

# ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

## Instrument of Delegation

I, Michael Cassel, Secretary of the Department of Planning and Environment, 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. instrument of delegation dated 7 March 2022 to Department staff of various functions under the Act; and
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.

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.

This instrument is made under section 2.4 of the Act and is not intended to derogate from, or delegate any of the functions under section 4.6 of the Act that I have the power to carry out on behalf of the Independent Planning Commission (**IPC**).

Dated: 11 May 2022

2022



**Michael Cassel**  
Secretary, Department of Planning and Environment

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## Schedule 1 – Delegate Levels

Column 1 Delegate level	Column 2 Delegate
2	Any Deputy Secretary having responsibility for supporting the administration of the Act
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
6	Senior Planning Officer having responsibility for supporting the administration of the Act reporting directly to a level 5 or 5A delegate and above

**Note:** There is no level 1 delegate for the purposes of this instrument of delegation

## Schedule 2

### 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>All of my functions under the Act.</p> <p><b>Note:</b> The functions under section 4.6 of the Act that I have the power to carry out on behalf of the IPC are not delegable.</p>	2
2.	<p>My functions under former Part 3A, Part 4 and Division 5.2 of the Act.</p> <p><b>Note:</b> The functions under section 4.6 of the Act that I have the power to carry out on behalf of the IPC are not delegable.</p>	3, 4, 5
3.	<p>My functions under section 5.18 of the Act.</p>	6
4.	<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>	2, 3, 4, 5
<b><i>Functions under the Environmental Planning and Assessment Regulation 2021 (Regulation)</i></b>		
5.	<p>All of my functions under the Regulation.</p>	2
6.	<p>My functions under the following Parts or Schedules of the Regulation:</p> <ul style="list-style-type: none"> <li>(a) Part 3;</li> <li>(b) Part 4;</li> <li>(c) Part 5;</li> <li>(d) Part 8;</li> <li>(e) Part 9;</li> <li>(f) Part 13;</li> <li>(g) Part 15;</li> <li>(h) Schedule 4; and</li> <li>(i) Dictionary</li> </ul>	3, 4, 5

<b>Functions under the Environmental Planning and Assessment Regulation 2000 (2000 Regulation)</b>		
7.	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.	2
<b>Functions under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (DC&amp;FS Regulation)</b>		
8.	My functions under the DC&FS Regulation.  <b>Note 1.</b> These functions relate to certification of development and fire safety matters.	2, 3, 4
9.	My functions under the DC&FS Regulation.  This delegation applies only in relation to land to which Chapter 4 of the <i>State Environmental Planning Policy (Precincts - Regional) 2021</i> applies.	5A
<b>Functions under the Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017 (STOP Regulation)</b>		
10.	All of my functions under the STOP Regulation.	2
11.	All of my functions under Schedule 2 of the STOP Regulation.	3, 4, 5
12.	All of my functions under Schedule 5 of the STOP Regulation.	3, 4, 5A
<b>Functions under the State Environmental Planning Policy (Housing) 2021 (Housing SEPP)</b>		
13.	All of my functions under the Housing SEPP.	2
<b>Functions under the State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)</b>		
14.	All of my functions under the Planning Systems SEPP.	2, 3, 4, 5
<b>Functions under the Precincts SEPPs</b>		
15.	All of my functions under the Precincts SEPPs.	2, 3
<b>Functions under the State Environmental Planning Policy (Resources &amp; Energy) 2021 (Resources &amp; Energy SEPP)</b>		
16.	All of my functions under the Resources & Energy SEPP.	2
<b>Functions under the Biodiversity Conservation Act 2016 (BC Act)</b>		
17.	All of my functions under the BC Act.	2

18.	Determining, under section 7.9(2) of the BC Act, that proposed development is not likely to have any significant impact on biodiversity values.  <b>Note:</b> this function is to be exercised jointly with the Environment Agency Head under the BC Act, or the Environment Agency Head's delegate.	3, 4, 5
<b>Functions under the Biodiversity Conservation (Savings and Transitional) Regulation 2017 (BC Regulation)</b>		
19.	All of my functions under the BC Regulation	2
20.	Making a determination in writing under clause 27(1)(d) of the BC Regulation, in relation to the definition of <i>pending or interim planning application</i> , that a proponent had undertaken substantial environmental assessment in connection with the preparation of an environmental impact statement before the commencement of the BC Act.	3, 4
21.	My functions under clause 34A(3) of the BC Regulation.	3, 4

## Schedule 3

### Interpretation

#### In this instrument:

##### (a) Precincts SEPPs mean:

- *State Environmental Planning Policy (Precincts - Eastern Harbour City) 2021;*
- *State Environmental Planning Policy (Precincts - Central River City) 2021;*
- *State Environmental Planning Policy (Precincts - Western Parkland City) 2021; and*
- *State Environmental Planning Policy (Precincts – Regional) 2021.*