing Program for Proposed Stabilised Area
  - Program 6B – Mill and Fill Program
  - Program 7A – Heavy Patching Program

- Program 8A – Crack Sealing

#### **Car Parks**

- The following Road Programs 2015-2016 have been awarded:
  - Program 3C– Spray Sealing Program for Car Parks

#### **Bridge and Culvert**

- Bridge and Culvert Level 1 Inspection is 100% completed and updated.
- The Work Order for Steel Culverts Corrosion Repair Program has been issued to Operations.
- The pricing for bridge and culvert related Footpath Reconstruction Programs have been received.

#### **Kerb and Gutter**

- The Kerb and Gutter Inspection Program for 2015-2016 is 64% completed.
- The inspection for newly discovered Kerb and Gutter is 100% completed.

#### **Footpath**

- Footpath marking for grinding program is 50% completed.
- The footpath condition inspection for 2015-2016 will commence 26 October 2015.

#### **Stormwater**

- Stage 2- joint sealing program for Stormwater assets have been sent out for quotation.
- Stormwater pits inspection for 2015-2016 is 3% completed.

#### **Parks and Public Spaces**

- From 14 September to 16 October 2015, 446 assets have been inspected at Sportsgrounds in the Local Government Area. This is a total of 64% of Sportground assets inspected to new inspection parameters.
- All reactive issues discovered have been reported and all conditions and actions have been updated in Council's Asset Management System.
- Park furniture has been installed at Raby Sports Complex and Kentlyn Reserve following new playground construction.
- The replacement of remaining chain wire perimeter fence with 2.1m spear top security fencing at Campbelltown Showground has been completed.
- Quotations for the design and construction of Simmo's Beach Steps (south end) have been requested.

#### **Building Inspections**

- Building inspections are 100% up to date.
- Inspections of other structures is 77% completed.

#### **Playground Equipment**

Construction of new playgrounds in the 2014-2015 Innovative Playspaces Program has been 100% completed at the following locations:

- Hyacinth Reserve, Macquarie Fields
- Ingleburn Reserve, Ingleburn
- Manooka Reserve, Bradbury
- Eschol Park Sports, Eschol Park
- Abington Reserve, Glen Alpine
- Heathfield Reserve, Raby
- Topaz Reserve, Eagle Vale
- Raby Sports Complex
- Kentlyn Reserve



### **2015-2016 Innovative Play Spaces Program**

- Designs and quotations for new playground at Atlantic Boulevard, Glenfield, have been obtained and are awaiting evaluation following extended public consultation.
- Designs and quotations for the refurbishment of Macquarie Fields Indoor Sports Centre Playground have been obtained and are awaiting approval.
- Public Quotations have closed for the following playgrounds:
  - Merino Reserve, Airds
  - Moncrieff Reserve, St. Helens Park
  - Salter Reserve, Minto
  - Gargery Reserve, Ambarvale

### **Internal Assets– Electrical Testing and Tagging**

- 334 items of electrical equipment have been tested and tagged at various locations including Campbelltown Outside Hours School Care and Minto Depot Construction Equipment. All items updated into Council's Asset Management system.

### **Asset Management System, Grants and Reports**

- RMS monthly report for month of September has been sent.
- Roads to Recovery Quarterly report have been completed.
- Fleet fuel efficiency report for month of September has been sent.
- Conquest User Conference was hosted on 14 and 15 October 2015 by Campbelltown City Council.

## **BUILDING MAINTENANCE/CONSTRUCTION PROGRAM**

### **Reactive Maintenance 354**

- **St Helens Park Reserve Skate Park** – Construction of the skate park has commenced with earthworks and the installation of an Exeloo toilet. Floodlighting has been erected and form work has commenced for the skate pad.
- **Fullwood Rugby League New Amenities Building** – Stage 2. Works have commenced on the construction. Currently works are underway to install the roof and flashings.
- **Animal Care Facility** – Cat Condo's have been installed along with stainless steel benches in the vet room.
- **Greg Percival Library** – Installation of an 85 KHW photovoltaic system will commence from the 16 November.
- **Blinman Oval** – Works have commenced, concrete piers have been poured. Slab to be set out next week.
- **Civic Centre** – Excavation to repair a partially collapsed sewer line on the new administration building is now complete. Stormwater excavation will commence late November, weather permitting.
- **The Gordon Fetterplace Aquatic Centre Splash Park** – Concrete works have commenced as

part of the resurfacing due to the deterioration of previous rubber. The project is expected to take 4 weeks.

- **Eschol Park 3** – Plans have been approved by the club to construct an internal storeroom and BBQ area. Works are due to commence early December.
- **LG Print Room** – New kitchenette is complete. Painting works to print room will commence early December 2015.
- **Worrell Park Amenities** – Demolition of the existing building is near completion. Recycling of concrete and bricks by the contractor is continuing.

## **11. REPORT OF DIRECTOR COMMUNITY SERVICES**

**No reports this round**

## **12. REPORT OF DIRECTOR PLANNING AND ENVIRONMENT**

### **12.1 The Greater Sydney Commission Bill 2015**

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#### **Attachments**

Greater Sydney Commission Bill 2015 (contained within this report)

#### **Report**

##### **Introduction**

The Greater Sydney Commission Bill 2015, which amongst other matters establishes the Greater Sydney Commission (the GSC), was introduced into NSW Parliament by the Honourable Robert Stokes MP, Minister for Planning, on Thursday 22 October 2015. The Bill passed through the Legislative Assembly without amendment, with no issues being raised by the Legislation Review Committee. It was then introduced into the Legislative Council on 28 October 2015. At the time of writing, the Bill had been debated in the Legislative Council and some proposed amendments were agreed. The Bill has now returned to the Legislative Assembly awaiting further consideration (11 November 2015).

The Greater Sydney Commission Bill 2015 proposes a number of changes to the NSW Planning System, including the establishment of the GSC and amendments to the *Environmental Planning and Assessment Act 1979* (the EP&A Act) to make explicit provision for regional and district strategic plans.

This report advises Council about the contents of the Bill and the potential implications of the proposed legislation for Council/local government.

##### **Establishing a Greater Sydney Commission**

The idea of establishing a 'Greater Sydney Commission' (GSC) was first announced by the NSW Government in June 2014. The new Metropolitan Strategy – A Plan for Growing Sydney, which was released in mid-December 2014, broadly discusses the role of the GSC.

Details of the proposed structure and powers of the GSC were publicly released in early September 2015. On 14 September 2015, the Secretary of the NSW Department of Planning and Environment wrote to Council, providing advice about the selection of District Commissioners for the GSC, and inviting Council to nominate one representative to participate on the selection panel for the Commissioner that will represent the South-West District. A report about this correspondence was provided to Council at its extraordinary meeting held on 6 October 2015, and Council resolved:

That Council's Director Strategy, represent Campbelltown City Council on the selection panel convened by the NSW Department of Planning and Environment for the Position of District Commissioner – South West District.

The GSC is proposed to be an independent body which will be responsible for metropolitan planning within Sydney in partnership with State and local governments. The GSC will have responsibility to drive implementation and delivery of all actions in the Metropolitan Strategy - A Plan for Growing Sydney, including the realisation of housing and jobs. Its role will include delivering plans for each of the six planning districts that have been identified within Sydney being: north, central, south, south-west, west and west central. It is noted that the Campbelltown Local Government Area (LGA) falls within the south-west District along with Camden, Fairfield, Liverpool and Wollondilly LGAs.

The Greater Sydney Commission will have thirteen appointees, including:

- an independent Chair, who will report to the Minister for Planning
- an independent Environment Commissioner
- an independent Economic Commissioner
- an independent Social Commissioner
- six District Commissioners (one for each District), nominated by Sydney councils within a particular District, and chosen and appointed by the Minister
- three key government heads from the Department of Planning and Environment, Transport for NSW and NSW Treasury.

Each District Commissioner will be required to have professional level qualifications and experience in at least one area across a range of required disciplines.

The GSC will be supported by a Finance and Governance Committee, an Infrastructure Delivery Committee, a Strategic Planning Committee and the Sydney Planning Panel (the SPP). The SPP will take on the combined functions of the current Sydney Joint Regional Planning Panels.

