

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

INSTRUMENT OF DELEGATION

Sydney North Planning Panel to Hornsby Shire Council


We, the Sydney North Planning Panel (**Panel**), with the approval of the Minister for Planning (**Minister**), under section 2.16(6) of the *Environmental Planning and Assessment Act 1979* (**Act**), delegate the functions described in Column 2 of Schedule 2 to this instrument to the delegate levels of Hornsby Shire Council specified in Column 3 of Schedule 2 to this instrument.

A reference in this instrument to the person in a delegate level specified in Column 2 of 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.

Interpretation: Words and expressions have the same meanings as those defined in the Act or other legislation that the delegation relates to.

Commencement date: This delegation commences on the date that it is signed by all members, including the chair of the Panel. This delegation is subject to a five-year review period and shall cease to have effect after 15 July 2027.

Approval of the Minister: See Approval by the then Minister for Planning and Public Spaces under s 2.16(6) of the Act dated 30 June 2020 (**Schedule 4**).

 Peter Debnam Chair, Sydney North Planning Panel	 David White Council nominated member, Sydney North Planning Panel
 Brian Kirk State Member, Sydney North Planning Panel	 Ross Walker Council nominated member, Sydney North Planning Panel
 Julie Smart Ward State Member, Sydney North Planning Panel	

Schedule 1
Delegate Levels

Column 1 Delegate Level	Column 2 Delegate
1	General Manager
2	Director, Planning and Compliance
3	Manager, Development Assessments

Schedule 2
Delegations

Column 1 Item	Column 2 Function	Column 3 Delegate Level(s)
<i>Functions under the Environmental Planning and Assessment Act 1979</i>		
1	<p>Determining applications to modify a consent granted by the Court under s 4.56 of the Act in relation to the property known as Lot 1 DP 1211969, 392 Galston Road Galston, excluding applications that:</p> <ul style="list-style-type: none"> (a) propose amendments to a condition of development consent recommended by the Council but which was amended by the Court, or (b) propose amendments to a condition of development consent that was not originally recommended by the Council but which was added by the Court, or (c) meet the criteria relating to conflict of interest, contentious development or departure from development standards set out in Schedule 3 to this instrument. 	1,2,3

Schedule 3

1. Conflict of interest

Development for which the applicant or landowner is:

- (a) the council,
- (b) a councillor,
- (c) a member of council staff who is principally involved in the exercise of council's functions under the Act,
- (d) a member of Parliament (either the Parliament of New South Wales or Parliament of the Commonwealth), or
- (e) a relative (within the meaning of the *Local Government Act 1993*) of a person referred to in (b) to (d).

2. Contentious development

Development that is the subject of 10 or more unique submissions by way of objection.

A **unique submission** means a submission which is in substance unique, distinctive or unlike any other submission. It does not mean a petition or any submission that contains the same or substantially the same text. Separate unique submissions may be made in relation to the same issue. One individual, or one household, could potentially submit multiple unique submissions.

3. Departure from development standards

Development that contravenes a development standard imposed by an environmental planning instrument by more than 10% or non-numerical development standards.

Schedule 4

Ministerial Approval under section 2.16(6) of the Environmental Planning and Assessment Act 1979

APPROVAL TO DELEGATE PANEL FUNCTIONS TO COUNCIL STAFF

I, the Minister for Planning and Public Spaces, give my approval under section 2.16(6) of the *Environmental Planning and Assessment Act 1979*, for any Sydney district or regional planning panel to delegate any of its functions under the *Environmental Planning and Assessment Act 1979* or any other Act (other than this power of delegation) to the general manager or other staff of a council, for any area or part of any area for which the Sydney district or regional planning panel is constituted.



Minister for Planning and Public Spaces

Dated: 30-06-2020