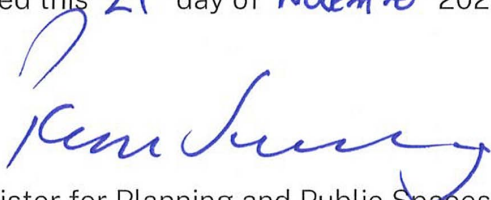


Environmental Planning and Assessment Act 1979 Instrument of Delegation for functions in respect of the determination of Housing State Significant Development

I, Minister for Planning and Public Spaces (Minister) under section 2.4 of the *Environmental Planning and Assessment Act 1979 (Act)*, make the following Instrument of Delegation (Instrument).

Dated this 21st day of November 2025



Minister for Planning and Public Spaces

1. Commencement

- 1.1 This Instrument commences on the day it is signed by the Minister.

2. Delegation of functions

- 2.1 The Minister's consent authority functions identified in Schedule 1 are delegated to employees of the Department of Planning, Housing and Infrastructure identified in that Schedule.
- 2.2 To avoid doubt, the Minister's functions as consent authority delegated by this Instrument includes all functions relating to the imposition of conditions of consent on determining a development application or modification application of a kind to which this delegation relates.

3. Interpretation

- 3.1 In this Instrument:

BTR Project means development that is declared to be SSD under section 27, Schedule 1 of the Planning Systems SEPP.

Deputy Secretary means a person employed in Senior Executive Band 3, within the meaning of the *Government Sector Employment Act 2013*, assigned, or temporarily assigned, to a role of Deputy Secretary.

Director means a person employed in Senior Executive Band 1, within the meaning of the *Government Sector Employment Act 2013*, assigned, or temporarily assigned, to a role of Director.

Executive Director means a person employed in Senior Executive Band 2, within the meaning of the *Government Sector Employment Act 2013*, assigned, or temporarily assigned, to a role of Executive Director.

Housing Delivery Authority (HDA) means the panel established under the *Environmental Planning and Assessment (Housing Delivery Authority) Order 2024*.

HDA Project means development that is declared to be SSD by the Minister under section 4.36(3) of the Act based on the advice or recommendation of the Housing Delivery Authority.

In-fill Affordable Housing Project means development that is declared to be SSD under section 26A, Schedule 1 of the Planning Systems SEPP.

Objection means a submission in the nature of an objection and does not include draft conditions requested to be imposed by the relevant local council on the consent or approval.

Relevant local council means the council of the local government area where the proposed development is to be carried out.

Minister means Minister for Planning and Public Spaces.

Planning Systems SEPP means *State Environmental Planning Policy (Planning Systems) 2021*.

Secretary means the Secretary of the Department of Planning, Housing and Infrastructure including a person appointed to act in the office of Secretary.

SSD means State significant development within the meaning of the Act.

Seniors Housing Project means development that is declared to be SSD under section 28, Schedule 1 of the Planning Systems SEPP.

Submission includes a submission by way of objection from the relevant local council under the mandatory requirements for community participation in Schedule 1 of the Act, but otherwise means a submission that is duly made and counted in accordance with the method set out in Chapter 2 of the *State Environmental Planning Policy (Planning Systems) 2021*.

Note: Each of the following is to be counted as 1 submission:

- a petition, or
- any submissions that contain the same or substantially the same text.

Team Leader means a person employed in the Public Service as Planning Officer (Professional Level 3, 4 or 5) within the meaning of the Crown Employees (Planning Officers) Award 2021 and assigned, or temporarily assigned, to a role of Team Leader.

TOD Project means development that is declared to be SSD under section 19, Schedule 2 of the Planning Systems SEPP.

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

- 3.2 Unless otherwise defined in this Instrument, words and expressions that are defined in the Act have the same meanings in this Instrument.
- 3.3 Unless otherwise specified, a reference to the Act includes a reference to any regulations or instruments under the Act.

- 3.4 In this Instrument, a reference to the role of Secretary, Deputy Secretary, Executive Director, Director or Team Leader includes a reference to a role with substantially the same responsibilities, whatever its title.

