

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Instrument of Delegation

I, the Minister for Planning and Public Spaces, under section 2.4 of the *Environmental Planning and Assessment Act 1979 (the Act)*, delegate my functions referred to in Column 2 of Schedule 1 to this Instrument to the officers of the Department of Planning, Industry and Environment (**the Department**) holding the positions or having the roles identified in Column 3 of Schedule 1 to this Instrument.

I revoke all previous delegations of my functions the subject of this Instrument of Delegation except for the delegation of my functions under former section 59 of the Act related to the making of a local environmental plan by the Planning Assessment Commission in circumstances where former section 89E(6) of the Act applies in the Instrument of Delegation dated 14 September 2011.

Interpretation

A reference in this instrument to:

- (a) a Secretary, Deputy Secretary, Executive Director, Director, Team Leader, Manager, or Specialist Planning Officer includes a reference to any person who is temporarily assigned to the role of Secretary, Deputy Secretary, Executive Director, Director, Team Leader, Manager or Specialist Planning Officer, respectively, in the Department, and
- (b) a Secretary, Deputy Secretary, Executive Director or Director includes a reference to any person employed in senior executive band 4, senior executive band 3, senior executive band 2 or senior executive band 1 (within the meaning of the *Government Sector Employment Act 2013*), respectively, in the Department.

Dated 17 August 2021



The Hon Rob Stokes MP
Minister for Planning and Public Spaces

Schedule 1

| Item | Function | Delegate |
|--|---|---|
| <i>Environmental Planning and Assessment Act 1979 (the Act)</i> | | |
| 1. | Making a direction to the Planning Secretary, a Sydney district or regional planning panel or any other person or body prescribed by the regulations to be the planning proposal authority for a proposed instrument under section 3.32(2) of the Act. | (a) Secretary (b) Deputy Secretaries |
| 2. | Making a direction that requires a council to provide studies or other information in its possession relating to a proposed instrument to a person or body specified in the direction as the planning proposal authority for the proposed instrument under section 3.32(4) of the Act. | (a) Secretary (b) Deputy Secretaries (c) Executive Directors |
| 3. | Making a determination under section 3.34(2) of the Act. | (a) Secretary (b) Deputy Secretaries (c) Executive Directors (d) Directors (e) Team Leaders, Managers and Specialist Planning Officers |

| Item | Function | Delegate |
|------|---|--|
| 4. | <p>Arranging for the review of a planning proposal (or part of a planning proposal) to be conducted by, or with the assistance of, the Independent Planning Commission or a Sydney district or regional planning panel:</p> <ul style="list-style-type: none"> ▪ if there has been any delay in the matter being finalised, or ▪ if for any other reason the delegate considers it appropriate to do so, <p>under section 3.34(5) of the Act.</p> | <p>(a) Secretary (b) Deputy Secretaries (c) Executive Directors (d) Directors</p> |
| 5. | <p>Altering a determination made under section 3.34(2), under section 3.34(7) of the Act.</p> | <p>(a) Secretary (b) Deputy Secretaries (c) Executive Directors (d) Directors (e) Team Leaders, Managers and Specialist Planning Officers</p> |
| 6. | <p>Following the completion of community consultation</p> <p>(a) making a local environmental plan (with or without variation of the proposals submitted by the planning proposal authority) in the terms the delegate considers appropriate or</p> <p>(b) deciding not to make the proposed local environmental plan,</p> <p>under section 3.36(2) of the Act.</p> <p>Note: Only the Secretary, Deputy Secretaries or Executive Directors should exercise the functions under section 3.36(2) of the Act in relation to a standard instrument comprehensive local environmental plan.</p> | <p>(a) Secretary (b) Deputy Secretaries (c) Executive Directors (d) Directors (e) Team Leaders, Managers and Specialist Planning Officers</p> |
| 7. | <p>Deferring the inclusion of a matter in a local environmental plan, under section 3.36(3) of the Act.</p> | <p>(a) Secretary (b) Deputy Secretaries (c) Executive Directors (d) Directors</p> |
| 8. | <p>Specifying which procedures under Division 4 of Part 3 of the Act the planning proposal authority must comply with before the matter is reconsidered by the Minister, under section 3.36(4) of the Act.</p> | <p>(a) Secretary (b) Deputy Secretaries (c) Executive Directors (d) Directors</p> |
| 9. | <p>Forming the opinion that a matter does not warrant compliance with the conditions precedent for the making of the instrument because it will not have any significant adverse impact on the environment or adjoining land, under section 3.22(1)(c) of the Act.</p> | <p>(a) Secretary (b) Deputy Secretaries (c) Executive Directors (d) Directors (e) Team Leaders, Managers and Specialist Planning Officers</p> |

| Item | Function | Delegate |
|--|--|--|
| 10. | <p>Forming the opinion that an environmental planning instrument was in the course of preparation before the commencement of clause 122 of former Schedule 6 to the Act; and</p> <p>Dispensing with any conditions precedent to the making of an environmental planning instrument under Division 4 of Part 3 of the Act, under clause 122(2) of Schedule 1 to the <i>Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017</i>.</p> | <ul style="list-style-type: none"> (a) Secretary (b) Deputy Secretaries (c) Executive Directors (d) Directors |
| Environmental Planning and Assessment Act 1979 and State Environmental Planning Policy No 26 – Littoral Rainforests (SEPP 26) | | |
| 11. | <p>Determining whether to grant concurrence (with or without conditions) under clause 7(4) of SEPP 26, under section 4.13(8) of the Act.</p> | <ul style="list-style-type: none"> (a) Secretary (b) Deputy Secretaries (c) Executive Directors (d) Directors |
| State Environmental Planning Policy No 71 – Coastal Protection (SEPP 71) | | |
| 12. | <p>Functions under Part 5 of SEPP 71 in relation to development control plans (master plans).</p> | <ul style="list-style-type: none"> (a) Secretary (b) Deputy Secretaries (c) Executive Directors (d) Directors (e) Team Leaders, Managers and Specialist Planning Officers (f) Senior Planning Officers |