

# ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

## Instrument of Delegation

I, Anthony Roberts MP, Minister for Planning (Minister), under section 2.4 of the *Environmental Planning and Assessment Act 1979* (the Act):

1. Revoke the delegation of my functions to staff of the Department of Planning and Environment (Department) made under:
  - a. the instrument of delegation dated 26 April 2021
2. Delegate the functions identified in Column 2 of Schedule 2 to this instrument, subject to any specified limitations, to the delegate levels specified in Column 3 of Schedule 2 (excluding all applications where LAHC is the applicant unless it is a modification application under s 4.55(1) and (1A) of the Act).
3. Delegate the functions listed in Column 2 of Schedule 3 to this instrument, subject to any specified limitations, in relation to applications and requests specified in Column 3 of Schedule 3 to this instrument, to the delegate levels specified in Column 4 of Schedule 3 to this instrument.
4. Delegate the functions listed in Column 2 of Schedule 4 to this instrument, subject to any specified limitations, in relation to applications and requests specified in Column 3 of Schedule 4 to this instrument, to the delegate levels specified in Column 4 of Schedule 4 to this instrument, which relate to the development on land comprising the Sydney International Convention, Exhibition and Entertainment Precinct site, which is identified with a solid red boundary on the map in Schedule 4 to this instrument.

A reference in this instrument to:

- delegate levels are those defined in Schedule 1 to this instrument; and
- the person in a delegate level specified in Schedule 1 includes any person who is appointed to, or appointed to act in, that office or to a person who is assigned to, temporarily assigned to, or who is otherwise appointed to act in, that role at the delegate level described in Column 2 of Schedule 1.

Words and expressions have the same meanings as those defined in the Act, the Regulation or other legislation that each delegation relates to, unless otherwise defined in Schedule 5.

Dated:

2022



**The Hon. Anthony Roberts MP**  
Minister for Planning

### Schedule 1 – Delegate Levels

Column 1 Delegate level	Column 2 Delegate
1	Planning Secretary
2	Any Deputy Secretary having responsibility for supporting the administration of the Act reporting to a level 1 delegate
3	Executive Director having responsibility for supporting the administration of the Act reporting directly to a level 2 delegate and above
4	Director having responsibility for supporting the administration of the Act reporting directly to a level 3 delegate and above
5	Manager, Team Leader or Principal Planning Officer having responsibility for supporting the administration of the Act reporting directly to a level 4 delegate and above
5A	Manager, Team Leader or Principal Planning Officer having responsibility for supporting the administration of the Act in relation to Alpine Projects reporting directly to a level 4 delegate and above
5B	Team Leader or Investigations Lead (Compliance) having responsibility for supporting the administration of the Act in relation to compliance-related functions reporting directly to a level 4 delegate and above

**Schedule 2**

**(a) Development Assessment Delegations**

Column 1	Column 2	Column 3
Item	Function	Delegate Level(s)
<b><i>Functions under the Environmental Planning and Assessment Act 1979</i></b>		
1.	<p>Determining development applications under section 4.16 of the Act that:</p> <p>(a) Have not been made by a person who has disclosed a reportable political donation under section 10.4 of the Act in connection with the development application;</p> <p>(b) There are less than 50 public submissions (other than a council) in the nature of objections; and</p> <p>(c) The council <b><u>has not</u></b> made a submission by way of objection under the mandatory requirements for community participation in Schedule 1 of the Act.</p>	1, 2, 3
2.	<p>Determining development applications under section 4.16 of the Act that:</p> <p>(a) Have not been made by a person who has disclosed a reportable political donation under section 10.4 of the Act in connection with the development application;</p> <p>(b) There are less than 15 public submissions (other than a council) in the nature of objections; and</p> <p>(c) The council <b><u>has not</u></b> made a submission by way of objection under the mandatory requirements for community participation in Schedule 1 of the Act.</p>	1, 2, 3, 4
3.	<p>Determining development applications under section 4.16 of the Act that:</p> <p>(a) Have not been made by a person who has disclosed a reportable political donation under section 10.4 of the Act in connection with the development application;</p> <p>(b) There are 50 or more public submissions in the nature of objections; and</p> <p>(c) <b>Includes land to which Chapter 4 of the Precincts - Regional SEPP applies.</b></p>	1, 2



