

Environmental Planning and Assessment Act 1979 Instrument of Delegation for Functions under the Environmental Planning and Assessment Regulation 2021 (Minister) June 2024

Under the *Environmental Planning and Assessment Act 1979* (the Act)

I, Paul Scully MP, Minister for Planning and Public Spaces, under section 2.4 of the Act, make the following Instrument of Delegation.

Dated this *25th* day of *June* 2024



The Hon. Paul Scully MP

Minister for Planning and Public Spaces

Environmental Planning and Assessment Act 1979 Instrument of Delegation for Functions under the Environmental Planning and Assessment Regulation 2021 (Minister) June 2024

under the *Environmental Planning and Assessment Act 1979*

1. Name

This Instrument is the *Environmental Planning and Assessment Act 1979 Instrument of Delegation for Functions under the Environmental Planning and Assessment Regulation 2021 (Minister) June 2024*.

2. Commencement

This Instrument commences on the day on which it is signed.

3. Interpretation

1. In this Instrument:

Act means the *Environmental Planning and Assessment Act 1979*.

Minister means the Minister for Planning and Public Spaces.

Regulation means the *Environmental Planning and Assessment Regulation 2021*.

2. Unless otherwise defined in this Instrument, words and expressions that are defined in the Act and the Regulation have the same meaning in this Instrument.
3. Unless otherwise specified, a reference to an Act includes a reference to the Act as it exists from time to time and any regulations or instruments under that Act.

4. Delegation of Functions

1. I, Paul Scully MP, Minister for Planning and Public Spaces, **delegate** the exercise of the statutory functions conferred or imposed under the section, clause or provision of the *Environmental Planning and Assessment Regulation 2021* as set out in Schedule 1 to this Instrument in the manner detailed in that Schedule, subject to clause 5.
2. To avoid doubt, under this Instrument:
 - a. a delegate may exercise all delegated functions to constitute a design review panel for their local government area, or
 - b. two or more delegates may exercise all delegated functions to constitute a design review panel for their combined local government areas.
3. If a statutory function has not been delegated in this Instrument, only the Minister can exercise that function.

5. Delegation Conditions and Limitations

4. Any delegation in this Instrument is subject to the specific conditions and limitations identified in Schedule 1.
5. The summary of a function delegated in Schedule 1 is only for general explanation.

6. Revocation

The Instrument of Delegation for functions under the repealed *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development* relating to design review panels signed by the former Minister for Planning on 12 June 2015 is revoked.

Note: Schedule 1 follows.

Schedule 1

- Table 1 – Environmental Planning and Assessment Regulation 2021

Table 1 – Environmental Planning and Assessment Regulation 2021

No.	Legislative Provisions	Summary of Functions being delegated	Conditions	Delegates
1.1	Part 15, Division 4A; Schedule 5A	All my functions in relation to design review panels.	<ol style="list-style-type: none"> 1. Where two or more councils appoint a design review panel for their local government areas, agreement from both councils is required before the design review panel may be abolished under section 288A of the Regulation. 2. The appointment of any member or alternate member to a design review panel under section 288B of, and Schedule 5A, section 2 to, the Regulation must be on terms and conditions consistent with any determination made by the Minister under Schedule 5A to the Regulation. 3. Council(s) must advise the Minister in writing on the membership (including alternate members) of a design review panel. 	All councils within the meaning of the <i>Local Government Act 1993</i>