

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Instrument of Delegation

I, the Secretary of the Department of Planning and Environment, under section 2.4 of the *Environmental Planning and Assessment Act 1979 (the Act)*, delegate my functions identified in Column 2 of Schedule 1 to this Instrument to the officers of the Department of Planning and Environment 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.

Interpretation

A reference in this instrument to:

- (a) a Secretary, Deputy Secretary, Executive Director, Director, Team Leader, Manager, Specialist Planning Officer, Senior Planning Officer or 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, Specialist Planning Officer, Senior Planning Officer or 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 31 March 2022



Mick Cassel
Secretary, Department of Planning and Environment

Schedule 1

Item	Function	Delegate
Environmental Planning and Assessment Act 1979 (the Act)		
1.	Provide advice, recommendations and reports to the Minister under section 2.2(3) of the Act.	(a) Deputy Secretaries (a) Executive Directors
2.	My functions in respect of threatened species consultation under section 3.25 of the Act.	(b) Deputy Secretaries (c) Executive Directors (d) Directors
3.	Arranging the drafting of any required local environmental plan to give effect to the planning proposal under section 3.36(1) of the Act.	(a) Deputy Secretaries (b) Executive Directors (c) General Counsel (d) Directors (e) Team Leaders, Managers and Specialist Planning Officers (f) Senior Planning Officers
4.	Consulting with the relevant planning authority, in accordance with the regulations, on the terms of a draft local environmental plan under section 3.36(1) of the Act.	(a) Deputy Secretaries (b) Executive Directors (c) Directors (d) Team Leaders, Managers and Specialist Planning Officers (e) Senior Planning Officers (f) Planning Officers

Item	Function	Delegate
Environmental Planning and Assessment Regulation 2021 (the Regulation)		
5.	Requesting, pursuant to section 18(2) of the Regulation, the owners who are submitting a development control plan to provide such additional information as is considered necessary for the purposes of making the plan.	(a) Deputy Secretaries (b) Executive Directors (c) Directors (d) Team Leaders, Managers and Specialist Planning Officers (e) Senior Planning Officers
Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2021		
6.	My functions as a relevant planning authority under section 3.43 of the Act in relation to the preparation and making of development control plans, including the functions in Division 2 of Part 2 of the Regulation.	(a) Deputy Secretaries (b) Executive Directors (c) Directors
7.	My functions as a relevant planning authority under section 3.44 of the Act to make (including with such changes as the authority thinks fit) or refuse to make a development control plan, including such of the functions in Part 2 of the Regulation that relate to the making or refusal to make the development control plan (including, for example, section 19(1) of the Regulation).	(a) Deputy Secretaries (b) Executive Directors (c) Directors
Environmental Planning and Assessment Act 1979 and a local environmental plan that adopts or is based on the provisions of the Standard Instrument (Local Environmental Plans) Order 2006 (Standard Instrument) pursuant to section 3.20 of the Act		
8.	Determining, pursuant to clause 4.6 of a local environmental plan that adopts the provisions of the Standard Instrument, whether to grant concurrence (with or without conditions), in accordance with section 4.13(8) of the Act. This delegation extends to the Secretary's function to grant concurrence, with or without conditions, or refuse to grant concurrence pursuant to; <ul style="list-style-type: none"> (a) the former clause 24 of the Standard Instrument, or (b) any other clause that is based on a substantially similar format and has a substantially similar effect to the clause described in (a), where such a clause is adopted by a local environmental plan to provide for exceptions to development standards.	(a) Deputy Secretaries (b) Executive Directors (c) Directors (d) Team Leaders, Managers and Specialist Planning Officers
State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP)		
9.	Determining, pursuant to section 4.14 of the Biodiversity and Conservation SEPP, whether to approve a koala plan of management.	(a) Deputy Secretaries (b) Executive Directors (c) Directors
10.	My functions under Part 10.4 of the Biodiversity and Conservation SEPP in relation to development control plans (master plans).	(a) Deputy Secretaries (b) Executive Directors (c) Directors (d) Team Leaders, Managers and Specialist Planning Officers