Column 1 Item	Column 2 Function	Column 3 Delegate Level(s)
4.	Determining development applications under section 4.16 of the Act that: <ul style="list-style-type: none"> <li>(a) Have not been made by a person who has disclosed a reportable political donation under section 10.4 of the Act in connection with the development application;</li> <li>(b) There are less than 50 public submissions in the nature of objections; and</li> <li>(c) <b>Includes land to which Chapter 4 of the Precincts – Regional SEPP applies.</b></li> </ul>	1, 2, 3
5.	Determining development applications under section 4.16 of the Act that: <ul style="list-style-type: none"> <li>(a) Have not been made by a person who has disclosed a reportable political donation under section 10.4 of the Act in connection with the development application;</li> <li>(b) There are less than 15 public submissions in the nature of objections; and</li> <li>(c) <b>Includes land to which Chapter 4 of the Precincts - Regional SEPP applies.</b></li> </ul>	1, 2, 3, 4, 5A
6.	My functions under section 4.18 of the Act.	1, 2, 3, 4, 5
7.	My functions under section 4.37 of the Act.  <b>Note.</b> These functions are only exercisable where a concept development application is made in respect of State significant development.	1, 2, 3

Column 1 Item	Column 2 Function	Column 3 Delegate Level(s)
8.	<p>Determining development applications for State significant development under section 4.38 of the Act that:</p> <p>(a) Have not been made by a person who has disclosed a reportable political donation under section 10.4 of the Act in connection with the development application;</p> <p>(b) There are less than 50 public submissions (other than a council) in the nature of objections; and</p> <p>(c) The council <b>has not</b> made a submission by way of objection under the mandatory requirements for community participation in Schedule 1 of the Act.</p>	1, 2, 3
9.	<p>Determining development applications for State significant development under section 4.38 of the Act that:</p> <p>(a) Have not been made by a person who has disclosed a reportable political donation under section 10.4 of the Act in connection with the development application;</p> <p>(b) There are less than 15 public submissions (other than a council) in the nature of objections; and</p> <p>(c) The council <b>has not</b> made a submission by way of objection under the mandatory requirements for community participation in Schedule 1 of the Act.</p>	1, 2, 3, 4
10.	<p>Determining applications to extend the lapsing period of development consents under section 4.54 of the Act.</p>	1, 2, 3, 4, 5
11.	<p>Determining modification applications under sections 4.55 and 4.56 of the Act that:</p> <p>(a) Have not been made by a person who has disclosed a reportable political donation under section 10.4 of the Act in connection with the modification application; and</p> <p>(b) There are 50 or more public submissions (other than a council) in the nature of objections.</p>	1, 2

Column 1 Item	Column 2 Function	Column 3 Delegate Level(s)
12.	Determining modification applications under sections 4.55 and 4.56 of the Act that: <ul style="list-style-type: none"> <li>(a) Have not been made by a person who has disclosed a reportable political donation under section 10.4 of the Act in connection with the modification application; and</li> <li>(b) There are less than 50 public submissions (other than a council) in the nature of objections.</li> </ul>	1, 2, 3
13.	Determining modification applications under sections 4.55 and 4.56 of the Act that: <ul style="list-style-type: none"> <li>(a) Have not been made by a person who has disclosed a reportable political donation under section 10.4 of the Act in connection with the modification application;</li> <li>(b) There are less than 15 public submissions (other than a council) in the nature of objections; and</li> <li>(c) The council <b>has not</b> made a submission by way of objection under the mandatory requirements for community participation in Schedule 1 of the Act.</li> </ul>	1, 2, 3, 4
14.	Determining modification applications under sections 4.55(1) and 4.55(1A) of the Act that: <ul style="list-style-type: none"> <li>(a) Have not been made by a person who has disclosed a reportable political donation under section 10.4 of the Act in connection with the modification application;</li> <li>(b) There are no public submissions (other than a council) in the nature of objections; and</li> <li>(c) The council <b>has</b> made a submission by way of objection under the mandatory requirements for community participation in Schedule 1 of the Act.</li> </ul>	1, 2, 3



