



<b>RCRS Secondary:</b>	GOV-02	<b>Effective Date:</b>	
<b>Policy Number:</b>	COU-192	<b>Amendment Date/s:</b>	
<b>Title:</b>	Public Hearing Process Policy	<b>Repeal Date:</b>	
<b>Department:</b>	Development Approvals	<b>Approval Date:</b>	

## PURPOSE:

Public Hearings may be required by the *Local Government Act* to provide an opportunity to submit verbal or written comments on official community plan and land use bylaws. In order for this process to be conducted in a fair and equitable manner, Council has established the following process for holding public hearings and for receiving oral and written presentations.

## DEFINITIONS:

N/A

## SCOPE:

This policy applies to Council, Staff, and members of the public.

## POLICY:

Any person who believes their interest in property will be affected by a proposed bylaw has an opportunity to address Council at a Public Hearing in a timely and orderly fashion. Individuals may send their submissions prior to 12:00 pm. the day of the hearing, for inclusion as part of the record in one of the following ways:

On-line: <https://www.nanaimo.ca/your-government/city-council/council-meetings/public-hearing-submission-online>

Email: [public.hearing@nanaimo.ca](mailto:public.hearing@nanaimo.ca)

Mail or drop-off: City of Nanaimo, 411 Dunsmuir Street, Nanaimo, BC V9R 0E4 (attn.: Current Planning)

Other forms of submissions will not form part of the Public Hearing record.

## PROCESS:

### Written Submissions:

Staff will manage written correspondence received (by letter, email, on-line submission, or hand delivery) in relation to a proposed amendment being considered at a Public Hearing as follows:

Correspondence received prior to the bylaw being considered for 1 <sup>st</sup> and 2 <sup>nd</sup> readings, or prior to receiving direction to proceed to Public Hearing.	<ul style="list-style-type: none"> <li>• If addressed to Staff, retained in file.</li> <li>• If addressed to Council, circulated to Council as general correspondence.</li> <li>• Does <u>not</u> form part of the Public Hearing record.</li> </ul>
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Correspondence received (as outlined in the policy) after 1 <sup>st</sup> and 2 <sup>nd</sup> readings but prior to the Public Hearing.	<ul style="list-style-type: none"> <li>• Compiled and made ready for public review at the Public Hearing.</li> <li>• Forms part of the official record which is available to the public and placed on the City's website.</li> <li>• Deadline for receipt of correspondence set at 12:00 pm on the day of the Public Hearing.</li> </ul>
Process for correspondence received after 12:00 pm. on the day of the public hearing.	<ul style="list-style-type: none"> <li>• Submissions must be provided in-person at the Hearing to be considered as part of the formal record.</li> </ul>
Correspondence received after the close of public hearing	<ul style="list-style-type: none"> <li>• Correspondence is retained on file.</li> <li>• It is not circulated to Council.</li> <li>• Does <u>not</u> form part of the Public Hearing record.</li> </ul>

#### Public Hearing:

- The Chair calls the Public Hearing to order, describes the purpose and procedures of the Public Hearing.
- The Chair will establish the protocol for the Public Hearing, for example by setting public speaking limits (typically speakers will be granted a maximum of three minutes for each verbal submission).
- Staff introduces the proposed amendment.
- The applicant will be permitted a maximum of ten (10) minutes to verbally address Council. No late documents, sound recordings, or PowerPoint presentations will be permitted by the applicant at the Public Hearing. The applicant will be given the opportunity to clarify points raised, or respond to questions after members of the public have spoken.
- Once the applicant is finished, the Chair will open the floor to anyone who wishes to speak to Council regarding the proposed amendment.

*Note: Public Hearing procedures for in-person attendance may be modified to comply with Provincial Health Orders. Please visit the City's website at: [www.nanaimo.ca](http://www.nanaimo.ca) for further details.*

- Those who address Council (whether in-person or remotely when complying with Provincial Health Orders) will be asked to provide their name, address, and indication as to whether they support or oppose the proposed amendment. No sound recordings or PowerPoint presentations will be permitted.
- Comments must be succinct, and respectful of Council, City Staff, and other members of the public in attendance. When the permitted time for speaking expires, the person speaking must yield to the next speaker by taking their seat in the gallery.

*Note: For larger public hearings, a speaker's list may be implemented. In these instances, those who wish to speak to the proposal will be asked to fill out their name and address, as they arrive. Speakers will be called upon by the Chair in the order that they appear on the speaker's list.*

- Those in attendance at the Public Hearing will refrain from applause or other expressions of emotion whether in favour of, or opposition to, any particular application or argument. Inappropriate language, outbursts or criticisms aimed at individuals or groups will not be permitted.

- Once everyone has had a chance to speak for the first time, those who wish to do so may present additional or new information. Speakers (whether in-person or remotely when complying with Provincial Health Orders) will be given an additional speaking time. A speaker will not debate a point of view with another speaker but will seek clarification through the Chair.
- Once all speakers have finished, the Corporate Officer will read out the name and address, and summarize comments, for any written submissions received at the hearing where an individual is unable to stay to speak at the hearing.
- The Chair will call 3 times to ask if anyone else would like to speak. Should no one appear at the podium to speak, the Public Hearing is then closed.
- The Chair may adjourn the Public Hearing after 11:00pm and reconvene the hearing at a later time, with the date/time/location of the Public Hearing to be announced prior to adjournment.

**After the Public Hearing is Closed:**

After all submissions have been heard, the Public Hearing is then closed. Council may consider the amendment at the Council meeting immediately following the Public Hearing (if applicable), at the next, or a specified meeting of Council, with or without a request for further information from Staff. No other submissions (mail, email, phone calls, or in-person) from the public or the applicant regarding an amendment may be received by Council following the close of the Public Hearing.

**RELATED DOCUMENTS:**

*Local Government Act* – Part 14 (Sections 464 through 470)  
Development Approval Procedures and Notification Bylaw

**REPEAL:**

Public Hearing Process Policy dated 1998-FEB-09 is hereby repealed.