



New South Wales

# Greater Cities Commission Bill 2022

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

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

*, 2022*



New South Wales

## **Greater Cities Commission Bill 2022**

Act No \_\_\_\_\_, 2022

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An Act to constitute and confer functions on the Greater Cities Commission; to amend the *Environmental Planning and Assessment Act 1979* to make provision in relation to strategic planning; to repeal the *Greater Sydney Commission Act 2015*; and for other purposes.

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

*Assistant Speaker of the Legislative Assembly.*

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The Legislature of New South Wales enacts—

## Part 1 Preliminary

### 1 Name of Act

This Act is the *Greater Cities Commission Act 2022*.

### 2 Commencement

This Act commences on the date of assent to this Act.

### 3 Definitions

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.

**city** means an area of land described as a city in Schedule 1, sections 2–7.

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

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

**exercise** a function includes perform a duty.

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

**function** includes a power, authority and duty.

**Greater Cities Commissioner** means the Chief Commissioner or a member of the Commission appointed under section 6(1)(b).

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

**Six Cities Region** means the region described in Schedule 1.

**Note**— The *Interpretation Act 1987* contains definitions and other provisions that affect the interpretation and application of this Act.

### 4 Amendment of area comprising Six Cities Region

- (1) The regulations may amend Schedule 1 to replace the description in the Schedule to extend or reduce the Six Cities Region or a city within the Six Cities Region.
- (2) A regulation that extends the Six Cities Region to a further local government area may also limit the functions of the Commission in respect of the area.
- (3) The regulations may contain provisions of a savings or transitional nature consequent on the making of a regulation under subsection (1).

## Part 2 Greater Cities 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 Cities Commission.  
**Note**— The Greater Cities Commission is taken to be the continuation of the Greater Sydney Commission—see Schedule 3, section 3.
- (2) The Commission is a NSW Government agency.  
**Note**— See the *Interpretation Act 1987*, section 13A.
- (3) The Commission is not subject to the control and direction of the Minister, except to the extent specifically provided for in this or another Act.

#### 6 Members of Commission

- (1) The Commission is to consist of the following members—
  - (a) a person appointed by the Minister as the Chief Commissioner of the Commission,
  - (b) up to 3 persons appointed by the Minister, each of whom has, in the opinion of the Minister, expertise in at least 1 of the areas of expertise,
  - (c) 6 persons appointed by the Minister to represent the cities (the **City Commissioners**), being persons who have, in the opinion of the Minister, expertise in at least 1 of the areas of expertise,
  - (d) each of the following (the **ex-officio members**)—
    - (i) the Secretary of the Department of Premier and Cabinet,
    - (ii) the Secretary of the Department of Planning and Environment,
    - (iii) the Secretary of the Department of Transport,
    - (iv) the Secretary of the Treasury.
- (2) Of the Greater Cities Commissioners appointed under subsection (1)(b)—
  - (a) 1 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) 1 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) 1 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.
- (3) If there are fewer than 3 persons appointed under subsection (1)(b), the Minister may appoint a person to exercise more than 1 of the principal responsibilities specified in subsection (2).
- (4) Before appointing a person as a City Commissioner to represent a city in the Six Cities Region, the Minister must seek the advice of the local council of each local government area in the city in relation to the proposed appointment.
- (5) However, the Minister is not prevented from making an appointment if a local council fails to provide advice when requested.
- (6) A person must not be appointed as a City Commissioner to represent a city in the Six Cities Region unless the person resides in the city.

- (7) Schedule 2 contains provisions with respect to the members and procedure of the Commission.
- (8) In this section—  
*areas of expertise* means the following areas—
- (a) environmental sustainability,
  - (b) environmental science,
  - (c) sustainable design,
  - (d) strategic planning,
  - (e) infrastructure planning and delivery,
  - (f) architecture,
  - (g) urban design,
  - (h) traffic and transport,
  - (i) engineering,
  - (j) community development and services,
  - (k) local government,
  - (l) environmental planning law,
  - (m) social justice,
  - (n) property development,
  - (o) community engagement,
  - (p) economics,
  - (q) tourism,
  - (r) heritage,
  - (s) First Nations land management.