4. Delegate Levels

Delegate Level	Role
A	Secretary
B	Any Deputy Secretary who is responsible for supporting the administration of the Act reporting to a level A delegate
C	Executive Director who is responsible for supporting the administration of the Act reporting to a level B delegate or above
D	Director who is responsible for supporting the administration of the Act reporting to a level C delegate or above
E	Team Leader having responsibility for supporting the administration of the Act reporting to a level D delegate or above

5. Delegation Limitations and Conditions

- 5.1 The delegation of functions set out in Schedule 1 to this Instrument is made in respect of BTR Projects, HDA Projects, In-fill Affordable Housing Projects, Seniors Housing Projects and TOD Projects only.
- 5.2 The delegation of functions set out in this Instrument is subject to the specific conditions and limitations identified in Schedule 1 to this Instrument.
- 5.3 The summary of a function delegated in Schedule 1 to this Instrument is provided for general explanation only.
- 5.4 The instrument of delegation by the Minister dated 23 July 2025 relating to both In-fill Affordable Housing Projects and HDA Projects is revoked on the day this instrument commences.
- 5.5 This instrument of delegation of the Minister's functions as consent authority to determine SSD development applications and modification applications prevails over the Minister's delegation of those functions by instrument dated 9 March 2022 in the event of any inconsistency and regardless of whether this instrument is more restrictive in respect of any delegated function to the extent that this delegation relates to:
- a) BTR Projects,
 - b) HDA Projects,

- c) In-fill Affordable Housing Projects,
- d) Seniors Housing Projects, or
- e) TOD Projects.

5.6 Except as provided by clause 5.4 and 5.5, this delegation does not affect any other delegated function of the Minister, including the instrument of delegation dated 14 September 2011 to the Independent Planning Commission (formerly, the Planning Assessment Commission).

6. Continuation of delegation

This Instrument, as it may be amended from time to time, continues in effect until it is revoked, and despite any person who gives or amends the Instrument as the Minister ceasing to hold that office.

Schedule 1 – Functions relating to BTR, HDA, In-fill Affordable, Seniors Housing and TOD Projects

No.	Legislative Provision	Summary of Function being delegated	Condition	A	B	C	D	E
				Secretary	Deputy Secretary	Executive Director	Director	Team Leader
1.	Sections 4.37 and 4.38 of the Act	Minister's functions to determine the following development applications, including functions to determine that a subsequent stage of the development is to be determined by the relevant council as consent authority: <ul style="list-style-type: none"> BTR Projects HDA Projects In-fill Affordable Housing Projects Seniors Housing Projects TOD Projects 	<ol style="list-style-type: none"> The development application was not made by a person who has disclosed a reportable political donation or gift under section 10.4 of the Act in connection with the application; and The delegate has taken into consideration any submission made by the relevant local council or members of the public in the assessment of the application, as required by s4.15(1)(d) of the Act. 	Yes	Yes	No	No	No

No.	Legislative Provision	Summary of Function being delegated	Condition	A	B	C	D	E
				Secretary	Deputy Secretary	Executive Director	Director	Team Leader
2.	Sections 4.37 and 4.38 of the Act	<p>Minister's functions to determine the following development applications, including functions to determine that a subsequent stage of the development is to be determined by the relevant council as consent authority:</p> <ul style="list-style-type: none"> BTR Projects HDA Projects In-fill Affordable Housing Projects Seniors Housing Projects TOD Projects 	<ol style="list-style-type: none"> The development application was not made by a person who has disclosed a reportable political donation or gift under section 10.4 of the Act in connection with the application; There are less than 100 submissions by way of objection under the mandatory requirements for community participation in Schedule 1 of the Act; and The delegate has taken into consideration any submission made by the relevant local council or members of the public in the assessment of the application, as required by s4.15(1)(d) of the Act. 	Yes	Yes	Yes	No	No

