

DATE OF PANEL DECISION	28 August 2024
PANEL MEMBERS	Abigail Goldberg (Chair), David Ryan, Steve Murray, Moninder Singh
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 4.56 Modification Applications, Blacktown City Council have made a request of the Sydney Central City Planning Panel that delegation to determine all 4.56 Modification Applications referred to the Panel be granted. The panel have been advised by Council:

We are requesting that the Sydney Central City Planning Panel grant Blacktown City Council its delegation to determine minor section 4.56 modification applications except those that fall into the following categories:

- 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.*

The reasons for the request include:

- The minor modifications do not fall in any of the abovementioned exceptions*
- It will assist the timeliness of assessment of minor modifications if these applications were to remain with Council*
- These minor modifications always relate to an original application that was either determined by the Panel or under a watch and brief by the Panel of a Court approved SPP DA.*

- *These minor modifications do not significantly impact on the amenity of the neighbours either by getting less than 10 submissions during the exhibition period*
- *These minor modifications do not significantly alter the bulk and scale of the original proposal as approved by the Panel or under a watch and brief by the Panel of a Court approved SPP DA*
- *This request is not unusual as it is seeking the same delegation as that granted to the Hills Council.*

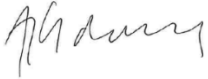

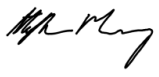

PANEL RESOLUTION

This is a resolution of the Panel made on 28 August 2024 in accordance with Schedule 2 Part 5 of the EP&A Act.

That pursuant to section 2.16(6)(c) of the EP&A Act 1979 the Panel resolves to delegate to Blacktown City Council the power to make a determination as consent authority under section 4.56 of the EP&A Act on:

All 4.56 Modification Applications referred to the Sydney Central City Planning Panel

Council is advised that delegated matters continue to be classified as regionally significant development applications and should be uploaded to the NSW Planning Portal accordingly. Council shall continue to keep the Panel updated on the progress of delegated matters and should provide notice of determination to the Planning Panels team as soon as practicable.

PANEL MEMBERS	
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 Steve Murray	 Moninder Singh