Column 1 Item	Column 2 Function	Column 3 Delegate Level(s)
15.	Determining modification applications under sections 4.55(1) and 4.55(1A) of the Act that: <ul style="list-style-type: none"> <li>(a) Have not been made by a person who has disclosed a reportable political donation under section 10.4 of the Act in connection with the modification application;</li> <li>(b) There are no public submissions (other than a council) in the nature of objections; and</li> <li>(c) The council <b>has not</b> made a submission by way of objection under the mandatory requirements for community participation in Schedule 1 of the Act.</li> </ul>	1, 2, 3, 4, 5
16.	Determining modification applications under sections 4.55 and 4.56 of the Act that: <ul style="list-style-type: none"> <li>(a) Have not been made by a person who has disclosed a reportable political donation under section 10.4 of the Act in connection with the modification application;</li> <li>(b) There are less than 15 public submissions in the nature of objections; and</li> <li>(c) <b>Includes land to which Chapter 4 of the Precincts – Regional SEPP applies.</b></li> </ul>	1, 2, 3, 4, 5A
17.	My functions under Part 6 of the Act.	1, 2, 3, 4
18.	My functions under Part 6 of the Act. <b>This delegation applies only in relation to land to which Chapter 4 of the Precincts – Regional SEPP applies.</b>	1, 2, 3, 4, 5A

Column 1 Item	Column 2 Function	Column 3 Delegate Level(s)
19.	<p>Approving or disapproving the carrying out of State significant infrastructure under section 5.19 of the Act.</p> <p>This delegation applies only to applications that:</p> <ul style="list-style-type: none"> <li>(a) Have not been made by a person who has disclosed a reportable political donation under section 10.4 of the Act in connection with the application for approval of State significant infrastructure;</li> <li>(b) There are less than 50 public submissions (other than a council) in the nature of objections; and</li> <li>(c) The council <b>has not</b> made a submission by way of objection under the mandatory requirements for community participation in Schedule 1 of the Act.</li> </ul>	1, 2, 3
20.	<p>Approving or disapproving the carrying out of State significant infrastructure under section 5.19 of the Act.</p> <p>This delegation applies only to applications that:</p> <ul style="list-style-type: none"> <li>(a) Have not been made by a person who has disclosed a reportable political donation under section 10.4 of the Act in connection with the application for approval of State significant infrastructure;</li> <li>(b) There are less than 15 public submissions (other than a council) in the nature of objections; and</li> <li>(c) The council <b>has not</b> made a submission by way of objection under the mandatory requirements for community participation in Schedule 1 of the Act.</li> </ul>	1, 2, 3, 4
21.	<p>Determining a modification request under section 5.25 of the Act.</p> <p>This delegation applies only to modification requests that:</p> <ul style="list-style-type: none"> <li>(a) Have not been made by a person who has disclosed a reportable political donation under section 10.4 of the Act in connection with the modification request; and</li> <li>(b) There are 50 or more public submissions (other than a council) in the nature of objections.</li> </ul>	1, 2



