



New South Wales Government
Independent Planning Commission

SITE INSPECTION AND LOCALITY TOUR GUIDELINES

WHAT IS A SITE INSPECTION AND A LOCALITY TOUR?

A **site inspection** involves members of the Commission attending a project site and inspecting its physical attributes. A **locality tour** involves members of the Commission attending the area surrounding a project site and inspecting its physical attributes and general amenity.

The purpose of the inspection or tour is to provide the Commission an opportunity to view the physical attributes of the project site and/or its locality. The site inspection and locality tour are just two of the many tools available to the Commission to understand the physical attributes of a project site and/or the surrounding area. Not every project will need or warrant a site inspection or locality tour.

It is important to understand that site inspections and locality tours are not a forum for persons to make comments and submissions to the Commission. This includes the applicant and any other attendees. Members of the public and the applicant will have the opportunity to make comments and submissions to the Commission in writing or, possibly, orally at a public meeting or public hearing (if either or both are to be held in respect of a particular project).

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

There is no statutory requirement for the Commission to conduct a site inspection or locality tour when determining an application or carrying out any other of its functions.

In deciding whether to undertake a 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);
- the accessibility of the project site and safety considerations.

ATTENDANCE

Members of the public do not usually attend a site inspection or locality tour. As set out above, site inspections and locality tours are not forums for making comments and submissions to the Commission. Rather, they are designed to assist a Commission panel to understand the physical attributes of the project site and its locality.

The Chair of the Panel may decide to invite others (in addition to the applicant) on a site inspection or locality tour, at his or her discretion. The other attendees might include:

- a representative from a local community group who lodged a submission during the Environmental Impact Assessment process;
- a representative of the traditional owners of the land;
- a representative for any community consultative committee;
- in special circumstances, an expert, a representative from Council, a government agency, or a directly-affected resident.

However, 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 on its land. It is up to the applicant or associated landowner to decide whether they will allow such persons to attend a site inspection or locality tour that will visit their land.

If they do consent to a 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. If numbers are restricted, the Panel Chair will decide who will attend the site inspection out of the people who have applied to be observers.

It may be appropriate that site inspections or locality tours include visiting private or public vantage points to accommodate any restrictions on persons' attendance, including logistical and safety restrictions, as well as any limits on land owners' consents.

CAN THE COMMISSION ATTEND AND VIEW THE PROJECT SITE FROM PRIVATE RESIDENCES?

There may be certain circumstances where residents near a project who are directly affected request the Commission to attend and view the project site from their private residences.

Any decision to visit sites other than the project site, including private properties in the locality of the project site, is at the discretion of the Commission Panel's Chair.

The Commission may decide to visit sites other than the project site on a locality tour at any stage during its consideration of a project (including following a public meeting or public hearing).

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 the applicant and government representatives attending and observing.

If there are exceptional circumstances that mean these 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 Panel Chair also will take these matters into account in deciding whether to visit sites other than the project site on a locality tour.

MULTIPLE SITE INSPECTIONS OR LOCALITY TOURS

On occasion, the Commission may decide to hold more than one site inspection or locality tour in relation to a particular project.

APPEAL RIGHTS

Site inspection and locality tours held by the Commission do not affect appeal rights. In particular, they do not form part of a *public hearing* (which does affect appeal rights).

WHEN A DECISION HAS BEEN MADE TO ATTEND A SITE INSPECTION AND/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 Commission Panel.

A site inspection or locality tour will ordinarily take place prior to any public meeting or public hearing (if such a meeting or hearing is to take place).

Notification of the site inspection or locality tour to persons other than the applicant

If the decision is made to invite others to attend and observe the site inspection or locality tour, the Commission will give reasonable notice to the invited attendees of the time and details of the site inspection or locality tour.

Notification will occur by a written letter which will set out:

- the date and time and meeting point 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;
- a description of any footwear or clothing 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 the site inspection or locality tour.

AT THE SITE INSPECTION AND LOCALITY TOUR

During a site inspection or locality tour, Commission members may ask questions of attendees or otherwise invite attendees to assist the Commission in understanding the physical attributes of the site. However, site visits and locality tours are not an opportunity for attendees to ask questions of the Commission or the applicant.

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.

All attendees must adhere to any workplace health and safety requirements at the site.

The Chair of the Commission 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 attend, or attendees who are invited but who have not satisfied the work health and safety requirements, or who have not notified the Commission that they are attending within the specified time period nonetheless attend.

AFTER THE SITE INSPECTION AND/OR LOCALITY TOUR

Receipt of written material referred to at a site inspection or locality tour

Any maps or diagrams distributed at the 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.

Notes of what was said at a site inspection or locality tour

Any questions that the Commissioners ask on the site inspection or locality tour, and the answers given, will be summarised and placed on the Commission's website within a reasonable time after the conclusion of the site inspection or locality tour.

QUESTIONS

If you have any questions about the site inspection or locality tour, you should contact the Commission staff on (02) 9383 2100 or email to ipcn@ipcn.nsw.gov.au.

GENERAL ENQUIRIES AND SUGGESTIONS

The Commission is interested in hearing from you. If you would like to:

- provide constructive comments on the procedures of the Commission;
- request for information relating to the Commission's functions; or
- seek more information about the Commission's operations and procedural matters.

Please contact the Commission Secretariat at:

Level 3, 201 Elizabeth Street
Sydney NSW 2000

Phone: 02 9383 2100 | Fax: 02 9383 2133

Email: ipcn@ipcn.nsw.gov.au

Last updated: 12 June 2018

Due for review: 12 June 2019