The GSC will also be supported by a Chief Executive Officer and a small staff agency.

The GSC will have responsibility for:

- finalising district plans for each of Sydney's six districts
- conducting regular reviews of Local Environmental Plans prepared by local councils
- conducting all decision-making and plan-making on rezoning proposals currently undertaken by the Minister (or the Minister's delegate)

- taking on the current development assessment and determination as well as plan making functions of the Sydney Joint Regional Planning Panels, including pre-gateway reviews (for planning proposals)
- monitoring and reporting to Government concerning the implementation of actions in the Metropolitan Strategy
- requiring councils to give effect to regional growth plans and district plans when amending their local plans.

### **The Greater Sydney Commission Bill 2015**

The objectives of the Greater Sydney Commission Bill 2015 (the GSC Bill) are:

- to constitute the GSC as a separate NSW Government agency having functions relating to planning and development in the Greater Sydney Region
- to provide for the constitution of Sydney planning panels for the Greater Sydney Region which will operate as joint regional planning panels under the provisions of the EP&A Act
- to amend the EP&A Act to authorise the GSC to make local environmental plans for the Greater Sydney Region and to establish a scheme for strategic planning within that region and other regions declared by the Minister.

The Bill is comprised of the following elements, which are briefly described in the table and the subsequent text below:

<b>ELEMENT</b>		<b>FUNCTION</b>
<b>Part 1</b>	Preliminary	<ul style="list-style-type: none"> <li>• Formal title</li> <li>• Commencement</li> <li>• Definitions</li> <li>• Procedure for amending the land to which the legislation applies</li> </ul>
<b>Part 2</b>	The Greater Sydney Commission	<ul style="list-style-type: none"> <li>• Establishes the GSC as a NSW Government agency</li> <li>• Membership</li> <li>• Role</li> <li>• Committees that can be established under the GSC</li> </ul>
<b>Part 3</b>	Sydney Planning Panels (SPPs)	<ul style="list-style-type: none"> <li>• Constitution and functions of the SPPs</li> <li>• Establishment of SPPs by the Minister</li> <li>• Ability of SPPs to delegate (including to Councils, their GMs or employees)</li> </ul>
<b>Part 4</b>	Miscellaneous	<ul style="list-style-type: none"> <li>• Provisions that bind the Crown</li> <li>• Provisions requiring the cooperation of local councils</li> <li>• Requirements for annual reports</li> <li>• Provisions excluding personal liability</li> <li>• Procedures for offences</li> <li>• Powers to make regulations</li> <li>• Review provisions</li> </ul>
<b>Schedule 1</b>	Map Defining the Greater Sydney Region	<ul style="list-style-type: none"> <li>• Defines the extent of the Greater Sydney Region</li> </ul>

<b>Schedule 2</b>	Members and Procedure of the Commission	<ul style="list-style-type: none"> <li>Provides details about the appointment of members and procedures of the GSC</li> </ul>
<b>Schedule 3</b>	Sydney Planning Panels	<ul style="list-style-type: none"> <li>Provides details about membership and operational matters for SPPs</li> </ul>
<b>Schedule 4</b>	Savings, Transitional and Other Provisions	<ul style="list-style-type: none"> <li>Provides power for the making of savings and transitional regulations</li> </ul>
<b>Schedule 5</b>	Amendments to the Act	<ul style="list-style-type: none"> <li>Explains how the proposed legislation will amend the EP&amp;A Act</li> </ul>
<b>Schedule 6</b>	Amendments to other Acts	<ul style="list-style-type: none"> <li>Explains how the proposed legislation will amend other Acts</li> </ul>

Part 2, Division 2 of the Bill outlines the six principal objectives of the GSC in the exercising of its functions, which are reiterated as follows:

- to lead metropolitan planning for the Greater Sydney Region
- to promote orderly development in the Greater Sydney Region, integrating social, economic and environmental considerations with regard to the principles of ecologically sustainable development contained in section 6(2) of the *Protection of the Environment Administration Act 1991*
- to promote the alignment of Government infrastructure decision-making with land use planning
- to promote the supply of housing, including affordable housing
- to encourage development that is resilient and takes into account natural hazards
- to support ongoing improvement in productivity, liveability and environmental quality.

It is of significance to note that none of the objectives relate to the promotion or creation of employment opportunities within the Greater Sydney Region. This is of concern particularly given the extensive predicted population growth in the south-west District that is anticipated in the period from now until 2036.

The draft legislation also specifies seven principal functions of the GSC:

- to provide advice and make recommendations to the Minister on matters relating to planning and development in the Greater Sydney Region
- to prepare and provide reports to the Minister on the implementation (including any impediments to the implementation) of any plan or proposal relating to development in the Greater Sydney Region
- to provide advice and make recommendations to the Minister on any impediments to the implementation of any plan or proposal relating to development in the Greater Sydney Region
- to provide advice to the Minister on the application of any development fund created under section 129 of the EP&A Act in respect of land in the Greater Sydney Region
- to assist local councils in the Greater Sydney Region and other government agencies (including an agency of the Commonwealth) on the implementation of any plan or proposal relating to development in the Greater Sydney Region
- to provide the Minister (or any other authorised Minister) with such information, advice or reports as the Minister may request.

The Commission also has any other functions conferred or imposed on it by an Act (including the power to make LEPs under Part 3 of the EP&A Act and to prepare draft strategic plans for the Greater Sydney Region under Part 3B of that Act). In addition, the GSC can also exercise any functions delegated to it under any Act.

The GSC also has powers to delegate its functions to any authorised person or body.

Part 3 and Schedule 3 provide details about the composition and functioning of the Sydney Planning Panels (SPPs). Each of these panels will consist of five members:

- three State Panel Members, appointed by the Minister, one of whom is to be a District Commissioner (presumably the Commissioner representing the relevant District however this is not certain given the detail of the legislative provisions), and all of whom have expertise in a specified relevant discipline
- two Council Nominees (from each applicable Council) who are Councillors, members of council staff or other persons nominated by the council, at least one of whom has expertise in a specified relevant discipline

For each SPP, the District Commissioner appointed to that panel also becomes its Chairperson. A panel may also elect another State Panel Member as a Deputy Chairperson. Alternate State and Council members can be appointed from time to time. A Council member of an SPP can be removed from office by either the relevant Council or the Minister, and a State member can be removed by the Minister. Remuneration to members may be paid as determined by the Minister.

Council representatives on the SPP are rotated so that those from the relevant Council are on the Panel when matters relating to that Council area are being considered.

It is also noted that any existing JRPPs that apply to areas covered by SPPs are proposed to be abolished once the relevant SPP is established.

Under Part 4, Section 20 Co-operation by local councils, Councils are required to assist the GSC. The provisions state:

“20 Co-operation by local councils

A local council in the Greater Sydney Region is, if requested to do so in writing by the Commission:

- (a) to allow the Commission to have access to, and take copies of, any documents held by the Council that are relevant to the functions of the Commission
- (b) to provide the Commission with such staff and facilities, or such other assistance, as may be required to assist the Commission in exercising its functions.”

These provisions have the potential to place significant resource requirements on Council, apparently without recompense.

Schedule 5 makes a range of amendments to the EP&A Act including provisions that:

- enable the GSC to be the consent authority for development applications
- define the Greater Sydney Region



- allow the Minister to declare regions and districts
- explain that SPPs are the same as JRPPs
- enable certain functions to be delegated to the GSC
- explain that the Planning Assessment Commission can exercise functions delegated to it under the EP&A Act or any other Act
- explain that a JRPP can exercise functions delegated to it under the EP&A Act or any other Act
- allow SEPPs and LEPs to be made for matters that are of significance to a District
- authorises the GSC to make LEPs for LGAs in the Greater Sydney Region and precludes the Minister from making LEPs for those LGAs (this is interpreted by Council planning staff to mean that a decision of the GSC to make a local plan or amendment thereto is not subject to review by the Minister)
- allow the Minister to direct that a person or body (other than a local council, but including the GSC) is the relevant planning authority for a proposed planning instrument if the Secretary of the Department of Planning and Environment has recommended that the proposed instrument should be submitted for a gateway determination
- introduce legislative recognition and a framework for strategic planning for regions (including the Greater Sydney Region) and districts within those regions, allowing draft regional plans and district plans (defined as “strategic plans”) to be made
- recognise A Plan for Growing Sydney as the regional plan for the Greater Sydney Region
- relate to the preparation, content, public exhibition and community consultation (minimum of 45 days), making, publication, implementation, monitoring, reporting and review of regional and district plans
- require planning proposals to have regard to regional and/or district plans
- require LEPs to be amended, in a timely manner, to give effect to district plans
- relate to legal proceedings concerning the validity of strategic plans
- allow regulations to be made that relate to strategic planning.

