

Passed by both Houses



New South Wales

City of Sydney Amendment (Central Sydney Traffic and Transport Committee) Bill 2012

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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, , 2012*



New South Wales

City of Sydney Amendment (Central Sydney Traffic and Transport Committee) Bill 2012

Act No , 2012

An Act to amend the *City of Sydney Act 1988* to establish the Central Sydney Traffic and Transport Committee; and for other purposes.

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.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *City of Sydney Amendment (Central Sydney Traffic and Transport Committee) Act 2012*.

2 Commencement

- (1) This Act commences on the date of assent to this Act, except as provided by subsection (2).
- (2) So much of Schedule 1 [6] as inserts sections 51L, 51M and 51N into the *City of Sydney Act 1988* commences on a day or days to be appointed by proclamation.

Schedule 1 Amendment of City of Sydney Act 1988 No 48

[1] Long title

Insert “to establish a Central Sydney Traffic and Transport Committee for the Sydney Central Business District;” after “City of Sydney;”.

[2] Section 3 Principal Act and traffic and transport legislation

Omit “(Part 4 and Schedule 1 excepted)” from section 3 (2).

Insert instead “(Parts 4 and 4A and Schedules 1 and 2 excepted)”.

[3] Section 3 (4)

Insert after section 3 (3):

- (4) In the event of an inconsistency between Part 4A of this Act and any traffic and transport legislation, this Act prevails to the extent of the inconsistency.

[4] Section 4 Definitions

Insert in alphabetical order in section 4 (1):

Central Sydney Traffic and Transport Committee (or *CSTTC*) means the Central Sydney Traffic and Transport Committee established by this Act.

Sydney Central Business District (or *Sydney CBD*)—see section 4A.

traffic and transport legislation means the following Acts and the regulations made under those Acts:

- (a) the *Transport Administration Act 1988*,
- (b) the *Roads Act 1993*,
- (c) an Act that forms part of the road transport legislation as defined in the *Road Transport (General) Act 2005*,
- (d) the *Barangaroo Delivery Authority Act 2009*,
- (e) the *Sydney Harbour Foreshore Authority Act 1998*,
- (f) the *Passenger Transport Act 1990*,
- (g) an Act that is prescribed by the regulations for the purposes of this definition.

[5] Section 4A

Insert after section 4:

4A Sydney Central Business District

(1) In this Act:

Sydney Central Business District (or *Sydney CBD*) means the land in the City of Sydney shown as being the Sydney Central Business District on the Central Sydney Traffic and Transport Committee Operational Area Map.

(2) The reference in subsection (1) to the Central Sydney Traffic and Transport Committee Operational Area Map is a reference to the map by that name presented to the Speaker of the Legislative Assembly (by or on behalf of the Member of the Assembly who introduced the Bill for the Act inserting this definition in this Act) when the Bill was introduced into the Assembly, as amended or replaced from time to time by maps of land in the City of Sydney declared in accordance with this section to amend or replace that map.

(3) The declaration that a map amends or replaces the Central Sydney Traffic and Transport Committee Operational Area Map is to be made by the regulations.

(4) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.

(5) For the purposes of this Act, a map may be in, and may be kept and made available in, electronic or paper form, or both.

Note. The maps adopted by this Act are to be made available on the official NSW legislation website in connection with this Act.

[6] Part 4A

Insert after section 51:

**Part 4A Central Sydney Traffic and Transport
Committee**

Division 1 Preliminary

51A Object of Part

The object of this Part is to establish a committee consisting of representatives of the State government and the City Council to provide for effective co-ordination of transport and traffic

management in so much of the City of Sydney as comprises the Sydney Central Business District.

51B Definitions

In this Part:

public road has the same meaning as it has in the *Roads Act 1993*.

road related area means:

- (a) an area that divides a public road, or
- (b) a footpath or nature strip adjacent to a public road, or
- (c) an area that is open to the public and is designated for use by cyclists or animals, or
- (d) an area that is not a public road and that is open to or used by the public for driving, riding or parking vehicles, or
- (e) a shoulder of a public road, or
- (f) any other area that is open to or used by the public and that has been declared under section 51Q to be an area to which provisions of this Part apply.

road work, in relation to a public road or road related area within the meaning of this Part, has the same meaning as it has in relation to a road in the *Roads Act 1993* and **carry out road work** includes carry out any activity in connection with the construction, erection, installation, maintenance, repair, removal or replacement of a road work.

