

# Council Assessment Panel

## Meeting Procedures

Adopted by the CAP 22 June 2020



These Meeting Procedures are to be read in conjunction with the meeting procedures contained within the *Planning, Development and Infrastructure (General) Regulations 2017* (Regulations) and Council's adopted CAP Terms of Reference.

### 1. CAP Meetings

#### Ordinary Meetings

- 1.1 The time and place of the first meeting of the CAP following its establishment will be determined by the Assessment Manager. The Assessment Manager must give notice of the first CAP meeting to the CAP and the public in accordance with clauses 1.3 and 1.5.
- 1.2 Notice of an ordinary meeting will be given to all CAP Members by the Assessment Manager not less than 3 clear days prior to the holding of the meeting in accordance with clause 1.3.
- 1.3 Notice of a meeting of the CAP must:
  - 1.3.1 be in writing;
  - 1.3.2 set out the date, time and place of the meeting;
  - 1.3.3 contain or be accompanied by the agenda and any documents and/or reports that are to be considered at the meeting (in so far as practicable); and
  - 1.3.4 be given to a CAP Member via e-mail.
- 1.4 A notice that is not given in accordance with clause 1.3 is taken to have been validly given if the Assessment Manager considers it impracticable to give the notice in accordance with that clause and takes action the Assessment Manager considers reasonably practicable in the circumstances to bring the notice to the attention of the Member.
- 1.5 A copy of the agenda, CAP report and associated attachments for all meetings of the CAP will be available for viewing by the public on the Council's website and at the Council's offices as soon as practicable after the time that notice of the meeting has been given to CAP Members.
- 1.6 The Assessment Manager may, with leave or at the request of the Presiding Member, include in the agenda an item to be considered at the meeting to which the agenda relates after notice of the meeting has been given to CAP Members. In such instance, the Assessment Manager shall provide an updated agenda and any documents and/or reports relating to that item to be considered at the meeting to Members as soon as practicable. The Assessment Manager will also make an updated agenda available to the public.

#### Special Meetings

- 1.7 The Assessment Manager may by delivering a written request to the Presiding Member, or two or more CAP Members, require a special meeting of the CAP to be held. The written request must be accompanied by the agenda for the special meeting.
- 1.8 On receipt of a request pursuant to clause 1.7, the Assessment Manager must determine the date, time and place of the special meeting and give notice to all CAP members at least 4 hours before the commencement of the special meeting.

### 2. Deputy Members

- 2.1 If a CAP Member is unable or unwilling to attend a meeting or part of a meeting, he or she must use his or her best endeavours to notify the Assessment Manager at his or her earliest opportunity.
- 2.2 If notification pursuant to clause 2.1 is given, the Assessment Manager may request a Deputy Member (subject to clause 4.3 and 4.4 of the CAP Terms of Reference) attend the meeting in place of the CAP Member for the meeting or part of the meeting.

### 3. Commencement of Meetings

- 3.1 Subject to a quorum (minimum of three (3) members) being present, a meeting of the CAP will commence as soon as possible after the time specified in the notice of a meeting.
- 3.2 If the number of apologies received by the Assessment Manager indicates that a quorum will not be present at a meeting, the Assessment Manager may adjourn the meeting to a specified day and time.
- 3.3 If at the expiration of thirty minutes from the commencement time specified in the notice of the meeting a quorum is not present, the Presiding Member may adjourn the meeting to a specified date and time.
- 3.4 In the instance when the Presiding Member is absent from a meeting, the Assessment Manager, or such other person as nominated by the Assessment Manager, will preside at the meeting until such time as the meeting appoints an Acting Presiding Member.