Column 1 Item	Column 2 Function	Column 3 Delegate Level(s)
22.	<p>Determining a modification request under section 5.25 of the Act.</p> <p>This delegation applies only to modification requests that:</p> <ul style="list-style-type: none"> <li>(a) Have not been made by a person who has disclosed a reportable political donation under section 10.4 of the Act in connection with the modification request; and</li> <li>(b) There are less than 50 public submissions (other than a council) in the nature of objections.</li> </ul>	1, 2, 3
23.	<p>Determining a modification request under section 5.25 of the Act.</p> <p>This delegation applies only to modification requests that:</p> <ul style="list-style-type: none"> <li>(a) Have not been made by a person who has disclosed a reportable political donation under section 10.4 of the Act in connection with the modification request;</li> <li>(b) There are less than 15 public submissions (other than a council) in the nature of objections; and</li> <li>(c) The council <b>has not</b> made a submission by way of objection under the mandatory requirements for community participation in Schedule 1 of the Act.</li> </ul>	1, 2, 3, 4
24.	<p>Determining a modification request under section 5.25 of the Act.</p> <p>This delegation applies only to modification requests:</p> <ul style="list-style-type: none"> <li>(a) Where the maximum fees which apply to the modification request are those set out in item 6.5(a) or (b) of Part 6 to Schedule 4 of the Regulation;</li> <li>(b) That has not been made by a person who has disclosed a reportable political donation under section 10.4 of the Act in connection with the modification request;</li> <li>(c) There are no public submissions (other than a council) in the nature of objections; and</li> <li>(d) The council <b>has</b> made a submission by way of objection under the mandatory requirements for community participation in Schedule 1 of the Act.</li> </ul>	1, 2, 3

Column 1 Item	Column 2 Function	Column 3 Delegate Level(s)
25.	<p>Determining a modification request under section 5.25 of the Act.</p> <p>This delegation applies only to modification requests:</p> <p>(a) Where the maximum fees which apply to the modification request are those set out in item 6.5(a) or (b) of Part 6 to Schedule 4 of the Regulation;</p> <p>(b) That has not been made by a person who has disclosed a reportable political donation under section 10.4 of the Act in connection with the modification request;</p> <p>(c) There are no public submissions (other than a council) in the nature of objections; and</p> <p>(d) The council <b>has not</b> made a submission by way of objection under the mandatory requirements for community participation in Schedule 1 of the Act.</p>	1, 2, 3, 4, 5
26.	<p>My functions under the following provisions of the Act:</p> <p>(a) Part 9 and</p> <p>(b) Schedule 5.</p>	1, 2, 3, 4, 5B
27.	<p>My functions under the following provisions of the Act:</p> <p>(a) Part 9 and</p> <p>(b) Schedule 5.</p> <p><b>This delegation applies only in relation to land to which Chapter 4 of the Precincts - Regional SEPP applies.</b></p>	1, 2, 3, 4, 5A
28.	<p>Certifying a person to be the proponent under section 75A of the Act as continued in force by Schedule 2 to the STOP Regulation.</p>	1, 2
29.	<p>Amending or revoking the declaration of a project under section 75B of the Act as continued in force by Schedule 2 to the STOP Regulation.</p>	1, 2

Column 1 Item	Column 2 Function	Column 3 Delegate Level(s)
30.	<p>Approving or disapproving the carrying out of a project under section 75J of the Act as continued in force by Schedule 2 to the STOP Regulation:</p> <p>(a) Where the relevant local council has not made an objection; and</p> <p>(b) A political disclosure statement has not been made; and</p> <p>(c) There are less than 50 public submissions in the nature of objections.</p>	1, 2
31.	<p>Giving or refusing to give approval for a concept plan for a project under section 75O of the Act as continued in force by Schedule 2 to the STOP Regulation.</p> <p>This delegation applies only to applications (including single applications under section 75M(3A)):</p> <p>(a) Where the project the subject of the application is consistent (in the opinion of the delegate) with the Metropolitan Plan for Sydney or a relevant Regional Strategy or Sub-Regional Strategy prepared by the DP&amp;E and endorsed by the Minister; and</p> <p>(b) The relevant local council has not made an objection; and</p> <p>(c) A political disclosure statement has not been made; and</p> <p>(d) There are less than 50 public submissions in the nature of objections.</p>	1, 2
32.	<p>My functions under section 75P of the Act as continued in force by Schedule 2 to the STOP Regulation.</p> <p><b>Note.</b> These functions are only exercisable if approval is given for a concept plan for a project under section 75O.</p>	1, 2



