

July 2016

Guide to Commission Meetings

1. Introduction

- 1.1 One of the functions of the NSW Planning Assessment Commission (the Commission) is to determine applications for major developments under delegation from the Minister for Planning and Environment.
- 1.2 In carrying out its determination function, the Commission is required to make a decision on an application after considering the Secretary's Environmental Assessment Report and Recommendation (Assessment Report) and associated documents. There is no statutory requirement for the Commission to meet interested people before determining an application. However, the Commission considers that a meeting to hear public views on the Assessment Report and Recommendation will improve public participation and transparency of the decision making process, particularly in matters that have a high level of community interest.

2. Purpose

- 2.1 The purpose of this document is to establish clear meeting procedures that the Commission will follow when making a decision on an application under the terms of the Minister's delegation. It includes the procedures for meeting with the Department of Planning and Environment (the Department), Councils, Applicants/Proponents (Proponents) and other parties interested in the applications.

3. Decision making process

- 3.1 The Chair of the Commission will appoint Commission members to consider and determine the application after the Assessment Report is referred to the Commission. One of the appointed Commission members will chair the panel for the task. Appointment of Commission members will have regard to the nature of the application, expertise required for the task and availability.
- 3.2 Depending on the level of public submissions on the application (and whether a public hearing has already been held), the decision making process will be as follows:
 - a) For applications that received less than 25 objection submissions:
 - The Commission may determine an application without meeting any interested parties, if the relevant Council and public agencies are not opposed to the proposal and the Commission considers the Assessment Report has adequately addressed the issues raised in public submissions.
 - If the relevant Council objects to the proposal, the Commission will offer to meet separately with the Council and the proponent and, if required, may also meet with the Department or other public agencies before making a decision on the application.

- b) For applications that received more than 25 public objection submissions:
 - The Commission will hold a public meeting to hear public views on the Assessment Report before making a final decision on the application.
 - The Commission will offer to meet with the relevant Council, the Department, and the proponent before the public meeting to hear comments/concerns, or seek clarification on issues or submissions referred to in the Assessment Report.
 - In exceptional circumstances, the Commission may decide not to hold a public meeting, but may meet with the relevant Council and/or the key community/resident groups before making a decision on the application.
- c) For applications where a public hearing has already been held:
 - The Commission will not usually hold a public meeting, regardless of the number of submissions on the application.
 - Nonetheless, the Commission retains its discretion to hold a public meeting, where it considers additional public input will assist in determining the application.
 - The application will be determined by the same Commission members who held the public hearings, where practical.

Note: for further information about public hearings please see the Commission's "Guide to Public Hearings".

4. Procedures for a Public Meeting held by the Commission

4.1 Purpose

The key purpose of a Commission Public Meeting is for the Commission to hear public views on the Assessment Report and Recommendations (including recommended consent conditions if the proposal is recommended for approval) before determining an application.

4.2 Appeal Rights

The Commission Public Meeting is a non-statutory meeting and does not affect appeal rights.

4.3 When and where a Commission Public Meeting will be held

- a) A Commission meeting will be held after the Department's Assessment Report is referred to the Commission for decision. At least two weeks' notice will be given, as set out in section 4.4.
- b) The meeting will be arranged as soon as practicable after receiving the referral from the Department.
- c) Meetings will generally be held in the area in which the application is located, unless a suitable venue is not available.

4.4 How will I know there will be a Public Meeting

- a) The Commission will give a minimum of two weeks' notice of a public meeting:
 - in a newspaper circulating in the local area in which the development is proposed;

- on the Commission’s website, and
 - in writing or by other direct means of communication to the proponent, the Council, people that made written submissions in response to the public exhibition of the application, and those who made a submission or spoke at a public hearing.
- b) The notice of the meeting will include:
- the subject matter of the meeting;
 - details of the meeting, including time, date and venue;
 - the last day on which it is possible to register to speak at the meeting;
 - the Commission’s contact details; and
 - the availability of the Assessment Report and Recommendation on the Commission’s website.
- c) The Commission’s website will provide a link to the Department’s website where the application and other relevant documents are published.
- d) The meeting schedule will be posted on the Commission’s website, after registrations close and before the public meeting.

4.5 Who can attend

A Commission public meeting is open to the public to observe the proceedings.

4.6 Who will speak

Any interested people who have registered to speak.

4.7 How to register to speak

- a) If you wish to speak at a Commission public meeting, you need to call the Commission Secretariat to register your interest by following the details provided in the public notice for the meeting.
- b) If you wish to speak, but are not available to attend the meeting, you may provide your comments in writing to the Commission before or on the day of the meeting. Written comments should be sent by email to pac@pac.nsw.gov.au or post to the NSW Planning Assessment Commission, Level 3, 201 Elizabeth Street Sydney NSW 2000.

4.8 Speaking/Presentation to the Commission

- a) People who register to speak at the meeting should note that members of the Commission will have read the public submissions before the meeting. Therefore each speaker’s presentation should be concise and focus on the Assessment Report and the Recommendation, not their original submission to the Department.
- b) The speaking/presentation time is 5 minutes for individuals and 15 minutes for councils or registered groups.
- c) Where possible, a copy of the speech/presentation should be provided to the Commission Secretariat after the meeting, for record purposes.

- d) Commission members may seek clarification from the speaker/presenter. No question or cross-examination is permitted from other people attending the meeting.
- e) No audio recording is permitted at the meeting.

4.9 Questions

If you have any questions about the Commission meeting, you should call the Commission Secretariat on (02) 9383 2100 or email to pac@pac.nsw.gov.au.

5. What happens after the Commission Public Meeting

- 5.1 The Commission may agree to accept additional information from interested parties after the public meeting. The timeframe within which post meeting submissions are to be accepted will be notified at the conclusion of the meeting and/or on the Commission's web site.
- 5.2 Where necessary, the Commission may meet with the Council, the proponent, experts, or the Department as well as other government agencies again after the public meeting if there are issues raised at the public meeting that require further clarification or additional information.
- 5.3 The Commission will make a decision on the application as soon as it is satisfied that it has sufficient information to make an informed decision.
- 5.4 The Commission will publish its decision on the PAC website within 5 working days of the determination. The Department will notify the proponent, the Council and other interested people in the way set out in the Department's notification policy.

6. Definitions

<i>Application</i>	an application to be determined by the Commission under delegation from the Minister.
<i>Applicant/Proponent</i>	the person who made an application.
<i>the Act</i>	<i>the Environmental Planning & Assessment Act 1979</i>
<i>Assessment Report</i>	the Secretary's Environmental Assessment Report on an application.
<i>Commission</i>	the NSW Planning Assessment Commission.
<i>Commission meeting</i>	a meeting held by the Commission to hear public views on the Assessment Report and Recommendation before a decision of the application is made.
<i>Council</i>	the council for the local government area in which the development, the subject of an application, is located and any other council whose area is potentially significantly impacted by the proposal.
<i>Department</i>	the Department of Planning and Environment.
<i>Minister</i>	the Minister for Planning and Environment.

Public hearing a hearing requested by the Minister for Planning and Environment (or the Secretary) under section 23D of the Act.

Public submission a written submission by a member of the public relating to an application.

Words and expressions used in these procedures have the same meaning as they have in the Act and the *Environmental Planning and Assessment Regulation 2000*.

7. Contacts

If you have any questions about the public hearing process, you can contact the Commission Secretariat on (02) 9383 2100 or email to pac@pac.nsw.gov.au. You may also visit the Commission's website at www.pac.nsw.gov.au where other information in relation to the Commission's roles and functions are available.

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Chair
Planning Assessment Commission
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