Item	Function	Delegate
State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)		
11.	Requesting further documents and information to be furnished under section 2.19(3) of the Transport and Infrastructure SEPP in connection with an application for a site compatibility certificate.	(a) Deputy Secretaries (b) Executive Directors (c) Directors (d) Team Leaders, Managers and Specialist Planning Officers (e) Senior Planning Officers
12.	Providing a copy of an application for a site compatibility certificate to the relevant council under section 2.19(4) of the Transport and Infrastructure SEPP.	(a) Deputy Secretaries (b) Executive Directors (c) Directors (d) Team Leaders, Managers and Specialist Planning Officers (e) Senior Planning Officers
13.	Determining an application for a site compatibility certificate by issuing a certificate or refusing to do so under section 2.19(5) of the Transport and Infrastructure SEPP.	(a) Deputy Secretaries (b) Executive Directors
State Environmental Planning Policy (Housing) 2021 (Housing SEPP)		
14.	Requesting further documents and information to be furnished under section 39(3) of the Housing SEPP in connection with an application for a site compatibility certificate.	(a) Deputy Secretaries (b) Executive Directors (c) Directors (d) Team Leaders, Managers and Specialist Planning Officers (e) Senior Planning Officers
15.	Providing a copy of an application for a site compatibility certificate to the relevant council under section 39(4) of the Housing SEPP.	(a) Deputy Secretaries (b) Executive Directors (c) Directors (d) Team Leaders, Managers and Specialist Planning Officers (e) Senior Planning Officers
16.	Determining an application for a site compatibility certificate by issuing a certificate or refusing to do so under section 39(5) of the Housing SEPP.	(a) Deputy Secretaries (b) Executive Directors
State Environmental Planning Policy (Resources and Energy) 2021 (Resources and Energy SEPP)		
17.	Determining whether to issue a site verification certificate under section 2.26(1) of the Resources and Energy SEPP	(a) Deputy Secretaries (b) Executive Directors
18.	Directing the Gateway Panel, by order in writing, to issue a Gateway certificate under section 2.32(2) of the Mining SEPP.	(a) Deputy Secretaries (b) Executive Directors
Environmental Planning and Assessment Act 1979 and Warringah Local Environmental Plan 2000 (Warringah LEP)		
19.	Determining whether to grant concurrence (with or without conditions) in accordance with section 4.13(8) of the Act and pursuant to any provision of the Warringah LEP that requires the Secretary's concurrence.	(a) Deputy Secretaries (b) Executive Directors (c) Directors (d) Team Leaders, Managers and Specialist Planning Officers

Item	Function	Delegate
Roads Act 1993 (Roads Act)		
20.	Determining, pursuant to section 149 of the Roads Act, whether to approve the granting of a lease by a roads authority (other than the RMS) of the air space above, or land below the surface of, any public road (other than a Crown road) that is owned by the roads authority.	(a) Deputy Secretaries (b) Executive Directors (c) Directors (d) Team Leaders, Managers and Specialist Planning Officers (e) Senior Planning Officers
Local Government Act 1993 (LG Act)		
21.	Furnishing a report to the Minister for Local Government pursuant to section 47 of the LG Act, if a council proposes to grant a lease, licence or other estate in respect of community land and the Minister for Local Government requests that the Secretary provide a report.	(a) Deputy Secretaries (b) Executive Directors (c) Directors
State Environmental Planning Policy (Precincts—Central River City) 2021 (Central River City SEPP)		
22.	My functions under Part 4.3 of the Central River City SEPP in relation to development control plans (master plans).	(a) Deputy Secretaries (b) Executive Directors (c) Directors (d) Team Leaders, Managers and Specialist Planning Officers
State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021 (Eastern Harbour City SEPP)		
23.	My functions under section 6.13 of the Eastern Harbour City SEPP in relation to master plans.	(a) Deputy Secretaries (b) Executive Directors (c) Directors (d) Team Leaders, Managers and Specialist Planning Officers
24.	My functions under Divisions 7 and 8 of Part 4.3 of the Eastern Harbour City SEPP in relation to urban development plans and development control plans (master plans).	(a) Deputy Secretaries (b) Executive Directors (c) Directors (d) Team Leaders, Managers and Specialist Planning Officers
Sydney Local Environmental Plan 2005 (Sydney LEP)		
25.	My functions under Part 6 of Chapter 3 of Sydney LEP in relation to development control plans (master plans).	(a) Deputy Secretaries (b) Executive Directors (c) Directors (d) Team Leaders, Managers and Specialist Planning Officers
State Environmental Planning Policy (Industry and Employment) 2021 (Industry and Employment SEPP)		
26.	Making a determination, by notice in writing, under section 2.17(1).	(a) Deputy Secretaries (b) Executive Directors