

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Instrument of Delegation

I, Paul Scully MP, Minister for Planning and Public Spaces (Minister), under section 2.4 of the *Environmental Planning and Assessment Act 1979* (the Act) delegate the functions identified in Column 2 of Schedule 2 to this instrument, in respect of development that is declared to be State Significant Development (SSD) under section 26A of Schedule 1 of the *State Environmental Planning Policy (Planning Systems) 2021*, and any other specified limitations in this instrument, 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).

A reference in this instrument to:

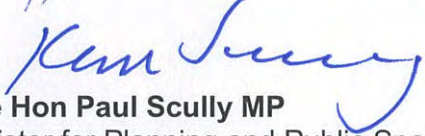
- delegate levels are those defined in Schedule 1 to this instrument; and
- the person in a delegate level specified in Schedule 1 includes any person who is appointed to, or appointed to act in, that office or to a person who is assigned to, temporarily assigned to, or who is otherwise appointed to 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 3.

Dated:

15 December

2024


The Hon Paul Scully MP
Minister for Planning and Public Spaces

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

Schedule 2 – Determining In-fill Affordable Housing SSD

Column 1	Column 2	Column 3
Item	Function	Delegate Level(s)
1.	<p>Determining development applications for State Significant Development under section 4.38 of the Act that:</p> <ul style="list-style-type: none"> (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; (b) There are 100 or more public submissions in the nature of objections; and (c) The delegate forms the opinion that any submission made about the application by the relevant local council or members of the public has been considered in the assessment of the application. 	1,2
2.	<p>Determining development applications for State Significant Development under section 4.38 of the Act that:</p> <ul style="list-style-type: none"> (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; (b) There are less than 100 public submissions in the nature of objections; and (c) The delegate forms the opinion that any submission made about the application by the relevant local council or members of the public has been considered in the assessment of the application. 	1, 2, 3
3.	<p>Determining development applications for State Significant Development under section 4.38 of the Act that:</p> <ul style="list-style-type: none"> (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; and (b) There are less than 15 public submissions in the nature of objections; and (c) The delegate forms the opinion that any submission made about the application by the relevant local council or members of the public has been considered in the assessment of the application. 	1, 2, 3, 4

Column 1 Item	Column 2 Function	Column 3 Delegate Level(s)
4.	<p>Determining modification applications under sections 4.55 and 4.56 of the Act that:</p> <ul style="list-style-type: none"> (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; (b) There are 100 or more public submissions in the nature of objections; and (c) The delegate forms the opinion that any submission made about the application by the relevant local council or members of the public has been considered in the assessment of the application. 	1, 2
5.	<p>Determining modification applications under sections 4.55 and 4.56 of the Act that:</p> <ul style="list-style-type: none"> (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; (b) There are less than 100 public submissions in the nature of objections; and (c) The delegate forms the opinion that any submission made about the application by the relevant local council or members of the public has been considered in the assessment of the application. 	1, 2, 3
6.	<p>Determining modification applications under sections 4.55 and 4.56 of the Act that:</p> <ul style="list-style-type: none"> (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; (b) There are less than 15 public submissions in the nature of objections; and (c) The delegate forms the opinion that any submission made about the application by the relevant local council or members of the public has been considered in the assessment of the application. 	1, 2, 3, 4

Column 1 Item	Column 2 Function	Column 3 Delegate Level(s)
7.	<p>Determining modification applications under sections 4.55 and 4.56 of the Act that:</p> <ul style="list-style-type: none"> (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; (b) There are no public submissions in the nature of objections; and (c) The delegate forms the opinion that any submission made about the application by the relevant local council or members of the public has been considered in the assessment of the application. 	1, 2, 3, 4, 5

Schedule 3 – Interpretation

(1) **In Schedule 2:**

- (a) A reference to a 'relevant local council' means the council of the local government area where the proposed development is to be carried out.
- (b) **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.
- (c) **Public submissions** includes a submission from the relevant local council but otherwise 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.