Column 1 Item	Column 2 Function	Column 3 Delegate Level(s)
33.	<p>Determination of a modification request under section 75W of the Act as continued in force by Schedule 2 to the STOP Regulation:</p> <p>(a) That has not been made by a person who has disclosed a reportable political donation under section 10.4 of the Act in connection with the modification request; and</p> <p>(b) There are 50 or more public submissions (other than a council) in the nature of objections.</p>	1, 2
34.	<p>Determination of a modification request under section 75W of the Act as continued in force by Schedule 2 to the STOP Regulation:</p> <p>(a) That has not been made by a person who has disclosed a reportable political donation under section 10.4 of the Act in connection with the modification request; and</p> <p>(b) There are less than 50 public submissions (other than a council) in the nature of objections.</p>	1, 2, 3
35.	<p>Determination of a modification request under section 75W of the Act as continued in force by Schedule 2 to the STOP Regulation:</p> <p>(a) That has not been made by a person who has disclosed a reportable political donation under section 10.4 of the Act in connection with the modification request;</p> <p>(b) There are 15 or less public submissions (other than a council) in the nature of objections; and</p> <p>(c) The council <b>has not</b> made a submission by way of objection under the mandatory requirements for community participation in Schedule 1 of the Act.</p>	1, 2, 3, 4

Column 1 Item	Column 2 Function	Column 3 Delegate Level(s)
36.	<p>Determination of a modification request under section 75W of the Act as continued in force by Schedule 2 to the STOP Regulation.</p> <p>This delegation applies only to modification requests where:</p> <ul style="list-style-type: none"> <li>(a) The maximum fees which apply to the modification request are those set out in clause 245K (2) or (2A) of the 2000 Regulation as continued in force by clause 8H of Schedule 4 to the STOP Regulation;</li> <li>(b) Has not been made by a person who has disclosed a reportable political donation under section 10.4 of the Act in connection with the modification request;</li> <li>(c) There are no public submissions (other than a council) in the nature of objections; and</li> <li>(d) The council <b>has</b> made a submission by way of objection under the mandatory requirements for community participation in Schedule 1 of the Act.</li> </ul>	1, 2, 3
37.	<p>Determination of a modification request under section 75W of the Act as continued in force by Schedule 2 to the STOP Regulation.</p> <p>This delegation applies only to modification requests where:</p> <ul style="list-style-type: none"> <li>(a) The maximum fees which apply to the modification request are those set out in clause 245K (2) or (2A) of the 2000 Regulation as continued in force by clause 8H of Schedule 4 to the STOP Regulation;</li> <li>(b) Has not been made by a person who has disclosed a reportable political donation under section 10.4 of the Act in connection with the modification request;</li> <li>(c) There are no public submissions (other than a council) in the nature of objections; and</li> <li>(d) The council <b>has not</b> made a submission by way of objection under the mandatory requirements for community participation in Schedule 1 of the Act.</li> </ul>	1, 2, 3, 4, 5



Column 1 Item	Column 2 Function	Column 3 Delegate Level(s)
38.	<p>My functions under the following:</p> <ul style="list-style-type: none"> <li>(a) Conditions of a consent under Part 4 of the Act;</li> <li>(b) Conditions of an approval for State significant infrastructure under sections 5.19 and 5.25 of the Act;</li> <li>(c) Conditions of a project approval under sections 75J(4) and 75W of the Act as continued in force by Schedule 2 of the STOP Regulation;</li> <li>(d) Terms of a concept plan approved under section 75O of the Act as continued in force by Schedule 2 of the STOP Regulation;</li> </ul> <p>Including functions under the conditions of a consent or an approval or terms of an approval, granted before or after the date of this instrument of delegation.</p>	1, 2
<p><b><i>Functions under and continued in force by the Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017 (STOP Regulation)</i></b></p>		
39.	<p>My function under clause 5 of Schedule 2 to the STOP Regulation to declare by order specified development on specified land that was a project (or a specified class of development that were projects) to which Part 3A applied immediately before its repeal to be State significant infrastructure.</p>	1, 2, 3, 4
40.	<p>My function under clause 6 of Schedule 2 to the STOP Regulation to declare by order specified development on specified land that was a project (or a specified class of development that were projects) to which Part 3A applied immediately before its repeal to be State significant development.</p>	1, 2, 3, 4
41.	<p>My functions to determine whether to reject applications under clause 8D of the 2000 Regulation as continued in force by Schedule 4 to the STOP Regulation.</p>	1, 2, 3
42.	<p>My functions under clause 8M(2) of the 2000 Regulation as continued in force by Schedule 4 to the STOP Regulation. This delegation only extends to matters where the delegate exercising these functions has (as delegate) revoked the declaration of a project under Part 3A.</p>	1, 2



