

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Instrument of Delegation

I, the Minister for Planning and Infrastructure, pursuant to section 23 of the *Environmental Planning and Assessment Act 1979* (**the Act**):

1. Revoke the previous delegation to the Planning Assessment Commission of my functions under Part 3A of the Act dated 28 May 2011;
2. Delegate to the Planning Assessment Commission the functions identified in Item 1 of Schedule 1 (and any functions under the Act or any other Act as are incidental or related to the exercise of those functions) in respect of the applications specified in Schedule 2 and subject to the terms, limitations and restrictions in Schedule 3; and
3. Delegate to the Planning Assessment Commission the functions identified in Item 2 of Schedule 1 (and any functions under the Act or any other Act as are incidental or related to the exercise of those functions) subject to the terms, limitations and restrictions in Schedule 3.

This delegation takes effect from 1 October 2011.

Dated: 14 September 2011.

The Hon. BRAD HAZZARD, M.P.,
Minister for Planning and Infrastructure

Schedule 1

1. My functions under the Act related to the determination of applications including, but not limited to, my functions under:
 - (a) sections 80, 80A, 89D(2), 89E, 93I, 94, 94A, 94B, 94C, 94CA, 94EF, 94F, 95(2), 96 and 96AA of the Act in respect of Part 4 development and State significant development, as appropriate;
 - (b) sections 115ZB, 115ZC and 115ZI in respect of State significant infrastructure; and
 - (c) sections 75J, 75JA, 75O, 75P, 75R(3A), 75W, 75Y and 75YA in respect of projects to which Part 3A of the Act applies.
2. My functions related to the making of a local environmental plan under section 59 of the Act in circumstances where section 89E(6) of the Act applies.

Schedule 2

Applications made before or after 1 October 2011 (including reportable political donation applications) other than applications made by or on behalf of a public authority.

Schedule 3

Where the Planning Assessment Commission (**Commission**) proposes, in accordance with section 93I(3) of the Act, to impose a condition or a term of approval or make a determination which would require an applicant or proponent to enter into a voluntary planning agreement to which the Minister or the Corporation is a party, the Commission must consult with the Minister in respect of any such condition, term of approval or determination before determining the application under this delegation.

Definitions:

In this Instrument,

Applicant means a person who applies to the Minister for consent to carry out development under Part 4 of the Act, including State significant development.

Application means:

In respect of Part 4 of the Act

- an application made under section 78A of the Act for consent to carry out Part 4 development or State significant development; and
- an application made under section 96 or section 96AA of the Act for the modification of a consent granted for Part 4 development or State significant development (**modification application**).

In respect of Part 5.1 of the Act

- an application made under section 115X of the Act for approval to carry out State significant infrastructure; and
- a request made under section 115ZI to modify an approval to carry out State significant infrastructure.

In respect of Part 3A of the Act

- an application made under section 75E of the Act for approval to carry out a project;
- an application made under section 75M of the Act for approval of a concept plan for a project;
- a single application made under section 75M(3A) of the Act for approval of a concept plan for a project and for approval to carry out any part or aspect of the project; and
- a request made under section 75W of the Act to modify an approval to carry out a project or an approval of a concept plan for a project.

Corporation means the corporation sole incorporated under section 8 of the Act.

Critical State significant infrastructure has the same meaning given by section 115T of the Act.

Minister means the Minister for Planning and Infrastructure.

Part 4 development means development which requires development consent under Part 4 of the Act and for which the Minister is the consent authority, but excludes State significant development.

Previous related application means:

In respect of Part 4 of the Act

- the application for consent to any previous stage of a staged development application within the meaning of section 83B of the Act; and
- for modification applications, the application for development consent the subject of the modification application or a previous modification application to modify that consent.

In respect of Part 5.1 of the Act

- the application for approval of any previous stage of a staged infrastructure application within the meaning of section 115ZD of the Act; and
- for requests to modify an approval, the application for approval of State significant infrastructure the subject of the modification request or a previous modification request to modify that approval.

In respect of Part 3A of the Act

- the application for approval to carry out a part project for which an application for approval to carry out another part of the project is made under section 75E of the Act;
- for applications to carry out a project (or part project), the application for approval of the concept plan for the project; and
- for requests to modify an approval to carry out a project (or part project) or an approval of a concept plan, any previous application or request made under Part 3A of the Act in respect of the relevant project.

Project means development that was, before 8 April 2011, declared to be a project to which Part 3A of the Act applied.

Proponent has the same meaning given by section 75A and 115T of the Act.

Public authority has the same meaning given by section 4 of the Act, but excludes a local authority.

Reportable political donation application means an application in respect of which a political disclosure statement under section 147 of the Act has been made or an application where such a statement was made in respect of a previous related application.

State significant development has the same meaning given by Division 4.1 of Part 4 of the Act.

State significant infrastructure has the same meaning given by Part 5.1 of the Act.

Note.

In accordance with section 23(8)(a2) of the Act, this Instrument does not apply to applications for State significant infrastructure (SSI) where the SSI has been declared to be critical SSI.