

[Act 1997 No 79]



New South Wales

City of Sydney Amendment Bill 1997

Explanatory note

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

Overview of Bill

The object of this Bill is to amend the *City of Sydney Act 1988*:

- (a) to enhance the powers of the Sydney City Council and the Central Sydney Planning Committee to control and regulate environmental planning within the City of Sydney (see Schedule 1):
 - (i) by enabling the City Council to order the owner or occupier of land on which uncompleted development exists and on which no substantial work to complete the development has been carried out for 18 months to rectify the landscape of the land if the development, because of its uncompleted state, adversely affects visual amenity (proposed section 59), and
 - (ii) by enabling the City Council or the Planning Committee to refuse to grant a development consent unless the owner of the land concerned agrees to rectify the landscape of the land if the development, because of its uncompleted state, adversely affects visual amenity (proposed section 60), and

* Amended in committee—see table at end of volume.

- (iii) by enabling the City Council to levy a ` of 1% of the estimated cost of a proposed development (other than hotel development to which the *Accommodation Levy Act 1997* applies) instead of a contribution under section 94 of the *Environmental Planning and Assessment Act 1979*, and
 - (iv) by waiving the tendering requirements of the *Local Government Act 1993* that would otherwise apply to contracts entered into in accordance with a condition of a donation to a public space improvement project (proposed section 62), and
 - (v) by requiring the disclosure of all donations made to public space improvement projects (proposed section 63), and
- (b) to change the size and composition of the Central Sydney Planning Committee by decreasing the number of members from 9 to 7 (involving a decrease in the number of “qualified person” members from 4 to 2, excluding the Mayor of South Sydney and including a government architect) (see Schedule 2 [2]–[4], and [11]), and
 - (c) to provide for the appointment of a Deputy Chairperson of the Planning Committee (see Schedule 2 [7] and [12]), and
 - (d) to make further provision for the appointment of alternate members of the Planning Committee (see Schedule 2 [S] and [9]), and
 - (e) to change the meaning of “major development” (development in respect of which the Planning Committee has exclusive power to grant development consent) to replace 2 existing categories of development (development by the Crown or by the City Council) with a new category of development (development that the Minister for Urban Affairs and Planning requests the Planning Committee to deal with) and to make minor changes to other categories of major development to give effect to provisions currently in the regulations (see Schedule 2 [1]), and
 - (f) to change the role of the Planning Committee with respect to the preparation of local environmental plans so that functions with respect to the preparation of those plans (currently exercised exclusively by the Committee) will revert to the City Council, but with the Committee’s consent to a draft local environmental plan being required before it can be made by the Council, and the Committee being empowered to initiate the preparation of draft local environmental plans to facilitate non-complying major development (see Schedule 2 [5]), and

- (g) to make it clear that the Planning Committee's existing power to determine development applications for major development is exclusive to the Committee but does not affect any role of other consent authorities, and to enable the Planning Committee to delegate its development consent functions to the City Council, the General Manager of the City Council, the Chairperson of the Planning Committee or any subcommittee of the Planning Committee (see Schedule 2 [6]), and
- (h) to give the person presiding at a meeting of the Planning Committee (the Chairperson or Deputy Chairperson) a casting vote (in addition to the existing deliberative vote) (see Schedule 2 [13]), and
- (i) to require the amendments made by the proposed Act to be reviewed after 5 years (see Schedule 2 [17]), and
- (j) to make consequential and miscellaneous amendments (see Schedule 2 [10] and [14]-[16]).

Outline of provisions

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

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

Clause 3 gives effect to the Schedules of amendments to the *City of Sydney Act 1988*.

Schedules 1 and 2 make the amendments to the *City of Sydney Act 1988* summarised above.