<b>Functions under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (DC&amp;FS Regulation)</b>		
43.	<p>My functions as either a planning authority, consent authority, council, certifier, authorised person or any other of my functions under the DC&amp;FS Regulation.</p> <p><b>Note 1.</b> These functions relate to certification of development and fire safety matters.</p>	1, 2, 3, 4, 5B
44.	<p>My functions as either a planning authority, consent authority, council, certifier, authorised person or any other of my functions under the DC&amp;FS Regulation.</p> <p><b>This delegation applies only in relation to land to which Chapter 4 of the Precincts - Regional SEPP applies.</b></p>	5A
<b>Functions under the Environmental Planning and Assessment Regulation 2021 (Regulation)</b>		
45.	<p>My functions as either a planning authority or consent authority or any other of my functions under the Regulation.</p>	1, 2

46.	<p>My functions as either a planning authority or consent authority or any other of my functions under the following Parts or Schedules of the Regulation:</p> <ul style="list-style-type: none"> <li>(a) Part 1,</li> <li>(b) Part 3,</li> <li>(c) Part 4,</li> <li>(d) Part 5,</li> <li>(e) Part 6,</li> <li>(f) Part 9,</li> <li>(g) Part 12,</li> <li>(h) Part 13,</li> <li>(i) Part 15, and</li> <li>(j) Schedule 3.</li> </ul> <p><b>Note 1.</b> These functions relate to development contributions including the giving of public notice of proposed planning agreements, procedures for development applications, certification of development, fire safety matters and fees.</p> <p><b>Note 2.</b> Some of the functions relate to former Part 3A of the Act (see section 75R(4) of the Act).</p>	1, 2, 3, 4
47.	<p>My functions as a consent authority or any other of my functions under the following Parts of the Regulation:</p> <ul style="list-style-type: none"> <li>(a) Part 1,</li> <li>(b) Part 3,</li> <li>(c) Part 4,</li> <li>(d) Part 5,</li> <li>(e) Part 6,</li> <li>(f) Part 9,</li> <li>(g) Part 12,</li> <li>(h) Part 13, and</li> <li>(i) Part 15.</li> </ul> <p><b>This delegation applies only in relation to land to which Chapter 4 of the Precincts - Regional SEPP applies.</b></p>	5A

48.	My functions as a consent authority or any other of my functions under the following sections or Parts of the Regulation: (a) section 36, (b) section 87, (c) section 104, (d) section 113, and (e) Part 12.	5
<b>Functions under Environmental Planning Instruments (EPI)</b>		
49.	My functions as a consent authority in an EPI.	1, 2
<b>Functions under the Environmental Planning and Assessment Regulation 2000 (2000 Regulation)</b>		
50.	All of my functions under the 2000 Regulation.  <b>Note:</b> To delegate any functions under the 2000 Regulation as continued in force by Schedule 6 of the Regulation	1, 2
<b>Functions under section 88E of the Conveyancing Act 1919</b>		
51.	My functions as a prescribed authority under section 88E of the <i>Conveyancing Act 1919</i> .	1, 2



