



MEMORANDUM

MODIFICATION APPLICATIONS

At meeting of the various chairs of local planning panels with representatives of the Department of Planning (Marcus Ray, Steve Murray, Cassandra Cosgrove and Stuart Withington) held on 23 May the question of applications for the modification of development consents granted by local planning panels was raised.

It was accepted that some applications for modification are relatively minor and involve minimal environmental impact and that this type of modification need not be determined by the panel but may be delegated to staff.

The Minister for Planning issued a planning direction under s9.1 of the Environmental Planning and Assessment Act on 23 February which includes the following note:

“Councils can make arrangements for the determination of applications for the modification of development consents by either the local planning panel or council staff.”

It would lead to a more efficient use of the panel’s time and maintain application volumes going to the panel at manageable levels if the panel were to see only those modification applications that have a wider public interest. The meeting referred to above endorsed this approach.

Since the Minister’s direction states that *Councils* can make such arrangements, I suggest that the panel adopt the following practice and request the Council to formally do likewise.

The following applications for modification of consents be determined under staff delegation:

1. Modifications falling within s4.55 (1) of the Act (modifications involving minor error, misdescription or miscalculation).
2. Where the original development application was approved with a variation to a development standard greater than 10% and the proposed modification does not change that level of variation.

The panel may be of the view that other modifications of minimal environmental impact might be included in the delegation. Modifications which attract 10 or more individual submissions will continue to be determined by the panel.

Adjunct Professor David Lloyd QC
Chair, Inner West Local Planning Panel
25 May 2018