## **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 the 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—** The *Government Sector Employment Act 2013*, section 59 provides that the persons employed for the Commission, or whose services the Commission makes use of, may be referred to as officers or employees, or members of staff, of the Commission. The *Constitution Act 1902*, section 47A 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 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 Six Cities Region,

- (b) to promote orderly development in the Six Cities Region, integrating social, economic and environmental considerations with regard to the principles of ecologically sustainable development contained in the *Protection of the Environment Administration Act 1991*, section 6(2),
- (c) to promote the alignment of Government decision-making on infrastructure with land use planning,
- (d) to promote the supply of housing, including affordable housing and a diversity of housing types,
- (e) to encourage development that is resilient, including resilient in relation to climate change, and development that takes into account natural hazards,
- (f) to support ongoing improvement in productivity, liveability and environmental quality,
- (g) to provide increased opportunity for public involvement and participation in environmental planning and assessment in the Six Cities Region, including the involvement and participation of First Nations peoples,
- (h) to promote economic activity in the Six Cities Region by coordinating the delivery of key economic precincts.

## **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 land use, infrastructure, planning or development in the Six Cities Region,
  - (b) to provide advice and make recommendations to the Minister administering this Act, and other Ministers with the approval of the Minister administering this Act, on matters relating to land use, infrastructure, planning or development in the Six Cities Region,
  - (c) 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 Six Cities Region,
  - (d) 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 Six Cities Region,
  - (e) to provide progress and assurance reports to the Minister administering this Act, and other Ministers with the approval of the Minister administering this Act, on matters relating to the preparation and implementation of any plan or proposal relating to development in the Six Cities Region,
  - (f) to provide advice to the Minister on the application of any development fund created under the Planning Act, section 7.35 for land in the Six Cities Region,
  - (g) to assist local councils in the Six Cities Region and other government agencies, including agencies of the Commonwealth, with the implementation of any plan or proposal relating to development in the Six Cities Region,
  - (h) to provide the Minister with information, advice or reports as requested by the Minister on matters relating to land use, infrastructure, planning or development in the Six Cities Region,
  - (i) to provide the Minister administering the Planning Act with information, advice or reports requested by the Minister administering the Planning Act on matters relating to land use, infrastructure, planning or development in the Six Cities Region,

- (j) if requested to do so by a Minister other than the Minister administering this Act or the Minister administering the Planning Act (the *other Minister*)—to provide the other Minister with information, advice or reports requested by the other Minister on matters relating to land use, infrastructure, planning or development in the Six Cities Region.
- (2) The other Minister must obtain the approval of the Minister administering this Act before making a request under subsection (1)(j).
- (3) The Commission may have other functions conferred or imposed on it by or under this or another Act.
- (4) Without limiting subsection (3), the Commission may exercise functions delegated to it under another Act.

#### **11 Obligation of government agencies to provide information**

- (1) A government agency has an obligation to comply with a reasonable request by the Commission to provide information that is relevant to the exercise by the Commission of the Commission's functions.
- (2) In this section—  
**government agency** means—
  - (a) a public authority constituted by or under an Act, or
  - (b) a NSW government agency, or
  - (c) a Public Service agency, or
  - (d) a local council, or
  - (e) a State owned corporation.

#### **12 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.
- (2) This power of delegation extends to a function delegated to the Commission, but only if the Commission is given written authorisation by the delegator to delegate the function.
- (3) A delegate may sub-delegate to an authorised person or body any function delegated by the Commission if the delegate is given written authorisation to do so by the Commission.
- (4) 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 a committee of the Commission,
  - (c) a Sydney district planning panel constituted under the Planning Act, Division 2.4,
  - (d) a member of the staff of the Commission, including the Chief Executive Officer,
  - (e) the Secretary of, or another person employed in, the Department of Planning and Environment,
  - (f) the Secretary of, or another person employed in, the Department of Premier and Cabinet,
  - (g) a regional planning panel constituted under the Planning Act, Division 2.4,

- (h) a local planning panel constituted under the Planning Act, Division 2.5,
- (i) the Independent Planning Commission constituted under the Planning Act, Division 2.3,
- (j) a local council, or the general manager or other employee of a local council, for a local government area in the Six Cities Region,
- (k) a person or body, or a person or body of a class, authorised by the regulations for this section.

