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# Department of Planning

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## ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

### Instrument of Delegation

I, the Minister for Planning and the Minister administering the Environmental Planning and Assessment Act 1979 (“EP&A Act”), pursuant to section 23 of the EP&A Act, delegate to the Planning Assessment Commission (“the Commission”), the powers and functions listed in Schedule 1 to this Instrument in relation to project applications specified in Schedule 2 of this Instrument, subject to the terms, limitations and restrictions specified in Schedule 3 to this Instrument.

Dated this 18th day of November 2008.

The Hon. KRISTINA KENEALLY, M.P.,  
Minister for Planning

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### SCHEDULE 1

My powers and functions under section 75J and 75JA of the EP&A Act.

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### SCHEDULE 2

Project applications lodged before or after the date of this Instrument:

1. in relation to which a statement has been made disclosing a reportable political donation; or
2. that relate to the carrying out of development within the boundaries of the State electoral district represented by the Minister for Planning (where the Minister is a member of the Legislative Assembly); or
3. that relate to the carrying out of development in which the Minister for Planning has a pecuniary interest; other than a project application for an infrastructure project where the proponent is a public authority, other than a local authority.

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### SCHEDULE 3

Where the Commission proposes to impose a condition on an approval which would require a proponent to enter into a voluntary planning agreement to which the Minister for Planning or the Corporation is a party, the Commission must consult with the Minister for Planning in relation to any such condition before determining the project application.

#### Definitions:

Corporation is the corporation sole incorporated under section 8 of the EP&A Act.

Electoral district is the relevant district as proclaimed under section 15 of the Parliamentary Electorates and Elections Act 1912.

Major infrastructure development has the same meaning as in section 75A of the EP&A Act.

Pecuniary interest is an interest that the Minister is required to, or otherwise discloses in a primary, ordinary or discretionary return made under the Constitution (Disclosures by Members) Regulation 1983.

Project applications are applications made under section 75E of the EP&A Act.

Proponent has the same meaning as in section 75A of the EP&A Act.

Public authority has the same meaning as in section 4 of the EP&A Act.

Statement is statement of a disclosure required to be made under section 147(3)(a) of the EP&A Act required to be made in accordance with section 147(6) of the EP&A Act.

#### Note:

This instrument of delegation does not apply to:

- concept plan applications, or
- project applications for project that has been declared to be a critical infrastructure project, as provided by section 23(8) of the EP&A Act.