



Guidelines

STANDARDS OF BEHAVIOUR

Standards for positive community engagement with the Independent Planning Commission provide for safe, respectful and constructive processes for all participants. These guidelines set out what may be considered unreasonable behaviour when engaging with the Commission and what action the Commission may take in response.

Engaging with the Commission

Engagement is a core value of the Independent Planning Commission. We regularly invite public submissions as part of our decision-making process and value feedback on our procedures and encourage public participation that takes place in a safe, respectful and appropriate manner.

We recognise that development applications and other planning matters that the Commission deals with can have serious impacts on people's lives. It is understandable that people, groups and organisations are often passionate in their engagement with the Commission. However, in a small number of cases, and despite our efforts to assist them, some participants may also behave in ways that are unreasonable, create physical or emotional risk for other people or deliberately disrupt the Commission's work.

To support and protect everyone involved in our processes, the standards of behaviour set out in this policy apply to all people who engage with us by:

- speaking at or attending [public meetings](#), [public hearings](#), [local meetings](#), stakeholder meetings, [site inspections](#) and any other in-person or virtual Commission events
- making written [submissions](#) regarding matters under consideration by the Commission
- engaging in any other communication with Commission and its staff, whether in person, over the phone or in written correspondence.

Purpose of these standards of behaviour

These standards of behaviour are designed to:

- provide a consistent and reasonable standard of expectations of all people, groups and organisations engaging with the Commission
- ensure that everyone who engages with the Commission can do so without being bullied, harassed, intimidated or threatened
- maintain a respectful setting for all people to express their views publicly about proposed developments that affect them



- avoid giving public time and resources to unreasonable or frivolous engagement with the Commission or matters not relevant to its role and functions
- outline how the Commission will respond to instances of unreasonable behaviour
- encourage positive engagement with the Commission and not exclude anyone from participating because of an honest misunderstanding or one-off event
- meet the Commission's work, health and safety obligations.

The standards of behaviour apply to two types of engagement with the Commission

1. Engaging in an unreasonable manner
2. Using the Commission's public participation processes for other purposes unrelated to the Commission's role and functions.

Engaging in an unreasonable manner

We want to make sure everyone has the chance to be heard and ask that people engaging with the Commission please be respectful to all participants and Commission staff.

People have the right to engage with the Commission with enthusiasm and passion. They do not have the right to do so in an aggressive, abusive or otherwise unreasonable manner. This includes unserious or other inappropriate conduct, such as unreasonably persistent or repetitive engagement on matters that the Commission has already addressed or has no direct control over.

The broad categories of unreasonable engagement covered by these standards are:

- Unreasonable behaviour
- Unreasonable persistence
- Unreasonable arguments
- Unreasonable demands

Unreasonable behaviour	Behaviour that risks the health, safety and security of any other person, including Commission members and Commission staff. This may include actions or speech that are, or could be felt by someone as: • abusive; • aggressive; • bullying; • harassment; • intimidating; and/or • threatening. Any other disruptive behaviour – both physical and verbal – that prevents the Commission from undertaking its functions in a safe and orderly manner.
Unreasonable arguments	Includes any arguments – either in written and verbal submissions or in general engagement with the Commission – that are: • not understandable; • irrelevant to the matter being considered; • obviously and purposefully false or incorrect; • unnecessarily inflammatory; • defamatory; • insulting; • trivial; and/or • frivolous.



Unreasonable persistence	Continued, persistent and unrelenting behaviour that has an unreasonable impact on the Commission's members, staff and/or public resources. This may include people: • not willing or unable to follow Commission policies; and/or • not accepting instructions or explanations provided by the Commission
Unreasonable demands	Includes demands that are inconsistent with the Commission's policies or applicable legislation, or demands for services that Commission staff cannot provide or would divert public resources at the expense of other people who are genuinely engaging with the Commission.

Using the Commission's processes for other purposes

The Commission is a NSW Government agency created under legislation with specific [legal functions](#). Engagement with the Commission on matters that are not relevant to the Commission's functions, or over which the Commission has no control, diverts time and public resources from the Commission's actual functions and purpose. We want to hear from everyone and have allocated time to make sure this happens. Spending time speaking about issues not related to this project reduces the quality of public feedback.