No.	Legislative Provision	Summary of Function being delegated	Condition	A	B	C	D	E
				Secretary	Deputy Secretary	Executive Director	Director	Team Leader
3.	Sections 4.37 and 4.38 of the Act	Minister's functions to determine the following development applications, including functions to determine that a subsequent stage of the development is to be determined by the relevant council as consent authority: <ul style="list-style-type: none"> BTR Projects HDA Projects In-fill Affordable Housing Projects Seniors Housing Projects TOD Projects 	<ol style="list-style-type: none"> The development application was not made by a person who has disclosed a reportable political donation or gift under section 10.4 of the Act in connection with the application; There are less than 15 submissions by way of objection under the mandatory requirements for community participation in Schedule 1 of the Act; and The delegate has taken into consideration any submission made by the relevant local council or members of the public in the assessment of the application, as required by s4.15(1)(d) of the Act. 	Yes	Yes	Yes	Yes	No

No.	Legislative Provision	Summary of Function being delegated	Condition	A	B	C	D	E
				Secretary	Deputy Secretary	Executive Director	Director	Team Leader
4.	Section 4.55 and 4.56 of the Act	Minister's functions to determine an application to modify a development consent for the following: <ul style="list-style-type: none"> BTR Projects HDA Projects In-fill Affordable Housing Projects Seniors Housing Projects TOD Projects 	<ol style="list-style-type: none"> The application to modify a development consent was not made by a person who has disclosed a reportable political donation or gift under section 10.4 of the Act in connection with the application; and The delegate has taken into consideration any submission made by the relevant local council or members of the public in the assessment of the application, as required by s4.15(1)(d) of the Act. 	Yes	Yes	No	No	No

No.	Legislative Provision	Summary of Function being delegated	Condition	A	B	C	D	E
				Secretary	Deputy Secretary	Executive Director	Director	Team Leader
5.	Section 4.55 and 4.56 of the Act	Minister's functions to determine an application to modify a development consent for the following: <ul style="list-style-type: none"> • BTR Projects • HDA Projects • In-fill Affordable Housing Projects • Seniors Housing Projects • TOD Projects 	<ol style="list-style-type: none"> 1. The application to modify a development consent was not made by a person who has disclosed a reportable political donation or gift under section 10.4 of the Act in connection with the application; and 2. There are less than 100 submissions by way of objection under the mandatory requirements for community participation in Schedule 1 of the Act; and 3. The delegate has taken into consideration any submission made by the relevant local council or members of the public in the assessment of the application, as required by s4.15(1)(d) of the Act. 	Yes	Yes	Yes	No	No

No.	Legislative Provision	Summary of Function being delegated	Condition	A	B	C	D	E
				Secretary	Deputy Secretary	Executive Director	Director	Team Leader
6.	Section 4.55 and 4.56 of the Act	Minister's functions to determine an application to modify a development consent for the following: <ul style="list-style-type: none"> BTR Projects HDA Projects In-fill Affordable Housing Projects Seniors Housing Projects TOD Projects 	<ol style="list-style-type: none"> The application to modify a development consent was not made by a person who has disclosed a reportable political donation or gift under section 10.4 of the Act in connection with the application; There are less than 15 submissions by way of objection under the mandatory requirements for community participation in Schedule 1 of the Act; and The delegate has taken into consideration any submission made by the relevant local council or members of the public in the assessment of the application, as required by s4.15(1)(d) of the Act. 	Yes	Yes	Yes	Yes	No

No.	Legislative Provision	Summary of Function being delegated	Condition	A	B	C	D	E
				Secretary	Deputy Secretary	Executive Director	Director	Team Leader
7.	Section 4.55 and 4.56 of the Act	Minister's functions to determine an application to modify a development consent for the following: <ul style="list-style-type: none"> BTR Projects HDA Projects In-fill Affordable Housing Projects Seniors Housing Projects TOD Projects 	<ol style="list-style-type: none"> The application to modify a development consent was not made by a person who has disclosed a reportable political donation or gift under section 10.4 of the Act in connection with the application; There are no submissions by way of objection under the mandatory requirements for community participation in Schedule 1 of the Act; and The delegate has taken into consideration any submission made by the relevant local council or members of the public in the assessment of the application, as required by s4.15(1)(d) of the Act. 	Yes	Yes	Yes	Yes	Yes