

# *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 25<sup>th</sup> day of June 2024

A handwritten signature in blue ink, reading "Paul Scully".

The Hon. Paul Scully MP

Minister for Planning and Public Spaces

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under the *Environmental Planning and Assessment Act 1979*

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## 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*.

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## 2. Commencement

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

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## 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.

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## 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.

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## 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.

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## 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"> <li>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.</li> <li>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.</li> <li>3. Council(s) must advise the Minister in writing on the membership (including alternate members) of a design review panel.</li> </ol>	All councils within the meaning of the <i>Local Government Act 1993</i>