### **Division 3 Committees**

#### **13 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 as follows—
  - (a) the Greater Cities Commissioners,
  - (b) 1 or more City Commissioners appointed by the Commission.
- (3) The FGC has the following functions—
  - (a) to advise and assist the Commission in connection with the functions of the Commission as determined by the Minister,
  - (b) to advise and assist the Commission in connection with other functions of the Commission.

#### **14 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 Cities Commissioners,
  - (b) the City Commissioners.
- (3) The SPC has the following functions—
  - (a) to advise and assist the Commission in connection with the functions of the Commission as determined by the Minister,
  - (b) if requested by the Commission—
    - (i) to prepare draft strategic plans under the Planning Act, Division 3.1 for the Six Cities Region, and
    - (ii) to provide information, advice and reports on the implementation of strategic plans for the Six Cities Region, and
    - (iii) to advise and assist the Commission in connection with other functions of the Commission.

#### **15 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 Cities Commissioners,
  - (b) 1 or more City Commissioners appointed by the Commission,
  - (c) the ex-officio members,

- (d) the Secretary of the Ministry of Health,
  - (e) the Secretary of the Department of Education,
  - (f) the Secretary of the Department of Communities and Justice.
- (3) The IDC has the following functions—
- (a) to advise and assist the Commission in connection with the functions of the Commission as determined by the Minister,
  - (b) if requested by the Commission—to advise and assist the Commission in connection with other functions of the Commission.

**16 Other committees**

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

**17 Subcommittees**

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

**18 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 the meetings is to be as determined by the committee or, subject to any determination of the committee, by the subcommittee.

## Part 3 Miscellaneous

### 19 Act to bind Crown

This Act binds the Crown in right of New South Wales and, to the extent 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 Six Cities Region is, if requested in writing by the Commission—

- (a) to allow the Commission to have access to, and take copies of, documents held by the council that are relevant to the functions of the Commission, and
- (b) to provide the Commission with staff and facilities, or 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* must include a report on the following—

- (a) the outcomes achieved by the Commission during the reporting period,
- (b) the implementation of strategic plans made under the Planning Act, Division 3.1 for the Six Cities Region, including information about related monitoring or evaluation undertaken by the Commission.

### 22 Disclosure of information

A person must not disclose information obtained in connection with the administration or execution of this Act unless the 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 legal proceedings arising out of this Act or of a report of the those legal proceedings, or
- (d) in accordance with a requirement under the *Ombudsman Act 1974*, or
- (e) with other lawful excuse.

Maximum penalty—20 penalty units.

### 23 Exclusion of personal liability

- (1) A protected person is not personally subject to liability for anything done—
  - (a) in good faith, and
  - (b) for the purpose of exercising a function under this or another Act.
- (2) The liability instead attaches to the Crown.
- (3) In this section—

*done* includes omitted to be done.

*liability* means civil liability and includes action, claim or demand.

*protected person* means—

- (a) a member of the Commission, or
- (b) a member of a committee of the Commission or a member of a subcommittee of a committee of the Commission, or

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

**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 about a matter that is—

- (a) required or permitted by this Act to be prescribed, or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

**26 Repeal of Greater Sydney Commission Act 2015 No 57**

The *Greater Sydney Commission Act 2015* is repealed.

**27 Review of Act**

- (1) The Minister is to review this Act to determine whether—
  - (a) the policy objectives of the Act remain valid, and
  - (b) 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 Six Cities Region and its cities**

sections 3 and 4

### **1 The Six Cities Region**

The Six Cities Region is comprised of the following—

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

### **2 Eastern Harbour City**

The Eastern Harbour City is comprised of the land within the following local government areas—

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

### **3 Central River City**

The Central River City is comprised of the land within the following local government areas—

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

- (g) The Hills Shire.

