

<b>DATE OF PANEL DECISION</b>	26 March 2024
<b>PANEL MEMBERS</b>	Abigail Goldberg (Chair), David Ryan, Steve Murray, Sameer Pandey
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	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 City of Parramatta Council have made a request of the Sydney Central City Planning Panel that delegation to determine some 4.56 Modifications be granted to Council. Council have provided the following justification for this request:

*Currently Council has delegation to consider s4.55(1) and s4.55(1A) under clause 275 of Environmental Planning and Assessment Regulations 2001 as outlined in Instruction on Functions Exercisable by Council on Behalf of Sydney District or Regional Planning Panels – Application to Modify Development Consents. Consistent with delegated matters under s4.55(1) and (1A), the s4.56 applications Council seeks to be delegated are those which Council typically considers on a day-to-day basis under delegation, are straightforward matters, are of minimal environmental impact and are not controversial (that is, receive less than 10 submissions).*

*Council requests that the SCCPP delegates its functions in relation to Section 4.56 modification applications, except those which:*

- a) Propose amendments to a condition of development consent recommended by the Council but which was amended by the Court; or*
- b) Propose amendments to a condition of development that was not originally recommended by the Council but which was added by the Court; or*
- c) Meet the criteria for conflict of interest, contentious development or departure from development standards consistent with Schedule 1 of the Instruction on Functions Exercisable by Council.*

*Council requests that such a delegation apply to all current applications as well as any applications made after the delegation is granted.*



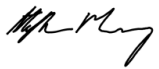
### PANEL RESOLUTION

This is a resolution of the Panel made on 26 August 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 City of Parramatta 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 applies to current and future matters. This resolution will remain current for the sitting period of the currently appointed 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	
Abigail Goldberg (Chair) 	David Ryan 
Steve Murray 	Sameer Pandey 