## **Conclusion**

The Greater Sydney Commission Bill 2015 has the potential to make significant changes to the coordination of land use and infrastructure planning to facilitate future growth within the Greater Sydney Region. The GSC has the potential to bring together a range of major stakeholders and overcome barriers between government departments, agencies and local councils. It advocates a “whole of government” approach to address significant development growth issues and the essential physical, transport and human infrastructure required to service that growth in a timely manner.

It is disappointing however, that economic development and job creation are not specifically reflected in the GSC’s objectives.

The legislative requirement for, and statutory recognition of regional and district level strategic planning is also seen as a positive initiative. This proposed change provides the potential for broader scale planning, regional and district objectives and coordinated “urban growth” to actually be realised.

Council needs to be aware, however, of the potential resourcing obligations that may be placed upon it to cooperate with and assist the GSC, in addition to concerns over the removal of the Minister from local plan making decisions, thereby constraining Council's capacity to deal with elected representatives in this important area.

### **Officer's Recommendation**

That the information be noted.

### **Council Meeting 17 November 2015 (Greiss/Mead)**

That the Officer's Recommendation be adopted.

### **Council Resolution Minute Number 219**

That the Officer's Recommendation be adopted.

# ATTACHMENT 1

First print



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.



New South Wales

# Greater Sydney Commission Bill 2015

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New South Wales

# Greater Sydney Commission Bill 2015

No , 2015

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## **A Bill for**

An Act to constitute and confer functions on the Greater Sydney Commission and to provide for the constitution of planning panels for the Greater Sydney Region; to amend the *Environmental Planning and Assessment Act 1979* to make provision in relation to strategic planning; and for other purposes.

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The Legislature of New South Wales enacts:

## Part 1 Preliminary

### 1 Name of Act

This Act is the *Greater Sydney Commission Act 2015*.

### 2 Commencement

This Act commences on a day or days to be appointed by proclamation.

### 3 Definitions

(1) In this Act:

*Chief Commissioner* means the person appointed by the Minister as the Chief Commissioner of the Commission.

*Chief Executive Officer* means the person employed in the Public Service as the Chief Executive Officer of the Commission.

*Commission* means the Greater Sydney Commission constituted under Part 2.

*District Commissioner* means a member of the Commission appointed under section 6 (1) (b).

*ex-officio member* means a member of the Commission referred to in section 6 (1) (c).

*function* includes a power, authority or duty, and *exercise* a function includes perform a duty.

*Greater Sydney Commissioner* means a member of the Commission appointed under section 6 (1) (a).

*Greater Sydney Region* means the region comprising the local government areas within the boundary shown on the map in Schedule 1.

*Planning Act* means the *Environmental Planning and Assessment Act 1979*.

*Sydney planning panel* means a Sydney planning panel constituted under Part 3.

(2) Notes included in this Act do not form part of this Act.

### 4 Amendment of area comprising Greater Sydney Region

The regulations may amend Schedule 1 to replace the map in that Schedule so as to extend or reduce the Greater Sydney Region.

## Part 2 Greater Sydney Commission

### Division 1 Constitution of Commission

#### 5 Constitution of Commission

- (1) There is constituted by this Act a body corporate with the corporate name of the Greater Sydney Commission.
- (2) The Commission is a NSW Government agency.  
**Note.** See section 13A of the *Interpretation Act 1987*.
- (3) The Commission is not subject to the control and direction of the Minister (except to the extent specifically provided for in this or any other Act).

#### 6 Members of Commission

- (1) The Commission is to consist of the following members:
  - (a) 4 persons appointed by the Minister (the *Greater Sydney Commissioners*), each of whom has, in the opinion of the Minister, expertise in at least one of the following areas, namely, environmental sustainability, environmental science, sustainable design, strategic planning, infrastructure planning and delivery, architecture, urban design, traffic and transport, engineering, community development and services, local government, environmental planning law, social justice, property development, community engagement, economics, tourism or heritage,
  - (b) each person appointed by the Minister to represent a district declared under section 75AB (b) of the Planning Act as a district in the Greater Sydney Region (the *District Commissioners*), being a person who has, in the opinion of the Minister, expertise in at least one of the following areas, namely, planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering, tourism or government and public administration,
  - (c) the Secretary of each of the following (the *ex-officio members*):
    - (i) the Department of Planning and Environment,
    - (ii) the Department of Transport,
    - (iii) the Treasury.
- (2) One of the Greater Sydney Commissioners is, by the instrument of the Commissioner's appointment as a member or by a subsequent instrument executed by the Minister, to be appointed as the Chief Commissioner of the Commission.
- (3) Of the 3 other Greater Sydney Commissioners:
  - (a) one is to be appointed by the Minister as the Commissioner with principal responsibility for the activities of the Commission to the extent they relate to environmental matters, and
  - (b) one is to be appointed by the Minister as the Commissioner with principal responsibility for the activities of the Commission to the extent they relate to social matters, and
  - (c) one is to be appointed by the Minister as the Commissioner with principal responsibility for the activities of the Commission to the extent they relate to economic matters.
- (4) Before appointing a person as a District Commissioner to represent a district in the Greater Sydney Region, the Minister is to seek the advice of the local council of each local government area in that district in relation to the proposed appointment.

However, the Minister is not prevented from making an appointment if a local council fails to provide any such advice when requested to do so.

- (5) Schedule 2 contains provisions with respect to the members and procedure of the Commission.

## **7 Role of Chief Executive Officer**

The Chief Executive Officer is responsible for the day to day management of the affairs of the Commission in accordance with any directions of the Commission.

## **8 Staff of Commission**

- (1) Persons may be employed in the Public Service to enable the Commission to exercise its functions.

**Note.** Section 59 of the *Government Sector Employment Act 2013* provides that the persons so employed (or whose services the Commission makes use of) may be referred to as officers or employees, or members of staff, of the Commission. Section 47A of the *Constitution Act 1902* precludes the Commission from employing staff.

- (2) The Commission may also:
  - (a) arrange for the use of the services or facilities of a public authority within the meaning of the Planning Act, and
  - (b) engage such consultants as it requires to exercise its functions.

# **Division 2 Objectives and functions of Commission**

## **9 Principal objectives of Commission**

The principal objectives of the Commission in exercising its functions are as follows:

- (a) to lead metropolitan planning for the Greater Sydney Region,
- (b) to promote orderly development in the Greater Sydney Region, integrating social, economic and environmental considerations with regard to the principles of ecologically sustainable development contained in section 6 (2) of the *Protection of the Environment Administration Act 1991*,
- (c) to promote the alignment of Government infrastructure decision-making with land use planning,
- (d) to promote the supply of housing, including affordable housing,
- (e) to encourage development that is resilient and takes into account natural hazards,
- (f) to support ongoing improvement in productivity, liveability and environmental quality.

## **10 Functions of Commission**

- (1) The Commission has the following functions:
  - (a) to provide advice and make recommendations to the Minister on matters relating to planning and development in the Greater Sydney Region,
  - (b) to prepare and provide reports to the Minister on the implementation (including any impediments to the implementation) of any plan or proposal relating to development in the Greater Sydney Region,
  - (c) to provide advice and make recommendations to the Minister on any impediments to the implementation of any plan or proposal relating to development in the Greater Sydney Region,

- (d) to provide advice to the Minister on the application of any development fund created under section 129 of the Planning Act in respect of land in the Greater Sydney Region,
  - (e) to assist local councils in the Greater Sydney Region and other government agencies (including an agency of the Commonwealth) on the implementation of any plan or proposal relating to development in the Greater Sydney Region,
  - (f) to provide the Minister with such information, advice or reports as the Minister may request,
  - (g) if requested to do so by a Minister other than the Minister administering this Act (the *other Minister*), to provide the other Minister with such information, advice or reports as may be requested by the other Minister.
- (2) Any such other Minister must obtain the approval of the Minister administering this Act before making a request under subsection (1) (g).
  - (3) The Commission has such other functions as are conferred or imposed on it by or under this or any other Act.  
**Note.** Those other functions include the power to make local environmental plans under Part 3 of the Planning Act and to prepare draft strategic plans for the Greater Sydney Region under Part 3B of that Act.
  - (4) Without limiting subsection (3), the Commission may exercise functions delegated to it under any other Act.