#### **4 Lower Hunter and Greater Newcastle City**

The Lower Hunter and Greater Newcastle City is comprised of the land within the following local government areas—

- (a) City of Cessnock,
- (b) City of Lake Macquarie,
- (c) City of Maitland,
- (d) City of Newcastle,
- (e) Port Stephens.

#### **5 Western Parkland City**

The Western Parkland City is comprised of the land within the following local government areas—

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

#### **6 Central Coast City**

The Central Coast City is comprised of the land within the Central Coast local government area.

#### **7 Illawarra-Shoalhaven City**

The Illawarra-Shoalhaven City is comprised of the land within the following local government areas—

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

## Schedule 2 Members and procedure of Commission

section 6(7)

### 1 Definitions

In this Schedule—

***appointed member*** means a Greater Cities Commissioner or City 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 the period, not exceeding 4 years, 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

- (1) An appointed member may be appointed on either a full-time or part-time basis.
- (2) 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 the remuneration, including travelling and subsistence allowances, determined by the Statutory and Other Offices Remuneration Tribunal.
- (2) A member appointed on a part-time basis is entitled to be paid the remuneration, including travelling and subsistence allowances, as the Minister may from time to time determine for 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 a written instrument addressed to the Minister, or
  - (d) is removed from office by the Minister under this section or by the Governor under the *Government Sector Employment Act 2013*, Part 6, 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 the meetings, or
  - (f) becomes bankrupt, applies to take the benefit of a law for the relief of bankrupt or insolvent debtors, compounds with the member's creditors or makes an assignment of the member's remuneration for the creditors' 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 reason and without notice.

- (3) However, the Minister must provide a written statement of the reasons for removing the member from office and make the statement publicly available.
- (4) In particular, the Minister may remove an appointed member from office if the Independent Commission Against Corruption, in a report referred to in the *Independent Commission Against Corruption Act 1988*, section 74C, recommends consideration be given to the removal of the member from office because of corrupt conduct by the member.
- (5) The Chief Commissioner is taken to have vacated office as Chief Commissioner if the Chief Commissioner resigns office by written instrument addressed to the Minister or ceases to be a member.

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

If the office of an appointed member becomes vacant, a person must, subject to this Act and the regulations, 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 subsection (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 subsection (1).

- (5) Particulars of any disclosure made under this section must be recorded by the Commission in a book kept for the purpose and that book must be made available for public inspection at a reasonable time for no charge.
- (6) After a member has disclosed the nature of an interest in a matter, the member must not, unless the Minister or the Commission otherwise determines—
  - (a) be present during deliberation of the Commission about the matter, or
  - (b) take part in a decision of the Commission about the matter.
- (7) For the purposes of the making of a determination by the Commission under subsection (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 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 section does not invalidate a decision of the Commission.
- (9) This section 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 an Act provision is made—
  - (a) requiring a person who is the holder of a specified office to devote the whole of the person's time to the duties of the office, or
  - (b) prohibiting the person from engaging in employment outside the duties of the office,the provision does not operate to disqualify the person from holding the office and also the office of a member or from accepting and retaining 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 1 Greater Cities Commissioner, and
- (b) at least 2 City Commissioners, and
- (c) at least 1 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 written resolution approved in writing by a majority of the 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 all or some members participate by telephone or other electronic means, but only if a 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 subsection (1), or
  - (b) a meeting held in accordance with subsection (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 subsection (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 subsection (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.

## Schedule 3 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 commencement of—
  - (a) a provision of this Act, or
  - (b) a provision amending this Act.
- (2) A savings or transitional provision consequent on the commencement of a provision must not be made more than 2 years after the commencement.
- (3) A savings or transitional provision consequent on the commencement of a provision is repealed 2 years after the commencement.
- (4) A savings or transitional provision consequent on the commencement of a provision may take effect before the commencement but not before—
  - (a) for a provision of this Act—the date of assent to this Act, or
  - (b) for a provision amending this Act—the date of assent to the amending Act.
- (5) A savings or transitional provision taking effect before its publication on the NSW legislation website does not—
  - (a) affect the rights of a person existing before the publication in a way prejudicial to the person, or
  - (b) impose liabilities on a person for anything done or omitted to be done before the publication.
- (6) In this section—

*person* does not include the State or an authority of the State.

