

DATE OF PANEL DECISION	19 June 2026
PANEL MEMBERS	Peter Debnam (Chair), Brian Kirk, Sue Francis
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, Ku-ring-gai Council have made a request of the Sydney North 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:

Ku-ring-gai Council currently holds delegation to assess and determine s4.55(1), s4.55(1A) and certain s4.55(2) modification of consent applications under s275 of Environmental Planning and Assessment Regulation 2021 and as outlined in Instruction on Functions Exercisable by Council on Behalf of Sydney District or Regional Planning Panels – Applications to Modify Development Consents (published on the NSW Planning Portal on 30 June 2020).

Council is requesting that the Sydney North Planning Panel (SNPP) delegates its determination functions for certain s4.56 modification of consent applications relating to regionally significant developments where development consent was granted by the NSW Land and Environment Court (the Court).

Delegation is sought pursuant to s2.16(6)(c) of the Environmental Planning and Assessment Act 1979 (EP&A Act), to enable the General Manager or other authorised Council staff to determine all s4.56 modification of consent applications for regionally significant developments except where the proposed modification:

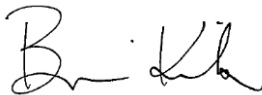
- involves amendments to a condition of development consent recommended in the Council's assessment report but subsequently amended by the Panel (but not impacted by the Court decision); or*
involves amendments to a condition not included in the Council's assessment report but added by the Panel (but not impacted by the Court decision); or
- meets the criteria for conflict of interest, contentious development or departure from development standards within Schedule 1 of the Instruction on Functions Exercisable by Council on Behalf of Sydney District or Regional Planning Panels – Applications to Modify Development Consents.*
- Council respectfully requests that the Panel's decision on this delegation apply to all current and future s4.56 applications, until such time as planning system reform transitions this determination function to relevant Local Planning Panels.*

PANEL RESOLUTION

This is a resolution of the Panel made on 19 June 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 Ku-ring-gai 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 Panel.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Brian Kirk
 Sue Fancis	 Martin Smith
 Alec Taylor	