



New South Wales

Environmental Planning and Assessment Amendment (COVID-19 Planning Bodies) Regulation 2020

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Environmental Planning and Assessment Act 1979*.

ROBERT STOKES, MP
Minister for Planning and Public Spaces

Explanatory note

The object of this Regulation is to provide for public hearings and public meetings of planning bodies to be held by means of an audio link or audio visual link for 6 months during the COVID-19 pandemic.

The relevant planning bodies are the Independent Planning Commission, Sydney district planning panels, regional planning panels, local planning panels and panels established by the Minister or Planning Secretary under section 2.3 of the *Environmental Planning and Assessment Act 1979*.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including sections 2.3(7), 2.16(3)(a), 2.20(3)(a) and 10.13 (the general regulation-making power) and clause 8(a) of Schedule 2.

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1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment Amendment (COVID-19 Planning Bodies) Regulation 2020*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Environmental Planning and Assessment Regulation 2000

Clause 294

Insert after clause 293—

294 Special provisions for public hearings or public meetings of planning bodies during COVID-19 pandemic

- (1) This clause applies to public hearings or public meetings of planning bodies held during the prescribed period.
- (2) The 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.
- (3) A notice of the public hearing or public meeting must include information about how a member of the public may hear or view the hearing or meeting.
- (4) During the public hearing or public meeting, the planning body may adjourn the hearing or meeting to a specified time or date if the planning body considers the adjournment necessary.
- (5) To avoid doubt, any notice required to be given of the public hearing or public meeting is not required to be given in respect of the adjournment.
- (6) A requirement that a person attend the public hearing or public meeting is taken to be satisfied if the person participates by means of an audio link or audio visual link.
- (7) Clause 25(3) of Schedule 2 to the Act applies to a public hearing of a planning body in the same way it applies to a public meeting of a planning body.
- (8) This clause extends to all public hearings or public meetings of planning bodies held during the prescribed period regardless of whether the requirement to hold the hearing or meeting arose before the prescribed period.
- (9) Despite subclause (8), a notice given before the commencement of this clause is not invalid because it does not include the matter required by subclause (3).
- (10) In this clause—

planning body has the same meaning as it has in Schedule 2 to the Act.
prescribed period has the same meaning as it has in section 10.17 of the Act.