The main types of public participation that are not relevant to the Commission's work include communications and submissions that:

- Raise matters that the Commission cannot, by law, consider
- Raise matters about other Government functions
- Make complaints about the Commission outside of the proper complaint process

Raising matters that the Commission cannot, by law, consider

Legally, there are matters that the Commission must, may and must not take into account in determining a development application. For example, the Commission *must* take into account the suitability of the site for a project. However, it *must not* take into account the identity or 'character' of an applicant and whether they are a 'fit and proper person'. Raising matters that the Commission is legally unable to consider is not the purpose of the Commission's engagement process

Raising matters about other Government functions

The Commission does not make policy or provide input to Government policy or law-making. For example, in determining development applications, the Commission has no say over whether a particular type of development should be allowed within the State or a relevant land use zone – that is a decision that has already been made by Government before a development application is referred to the Commission for determination.

Making complaints about the Commission outside of the proper complaint management process

The Commission has a [Complaints Management Policy](#) under which complaints about the Commission are managed fairly, efficiently and transparently. Speaking slots at engagement events such as public meetings and hearings are not the venue or avenue for making complaints about the Commission and divert time and resources from other people engaging in those processes.



Guiding principles for these standards



Accessible participation

We ask all participants to be respectful and listen to each other.

People can hold strong views and disagree with information heard by the Commission. These standards focus on how people behave, not the position they take, and continues to provide opportunities for the community to participate. The merit of a person's argument or submission is considered separately from how they behave.

Any action the Commission may choose to take under this policy will never limit a person's rights to participate in the planning process under the Environmental Planning and Assessment Act 1979 or prevent a person from making a written submission regarding a matter under consideration by the Commission.

The Commission will always continue to receive and consider any communications it is legally required to accept.



Procedural fairness

We will be consistent in our approach to these standards and advise you of any action we take

Similar conduct is managed in similar ways, using defined pathways, with reasons documented and explained to the person affected.

The Commission will respond with clear steps (warnings, limits, restrictions) and will not impose more limits than are necessary in the circumstances. The Commission takes its public participation commitments very seriously and will only prevent a person's ability to engage with the Commission where there is a clear need to manage behaviour.



Safety

We will put the health, safety and security of all participants first

Participants, Commissioners and staff have the right to engage in processes that are physically and psychologically safe. Behaviour that creates unreasonable health, safety or security risks is not tolerated.

The Commission may cease to engage with any person who is displaying abusive, aggressive or unreasonable behaviour.

Any threats of harm (including self-harm) will be reported to the NSW Police or any other appropriate authority.

Action the Commission may take to enforce these standards

When the Commission may take action

Action under this policy may be taken by the Commission:

- the first time the standards of behaviour are not complied with by a person
- if behaviour contrary to these standards continues (whether in-person or through other communication)
- if there are further instances of non-compliance, or the same type of non-compliance persists over time.

Except in the case of serious risks to safety and security, the Commission will typically issue a form of warning, reminder or other guidance before taking further action.



Types of actions the Commission may take

Initially, the Commission may request that the person stop behaving contrary to these standards, via formal warning or correspondence in reference to the standards of behaviour. Where such requests are not complied with, the Commission may:

- Redact or not publish written material or transcripts of verbal submissions received from the person that is not in accordance with these standards.
- Limit or cease engagement with repetitive or unreasonable communications from the person either in person, by telephone and/or by correspondence (either indefinitely or for a specific period of time).
- Advise the person of the appropriate way to express their concerns (including to other agencies, Parliamentary representatives, or the Commission's separate complaints management process).
- During public events, direct the person to finish their verbal submission, or to leave the location at which public participation is taking place.
- Exclude the person from certain forms of public participation with the Commission (for example, by not accepting their registration of interest to speak at a future public meeting, or not displaying their slides during public meetings).
- Discontinue a consultation event if the unreasonable behaviour from the audience or speakers are persistently disruptive or a threat to health and safety.

All of these potential actions were available to the Commission before the adoption of this policy.

How decisions about enforcing these standards are made

Decisions to take action to enforce these standards will be proportionate and based on evidence. They will be made by:

- the Executive Director of the Office of the Independent Planning Commission; or
- in circumstances where the action is taken during a Commission engagement process, the Chair of the relevant Commission Panel.

Unreasonable behaviour and the actions taken by the Commission in response are formally recorded and managed through the Commission's incident management system.

Your rights

All people have the right to ask for a written reason why action has been taken regarding their behaviour. A written reason will be provided by the Commission within a reasonable period after the request is made.

After action is taken regarding their behaviour, a person may also request that the Chair of the Commission review any decision by the Executive Director or Panel Chair to enforce these standards.

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