Sydney CBD parking authority, in relation to an area within the Sydney CBD, has the same meaning in relation to that area as it has for that area in the *Road Transport (Safety and Traffic Management) Regulation 1999*.

Sydney CBD roads authority means the following roads authorities (within the meaning of the *Roads Act 1993*):

- (a) for a public road within the Sydney Central Business District vested in the Barangaroo Delivery Authority—that Authority,
- (b) for a public road within the Sydney Central Business District vested in the Sydney Harbour Foreshore Authority—that Authority,
- (c) for any other public road within the Sydney Central Business District other than a public road for which another public authority is declared under the *Roads Act 1993* to be the roads authority—the City Council.

traffic includes vehicular, pedestrian and all other forms of traffic.

traffic control facility, in relation to a public road or road related area within the meaning of this Part, has the same meaning as it has in relation to a road or road related area in Part 6 of the *Transport Administration Act 1988* and **carry out traffic control work** includes carry out any activity in connection with the construction, erection, installation, maintenance, repair, removal or replacement of a traffic control facility.

51C Relationship of Part to other Acts

This Part does not affect the application of any provision of the Planning Act or any traffic and transport legislation except to the extent (if any) as is necessary to give effect to the provisions of this Part.

Division 2 Establishment of the Central Sydney Traffic and Transport Committee

51D Central Sydney Traffic and Transport Committee

- (1) There is established by this Act a committee consisting of representatives of the State government and the City Council to be known as the Central Sydney Traffic and Transport Committee.
- (2) The CSTTC has the functions conferred or imposed on it by or under this or any other Act.
- (3) The CSTTC is, by virtue of this section, a corporation.
- (4) Transport for NSW must provide the CSTTC with such administrative support, including staff and facilities, as is reasonably necessary for CSTTC to exercise its functions.

51E Area of operations and ambit of powers of CSTTC

- (1) The **area of operations** of the CSTTC means the Sydney Central Business District.
- (2) A function conferred or imposed by or under this Act on the CSTTC may be exercised only in relation to its area of operations.

51F Status of CSTTC

The CSTTC is, for the purposes of any Act, a NSW Government agency.

51G Members of CSTTC

- (1) The CSTTC is to consist of the following 7 members:
 - (a) the Director-General of the Department of Transport, who is to be the Chairperson,
 - (b) 3 persons nominated by the City Council and appointed by the Minister,
 - (c) 3 persons representing the State government and appointed by the Minister.
- (2) Schedule 2 contains provisions relating to the members and procedures of CSTTC.

51H Functions of CSTTC

- (1) CSTTC has the following functions:
 - (a) providing high-level co-ordination of the development of traffic and transport policies, plans and projects affecting the Sydney CBD,
 - (b) assessing the impact of decisions and actions with respect to traffic and transport management within the Sydney CBD on the efficiency and effectiveness of the transport network that provides access to, and movement in, the whole or any part of the Sydney CBD for persons and goods,
 - (c) coordinating the management by Sydney CBD roads authorities and Sydney CBD parking authorities of traffic and transport in the whole or any part of the Sydney CBD,
 - (d) reviewing and approving certain projects within the Sydney CBD having a significant impact on public roads, road related areas, traffic or transport in the whole or any part of the Sydney CBD,
 - (e) promoting the efficiency and safety of the public transport network in the Sydney CBD,
 - (f) such other functions as may be conferred or imposed on it by or under this or any other Act.
- (2) Without limiting the matters it may consider, in exercising its functions the CSTTC is to take into consideration the potential impact of traffic and transport management decisions and actions on the following:
 - (a) the future economic welfare and development of Sydney and the State,

- (b) the efficient functioning of businesses in the whole or any part of the Sydney CBD,
 - (c) the maintenance of access for freight within the whole or any part of the Sydney CBD,
 - (d) the efficiency and traffic safety of the public transport network in the Sydney CBD,
 - (e) the needs of commuters, residents, pedestrians and visitors in the whole or any part of the Sydney CBD.
- (3) The CSTTC may, for the purpose of exercising its functions, give such directions under this Part as it considers necessary to a Sydney CBD roads authority or Sydney CBD parking authority.
- (4) The CSTTC is to act as expeditiously as practicable in exercising its functions.

