



New South Wales

Environmental Planning and Assessment Amendment (Modification of Consent) Regulation 2020

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Environmental Planning and Assessment Act 1979*.

ROBERT STOKES, MP
Minister for Planning and Public Spaces

Explanatory note

The object of this Regulation is to require a council generally to determine, on behalf of a regional panel, an application to modify a development consent, unless it is an application of a kind specified in the *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. That instruction provides that a council is not to determine, on behalf of a regional panel, an application to modify a development consent involving more than the correction of a minor error or minimal environmental impact if the modification amends a condition of consent amended or added by the regional panel, or if the application meets specified criteria relating to conflicts of interest, contentious development or departure from development standards.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including sections 4.7(2)(h) and 10.13 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment Amendment (Modification of Consent) Regulation 2020*.

2 Commencement

This Regulation commences on 1 August 2020 and is required to be published on the NSW legislation website.

3 Amendment of Environmental Planning and Assessment Regulation 2000

Clause 123BA

Omit the clause. Insert instead—

123BA Functions exercisable by council on behalf of regional panel

- (1) For the purposes of section 4.7(2)(h) of the Act, the determination of an application to modify a development consent under section 4.55 of the Act is, except as provided by subclause (2), prescribed as a function that is to be exercised on behalf of a regional panel by a council.
- (2) A council is not to determine, on behalf of a regional panel, an application to modify a development consent under section 4.55(2) of the Act if the application is of a kind specified in the *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.