## 11 Delegation of Commission's functions

- (1) The Commission may delegate to an authorised person or body any of its functions, other than this power of delegation. This power of delegation extends to a function delegated to the Commission, but only if the Commission is authorised in writing by the delegator to delegate the function.
- (2) A delegate may sub-delegate to an authorised person or body any function delegated by the Commission if the delegate is authorised in writing to do so by the Commission.
- (3) In this section, *authorised person or body* means any of the following:
  - (a) a member of the Commission,
  - (b) a committee of the Commission or member of such a committee,
  - (c) a Sydney planning panel or member of such a panel,
  - (d) a member of the staff of the Commission (including the Chief Executive Officer),
  - (e) the Secretary or other person employed in the Department of Planning and Environment,
  - (f) a joint regional planning panel constituted under section 23G of the Planning Act,
  - (g) the Planning Assessment Commission constituted under section 23B of the Planning Act,
  - (h) a local council, or the general manager or other employee of a local council, for any local government area in the Greater Sydney Region,
  - (i) a person or body, or a person or body of a class, authorised by the regulations for the purposes of this section.
- (4) Section 381 of the *Local Government Act 1993* does not apply to a delegation under this section to the general manager or other employee of a local council.

## **Division 3      Committees**

### **12    Finance and Governance Committee**

- (1) There is established a committee of the Commission to be known as the Finance and Governance Committee (the *FGC*).
- (2) The members of the FGC are the Greater Sydney Commissioners.
- (3) The FGC has the following functions:
  - (a) to advise and assist the Commission in connection with such functions of the Commission as are determined by the Minister,
  - (b) to advise and assist the Commission in connection with any of the other functions of the Commission,
  - (c) to advise and assist the Minister on each of the matters for which the Greater Sydney Commissioners have responsibility as referred to in section 6 (3).

### **13    Strategic Planning Committee**

- (1) There is established a committee of the Commission to be known as the Strategic Planning Committee (the *SPC*).
- (2) The members of the SPC are as follows:
  - (a) the Greater Sydney Commissioners,
  - (b) the District Commissioners representing the districts of the Greater Sydney Region in respect of which the SPC is exercising its functions.
- (3) The SPC has the following functions:
  - (a) to advise and assist the Commission in connection with such functions of the Commission as may be determined by the Minister,
  - (b) if requested to do so by the Commission:
    - (i) to prepare draft strategic plans under Part 3B of the Planning Act for the Greater Sydney Region, and
    - (ii) to provide information, advice and quarterly reports on the implementation of strategic plans for the Greater Sydney Region, and
    - (iii) to advise and assist the Commission in connection with any of the other functions of the Commission.

### **14    Infrastructure Delivery Committee**

- (1) There is established a committee of the Commission to be known as the Infrastructure Delivery Committee (the *IDC*).
- (2) The members of the IDC are as follows:
  - (a) the Greater Sydney Commissioners,
  - (b) the ex-officio members.
- (3) The Chief Commissioner may also appoint a District Commissioner as an additional casual member of the IDC for the purposes of exercising specific functions of the IDC in relation to a particular matter.
- (4) The IDC has the following functions:
  - (a) to advise and assist the Commission in connection with such functions of the Commission as may be determined by the Minister,

- (b) if requested to do so by the Commission:
  - (i) to provide information, advice and regular reports on the infrastructure requirements to support housing and employment opportunities in the Greater Sydney Region, and
  - (ii) to advise and assist the Commission in connection with any of the other functions of the Commission.

**15 Other committees**

- (1) The Commission may establish other committees to give advice and assistance to the Commission in connection with any of its functions.
- (2) A committee established by the Commission need not include a member of the Commission.

**16 Subcommittees**

- (1) Any committee of the Commission may establish subcommittees to assist it in connection with the exercise of any of its functions.
- (2) A subcommittee of a committee of the Commission need not include a member of the committee.

**17 Procedure for committees and subcommittees**

- (1) The procedure for the calling of meetings of a committee of the Commission and for the conduct of business at those meetings is to be as determined by the Commission or (subject to any determination of the Commission) by the committee.
- (2) The procedure for the calling of meetings of a subcommittee of a committee of the Commission and for the conduct of business at those meetings is to be as determined by the committee or (subject to any determination of the committee) by the subcommittee.



## Part 3 Sydney planning panels

### 18 Constitution and functions of Sydney planning panels

- (1) The Minister may, by order published on the NSW legislation website, constitute a Sydney planning panel for the part of the Greater Sydney Region specified in the order.
- (2) The part of the Greater Sydney Region for which a Sydney planning panel is constituted may comprise the whole of the Region.
- (3) 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. Accordingly, the provisions of or under that Act (other than section 23G (1) and Schedule 4) that apply to or in respect of a joint regional planning panel apply, subject to the regulations, to or in respect of a Sydney planning panel.

**Note.** Development within the area of the City of Sydney is excluded from the classes of development in respect of which a joint regional planning panel may be authorised by an environmental planning instrument to exercise the consent authority functions of a local council—see clause 2 of Schedule 4A to the Planning Act.
- (4) Section 23 (1B) of the Planning Act, in its application to a Sydney planning panel, is taken to be modified to authorise the planning panel to delegate, in accordance with that subsection, any of its functions to the general manager or other employee of a local council for a local government area situated wholly or partly in the part of the Greater Sydney Region for which the panel is constituted. Section 381 of the *Local Government Act 1993* does not apply to any such delegation to the general manager or other employee of a local council.
- (5) Subsection (4) does not limit section 23 (1B) of the Planning Act in its application to a Sydney planning panel.
- (6) If a Sydney planning panel is constituted for a part of the Greater Sydney Region, any joint regional planning panel constituted under section 23G (1) of the Planning Act for that part of the Greater Sydney Region is taken to be abolished on the constitution of the Sydney planning panel. The regulations may contain savings and transitional provisions consequent on the abolition of any such joint regional planning panel.
- (7) Schedule 3 contains provisions with respect to Sydney planning panels.

## **Part 4 Miscellaneous**

### **19 Act to bind Crown**

This Act binds the Crown in right of New South Wales and, in so far as the legislative power of the Parliament of New South Wales permits, the Crown in all its other capacities.

### **20 Co-operation by local councils**

A local council in the Greater Sydney Region is, if requested to do so in writing by the Commission:

- (a) to allow the Commission to have access to, and take copies of, any documents held by the council that are relevant to the functions of the Commission, and
- (b) to provide the Commission with such staff and facilities, or such other assistance, as may be required to assist the Commission in exercising its functions.

### **21 Annual report to include certain matters**

The annual report of the Commission required to be prepared under the *Annual Reports (Statutory Bodies) Act 1984* is to include a report as to the following:

- (a) the outcomes achieved by the Commission during the reporting period,
- (b) the implementation of strategic plans made under Part 3B of the Planning Act for the Greater Sydney Region (including information about any related monitoring or evaluation undertaken by the Commission).

### **22 Disclosure of information**

A person must not disclose any information obtained in connection with the administration or execution of this Act unless that disclosure is made:

- (a) with the consent of the person from whom the information was obtained, or
- (b) in connection with the administration or execution of this Act, or
- (c) for the purposes of any legal proceedings arising out of this Act or of any report of any such proceedings, or
- (d) in accordance with a requirement made under the *Ombudsman Act 1974*, or
- (e) with other lawful excuse.

Maximum penalty: 20 penalty units.