51I Subcommittees

- (1) The CSTTC may establish subcommittees to assist it in connection with the exercise of any of its functions.
- (2) It does not matter that any or all of the members of a subcommittee are not members of the CSTTC.
- (3) The procedure for the calling of meetings of a subcommittee and for the conduct of business at those meetings are to be as determined by the CSTTC or (subject to any determination of the CSTTC) by the subcommittee.

51J Delegation of CSTTC's functions

- (1) The CSTTC may delegate to an authorised person any of its functions, other than this power of delegation.
- (2) A delegate may sub-delegate to an authorised person any function delegated by the CSTTC if the delegate is authorised in writing to do so by the CSTTC.
- (3) In this section, *authorised person* means:
- (a) a member of staff of Transport for NSW or Roads and Maritime Services, or
 - (b) the City Council or the general manager of the City Council, or
 - (c) a person, or committee of persons, of a class approved by the Minister or prescribed by the regulations.

Division 3 Powers of CSTTC

51K Excluded matters

- (1) The provisions of this Part do not apply to or in respect of any work or scheme carried out or proposed to be carried out on a public road or road related area in the Sydney CBD:
 - (a) by a public sector agency, other than a Sydney CBD roads authority or Sydney CBD parking authority in its capacity as such an authority, or
 - (b) without limiting paragraph (a), by Roads and Maritime Services (whether or not it is exercising a function of a roads authority under section 64 of the *Roads Act 1993*), or
 - (c) in an emergency, or
 - (d) for the purposes of a sporting, cultural or other special event, or
 - (e) in the nature of temporary traffic control measures to facilitate the carrying out of any construction, engineering or demolition work, including the excavation, site preparation or remediation of land, or
 - (f) specified, or of a kind described, in a notice given for the purposes of this paragraph under subsection (2), or
 - (g) in the nature of routine operational maintenance of infrastructure, including, but not limited to, maintenance of roads and road related areas, and the installation or maintenance of water or utility pipes, bus shelters, seating, lighting or street furniture.
- (2) For the purposes of subsection (1) (f), CSTTC may, by notice in writing given to:
 - (a) a Sydney CBD roads authority—specify roadwork or traffic control work, or describe roadwork or traffic control work of a kind, being roadwork or traffic control work that CSTTC considers to be unlikely to have a significant impact on a public road, road related area, traffic or transport within the Sydney CBD, or
 - (b) a Sydney CBD parking authority—specify a scheme with respect to parking, or describe a scheme with respect to parking of a kind, being a scheme that CSTTC considers to be unlikely to significantly alter the availability of on-street parking in the Sydney CBD.

51L Sydney CBD roads authorities to notify CSTTC of proposal to carry out road work and traffic control work

- (1) A Sydney CBD roads authority may not carry out road work or traffic control work on a public road or road related area within the Sydney CBD unless it has forwarded particulars of the proposed work to CSTTC at least 28 days (or such lesser period as is agreed to by the CSTTC in a particular case) before the proposed commencement of the work.
- (2) If it appears to the CSTTC that the proposed work may have a significant impact on a public road, road related area, traffic or transport within the Sydney CBD, CSTTC may, within that period of 28 days or the agreed lesser period, by an order in writing signed by the Chairperson of CSTTC, direct the Sydney CBD roads authority:
 - (a) to vary the carrying out of the work, or
 - (b) to defer the carrying out of the work for a specified period, or
 - (c) not to carry out the work.
- (3) A Sydney CBD roads authority must comply with any direction given under this section.
- (4) For the assistance of Sydney CBD roads authorities, the CSTTC may from time to time issue guidelines (not inconsistent with subsection (1)), relating to the matters with respect to which particulars are required to be forwarded in order to comply with subsection (1).

51M Sydney CBD parking authorities to notify CSTTC of proposal to carry out certain parking schemes

- (1) A Sydney CBD parking authority may not establish or operate any scheme under the *Road Transport (Safety and Traffic Management) Act 1999* with respect to parking on any public road or road related area within the Sydney CBD unless it has forwarded particulars of the proposed scheme to CSTTC at least 28 days (or such lesser period as is agreed to by the CSTTC in a particular case) before the proposed scheme is established or operated.
- (2) A reference in subsection (1) to the *operation* of a scheme includes any substantial increase of fees.
- (3) If it appears that the proposed scheme may significantly alter the availability of on-street parking in the Sydney CBD, CSTTC may, within that period of 28 days or the agreed lesser period, by

an order in writing signed by the Chairperson of CSTTC, direct the Sydney CBD parking authority:

- (a) to vary the proposal, or
 - (b) to defer the establishment or operation of the scheme for a specified period, or
 - (c) not to carry out the proposal.
- (4) A Sydney CBD parking authority must comply with any direction given under this section.
 - (5) A Sydney CBD parking authority must comply with a direction given under this section even if the scheme concerned has been established or operated in accordance with an approval given by, or guidelines of, Roads and Maritime Services.
 - (6) For the assistance of Sydney CBD parking authorities, the CSTTC may from time to time issue guidelines (not inconsistent with subsection (1)), relating to the matters with respect to which particulars are required to be forwarded in order to comply with subsection (1).