### Part 2 Provisions consequent on enactment of this Act

#### 2 Definition

In this Part—

*former Act* means the *Greater Sydney Commission Act 2015* as in force immediately before its repeal by this Act.

#### 3 Continuation of Commission

- (1) The Greater Cities Commission under this Act is taken to be the continuation of the Greater Sydney Commission under the former Act immediately before the commencement of this section.
- (2) The persons holding office as members of the Greater Sydney Commission under the former Act, section 6 immediately before the commencement of this section are taken to have been appointed under the corresponding provision of this Act, section 6 for the balance of the persons' terms of office under the former Act.
- (3) To avoid doubt, a person holding office as members of the Greater Sydney Commission under the former Act, section 6(1)(b) immediately before the commencement of this section is taken to have been appointed under this Act, section 6(1)(c) for the balance of the person's term of office under the former Act.

**4 Existing delegations under former Act**

A delegation of a function under the former Act and in force immediately before the repeal of the former Act is taken to be a delegation of a comparable function under this Act.

**5 References to Greater Sydney Commission in other Acts and instruments**

A reference in another Act or an instrument to the Greater Sydney Commission constituted under the former Act is to be read as a reference to the Greater Cities Commission constituted under this Act.

**6 References to Greater Sydney Region in existing Acts and instruments**

A reference to the Greater Sydney Region in another Act or an instrument enacted or made before the repeal of the former Act is to be read as a reference to the Greater Sydney Region within the meaning of the former Act immediately before its repeal.

**7 General savings provision**

- (1) Subject to this Part and the regulations, anything done under or for the purposes of a provision of the former Act is, to the extent the thing had effect immediately before the repeal of the provision, taken to have been done under or for the purposes of the corresponding provision of this Act, if any.
- (2) Without limiting subsection (1), the exercise of a function by the Greater Sydney Commission under or for the purposes of a provision of the former Act that is a function of the Greater Cities Commission under this Act is taken to have been done by the Greater Cities Commission under or for the purposes of the corresponding provision of this Act.

## **Schedule 4      Amendment of Environmental Planning and Assessment legislation**

### **4.1 Environmental Planning and Assessment Act 1979 No 203**

**[1] The whole Act, except where otherwise amended by this Schedule**

Omit “Greater Sydney Commission” wherever occurring.

Insert instead “Greater Cities Commission”.

**[2] The whole Act, except where otherwise amended by this Schedule**

Omit “Greater Sydney Region” wherever occurring.

Insert instead “Six Cities Region”.

**[3] Section 1.4 Definitions**

Omit the definition of *Greater Sydney Region* from section 1.4(1).

Insert in alphabetical order—

*designated Sydney districts* means the following cities within the meaning of the *Greater Cities Commission Act 2022*—

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

*Six Cities Region* has the same meaning as in the *Greater Cities Commission Act 2022*.

**[4] Sections 2.12(1) and (5)(a) and (d) and 2.17(2)**

Omit “Greater Sydney Region” wherever occurring.

Insert instead “designated Sydney districts”.

**[5] Sections 2.12(5)(a)**

Omit “the whole of the Region”.

Insert instead “all of the designated Sydney districts”.

**[6] Section 2.12(2) and (5)(b)**

Omit “the Greater Sydney Region” wherever occurring.

Insert instead “a part within the designated Sydney districts”.

**[7] Section 3.1 Definitions**

Omit the definition of *district* from section 3.1(1). Insert instead—

*district* means—

- (a) a city within the meaning of the *Greater Cities Commission Act 2022*, or
- (b) a part of a region declared to be a district under section 3.2(b).

**[8] Sections 3.3(3)(e) and 3.4(4)(e)**

Omit “*Greater Sydney Commission Act 2015*” wherever occurring.

Insert instead “*Greater Cities Commission Act 2022*”.

**[9] Section 3.4 District strategic plans—preparation and content**

Omit section 3.4(2). Insert instead—

- (2) The Greater Cities Commission must prepare a draft district strategic plan for each district within the Six Cities Region, being a city within the meaning of the *Greater Cities Commission Act 2022*.

