



## Guidelines

# Site inspections and locality tours

**This Policy sets out the considerations that guide the Independent Planning Commission in relation to the conduct of a site inspection or locality tour before determining a development application.**

### WHAT IS A SITE INSPECTION AND A LOCALITY TOUR?

A site inspection and/or a locality tour can be conducted in person and/or virtually.

An in-person site inspection involves members of the Commission attending a project site and inspecting its physical attributes. An in-person locality tour involves the Commission inspecting the physical attributes and general area surrounding a project site.

A virtual site inspection and/or locality tour may involve the Commission examining spatial information regarding a project site and/or its surrounds. This might include plans, photos, satellite/aerial images, videos, three-dimensional imaging or drone footage.

The purpose of the site inspection and/or locality tour is to provide the Commission an opportunity to view and understand the physical attributes of the project site and/or its surrounds. Not every case will need or warrant either or both an in-person or a virtual site inspection or locality tour.

It is important to understand that for openness and transparency reasons a site inspection and/or locality tour is not a forum for the applicant or community observers to make comments and submissions to the Commission.

The applicant will typically be afforded the opportunity to meet with the Commission and/or present at a public hearing or meeting if one is held in respect of a particular proposed development. Interested individuals and groups will have the opportunity to make submissions in writing and/or present at a public hearing or meeting.

### WHEN WILL THE COMMISSION DECIDE TO CONDUCT A SITE INSPECTION AND/OR LOCALITY TOUR?

There is no statutory requirement for the Commission to conduct a site inspection or a locality tour when determining a development application or carrying out any other of its functions. The Commission has complete discretion as to whether or not it conducts a site inspection and/or locality tour either in-person and/or virtually.

In deciding whether to undertake an in-person and/or virtual site inspection or locality tour, the Commission will ordinarily take the following matters into account:

- the physical attributes of the project site and whether they can be adequately assessed by other means
- the physical size of the proposed development
- whether the project application involves only administrative changes to a consent
- the nature of the likely impacts of the project (such as visual impacts or other proximity impacts)
- any public health orders or safety considerations that may restrict in-person attendance
- the accessibility of the project site
- whether the consent of relevant landholders for an in-person site inspection/locality tour has been obtained

## ATTENDANCE

Members of the public do not attend a site inspection or locality tour unless specifically invited by the Commission to participate as observers, in line with the principles of openness and transparency. If they do attend, they are requested not to make comments or submissions to the Commission Panel as site inspections and locality tours are specifically designed to help the Commissioners understand the physical attributes of the project site and its surrounds.

The Chair of the Panel may exercise their discretion and invite observers in addition to the applicant on an in-person and/or virtual site inspection or locality tour. Observers might include:

- a representative from a local community group which lodged a submission to the Department of Planning and Environment during the Environmental Impact Assessment process
- a representative of the traditional custodians of the land
- a representative of the relevant community consultative committee
- in special circumstances, an expert, a representative from the local council, a government agency, or a directly affected resident.

However, in respect of in-person site inspections or locality tours, any such invitation from the Chair of the Panel is subject to the fact that the Commission cannot require the applicant or any associated landowner to allow third parties onto their land. It is up to the applicant or associated landowner to decide whether they will allow such persons to visit their land.

If they do consent to an in-person site inspection or locality tour on their land, the applicant and/or associated landowner (as applicable) will be required to ensure the land is suitable for inspection and the Acts and Regulations administered by Workcover NSW are complied with.

The applicant and/or associated landowner may be restricted in the number of people they can accommodate on their land during a site inspection or locality tour due to workplace health and safety laws.

## CAN THE COMMISSION ATTEND AND VIEW THE SITE OF THE PROPOSED DEVELOPMENT FROM PRIVATE RESIDENCES?

Residents living nearby a proposed development might request the Commission to visit their private property to understand its proximity to the project site and the potential impacts, particularly relating to amenity.

Any decision to visit locations other than the project site, including neighbouring properties, is at the discretion of the Chair of the Panel. This could occur at any stage during the Commission's consideration of a particular proposed development (including following a public hearing or meeting).