51N Planning proposals having a significant impact on traffic and transport in the Sydney CBD

- (1) The Planning Committee must consult the CSTTC before it exercises a function under Part 4 that will result in the making of a decision that will require, or that might reasonably be expected to require, the carrying out of road works or traffic control works that are likely to have a significant impact on traffic and transport in the Sydney CBD.
- (2) The Planning Committee must take into consideration any representations made by the CSTTC within the period of 21 days (or such other period as is agreed to by the CSTTC and the Planning Committee in a particular case) after consultation takes place.
- (3) The Planning Committee may delegate to a subcommittee of the Planning Committee, or the general manager or another member of the staff of the City Council, any of its functions under this section other than this power of delegation. A delegation can be given subject to conditions. A delegation does not (despite section 38) require the approval of the Minister administering that section.
- (4) The failure of the Planning Committee to comply with this section does not invalidate or otherwise affect any decision made by the Planning Committee.

51O Access to records etc of roads and parking authorities

The CSTTC is entitled to have access to, and to make copies of and take extracts from, records of any Sydney CBD roads authority or Sydney CBD parking authority relevant to the exercise of its functions.

51P Disputes between CSTTC and Sydney CBD roads and parking authorities

- (1) Any dispute arising under this Part between a Sydney CBD roads authority and the CSTTC is to be resolved by consultation:
 - (a) in the case of the Barangaroo Delivery Authority—between the Minister responsible for the Authority and the Minister administering this Part or, if agreement cannot be reached, by the Premier, or
 - (b) in the case of the Sydney Harbour Foreshore Authority—between the Minister responsible for the Authority and the Minister administering this Part or, if agreement cannot be reached, by the Premier, or
 - (c) in the case of the City Council—between the Minister administering the *Local Government Act 1993* and the Minister administering this Part or, if agreement cannot be reached, by the Premier.
- (2) Any dispute arising under this Part between a Sydney CBD parking authority and the CSTTC is to be resolved by consultation between the Minister responsible for the relevant authority and the Minister administering this Part or, if agreement cannot be reached, by the Premier.
- (3) In this section, a reference to the Minister responsible for a Sydney CBD parking authority is a reference to:
 - (a) in the case of the City Council, the Minister administering the *Local Government Act 1993*, and
 - (b) in the case of a declared organisation that is constituted by or under an Act, the Minister administering that Act, and
 - (c) in the case of a Government Department, the Minister responsible for that Department.

51Q Power to include or exclude areas from operational area

- (1) The Premier may declare, by order published on the NSW legislation website, that this Part, or any specified provision of this Part:

-
- (a) applies to a specified area of the Sydney CBD that is open to or used by the public, or
 - (b) does not apply to a specified public road or road related area.
- (2) The declaration has effect until it is revoked, or for the period specified in the declaration.

[7] **Schedule 2**

Insert after Schedule 1:

Schedule 2 Provisions relating to members and procedures of Central Sydney Traffic and Transport Committee

1 Definitions

In this Schedule:

appointed member means a person who is appointed as a member of CSTTC by the Minister.

member means a member of CSTTC.

2 Alternate members

- (1) The Director-General of the Department of Transport may, from time to time, appoint a member of staff of Transport for NSW to be his or her alternate as a member.
- (2) A nominee of the City Council may, from time to time, with the approval of the City Council, appoint a person to be his or her alternate as a member.
- (3) A person appointed to represent the State government may, from time to time, with the approval of the Minister, appoint a person to be his or her alternate as a member.
- (4) In the absence of a member, the member's alternate may, if available, act in the place of the member.
- (5) While acting in the place of a member, a person has all the functions of the member and is taken to be the member.

3 Term of office

Subject to this Schedule, an appointed member holds office for such period (not exceeding 3 years) as is specified in the member's instrument of appointment, and is eligible for re-appointment.