**[10] Section 3.4(6)**

Insert after section 3.4(5)—

- (6) In this section—

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

*planning priorities*—

- (a) for a district within the Six Cities Region—must include targets, for the periods of 5, 10 and 20 years after the making of the plan, for each local government area in the district, for development consents to be granted by consent authorities for net additional dwellings in the district, and
- (b) for other districts—may include net additional dwelling targets.

**[11] Section 3.5 Making and review of regional strategic plans**

Omit section 3.5(3) and (4). Insert instead—

- (3) The document entitled *Greater Sydney Region Plan—A Metropolis of Three Cities* is taken to be the regional strategic plan made under this Division for the Six Cities Region, but has effect only in relation to the land within the designated Sydney districts.
- (4) The Greater Cities Commission must review the regional strategic plan and submit a draft regional strategic plan applying to the whole of the Six Cities Region to the Minister, before the end of 2023 and at the end of every subsequent period of 5 years.

**[12] Section 3.5(6)**

Omit the subsection. Insert instead—

- (6) A failure to comply with a provision of this section does not affect the validity of a regional strategic plan, including the continuing validity of an existing regional strategic plan.

**[13] Section 10.5 Disclosure and misuse of information**

Omit “*Greater Sydney Commission Act 2015*” from section 10.5(6).

Insert instead “*Greater Cities Commission Act 2022*”.

**[14] Schedule 2 Provisions relating to planning bodies**

Omit “Greater Sydney Region (within the meaning of the *Greater Sydney Commission Act 2015*)” from clause 9.

Insert instead “designated Sydney districts”.

## 4.2 Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017

### Part 7

Insert after Part 6—

## Part 7 Provisions consequent on enactment of Greater Cities Commission Act 2022

### 31 Definitions

In this Part—

*city* has the same meaning as in the new Act.

*district strategic plan* has the same meaning as in the Act, Division 3.1.

*former Act* means the *Greater Sydney Commission Act 2015* as in force immediately before its repeal by the new Act.

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

*regional strategic plan* has the same meaning as in the Act, Division 3.1.

*Six Cities Region* has the same meaning as in the new Act.

### 32 Greater Sydney Regional Plan and Sydney district plans

- (1) The regional strategic plan entitled *Greater Sydney Region Plan—A Metropolis of Three Cities* continues to have effect until a regional strategic plan is made for the Six Cities Region.
- (2) The following district strategic plans continue to have effect until district strategic plans are made for the Eastern Harbour City, the Central River City and the Western Parkland City—
  - (a) *Eastern City District Plan*,
  - (b) *Central City District Plan*,
  - (c) *North District Plan*,
  - (d) *South District Plan*,
  - (e) *Western City District Plan*.

### 33 Illawarra Shoalhaven Regional Plan 2041

The *Illawarra Shoalhaven Regional Plan 2041* continues to have effect, as if it were a district strategic plan, until a district strategic plan is made for the Illawarra-Shoalhaven City.

### 34 Existing and draft Central Coast Regional Plans

- (1) The *Central Coast Regional Plan 2036* continues to have effect, as if it were a district strategic plan, until the plan referred to in subclause (2) commences.
- (2) A regional strategic plan for the Central Coast region within the meaning of the Act, Division 3.1, immediately before its amendment by the new Act, is to be prepared and made under the Division as if the Division had not been amended by the new Act.
- (3) The plan referred to in subclause (2) has effect, as if it were a district strategic plan, until a district strategic plan is made for the Central Coast City.

**35 Existing and draft Hunter Regional Plans**

- (1) The *Hunter Regional Plan 2036* continues to have effect, as if it were a district strategic plan, until the plan referred to in subclause (2) commences.
- (2) A regional strategic plan for the Hunter region within the meaning of the Act, Division 3.1, immediately before its amendment by the new Act, is to be prepared and made under the Division as if the Division had not been amended by the new Act.
- (3) The plan referred to in subclause (2) has effect—
  - (a) for the Lower Hunter and Greater Newcastle City of the Six Cities Region—as if it were a district strategic plan, until a district strategic plan is made for the City, and
  - (b) for the remainder of the Hunter region—as if it were a regional strategic plan, until a regional strategic plan is for the land.

