

# State Government Regulations: Public Meeting and Hearing Restrictions

**Date :** June 19, 2020

With restrictions on physical interaction during the COVID-19 pandemic, the State Government has implemented the *Environmental Planning and Assessment Amendment (COVID-19 Planning Bodies) Regulation 2020 (COVID Regulation)*. The COVID Regulation which was put into action on 25 March 2020 requires the holding of public meetings and public hearings by planning bodies to be held through electronic means. These include:

1. By way of audio link or audio visual link; and
2. In a means that permits it to be heard or viewed electronically by members of the public whilst the meeting or hearing is being held.

The COVID Regulation applies to:

- Local planning panels;
- Regional planning panels;
- District planning panels;
- The Independent Planning Commission;
- Any other panels established by the Planning Secretary or Minister under section 2.3 of the *Environmental Planning and Assessment Act 1979 (EPA Act)*.

Such meetings or hearings must be held live and available to the public, and thus is not permitted to record the meeting or hearing and subsequently make the recording publicly available. Under clause 294(6) of the EPA Regulation, a person who is required to attend the public hearing or meeting satisfies the requirement by participating by way of audio or audio visual input, in contrast to attending in person.

Section 10.17 of the EPA Act prescribes the temporary period of the COVID Regulation for at least 6 months after 25 March 2020 with the capacity to be extended no more than 12 months after 25 March 2020.