### **23 Exclusion of personal liability**

- (1) A matter or thing done or omitted to be done by:

- (a) a member of the Commission, or
- (b) a member of a committee of the Commission or a member of a subcommittee of such a committee, or
- (c) a member of staff of the Commission (including the Chief Executive Officer), or
- (d) a person acting under the direction of any person referred to in paragraphs (a)–(c),

does not, if the matter or thing was done or omitted to be done in good faith for the purposes of executing this Act, subject any such member or person so acting personally to any action, liability, claim or demand.

- (2) A reference in subsection (1) to the execution of this Act includes a reference to the execution of the provisions of any other Act that confer or impose functions on the Commission or a committee of the Commission.

#### **24 Nature of proceedings for offences**

Proceedings for an offence under this Act may be dealt with summarily before the Local Court.

#### **25 Regulations**

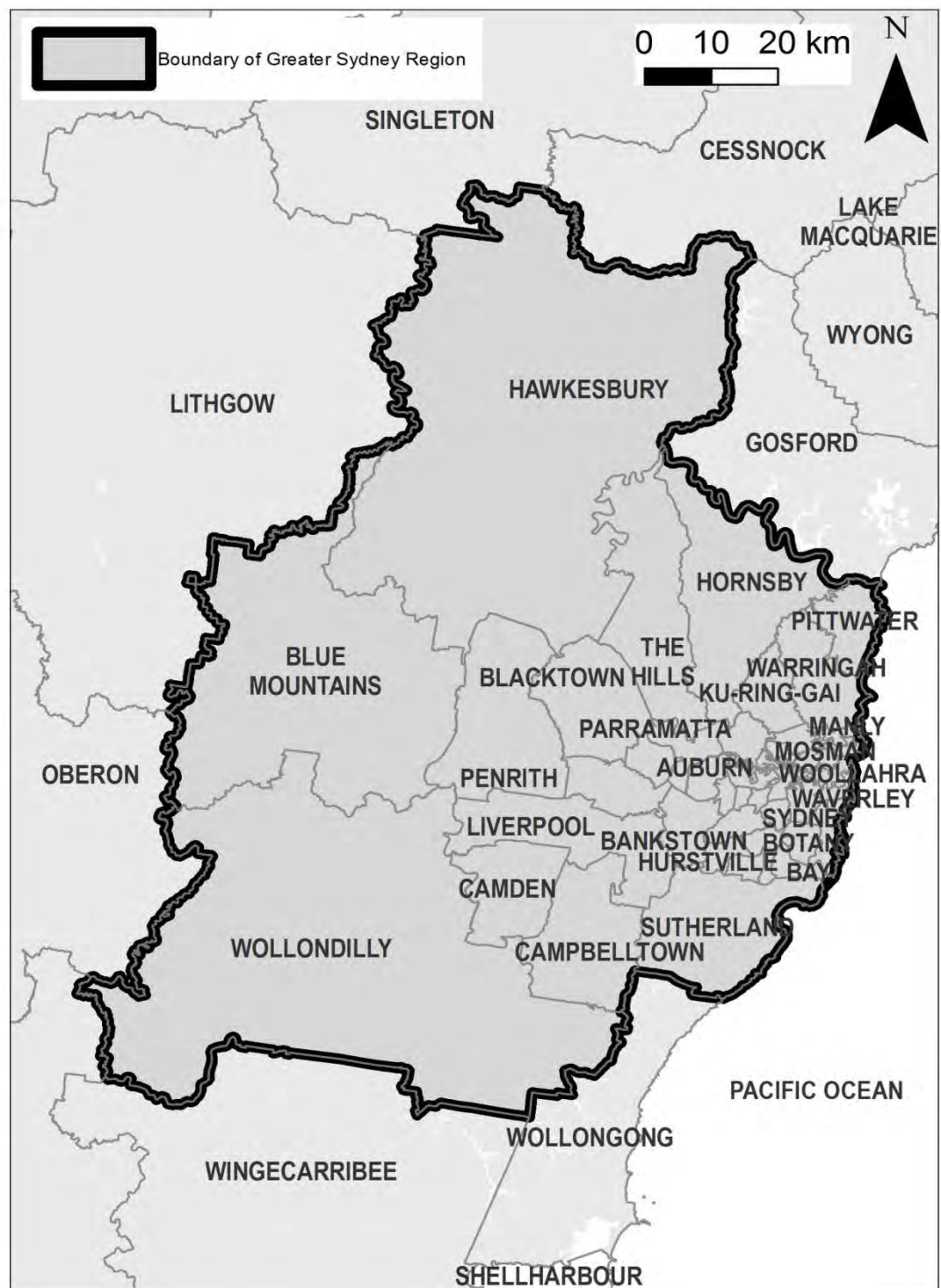
The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

#### **26 Review of Act**

- (1) The Minister is to review this Act to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives.
- (2) The review is to be undertaken as soon as possible after the period of 5 years from the commencement of this Act.
- (3) A report on the outcome of the review is to be tabled in each House of Parliament within 12 months after the end of the period of 5 years.

## Schedule 1 Greater Sydney Region

(Sections 3 and 4)



## Schedule 2      Members and procedure of Commission

(Section 6 (5))

### 1    Definitions

In this Schedule:

*appointed member* means a Greater Sydney Commissioner or District Commissioner.

*member* means any member of the Commission.

### 2    Terms of office of appointed members

- (1) Subject to this Schedule and the regulations, an appointed member holds office for such period (not exceeding 4 years) as is specified in the member's instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.
- (2) An appointed member may not hold office as a member for more than 8 years in total.

### 3    Basis on which members are appointed

An appointed member may be appointed on either a full-time or part-time basis. The Minister may change the basis of the appointment during the member's term of office.

### 4    Remuneration of appointed members

- (1) A member appointed on a full-time basis is entitled to be paid such remuneration (including travelling and subsistence allowances) as is determined by the Statutory and Other Offices Remuneration Tribunal.
- (2) A member appointed on a part-time basis is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the member.

### 5    Vacancy in office of member

- (1) The office of an appointed member becomes vacant if the member:
  - (a) dies, or
  - (b) completes a term of office and is not re-appointed, or
  - (c) resigns the office by instrument in writing addressed to the Minister, or
  - (d) is removed from office by the Minister under this clause or by the Governor under Part 6 of the *Government Sector Employment Act 2013*, or
  - (e) is absent from 3 consecutive meetings of the Commission of which reasonable notice has been given to the member personally or by post, except on leave granted by the Minister or unless the member is excused by the Minister for having been absent from those meetings, or
  - (f) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or
  - (g) becomes a mentally incapacitated person, or
  - (h) is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable.

- (2) The Minister may remove an appointed member from office at any time for any or no stated reason and without notice.
- (3) In particular, the Minister may remove an appointed member from office if the Independent Commission Against Corruption, in a report referred to in section 74C of the *Independent Commission Against Corruption Act 1988*, recommends that consideration be given to the removal of the member from office because of corrupt conduct by the member.
- (4) The Chief Commissioner is taken to have vacated office as Chief Commissioner if he or she resigns office by instrument in writing addressed to the Minister or ceases to be a member.

## **6 Filling of vacancy in office of appointed member**

If the office of any appointed member becomes vacant, a person is, subject to this Act and the regulations, to be appointed to fill the vacancy.

## **7 Disclosure of pecuniary interests**

- (1) If:
  - (a) a member has a direct or indirect pecuniary interest in a matter being considered or about to be considered at a meeting of the Commission, and
  - (b) the interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter,
 the member must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the Commission.
- (2) A member has a pecuniary interest in a matter if the pecuniary interest is the interest of:
  - (a) the member, or
  - (b) the member's spouse or de facto partner or a relative of the member, or a partner or employer of the member, or
  - (c) a company or other body of which the member, or a nominee, partner or employer of the member, is a member.
- (3) However, a member is not taken to have a pecuniary interest in a matter as referred to in subclause (2) (b) or (c):
  - (a) if the member is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative, partner, employer or company or other body, or
  - (b) just because the member is a member of, or is employed by, a local council or a statutory body or is employed by the Crown, or
  - (c) just because the member is a member of, or a delegate of a local council, a company or other body that has a pecuniary interest in the matter, so long as the member has no beneficial interest in any shares of the company or body.
- (4) A disclosure by a member at a meeting of the Commission that the member, or a spouse, de facto partner, relative, partner or employer of the member:
  - (a) is a member, or is in the employment, of a specified company or other body, or
  - (b) is a partner, or is in the employment, of a specified person, or

- (c) has some other specified interest relating to a specified company or other body or to a specified person,

is a sufficient disclosure of the nature of the interest in any matter relating to that company or other body or to that person that may arise after the date of the disclosure and that is required to be disclosed under subclause (1).