If the Commission decides to visit an affected resident's private property, the resident will be required (unless there are exceptional circumstances) to:

- be present
- ensure that their property is suitable for inspection and that the Acts and Regulations administered by Workcover NSW are complied with, and
- consent to any representatives attending and observing.

If there are exceptional circumstances that mean the above three criteria cannot be met, this must be communicated to the Chair of the Panel in writing at least 48 hours prior to the locality tour taking place.

The Chair of the Panel will take these matters into account when deciding whether to visit the property in question during a locality tour.

## MULTIPLE SITE INSPECTIONS OR LOCALITY TOURS

The Commission may decide, at its discretion, to hold more than one site inspection or locality tour in relation to a particular proposed development.

## APPEAL RIGHTS

Site inspection and locality tours held by the Commission do not affect appeal rights.

## WHEN A DECISION HAS BEEN MADE TO ATTEND A SITE INSPECTION OR LOCALITY TOUR

## TIMING OF THE SITE INSPECTION OR LOCALITY TOUR

The timing of a site inspection or locality tour is at the discretion of the Chair of the Panel.

A site inspection and/or locality tour can be conducted by the Commission at any stage of the determination process, between the provision of the Department's Assessment Report to the Commission and the determination of the application by the Commission.

A site inspection or locality tour will ordinarily (but not necessarily) take place prior to any public hearing or meeting (if one is held).

## NOTIFICATION OF THE SITE INSPECTION OR LOCALITY TOUR TO PERSONS OTHER THAN THE APPLICANT

If the decision is made to invite community observers to participate in the site inspection or locality tour, the Commission will undertake to provide them reasonable notice of the site inspection or locality tour.

Notification will occur in writing and include:

- the date and time and meeting point/virtual meeting details of the site inspection or locality tour
- a description of the purpose of the site inspection or locality tour (if necessary)
- the role of the attendee
- for in-person site inspections/locality tours, a description of any personal protective equipment that may be required or recommended
- whether the invitation is for the person or organisation to nominate a representative to attend
- a date and time by which the proposed attendee must respond to the notice by either accepting or declining the invitation to attend.

## AT THE SITE INSPECTION OR LOCALITY TOUR

During a site inspection or locality tour, Commission members may ask questions of attendees or otherwise seek their assistance in understanding the physical attributes of the site. However, as previously stated, site visits and locality tours are not an opportunity for attendees to ask questions of the Commission or the applicant or to make comments or submissions on the proposed development.

To ensure site inspections and locality tours are appropriate and are as useful as possible to the Commission, attendees, including the applicant, are encouraged to:

- avoid approaching or speaking to members of the Commission unless the attendee is asked a question, and
- endeavour to accommodate any request made by the Commission.

For in-person site inspections and locality tours, all attendees must adhere to any workplace health and safety requirements at the site.

The Chair of the Panel reserves the right to refuse to attend, or to cancel, a site inspection or locality tour for any reason, including but not limited to the following:

- if attendees are obstructive, make rude, offensive, or defamatory statements, or otherwise act in an inappropriate or unsafe manner

- adverse weather conditions
- safety concerns
- if uninvited persons, attendees who are invited but who have not satisfied the work health and safety requirements, or invitees who did not notify the Commission that they were attending within the specified time period, nonetheless attend.

## AFTER THE SITE INSPECTION OR LOCALITY TOUR

### RECEIPT OF WRITTEN MATERIAL REFERRED TO AT A SITE INSPECTION OR LOCALITY TOUR

Any information distributed or presented at the in-person or virtual site inspection or locality tour will be placed on the Commission's website within a reasonable time after the conclusion of the site inspection or locality tour.

### RECORD OF WHAT WAS SAID AT A SITE INSPECTION OR LOCALITY TOUR

All site inspections or locality tours will be either transcribed, recorded or have an itinerary and/or photographs or notes of the inspection or tour published.

All records will be placed on the Commission's website within a reasonable time after the conclusion of the site inspection or locality tour.

### DOCUMENT GOVERNANCE

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Custodian	Director, Legal
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