(b) Redfern-Waterloo Authority Act 2004 Delegations

Column 1 Item	Column 2 Function	Column 3 Delegate Level(s)
52.	<p>My functions under sections 30 and 31 of the repealed <i>Redfern-Waterloo Authority Act 2004 (RWA Act)</i>.</p> <p><b>Note 1:</b> Sections 30 and 31 of the RWA Act continue to have effect, despite the repeal of that Act, pursuant to Schedule 6, clause 18(2) of the <i>Growth Centres (Development Corporations) Act 1974</i>.</p> <p><b>Note 2:</b> These functions relate to the imposition of conditions for development contributions (including payment of a levy in accordance with a contributions plan), and the imposition of conditions for affordable housing contributions.</p>	1, 2, 3, 4

### Schedule 3

#### Barangaroo Site Delegations

Column 1	Column 2	Column 3	Column 4
Item	Function	Application or Requests	Delegate Level(s)
<b>Functions under the Environmental Planning and Assessment Act 1979</b>			
1.	<p>Approving or disapproving the carrying out of a project application under section 75J of the Act (as continued in force by Schedule 2 to the STOP Regulation).</p> <p>This delegation applies only to project applications:</p> <ul style="list-style-type: none"> <li>(a) Where a political disclosure statement has not been made; and</li> <li>(b) There are less than 50 public submissions in the nature of objections; and</li> <li>(c) The delegate, being a person specified in column 4 of this item, forms the opinion that the project application if approved would be generally consistent with the approved Barangaroo Concept Plan (MP 06_0162) current at the time of determination; and</li> <li>(d) The delegate, being a person specified in column 4 of this item, forms the opinion that any submission made about the application by the Council of the City of Sydney has been considered in the assessment of the application.</li> </ul>	Any application for approval of a project lodged before or after the date of this Instrument under Part 3A of the Act to carry out development on any land identified as the "Barangaroo Site" in the Precincts – Eastern Harbour City SEPP, at the time the delegation is exercised.	1, 2, 3

Column 1 Item	Column 2 Function	Column 3 Application or Requests	Column 4 Delegate Level(s)
2.	<p>Determining a modification request under section 75W of the Act (as continued in force by Schedule 2 of the STOP Regulation).</p> <p>This delegation applies only to modification requests:</p> <ul style="list-style-type: none"> <li>(a) Where a political disclosure statement has not been made; and</li> <li>(b) There are less than 50 public submissions in the nature of objections; and</li> <li>(c) The delegate, being a person specified in column 4 of this item, forms the opinion that the approval if modified would be generally consistent with the approved Barangaroo Concept Plan (MP 06_0162) current at the time of determination; and</li> <li>(d) The delegate, being a person specified in column 4 of this item, forms the opinion that any submission made about the request by the Council of the City of Sydney has been considered in the assessment of the request.</li> </ul>	<p>Any section 75W request lodged before or after the date of this Instrument under section 75W of the Act for the Minister to modify an approval granted under section 75J of the Act to carry out development on any land identified as the “Barangaroo Site” in the Precincts – Eastern Harbour City SEPP, at the time the delegation is exercised.</p>	1, 2, 3



Column 1 Item	Column 2 Function	Column 3 Application or Requests	Column 4 Delegate Level(s)
3.	<p>Determining development applications under section 4.16 of the Act.</p> <p>This delegation applies only to development applications:</p> <ul style="list-style-type: none"> <li>(a) Where a political disclosure statement has not been made; and</li> <li>(b) There are less than 50 public submissions in the nature of objections; and</li> <li>(c) The delegate, being a person specified in column 4 of this item, forms the opinion that the development application if approved would be generally consistent with the approved Barangaroo Concept Plan (MP 06_0162) current at the time of determination; and</li> <li>(d) The delegate, being a person specified in column 4 of this item, forms the opinion that any submission made about the application by the Council of the City of Sydney has been considered in the assessment of the application.</li> </ul>	<p>Any development application lodged before or after the date of this Instrument under Part 4 of the Act for development on any land identified as the "Barangaroo Site" in the Precincts – Eastern Harbour City SEPP, at the time the delegation is exercised.</p>	1, 2, 3
4.	<p>Determining modification applications under section 4.55 and 4.56 of the Act.</p> <p>This delegation applies only to modification applications:</p> <ul style="list-style-type: none"> <li>(a) Where a political disclosure statement has not been made; and</li> <li>(b) There are less than 50 public submissions in the nature of objections; and</li> <li>(c) The delegate, being a person in a position listed in column 4 of this item, forms the opinion that the development consent if modified would be generally consistent with the approved Barangaroo Concept Plan (MP 06_0162) current at the time of determination; and</li> <li>(d) The delegate, being a person specified in column 4 of this item, forms the opinion that any submission made about the application by the Council of the City of Sydney has been considered in the assessment of the application.</li> </ul>	<p>Any modification application lodged before or after the date of this Instrument under section 4.55 or 4.56 of the Act for the Minister to modify a Part 4 development consent for development on any land identified as the "Barangaroo Site" in the State Significant Precincts SEPP, at the time the delegation is exercised.</p>	1, 2, 3