- (5) Particulars of any disclosure made under this clause must be recorded by the Commission in a book kept for the purpose and that book must be made available for inspection by any person at any reasonable time for no charge.
- (6) After a member has disclosed the nature of an interest in any matter, the member must not, unless the Minister or the Commission otherwise determines:
  - (a) be present during any deliberation of the Commission with respect to the matter, or
  - (b) take part in any decision of the Commission with respect to the matter.
- (7) For the purposes of the making of a determination by the Commission under subclause (6), a member who has a direct or indirect pecuniary interest in a matter to which the disclosure relates must not:
  - (a) be present during any deliberation of the Commission for the purpose of making the determination, or
  - (b) take part in the making by the Commission of the determination.
- (8) A contravention of this clause does not invalidate any decision of the Commission.
- (9) This clause applies to a member of a committee of the Commission and the committee in the same way as it applies to a member of the Commission and the Commission.

## **8 Effect of certain other Acts**

- (1) The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to an appointed member.
- (2) If by or under any Act provision is made:
  - (a) requiring a person who is the holder of a specified office to devote the whole of his or her time to the duties of that office, or
  - (b) prohibiting the person from engaging in employment outside the duties of that office,the provision does not operate to disqualify the person from holding that office and also the office of a member or from accepting and retaining any remuneration payable to the person under this Act as a member.

## **9 General procedure**

The procedure for the calling of meetings of the Commission and for the conduct of business at those meetings is, subject to this Act and the regulations, to be as determined by the Commission.

## **10 Quorum**

The quorum for a meeting of the Commission is a majority of the members for the time being and must include:

- (a) at least one Greater Sydney Commissioner, and
- (b) at least 2 District Commissioners, and
- (c) at least one ex-officio member.

**11 Presiding member**

- (1) The Chief Commissioner (or, in the absence of the Chief Commissioner, a member elected by the members who are present at a meeting of the Commission) is to preside at a meeting of the Commission.
- (2) The presiding member has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

**12 Voting**

A decision supported by a majority of the votes cast at a meeting of the Commission at which a quorum is present is the decision of the Commission.

**13 Public meetings**

The Commission may (unless the Minister otherwise directs) conduct its meetings in public, and is required to do so if the Minister directs.

**14 Transaction of business outside meetings or by electronic means**

- (1) The Commission may, if it thinks fit, transact any of its business by the circulation of papers among all the members of the Commission for the time being, and a resolution in writing approved in writing by a majority of those members is taken to be a decision of the Commission made at a meeting of the Commission.
- (2) The Commission may, if it thinks fit, transact any of its business at a meeting at which members (or some members) participate by telephone or other electronic means, but only if any member who speaks on a matter before the meeting can be heard by the other members.
- (3) For the purposes of:
  - (a) the approval of a resolution under subclause (1), or
  - (b) a meeting held in accordance with subclause (2),the Chief Commissioner and each other member have the same voting rights as they have at an ordinary meeting of the Commission.
- (4) A resolution approved under subclause (1) is, subject to the regulations, to be recorded in the minutes of the meetings of the Commission.
- (5) Papers may be circulated among the members for the purposes of subclause (1) by electronic means.

**15 Minutes of meetings**

- (1) The member presiding at a meeting of the Commission must cause minutes to be kept of the proceedings of the meeting.
- (2) The Chief Executive Officer must cause the minutes of each meeting of the Commission to be published on an appropriate government website within 3 months of the meeting.

**16 First meeting**

The Minister may call the first meeting of the Commission in such manner as the Minister thinks fit.



## Schedule 3 Sydney planning panels

(Section 18 (7))

### 1 Definitions

In this Schedule:

*applicable council* means the council of an area that is situated (wholly or partly) in a part of the Greater Sydney Region for which a Sydney planning panel is constituted.

*chairperson* means the person appointed by the Minister as chairperson of a Sydney planning panel.

*member* means a member of a Sydney planning panel.

### 2 Members of Sydney planning panels

- (1) A Sydney planning panel is to consist of the following 5 members:
  - (a) 3 members appointed by the Minister (the *State members*), one of whom is to be a District Commissioner,
  - (b) 2 nominees of an applicable council (the *council nominees*) who are councillors, members of council staff or other persons nominated by the council.
- (2) The State members of a Sydney planning panel are to be persons who have expertise in at least one area of planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering, tourism or government and public administration. In appointing State members, the Minister is to have regard to the need to have a range of expertise represented among the panel's members.
- (3) At least one of the council nominees of a Sydney planning panel is to be a person who has expertise in at least one area of planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering or tourism.
- (4) The State member who is a District Commissioner is to be appointed by the Minister as chairperson of the Sydney planning panel.
- (5) Each applicable council is to nominate 2 persons as council nominees for the purposes of the Sydney planning panel. If an applicable council fails to nominate one or more council nominees, a Sydney planning panel is not required to include 2 council nominees for the purposes of exercising its functions in relation to the area of the council concerned.

### 3 Rotation of council nominees

- (1) For the purposes of exercising the functions of a Sydney planning panel in relation to a matter, the council nominees are to be those nominated by the applicable council for the land to which the matter relates.
- (2) Subject to this Schedule, a council nominee remains eligible to participate as a member of a Sydney planning panel for such period (not exceeding 4 years) as is specified in the nominee's instrument of nomination, but is eligible (if otherwise qualified) for re-nomination.

### 4 Rotation of chairperson of planning panel

For the purposes of exercising the functions of a Sydney planning panel in relation to a matter, the chairperson of the planning panel is to be the District Commissioner appointed under section 6 (1) (b) to represent the district in which the land to which the matter relates is situated.

**5 Term of office of State members**

- (1) Subject to this Schedule, a State member holds office for such period (not exceeding 4 years) as is specified in the member's instrument of appointment.
- (2) That period may be determined by reference to the occurrence of a specified event or completion of the exercise of particular functions of a Sydney planning panel.
- (3) A State member is eligible (if otherwise qualified) for re-appointment.
- (4) A person may not hold office as a State member of a Sydney planning panel for more than 8 years in total.

**6 Basis of office**

The office of a member is a part-time office.

**7 Remuneration**

A member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the member.

**8 Deputy chairperson**

- (1) The members of a Sydney planning panel may elect a State member to be the deputy chairperson of the planning panel.
- (2) The person may be elected for the duration of the person's term of office as a member or for a shorter term.

**9 Alternates**

- (1) The Minister may, from time to time, appoint a person to be the alternate of a State member, and may revoke any such appointment.
- (2) An applicable council may, from time to time, appoint a person to be the alternate of a member nominated by the council, and may revoke any such appointment.
- (3) In the absence of a member, the member's alternate may, if available, act in the place of the member.
- (4) While acting in the place of a member, a person has all the functions of the member and is taken to be a member.
- (5) A person while acting in the place of a member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the person.
- (6) A person may be appointed as the alternate of 2 or more members, but has only one vote at any meeting of the Sydney planning panel.

**10 Vacancy in office of member**

- (1) The office of a member becomes vacant if the member:
  - (a) dies, or
  - (b) completes a term of office and is not re-appointed, or
  - (c) resigns the office by instrument in writing addressed to the Minister or applicable council, as the case requires, or
  - (d) in the case of a council nominee, is removed from office by an applicable council under this clause or by the Minister under subclause (2), or

- (e) in the case of a State member, is removed from office by the Minister or by the Governor under Part 6 of the *Government Sector Employment Act 2013*, or
  - (f) is absent from 3 consecutive meetings of the Sydney planning panel of which reasonable notice has been given to the member personally or by post, except on leave granted by the panel or unless the member is excused by the planning panel for having been absent from those meetings, or
  - (g) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or
  - (h) becomes a mentally incapacitated person, or
  - (i) is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable.
- (2) The Minister may remove a member from office if the Independent Commission Against Corruption, in a report referred to in section 74C of the *Independent Commission Against Corruption Act 1988*, recommends that consideration be given to the removal of the member from office because of corrupt conduct by the member.
  - (3) The Minister may remove a State member from office at any time for any or no stated reason and without notice.
  - (4) An applicable council may remove any of its council nominees from office at any time for any or no stated reason and without notice.

