



DATE OF PANEL DECISION	1 April 2026
PANEL MEMBERS	Peter Debnam (Chair), Brian Kirk, Sue Francis
APOLOGIES	None
DECLARATIONS OF INTEREST	None

## DELEGATION REQUEST – DETERMINATION OF 4.56 MODIFICATION APPLICATIONS

### Modification Application

Delegation sought for modification applications under s4.56 of the Environmental Planning and Assessment Act inclusive of PPSSNH-764 - 1 to 20 Railway Road & 50 Constitution Road Meadowbank - MOD2026/0001.

### 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.

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*. Council requests that the SNPP also delegates its functions in relation to s4.56 modification applications (for consents granted by the Court). Delegation is sought for all s4.56 modification applications except those which:

- Propose amendments to a condition of development consent recommended in the Council assessment report but which was amended by the Panel (but not impacted by the Court decision); or
- Propose amendments to a condition of development that was not included in the council assessment report but was added by the Panel (but not impacted by the Court decision); or
- 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 and future modification applications. A briefing of relevant s4.56, currently with Council is provided in the attached request.

### PANEL RESOLUTION




This is a resolution of the Panel made on 1 April 2026 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 City of Ryde Council the power to make a determination as consent authority 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 North 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	
Peter Debnam (Chair) 	Brian Kirk 
Sue Francis 	



Mr Peter Debnam  
Chair  
Sydney North Planning Panel  
Department of Planning, Housing and Infrastructure

Copy: [nic.mcnamara@dpie.nsw.gov.au](mailto:nic.mcnamara@dpie.nsw.gov.au)

27 March 2026

Dear Mr Debnam,

**Delegation sought for modification applications under s4.56 of the Environmental Planning and Assessment Act**

We write to request that the Sydney North Planning Panel (the Panel) grant the Council of the City of Ryde delegation to determine modification applications under s4.56 of the *Environmental Planning and Assessment Act 1979*, with some exceptions as outlined below.

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*.

Council requests that the SNPP also delegates its functions in relation to s4.56 modification applications (for consents granted by the Court). Delegation is sought for all s4.56 modification applications except those which:

- a) Propose amendments to a condition of development consent recommended in the Council assessment report but which was amended by the Panel (but not impacted by the Court decision); or
- b) Propose amendments to a condition of development that was not included in the council assessment report but was added by the Panel (but not impacted by the Court decision); 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 and future modification applications. A briefing of relevant s4.56, currently with Council is provided as Attachment A.

If you wish to discuss the issues raised in this letter, I would be happy to arrange a meeting as soon as practical.

Kind regards



**Sohail Faridy**  
Manager Development Assessment