## Schedule 4

### Sydney International Convention, Exhibition and Entertainment Precinct Delegations

Column 1	Column 2	Column 3	Column 4
Item	Function	Application or Requests	Delegate Level(s)
1.	<p>Determining development applications in respect of State significant development under section 4.38 of the Act.</p> <p>This delegation applies only to development applications:</p> <p>(a) Where a political disclosure statement has not been made; and</p> <p>(b) The delegate forms the opinion that any submission made about the application by the Council of the City of Sydney or members of the public has been considered in the assessment of the application.</p>	<p>Any development application, lodged before or after the date of this Instrument, under Part 4 of the Act, including any concept development applications made under Division 4.4 of the Act on any land identified in Schedule 4 to this Instrument.</p>	1, 2, 3
2.	<p>Determining modification applications under section 4.55 and 4.56 of the Act.</p> <p>This delegation applies only to applications:</p> <p>(a) Where a political disclosure statement has not been made; and</p> <p>(b) The delegate forms the opinion that any submission made about the application by the Council of the City of Sydney or members of the public has been considered in the assessment of the application.</p>	<p>Any modification application, lodged before or after the date of this Instrument, under section 4.55 or 4.56 of the Act on any land identified in Schedule 4 to this Instrument.</p>	1, 2, 3







## Schedule 5

### Interpretation

(1) In this instrument:

- (a) **2000 Regulation** means the *Environmental Planning & Assessment Regulation 2000*.
- (b) **DC&FS Regulation** means the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.
- (c) **EPI** means an environmental planning instrument (including a SEPP or Local Environmental Plan but not including a DCP) made, or taken to have been made, under Part 3 of the Act and in force.
- (d) **NSW Land and Housing Corporation (LAHC)** means the statutory body representing the Crown as constituted by section 6 of the *Housing Act 2001*.
- (e) **Precincts – Eastern Harbour City SEPP** means the *State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021*.
- (f) **Precincts – Regional SEPP** means the *State Environmental Planning Policy (Precincts - Regional) 2021*.
- (g) **Political disclosure statement** means a disclosure required under section 10.4(3)(a) of the Act made in accordance with section 10.4(6) of the Act.
- (h) **Regulation** means the *Environmental Planning & Assessment Regulation 2021*.
- (i) **STOP Regulation** means the *Environmental Planning and Assessment (Savings, Transitional and other Provisions) Regulation 2017*.
- (j) A reference to a 'council' or a 'relevant local council' means the council of the local government area where the proposed development is to be carried out.

(2) In Schedule 2 and Schedule 3:

- (a) **Objection** means a submission in the nature of an objection and does not include draft conditions requested to be imposed by the relevant local council on the consent or approval.
- (b) **Planning Secretary** means the Secretary of the Department with responsibility for planning and for the administration of the provisions of the Act.
- (c) **Public submissions** means submissions that are duly made and counted in accordance with the method set out in Chapter 2 of the *State Environmental Planning Policy (Planning Systems) 2021*.

**Note:** Each of the following is to be counted as 1 submission:

- (a) a petition; or
- (b) any submissions that contain the same or substantially the same text.