4 Vacancy in office

- (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) in the case of a member appointed under section 51G (1) (b)—has his or her nomination revoked by the City Council under subclause (2), or
 - (e) is removed from office by the Minister under this clause, or
 - (f) absents himself or herself from 4 consecutive meetings of the CSTTC of which reasonable notice has been given to the member personally or in the ordinary course of post, unless:
 - (i) the CSTTC has granted the member leave to be absent from those meetings, or
 - (ii) within 4 weeks after the last of those meetings, the member is excused by the CSTTC 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 City Council may, by instrument in writing addressed to the Minister, revoke the nomination of a member appointed under section 51G (1) (b).
- (3) The Minister may remove an appointed member from office at any time.

5 Liability of members and others

No matter or thing done by the CSTTC, any member or any person acting under the direction of CSTTC, if the matter or thing was done in good faith for the purpose of executing this or any other Act, subjects the member or person so acting personally to any action, liability, claim or demand.

6 Filling of vacancy of member

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

7 General procedure

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

8 Meetings of CSTTC

- (1) The CSTTC must hold at least 4 meetings in each calendar year.
- (2) Meetings of CSTTC (other than meetings referred to in clause 15) are to be open to the public, except as provided by subclause (3).
- (3) If CSTTC is satisfied that it is not in the public interest for a meeting to be open to the public because of the confidential nature of any matter or topic to be included on the agenda for the meeting or for any other reason, it may direct as follows:
 - (a) that the part of the meeting that relates to that matter or topic be closed to the public,
 - (b) that only certain persons may be present during that part of the meeting.
- (4) CSTTC is to give reasonable notice of meetings that are required by this clause to be open to the public.

9 Inclusion of items in agenda for meeting

Any 2 members of the CSTTC may notify the Chairperson of a matter or topic to be included in the agenda for a meeting of the CSTTC and the Chairperson is to ensure that the matter or topic is included in the agenda.

10 Quorum

The quorum for a meeting of the CSTTC is 4 of its members.

11 Voting

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

12 Remuneration

- (1) An appointed member, or alternate, appointed under section 51G (1) (b) is entitled to be paid such remuneration (including travelling and subsistence allowances), if any, as the City Council may from time to time determine in respect of the member.
- (2) The remuneration of a member or alternate referred to in subclause (1) is to be paid from the consolidated fund of the City Council.
- (3) An appointed member, or alternate, appointed under section 51G (1) (c) is entitled to be paid such remuneration (including travelling and subsistence allowances), if any, as the Minister may from time to time determine in respect of the member.
- (4) Remuneration under this clause is not to be paid to an appointed member, or alternate, who is a State government employee.

13 Effect of certain other Acts

- (1) Chapter 2 of the *Public Sector Employment and Management Act 2002* does not apply to or in respect of the appointment of 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 an appointed member or from accepting and retaining any remuneration payable to the person under this Act as a member.

14 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 CSTTC, 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 CSTTC.
- (2) A disclosure by a member at a meeting of the CSTTC that 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).
- (3) Particulars of any disclosure made under this clause must be recorded by the CSTTC in a book kept for the purpose and that book must be open at all reasonable hours to inspection by any person on payment of the fee determined by the CSTTC.
- (4) After a member has disclosed the nature of an interest in any matter, the member must not, unless the Minister or the CSTTC otherwise determines:
- (a) be present during any deliberation of the CSTTC with respect to the matter, or
 - (b) take part in any decision of the CSTTC with respect to the matter.
- (5) For the purposes of the making of a determination by the CSTTC under subclause (4), 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 CSTTC for the purpose of making the determination, or

(b) take part in the making by the CSTTC of the determination.

(6) A contravention of this clause does not invalidate any decision of the CSTTC.

15 Transaction of business outside meetings or by telephone

(1) The CSTTC may, if it thinks fit, transact any of its business by the circulation of papers among all the members of the CSTTC 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 CSTTC.

(2) The CSTTC may, if it thinks fit, transact any of its business at a meeting at which members (or some members) participate by telephone, closed-circuit television or other 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 Chairperson and each member have the same voting rights as they have at an ordinary meeting of the CSTTC.

(4) A resolution approved under subclause (1) is, subject to the regulations, to be recorded in the minutes of the meetings of the CSTTC.

(5) Papers may be circulated among the members for the purposes of subclause (1) by facsimile or other transmission of the information in the papers concerned.

16 First meeting

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