



New South Wales Government  
Independent Planning Commission

# COVID 19 (CORONAVIRUS)

## ADDENDUM TO THE INDEPENDENT PLANNING COMMISSION'S PUBLIC HEARING GUIDELINES, PUBLIC MEETING GUIDELINES AND SITE INSPECTION & LOCALITY TOUR GUIDELINES

### Introduction

Community participation is integral to the decision-making processes of the Independent Planning Commission NSW as a consent authority for state significant development (SSD) and transitional Part 3A projects in New South Wales.

For this to continue during the current COVID-19 (Coronavirus) pandemic while meeting new regulations around social distancing and restrictions on public gatherings, some practical changes have been made to how interested individuals and groups can participate in the Commission's processes.

These new processes have been designed to maximise inclusiveness and opportunities for representation in an open and transparent way, recognising the importance of understanding differences of opinion on matters before the Commission.

Throughout this pandemic, the Commission will continue to encourage broad participation in our work and, in line with legislative requirements, will publish a Statement of Reasons for Decision for every State Significant Development determination setting out how the Commission has considered the community's views in coming to its decision.

### Public Hearings and Public Meetings

A public hearing is only held if a formal request is made by the Minister for Planning and Public Spaces. The Commission has powers to require certain people to attend the public hearing and to give evidence.

When the Commission holds a public hearing in relation to a state significant development application for which it is the consent authority, merit appeal rights in respect of any future decision on that application are extinguished.

The Commission may choose to hold a public meeting to hear the community's views on the Department of Planning, Industry & Environment's (DPIE) Assessment Report and recommendations (including recommended consent conditions) before determining an application. The Commission cannot require anyone to attend or give

evidence. If a public meeting is held, it does not affect people's merit appeal rights.

Please refer to the Commission's *Public Hearing Guidelines* and *Public Meeting Guidelines* for more information.

### Public Hearings and Public Meetings during COVID-19 pandemic

On 30 April 2020, the NSW Government introduced the *Environmental Planning and Assessment Amendment (COVID-19 Planning Bodies) Regulation 2020* requiring planning bodies, including the Commission, to conduct public hearings and public meetings by electronic means.

Under the regulation, a public hearing or public meeting must:

- (a) be held by means of an audio link or audio-visual link, and
- (b) be able to be heard or viewed by electronic means by a member of the public at the time it is held.

Accordingly, the Commission will conduct its public hearings and public meetings electronically using tele- and/or video-conferencing facilities for the prescribed period. This will be in place of face-to-face meetings and hearings.

Hearings and meetings will continue to be conducted in a similar format, with the technology to be used for each hearing or meeting selected to maximise its effectiveness for participants based in the area where the project is located.

Proceedings of these hearings and meetings will be streamed 'live' online and a transcript published on the Commission's website. The Commission will continue to accept written submissions or comments up to one week (7 days) after the public hearing or meeting, providing an additional opportunity for participation outside of the "Electronic Public Hearing (EPH) or Electronic Public Meeting (EPM)."

## Notification of an Electronic Public Hearing (EPH) or Electronic Public Meeting (EPM)

In line with its existing policies, the Commission will give at least two weeks' (14 days) notice of an EPH or EPM. Please refer to the *Commission's Public Hearing Guidelines and Public Meeting Guidelines* for more information about notice of upcoming hearings and meetings, and what information is included in such notices.

Under the new Regulation, the notice for an EPH or EPM must also include information about how a member of the public may hear or view the hearing or meeting.

Once speakers who wish to participate in the EPH or EPM are registered, the Commission will provide additional information about the technical details and process to assist them to participate.

### Media

Media representatives may record the proceedings (from the livestream) of an EPH or EPM for reporting purposes. Speakers are advised that by registering to present to a Commission Panel during an EPH or EPM, they are agreeing to be recorded and/or have this recording broadcast by third parties.

## Site inspections

When determining a state significant development application, or carrying out any of its other functions, the Commission may choose to undertake a site inspection and locality tour. There is no statutory requirement for the Commission to do so.

The purpose of the site inspection and locality tour is to assist a Commission panel to understand the physical attributes of the project site and its locality.

In deciding whether to undertake a site inspection in the current COVID-19 environment, the Commission will first consider alternative sources of information about the physical attributes of the site, including:

- video/photographic and other informative submissions from the applicant;
- the applicant providing a virtual inspection of the site on a video call to the Panel;
- undertaking a locality tour, for appropriate sites within driving distance; and/or
- seeking detailed site information from DPIE and its officer/s who conducted a site inspection, including any notes or photographs taken as part of DPIE's assessment of the project.

A site inspection may proceed in circumstances where the applicant and/or owner/operator of the site agrees to the inspection, and it can be undertaken safely, while adhering to social distancing rules.

The Commission has in the past invited stakeholder groups to observe some site inspections, provided that the owner/operator of the site agreed to have those stakeholder groups enter their property. This practice will be suspended for the duration of the COVID-19 public health orders in the interests of minimising the exposure of participants to other people.

The Commission will continue to make notes made at site inspections publicly available in accordance with its *Site Inspection and Locality Tour Guidelines* and take the additional step of publishing photographs of key views inspected on site and a plan of the site showing where the photographs were taken, to facilitate comment by interested parties.

## General enquiries

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