## **Schedule 5 Consequential amendment of other legislation**

### **5.1 Biosecurity Act 2015 No 24**

#### **Schedule 2 Prohibited matter**

Omit “within the meaning of the *Greater Sydney Commission Act 2015*” from Part 2.

### **5.2 Defamation Act 2005 No 77**

#### **Schedule 1 Additional publications to which absolute privilege applies**

Omit “section 10, 21 or 26 of the *Greater Sydney Commission Act 2015*” from clause 34(1)(b).

Insert instead “section 10 or 21 of the *Greater Cities Commission Act 2022*”.

### **5.3 Government Sector Employment Act 2013 No 40**

#### **Schedule 1 Public Service agencies**

Omit “Greater Sydney Commission” wherever occurring in Part 2.

Insert instead “Greater Cities Commission”.

### **5.4 Government Sector Finance Legislation (Repeal and Amendment) Act 2018 No 70**

#### **Schedule 4 Other amendments to legislation**

Omit Schedule 4.44. Insert instead—

#### **4.44 Greater Cities Commission Act 2022**

##### **Section 21**

Omit the section. Insert instead—

##### **21 Annual reporting information to include certain matters**

The annual reporting information prepared for the Commission under the *Government Sector Finance Act 2018* must include a report about the following—

- (a) the outcomes achieved by the Commission during the annual reporting period concerned,
- (b) the implementation of strategic plans made under the Planning Act, Division 3.1 for the Six Cities Region, including information about related monitoring or evaluation undertaken by the Commission, during the annual reporting period concerned.

### **5.5 Infrastructure NSW Act 2011 No 23**

#### **[1] The Whole Act, except section 8(2)(d)**

Omit “Premier” wherever occurring. Insert instead “Minister”.

#### **[2] Schedule 1 Members and procedure of Board of Infrastructure NSW**

Omit clause 12.

## **5.6 Interpretation Act 1987 No 15**

### **[1] Section 21 Meanings of commonly used words and expressions**

Insert in alphabetical order in section 21(1)—

*Greater Sydney Region*—see Schedule 1.

### **[2] Schedule 1**

Insert before Schedule 2—

## **Schedule 1 Greater Sydney Region**

### **1 Composition of Greater Sydney Region**

The *Greater Sydney Region* means the region comprising the following local government areas—

- (a) Bayside,
- (b) City of Blacktown,
- (c) City of Blue Mountains,
- (d) Burwood,
- (e) Canada Bay,
- (f) Canterbury-Bankstown,
- (g) Camden,
- (h) City of Campbelltown,
- (i) Cumberland,
- (j) City of Fairfield,
- (k) Georges River,
- (l) City of Hawkesbury,
- (m) Hornsby,
- (n) Hunter's Hill,
- (o) Inner West,
- (p) Ku-ring-gai,
- (q) Lane Cove,
- (r) City of Liverpool,
- (s) Mosman,
- (t) North Sydney,
- (u) Northern Beaches,
- (v) City of Parramatta,
- (w) City of Penrith,
- (x) City of Randwick,
- (y) City of Ryde,
- (z) Strathfield,
- (za) City of Sydney,
- (zb) Sutherland Shire,
- (zc) The Hills Shire,

- (zd) Waverley,
- (ze) City of Willoughby,
- (zf) Wollondilly,
- (zg) Woollahra.

## **2 Amendment of area comprising Greater Sydney Region**

The Governor may make regulations to amend clause 1—

- (a) to extend or reduce the Greater Sydney Region, or
- (b) to rename a local government area.

## **5.7 Protection of the Environment Operations Act 1997 No 156**

### **Schedule 1 Scheduled activities**

Omit “within the meaning of the *Greater Sydney Commission Act 2015*” from clause 50(1), definition of *regulated area*.

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

### **Schedule 2 Public offices**

Omit “Greater Sydney Commission” from Part 1.

Insert instead “Greater Cities Commission”.