



COMMISSION INTRODUCES NEW GUIDELINES FOR PUBLIC HEARINGS

10 March 2020

The state's Independent Planning Commission has made changes to how it will conduct its public hearings to ensure the process is more interactive, in response to the recommendations of the recent Productivity Commission Review of the Commission.

Public hearings into the carrying out of state significant development are held only at the request of the Minister for Planning and Public Spaces, as set out in the *Environmental Planning & Assessment Act 1979*. If a public hearing is held, merit appeal rights to the NSW Land and Environment Court in respect of any future determination made by the Commission as consent authority are extinguished for both the applicant and objectors. The Commission can also choose to conduct a public meeting as part of its decision-making process for other SSD applications, which does not affect merit appeal rights.

Under its revised '*Public Hearing Guidelines*', the Commission hearings involve:

- the Chair of the appointed Commission Panel giving a brief opening statement, describing the Commission's role in determining the development application;
- the Applicant providing a description of the proposed development;
- the Department of Planning, Industry & Environment presenting its whole-of-government assessment report and the rationale for its recommendation to the Commission that the proposed development be approved or refused;
- pre-registered members of the public presenting to the Panel.

The Commission may also elect to engage Counsel Assisting to ask questions or seek clarification from speakers at the hearing, as well as ensure procedural fairness is maintained throughout proceedings.

Once all registered speakers have presented to the Panel, the Chair will briefly adjourn the hearing to allow Commissioners time to consider what they have heard. After the adjournment, the Chair will provide a closing statement, which may include, at the Panel's discretion:

- follow up questions being put to the Applicant or the Department, which can either be answered immediately or taken on notice;
- clarifying questions being put to scheduled speakers who are present – including, for example, in regard to their views on the Department's assessment and/or recommended conditions;
- description of the next stages of the Panel's deliberation process, including any meetings planned with stakeholders.

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Notably, there will be no new Multi-Stage Public Hearings, which was a recommendation of the Productivity Commission's Review of the Independent Planning Commission. However, the Vickery Extension Project is still subject to a Multi-Stage Public Hearing process and is due to return to the Commission shortly for the final hearing and determination.

Acting Chair of the Commission, Mr Peter Duncan AM, said the recent [Review of the Commission](#) has provided an opportunity to affect positive changes to the Commission's processes.

"The Commission has done a lot of great work in the past few years to increase transparency, foster greater community participation and build trust in its decision-making processes for complex and contentious SSD applications," Mr Duncan said.

"These changes to our public hearings will facilitate a more interactive process, where Commissioners can identify key issues or concerns and ask questions or seek clarification from the Applicant, Department or affected individuals or groups.

"They might get an answer then and there or their question might be taken on notice – either way, it is using the hearing process more effectively to get to the crux of key issues," he said.

Mr Duncan noted the Commission will welcome feedback on the new process.

"We're committed to continuous process improvement and will continue to engage with our stakeholders about our policies and procedures to seek their feedback on how we can do things better."