

ITEM 4. CENTRAL SYDNEY PLANNING COMMITTEE - DELEGATION TO THE CENTRAL SYDNEY TRAFFIC AND TRANSPORT COMMITTEE**FILE NO: S102575****SUMMARY**

On 25 June 2012, *The City of Sydney Act 1988* was amended to establish the Central Sydney Traffic and Transport Committee ("CSTTC").

The CSTTC has seven members, three nominated by the Council, three by the State Government and the Chair who is the Director-General of the Department of Transport.

The objective of the CSTTC is to provide for the effective coordination of transport and traffic management in the Sydney CBD (identified as the area bounded by Macquarie Street, College Street, Circular Quay, Hickson Road, Harbour Street and Cleveland Street (Attachment A)).

In giving effect to the powers of the CSTTC, amendments to the City of Sydney Act 1988 impose an additional obligation on the Central Sydney Planning Committee ("Planning Committee").

Pursuant to s51N (1) of the City of Sydney Act, the Planning Committee must consult the CSTTC before it makes a decision that will require, or 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.

The CSTTC may make representations in relation to the proposed works. Any representations made by the CSTTC must be taken into account by the Planning Committee prior to determining an application that is affected by s51N of the Act.

The purpose of this report is to outline how "significant impact" is determined and to propose the Planning Committee's endorsement of a delegated process which will enable the Planning Committee to effectively manage its obligation to consult the CSTTC without unduly delaying the progress of determination by the Planning Committee of planning proposals and development applications.

RECOMMENDATION

It is resolved that:

- (A) the Central Sydney Planning Committee notes its obligation to consult the Central Sydney Traffic and Transport Committee before it makes 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, and endorses the assessment and consultation process detailed in this report; and
- (B) pursuant to s51N(3) of the City of Sydney Act 1988, the Central Sydney Planning Committee delegates to the Director City Planning, Development and Transport its functions under s51N.

ATTACHMENTS

Attachment A: City of Sydney Act 1988 Central Sydney Traffic and Transport Committee Operational Area Map

Attachment B: Procedure Flowchart based on delegation of functions to the Director City Planning, Development and Transport

BACKGROUND

1. Following amendments in June 2012 to the *City of Sydney Act 1988* establishing the Central Sydney Traffic and Transport Committee (CSTTC), members have now been appointed to the CSTTC and the first meeting is scheduled to take place on 14 November 2012.
2. The CSTTC has seven members. It is chaired by the Director General of Transport with three members each appointed by the State Government and Council. The three appointed State representatives are the Chief Executive Officer of Roads and Maritime Services, the Director-General of the Department of Planning, and the Director-General of Premier and Cabinet. The three appointed Council representatives are the Lord Mayor of the City of Sydney, the Director City Planning, Development and Transport of the City of Sydney and the Executive Manager of City Access and Transport of the City of Sydney. All members can nominate an alternate.
3. The functions of the CSTTC are to:
 - (a) provide high level co-ordination of development of transport and traffic policies, plans and projects affecting the Sydney CBD;
 - (b) assess the impact of decisions and actions with respect to traffic and transport management within the 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 or goods;
 - (c) co-ordinate the management by CBD roads authorities and CBD parking authorities of traffic and transport in the whole or any part of the CBD;
 - (d) review and approve certain projects within the CBD having a significant impact on roads, road related areas, traffic or transport;
 - (e) promote efficiency and safety of the public transport network in the CBD; and
 - (f) such other functions as may be conferred on the CSTTC.
4. In exercising these functions, the CSTTC must have regard to the:
 - (a) future economic welfare and development of Sydney and the State;
 - (b) efficiency of functioning of business in the whole or any part of the CBD;
 - (c) maintenance of freight access within the whole or any part of the CBD;
 - (d) efficiency and safety of public transport network in the Sydney CBD; and
 - (e) needs of commuters, residents, pedestrians and visitors in the whole or any part of the CBD.
5. Following the commencement of amendments to the City of Sydney Act in October 2012, the Central Sydney Planning Committee (Planning Committee) is obliged to consult the CSTTC before it makes a decision, either in relation to planning controls or a development application, that will require, or 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.

6. These requirements are contained in section 51N of the City of Sydney Act as follows:
 - (a) ***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.*
7. The obligation contained in 51N(2) is to consult and take into consideration any representations made by the CSTTC. The Planning Committee is not obliged to adopt any such recommendations.
8. It is a matter for the Planning Committee to determine whether or not a proposal may involve road works or traffic control works that are likely to have a significant impact on traffic and transport in the Sydney CBD.
9. This report proposes that the Planning Committee delegate to the Director City Planning, Development and Transport the determination of significant impact and any associated consultation with the CSTTC.
10. This recommendation is made in conjunction with the proposal that the following procedure be adopted to enable the determination and consultation to take place to ensure that the Planning Committee complies with its obligations while avoiding undue delay to determination by the Planning Committee of planning proposals and development applications.
11. It is proposed that:
 - (a) Applications within the jurisdiction of the Planning Committee that are also within the CBD boundaries dealt with by the CSTTC will be required to identify whether the proposed development or planning proposal may involve road works or traffic control works that are likely to have a significant impact on traffic and transport in the Sydney CBD. That assessment must address the matters for consideration for the CSTTC as follows:

- (i) the future economic welfare and development of Sydney and the State;
 - (ii) the efficiency of functioning of business in the whole or any part of the CBD;
 - (iii) the maintenance of freight access within the whole or any part of the CBD;
 - (iv) the efficiency and safety of public transport network in the Sydney CBD; and
 - (v) the needs of commuters, residents, pedestrians and visitors in the whole or any part of the CBD.
- (b) The applicant's assessment is to be supported by reasons and if necessary the provision of a report from a traffic engineer.
- (c) Applications that trigger the need to consider significant impacts and possible consultation with the CSTTC will be assessed by City staff and a report and recommendations will be prepared.
- (d) The proposed delegate, the Director City Planning, Development and Transport will review the officer's report and make a determination as to whether there are likely to be significant impacts on traffic and transport in the Sydney CBD. That determination will be relied on to either:
- (i) consult the CSTTC; or
 - (ii) record that the likely traffic and transport impacts arising from a proposed development are not significant and on what basis that determination has been made.
- (e) If it has been assessed that the proposed development will or may 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, then the proposed delegate will consult the CSTTC by:
- (i) submission of a completed "Central Sydney Traffic and Transport Committee Planning Committee Proposal Template" detailing the proposed development; and
 - (ii) provision of 21 days (or such other period as is agreed by both the CSTTC and the Planning Committee) to receive any representations from the CSTTC.
- (f) At the expiry of the consultation period, the proposed delegate will prepare a report for submission with the associated planning report to the Planning Committee. The report to the Planning Committee will detail:
- (i) the assessment of traffic and transport impacts arising from the proposed development;
 - (ii) the determination of whether those impacts are likely to be significant and the basis for that determination;

- (iii) whether consultation with the CSTTC was undertaken;
- (iv) if so, whether representations were received from the CSTTC;
- (v) if representations were received, what they were; and
- (vi) recommendations to the Planning Committee as to any traffic and transport issues that should be reflected in the Planning Committee's determination of the planning application.

RELEVANT LEGISLATION

12. The City of Sydney Act 1988 (s51N).

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