#### **11 Filling of vacancy in office of member**

If the office of a member becomes vacant, a person may, subject to this Act and the regulations, be appointed to fill the vacancy.

#### **12 Chairperson**

- (1) The chairperson vacates office as chairperson if he or she:
  - (a) is removed from that office by the Minister, or
  - (b) resigns that office by instrument in writing addressed to the Minister, or
  - (c) ceases to be a member of the Sydney planning panel or the Commission.
- (2) The Minister may at any time remove the chairperson from office as chairperson for any or no stated reason and without notice.

#### **13 Disclosure of pecuniary interests**

- (1) If:
  - (a) a member has a pecuniary interest in a matter being considered or about to be considered at a meeting of the Sydney planning panel, and
  - (b) the interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter,
 the member must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the planning panel.
- (2) A member has a pecuniary interest in a matter if the pecuniary interest is the interest of:
  - (a) the member, or

- (b) the member's spouse or de facto partner or a relative of the member, or a partner or employer of the member, or
  - (c) a company or other body of which the member, or a nominee, partner or employer of the member, is a member.
- (3) However, a member is not taken to have a pecuniary interest in a matter as referred to in subclause (2) (b) or (c):
  - (a) if the member is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative, partner, employer or company or other body, or
  - (b) just because the member is a member of, or is employed by, a council or a statutory body or is employed by the Crown, or
  - (c) just because the member is a member of, or a delegate of a council, a company or other body that has a pecuniary interest in the matter, so long as the member has no beneficial interest in any shares of the company or body.
- (4) A disclosure by a member at a meeting of the Sydney planning panel that the member, or a spouse, de facto partner, relative, partner or employer of the member:
  - (a) is a member, or is in the employment, of a specified company or other body, or
  - (b) is a partner, or is in the employment, of a specified person, or
  - (c) has some other specified interest relating to a specified company or other body or to a specified person,
 is a sufficient disclosure of the nature of the interest in any matter relating to that company or other body or to that person which may arise after the date of the disclosure and which is required to be disclosed under subclause (1).
- (5) Particulars of any disclosure made under this clause must be recorded by the Sydney planning panel in a book kept for the purpose and that book must be made available for inspection by any person at any reasonable time for no charge.
- (6) After a member has disclosed the nature of an interest in any matter, the member must not, unless the Minister or the Sydney planning panel otherwise determines:
  - (a) be present during any deliberation of the planning panel with respect to the matter, or
  - (b) take part in any decision of the planning panel with respect to the matter.
- (7) For the purposes of the making of a determination by the Sydney planning panel under subclause (6), a member who has a direct or indirect pecuniary interest in a matter to which the disclosure relates must not:
  - (a) be present during any deliberation of the planning panel for the purpose of making the determination, or
  - (b) take part in the making by the planning panel of the determination.
- (8) A contravention of this clause does not invalidate any decision of the Sydney planning panel.

#### **14 Effect of certain other Acts**

- (1) The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to a member.
- (2) If by or under any Act provision is made:
  - (a) requiring a person who is the holder of a specified office to devote the whole of his or her time to the duties of that office, or
  - (b) prohibiting the person from engaging in employment outside the duties of that office,

the provision does not operate to disqualify the person from holding that office and also the office of a member or from accepting and retaining any remuneration payable to the person under this Act as a member.

## **Schedule 4      Savings, transitional and other provisions**

### **Part 1    General**

#### **1    Regulations**

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act or any Act that amends this Act.
- (2) Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.
- (3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication on the NSW legislation website, the provision does not operate so as:
  - (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
  - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.



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

### **[1]    Section 4 Definitions**

Insert “the Greater Sydney Commission,” after “a Minister,” in paragraph (b) of the definition of *consent authority* in section 4 (1).

### **[2]    Section 4 (1), definition of “consent authority”**

Omit “that Minister, Commission, panel or authority, as the case may be” from paragraph (b).

Insert instead “that Minister or the Greater Sydney Commission, Planning Assessment Commission, panel or authority, as the case requires”.

### **[3]    Section 4 (1)**

Insert in alphabetical order:

*Greater Sydney Region* has the same meaning it has in the *Greater Sydney Commission Act 2015*.

### **[4]    Section 4 (1), definition of “joint regional planning panel”**

Insert at the end of the definition:

**Note.** See also Part 3 of the *Greater Sydney Commission Act 2015* which provides that a Sydney planning panel constituted under that Part is taken to be a joint regional planning panel under and for the purposes of this Act and the instruments made under this Act.

### **[5]    Section 23 Delegation**

Insert after section 23 (1) (e):

(e1)    the Greater Sydney Commission,

### **[6]    Section 23D Functions of Commission**

Omit “this Act” from section 23D (1) (a). Insert instead “this or any other Act”.

### **[7]    Section 23G Joint regional planning panels**

Insert after section 23G (3):

(3A)    Without limiting subsection (3), a regional panel may exercise functions delegated to it under this or any other Act.

### **[8]    Section 24 Making of environmental planning instruments**

Insert “, or by the Greater Sydney Commission in the case of the Greater Sydney Region,” after “(or delegate)” in section 24 (2) (b).

### **[9]    Section 37 Governor may make environmental planning instruments (SEPPs)**

Insert “or of environmental planning significance to a district within the meaning of Part 3B” after “significance” in section 37 (2).

### **[10]    Section 53 Minister may make environmental planning instruments for local areas (LEPs)**

Insert after section 53 (2):

(3)    Despite subsection (1), the Minister may not make a local environmental plan in respect of any local government area in the Greater Sydney Region.

However, this subsection does not prevent the Minister from giving directions under section 117 to a council or other public authority on any matter relating to the Greater Sydney Region.

**[11] Section 53A**

Insert after section 53:

**53A Greater Sydney Commission may make LEPs for local areas in Greater Sydney Region**

- (1) The Greater Sydney Commission may make environmental planning instruments for the purposes of environmental planning in each local government area in the Greater Sydney Region. Any such instrument may be called a local environmental plan (or LEP).
- (2) For the purposes of the making of LEPs that apply to local government areas in the Greater Sydney Region, a reference to the Minister in section 15, 33B (4) or (5), 54 (1), (2) (a), (c) or (d) or (4), 56, 58, 59, 73A (1) (c), 74D (5) (b) or 74F is to be construed as a reference to the Greater Sydney Commission.

**[12] Section 54 Relevant planning authority**

Insert “or of environmental planning significance to a district within the meaning of Part 3B” after “significance” in section 54 (2) (a).

**[13] Section 54 (2) (c1)**

Insert after section 54 (2) (c):

- (c1) a recommendation has been provided under section 15 (b) that the proposed instrument should be submitted for a determination under section 56 or that the proposed instrument should be made,

**[14] Part 3B**

Insert before Part 4:

## **Part 3B Strategic planning**

**75AA Interpretation**

- (1) In this Part:
  - district* means a part of a region declared to be a district under section 75AB (b).
  - district plan* means a district plan made under this Part.
  - region* means:
    - (a) the Greater Sydney Region, or
    - (b) any other area declared to be a region under section 75AB (a).
  - regional plan* means a plan made under this Part.
  - relevant strategic planning authority* means:
    - (a) in the case of the Greater Sydney Region—the Greater Sydney Commission, or
    - (b) in the case of any other region—the Secretary or any other person or body prescribed by the regulations for the purposes of this paragraph.
  - strategic plan* means a regional plan or a district plan.

- (2) For the purposes of this Part, preparing or making a strategic plan includes preparing or making a strategic plan to amend, replace or repeal a strategic plan.

**75AB Declaration of regions and districts**

The Minister may, by order published on the NSW planning portal, declare:

- (a) any area of the State (other than the Greater Sydney Region) to be a region for the purposes of this Part, and
- (b) any part of the Greater Sydney Region or other region to be a district for the purposes of this Part.

