

DATE OF PANEL DECISION	22 March 2024
PANEL MEMBERS	Abigail Goldberg (Chair), David Ryan, Steve Murray, Brent Woodhams, Jarrod Murphy
APOLOGIES	None
DECLARATIONS OF INTEREST	None

DELEGATION REQUEST – DETERMINATION OF 4.56 MODIFICATION APPLICATIONS

BACKGROUND

The Minister for Planning and Public Spaces provided approval under section 2.16(6) of the Environmental Planning and Assessment Act 1979 (EP&A Act) for any Sydney district or regional planning panel to delegate any of its functions under the EP&A Act or any other Act (other than the power of delegation) to the general manager or other staff of a council, for any area or part of any area for which the Sydney district or regional planning panel is constituted.

With respect to applications made subject to Clause 4.56 of the EP&A Act (Modification by consent authorities of consents granted by the Court), The Hills City Council have made a request of the Sydney Central City Planning Panel that delegation to determine some 4.56 Modifications be granted to Council.

It is proposed that the Panel delegate the function of Consent Authority for all 4.56 Modifications except if the modification:

- proposes amendments to a condition of development consent recommended in the council assessment report but which was amended by the panel, or
- proposes amendments to a condition of development consent that was not included in the council assessment report but which was added by the panel, or
- meets the criteria relating to conflict of interest, contentious development or departure from development standards set out in Schedule 1 to the *Functions Exercisable by Council on Behalf of Sydney District or Regional Planning Panels—Applications to Modify Development Consents* (attached).

Council’s justification for this request notes “...if the modification is major or seeks to change conditions specifically imposed by the Panel, it is appropriate that the Panel provide an additional level of oversight. For minor modifications, it will assist the timeliness of assessment if these matters remain with Council.”

The Panel has deliberated and has considered whether in the case of some 4.56 Modifications the delegation of its consent function is appropriate.

PANEL RESOLUTION

This is a resolution of the Panel made on 22 March 2024 in accordance with Schedule 2 Part 5 of the EP&A Act.

Pursuant to section 2.16(6)(c) of the EP&A Act 1979 the Panel resolves to delegate to The Hills City Council the power to make a determination as consent authority on applications made under section 4.56 of the EP&A Act except where the application meets the criteria set out in the *Functions Exercisable by Council on Behalf of Sydney District or Regional Planning Panels—Applications to Modify Development Consents*.

This resolution takes effect at the date of the Panel decision and will remain current for the sitting period of the currently appointed Sydney Central City Planning Panel.

PANEL MEMBERS	
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 Steve Murray	 Brent Woodhams
 Jarrod Murphy	