

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 the Schedule to this instrument to employees in the Planning Group of the Department of Planning, Housing and Infrastructure in the roles specified in Column 3 of the Schedule.

Interpretation

In this instrument:

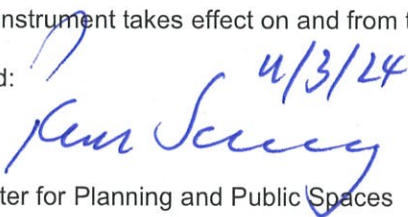
- (a) a reference to an employee of the Department of Planning, Housing and Infrastructure in a role is a reference to an employee of the Department who is assigned or temporarily assigned to that role under the *Government Sector Employment Act 2013* and includes a reference to a person appointed to, or appointed to act in, the office of Secretary of the Department, and
- (b) a reference to a role using its specific title includes a reference to a role with substantially the same responsibilities, and
- (c) a reference to the Planning Group includes a reference to any part of the Department of Planning, Housing and Infrastructure that from time to time is primarily responsible for supporting the administration of the Act, and
- (d) words and expressions used in Part 3 of the Schedule have the same meanings as they have in clause 1 of Schedule 4 to the Act.

Revocation

The instrument of delegation dated 24 August 2022 given by the Minister for Planning of functions under Part 7 of the Act is revoked. Apart from the revocation of that instrument, this instrument does not affect the operation of any other instrument of delegation under the Act and is additional to any other such instrument.

This instrument takes effect on and from the day it is signed.

Dated:


4/3/24

Minister for Planning and Public Spaces

Schedule

Item	Function	Delegate
Part 1		
Functions under Subdivision 2 (Planning agreements) and Subdivision 3 (Local infrastructure contributions) of Division 7.1, EP&A Act		
1.	All my functions under section 7.4 of the Act including the following: <ul style="list-style-type: none">• entering into, amending or revoking a planning agreement;• approving a planning authority entering into a planning agreement that excludes the application of former section 7.24 of the Act (within the meaning of Schedule 4 to the Act) or Subdivision 4 of Division 7.1 of the Act;• approving a person being an additional party to a planning agreement and to receive a benefit under the agreement on behalf of the State.	<ol style="list-style-type: none">(a) Secretary(b) Senior Executive Band 3 roles(c) Senior Executive Band 2 roles(d) Senior Executive Band 1 roles with responsibility for planning agreements and development contributions

Item	Function	Delegate
2.	All my functions under a planning agreement entered into under section 7.4 of the Act, whether the agreement is executed before or after the date of this Instrument.	(a) Secretary (b) Senior Executive Band 3 roles (c) Senior Executive Band 2 roles (d) Senior Executive Band 1 roles with responsibility for planning agreements and development contributions
3.	My functions under section 7.15 of the Act to approve the imposition of a condition under section 7.11 or 7.12 of the Act for the provision of a public amenity or public service on land in another State or Territory.	(a) Secretary (b) Senior Executive Band 3 roles
Part 2		
Functions under Subdivision 4 of Division 7.1, EP&A Act - housing and productivity contributions		
4.	My function under section 7.28 of the Act to approve the modification of a condition under that section.	(a) Secretary (b) Senior Executive Band 3 roles (c) Senior Executive Band 2 roles (d) Senior Executive Band 1 roles with responsibility for development contributions
5.	My function under section 7.31D (2) (c) and (3) and clause 1 (5) of Schedule 4, of the Act, to recommend a payment for the provision of regional infrastructure.	(a) Secretary (b) Senior Executive Band 3 roles
6.	My function relating to the Treasury Secretary's consultation under section 7.31D regarding payments out of the HAP Fund.	(a) Secretary (b) Senior Executive Band 3 roles
7.	My functions under the <i>Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023</i> and any other Ministerial planning order under Subdivision 4 of Division 7.1 of the Act, including to enter into an agreement to accept a non-monetary contribution.	(a) Secretary (b) Senior Executive Band 3 roles (c) Senior Executive Band 2 roles (d) Senior Executive Band 1 roles with responsibility for development contributions
Part 3		
Functions under former SIC provisions		
8.	All my functions under a 7.23 determination made under former section 7.23 of the Act.	(a) Secretary (b) Senior Executive Band 3 roles (c) Senior Executive Band 2 roles (d) Senior Executive Band 1 roles with responsibility for development contributions
9.	All my functions under former section 7.23 (4) of the Act in relation to consultation, and in particular the following: <ul style="list-style-type: none"> consulting with owners of land in the special contributions area and other relevant stakeholders; 	(a) Secretary (b) Senior Executive Band 3 roles

Item	Function	Delegate
	<ul style="list-style-type: none"> publicly exhibiting a proposal in relation to the level of development contributions and seeking submissions within a reasonable time in relation to that proposal; and establishing a panel that, in the Minister's opinion, represents the interests of the various relevant stakeholders and consulting with that panel. 	
10.	<p>My functions under former section 7.24 (5) of the Act:</p> <ul style="list-style-type: none"> to consent to a consent authority (other than the Minister) accepting the dedication of land or the provision of a material public benefit in part or full satisfaction of a condition requiring a special infrastructure contribution; and as a consent authority, to accept the dedication of land or the provision of a material public benefit in part or full satisfaction of a condition requiring a special infrastructure contribution. 	(a) Secretary (b) Senior Executive Band 3 roles
11.	<p>My functions under former section 7.26 of the Act (being that section as in force immediately before its repeal by the <i>Environmental Planning and Assessment Amendment (Housing and Productivity Contributions) Act 2023</i>) to direct a consent authority to sell all or part of any land it receives under the former SIC provisions or to transfer any such land to a public authority.</p>	(a) Secretary (b) Senior Executive Band 3 roles
<p>Part 4 <i>Environmental Planning and Assessment Regulation 2021 (the Regulation) and miscellaneous</i></p>		
12.	<p>All my functions as a planning authority under section 204 of the Regulation regarding the giving of public notice to enter into, amend or revoke a planning agreement, including agreeing to the way in which public notice is to be given under section 204(2) or (3).</p>	(a) Secretary (b) Senior Executive Band 3 roles (c) Senior Executive Band 2 roles (d) Senior Executive Band 1 roles with responsibility for planning agreements and development contributions
13.	<p>All my functions as a planning authority under section 205 of the Regulation regarding the preparation and exhibition of an explanatory note.</p>	(a) Secretary (b) Senior Executive Band 3 roles (c) Senior Executive Band 2 roles (d) Senior Executive Band 1 roles with responsibility for planning agreements and development contributions
14.	<p>All my functions as a Minister of the Crown under Division 4 of Part 6 of the <i>Conveyancing Act 1919</i> in relation to the creation, variation and release of easements, restrictions on use and public positive covenants (such as functions under sections 88A, 88B and 88E) in connection with planning agreements, housing and productivity contributions or special infrastructure contributions under the Act.</p>	(a) Secretary (b) Senior Executive Band 3 roles (c) Senior Executive Band 2 roles (d) Senior Executive Band 1 roles with responsibility for planning agreements or development contributions