**75AC Regional plans—preparation and content**

- (1) The relevant strategic planning authority for a region may, or must if directed to do so by the Minister, prepare a draft regional plan for the region.
- (2) A draft regional 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 those objectives,
  - (d) the basis on which the relevant strategic planning authority is to monitor and report on the implementation of those actions,
  - (e) such other matters as the relevant strategic planning authority considers relevant to planning for the region.
- (3) In preparing a draft regional plan, the relevant strategic planning authority is to 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 and sectoral State infrastructure strategy statement under Part 4 of the *Infrastructure NSW Act 2011*,
  - (d) any other relevant government policies and plans in force at the time the draft plan is prepared,
  - (e) in the case of a draft plan that applies to the Greater Sydney Region—any report prepared by the Strategic Planning Committee constituted under the *Greater Sydney Commission Act 2015*,
  - (f) any matter that the Minister directs the relevant strategic planning authority to have regard to in preparing the draft plan,
  - (g) any other matters the relevant strategic planning authority considers relevant.
- (4) If there is no district plan for any part of the region, the draft regional plan may identify for that part of the region matters that may be identified in a district plan (until there is a district plan).

**75AD District plans—preparation and content**

- (1) The relevant strategic planning authority for a region (other than the Greater Sydney Region) may, or must if directed to do so by the Minister, prepare a draft district plan for a district in the region.

- (2) If a district is declared for the Greater Sydney Region, the Greater Sydney Commission is to prepare a draft district plan for the district, and ensure that the public exhibition of the draft plan commences, within the period of 12 months after the district is declared.
- (3) A draft district 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 regional plan for the region in respect of which the district is part,
  - (c) the actions required for achieving those planning priorities,
  - (d) the basis on which the relevant strategic planning authority is to monitor and report on the implementation of those actions,
  - (e) areas of State, regional or district significance, including priority growth areas,
  - (f) such other matters as the relevant strategic planning authority considers relevant to planning for the district.
- (4) In preparing a draft district plan, the relevant strategic planning authority is to have regard to the following:
  - (a) any environmental planning instrument applying to the district,
  - (b) any other strategic plan that applies to the district (including areas adjoining the district),
  - (c) any 20-year State infrastructure strategy, 5-year infrastructure plan and sectoral State infrastructure strategy statement under Part 4 of the *Infrastructure NSW Act 2011*,
  - (d) any other relevant government policies and plans in force at the time the draft plan is prepared,
  - (e) in the case of a draft plan that applies to a district in the Greater Sydney Region—any report prepared by the Strategic Planning Committee constituted under the *Greater Sydney Commission Act 2015*,
  - (f) any matter that the Minister directs the relevant strategic planning authority to have regard to in preparing the draft plan,
  - (g) any other matters the relevant strategic planning authority considers relevant.
- (5) If there is no regional plan for any part of the district concerned, the draft district plan may identify for that part of the district matters that may be identified in a regional plan (until there is a regional plan).

**75AE Making and review of regional plans**

- (1) The relevant strategic planning authority for a region may, or must if directed to do so by the Minister, submit a draft regional plan it has prepared to the Minister.
- (2) The Minister may make a regional plan in the form in which it is submitted or with such modifications as the Minister considers appropriate. The Minister may decide not to make the draft plan.

- (3) The document entitled *A Plan for Growing Sydney*, published on the website of the Department and in force as at the commencement of this Part, is taken to be the regional plan made under this Part for the Greater Sydney Region (the *initial GSR plan*).
- (4) The Greater Sydney Commission is to review the initial GSR plan before the end of 2017 and at the end of every subsequent period of 5 years.
- (5) The relevant strategic planning authority for a region other than the Greater Sydney Region is to review any regional plan for the region at such times and in such manner as the Minister may direct.
- (6) Following any review under subsection (4) or (5), the Minister may make a regional plan for the region concerned.

**75AF Making of district plans**

- (1) The relevant strategic planning authority for a region other than the Greater Sydney Region may, or must if directed to do so by the Minister, submit a draft district plan it has prepared to the Minister.
- (2) The Minister may make a district plan in the form in which it is submitted or with such modifications as the Minister considers appropriate. The Minister may decide not to make the draft plan.
- (3) A district plan for a district in the Greater Sydney Region may be made by the Greater Sydney Commission.
- (4) The Greater Sydney Commission is to review a district plan every 5 years after it is made by the Commission.

**75AG Publication and commencement of strategic plans**

A strategic plan:

- (a) must be published on the NSW planning portal, and
- (b) commences on the date of publication or a later date specified in the plan.

**75AH Mandatory public exhibition requirements**

- (1) A draft strategic plan must be publicly exhibited for a period of at least 45 days.
- (2) Before a proposed strategic plan is prepared for public exhibition, the relevant strategic planning authority is to give public notice of the ways in which the community can participate in the preparation of the draft plan.
- (3) In making a strategic plan, the Minister or, in the case of a district plan for a district in the Greater Sydney Region, the Greater Sydney Commission is to have regard to any submissions (or summary of submissions) that have been made about the draft strategic plan.

**75AI Implementation of strategic plans**

- (1) In preparing a draft district plan, the relevant strategic planning authority is to give effect to any regional plan applying to the region in respect of which the district is part.

- (2) In preparing a planning proposal under section 55, the relevant planning authority is to give effect:
  - (a) to any district plan applying to the local government area to which the planning proposal relates (including any adjoining local government area), or
  - (b) if there is no district plan applying to the local government area—to any regional plan applying to the region in respect of which the local government area is part.
- (3) As soon as practicable after a district plan is made, the council for each local government area in the district to which the plan applies must review the local environmental plans for the area and prepare such planning proposals under section 55 as are necessary to give effect to the district plan.
- (4) In addition to the requirement under subsection (3), the council for each local government area in the Greater Sydney Region must, on the making of a district plan that applies to that area, report to the Greater Sydney Commission:
  - (a) on the review by the council of the local environmental plans for the area, and
  - (b) on the preparation of planning proposals under section 55 to give effect to the district plan.

**75AJ Dispensing with conditions precedent to making strategic plans**

- (1) For the purposes of doing any one or more of the following, a strategic plan may be made without compliance with the conditions precedent under this Part to the making of strategic plans:
  - (a) to correct an obvious error or misdescription,
  - (b) to make changes that will not have any significant adverse impact on the environment or adjoining land,
  - (c) to make provision for matters that are, in the opinion of the Minister, of State or regional significance or of significance to a district (but only if the proposed plan has been publicly exhibited for the period determined by the Minister).
- (2) The publication of a strategic plan made in reliance on subsection (1) is to contain a statement that it is so made.

**75AK Legal proceedings relating to strategic planning**

- (1) In this section:  
*legal proceedings* means proceedings for an order under Division 3 of Part 6 or any other kind of legal proceedings (other than criminal proceedings).
- (2) Legal proceedings (other than those instituted by or with the approval of the Minister) in relation to the validity of a strategic plan cannot be instituted after the period of 3 months following the publication of the strategic plan on the NSW planning portal.
- (3) The only requirement of or made under this Part in relation to a strategic plan that is mandatory is the requirement to publicly exhibit the draft plan for a period of 45 days.



- (4) Nothing in this Part prevents a local environmental plan from being made or invalidates the plan once it is made.
- (5) This section applies despite any other provision of this Act or any other Act or law.

#### **75AL Regulations relating to strategic planning**

The regulations may make provision for or with respect to the following:

- (a) the review of strategic plans,
- (b) the appointment and functions of relevant strategic planning authorities for regions other than the Greater Sydney Region,
- (c) the form and content of strategic plans (including the standardisation of the provisions of strategic plans),
- (d) requirements for the submission of reports and documents relating to the preparation and review of strategic plans,
- (e) the public exhibition and notice requirements for proposed strategic plans,
- (f) any other matter relating to the strategic planning framework under this Part (including, without limitation, the preparation, making and online delivery of strategic plans).

## **Schedule 6 Amendment of other Acts**

### **6.1 Public Finance and Audit Act 1983 No 152**

#### **Schedule 2 Statutory bodies**

Insert in alphabetical order:

Greater Sydney Commission

### **6.2 Statutory and Other Offices Remuneration Act 1975 (1976 No 4)**

#### **Schedule 2 Public offices**

Insert at the end of Part 1:

Full-time appointed member of the Greater Sydney Commission