### 4. Representations

- 4.1 The Assessment Manager and/or Presiding Member may in his or her discretion exclude:
  - 4.1.1 a representation or response to representation(s) which is received out of time;
  - 4.1.2 a representation in relation to Category 2 development from a person who was not entitled to be given notice of the application; or
  - 4.1.3 a representation or response to representation(s) which is otherwise invalid.
- 4.2 The Presiding Member may in his or her discretion accept and allow to be considered by the CAP any new or additional material submitted by a representor or applicant. The CAP may defer consideration of the application to enable full and proper assessment of the further information.
- 4.3 Any material to be considered by the CAP pursuant to clause 4.2 must be provided to the applicant and/or representor(s) (as the case may be) and those parties be provided with an opportunity to respond, either in writing or verbally, at the discretion of the Presiding Member.
- 4.4 In relation to each application to be considered and determined by the CAP:
  - 4.4.1 a person who has lodged a representation in relation to a Category 2 or 3 application which has not been excluded pursuant to clause 4.1 and who has indicated that they wish to be heard on their representation is entitled to appear before the CAP and be heard in support of their representation, in person or by an agent;
  - 4.4.2 where one or more representors are heard by the CAP, the applicant is entitled to appear before the CAP to respond to any matters raised by a representor, in person or by an agent;
  - 4.4.3 where a Category 2 or 3 application before the Panel is recommended for refusal and no representations have been received in respect of the application, the Panel may in its absolute discretion, allow the applicant to address the Panel in support of the application.
  - 4.4.4 representors and applicants will be allowed five minutes each to address the CAP. The Presiding Member may allow a party additional time at his or her discretion;
  - 4.4.5 CAP members may question and seek clarification from a representor or applicant who has addressed the CAP at the conclusion of their address; and
  - 4.4.6 following addresses from representors and the applicant, the Presiding Member will invite all Members to speak on any matter relevant to the application.

- 4.5 The Presiding Member may adjourn a meeting in the event of a disruption or disturbance by any person (including a CAP Member, applicant, representor or other member of the public) to a future date and time.
- 4.6 The Presiding Member may ask a member of the public (including an applicant, representor or other member of the public) to leave a meeting where he or she is, in the opinion of the Presiding Member:
  - 4.6.1 Behaving in a disorderly manner; or
  - 4.6.2 Causing an interruption or disruption to the meeting.

## 5. Decision Making

- 5.1 Subject to complying with these procedures, during debate and decision making, the CAP will act with a minimum of formality and without regard to formal procedures or protocols.
- 5.2 At all times, discussion will be managed by the Presiding Member in the Presiding Member's absolute discretion. The Presiding Member will ensure that each Member has an opportunity for discussion, comments and questions about the matter for decision.
- 5.3 At the conclusion of discussion and debate on a matter the Presiding Member will call for a vote (if necessary) in relation to the recommendation as printed in the agenda report or as proposed to be amended by any member.
- 5.4 An amendment to a recommendation may include an alternative recommendation, or the addition, deletion or amendment of a condition or note.
- 5.5 Each Member present at a meeting of the CAP, (including a Deputy Member who has been requested to attend the meeting or part of the meeting in place of a Member who is unable or unwilling to attend the meeting) is entitled to one vote on any matter arising for decision. Additional experts/advisors appointed to the CAP to provide expert advice and assistance are not entitled to vote.
- 5.6 Matters arising for decision at a meeting of the CAP will be decided by a consensus or otherwise by a majority of the votes cast by Members present at the meeting and entitled to vote. If the votes are equal, the Presiding Member is entitled to a second or casting vote.
- 5.7 In relation to each application it considers, the CAP must:
  - 5.7.1 Determine whether the proposal is seriously at variance with the Development Plan; and
  - 5.7.2 Provide reasons for refusing Development Plan Consent (including reasons for any determination that the proposal is seriously at variance), or for the imposition of any conditions, as the case may be.

## 6. Minutes and Reporting

- 6.1 The CAP must ensure that accurate minutes are kept of all meetings.
- 6.2 The Assessment Manager, or a person nominated by the Assessment Manager, will take minutes of all meetings.
- 6.3 The minutes will record:
  - 6.3.1 the names of all Members present;
  - 6.3.2 the names of all Members from whom apologies have been received;
  - 6.3.3 the name and time that a Member enters or leaves the meeting;
  - 6.3.4 the name of every person who makes a representation;
  - 6.3.5 in relation to each application determined by the CAP:
    - 6.3.5.1 the determination of the CAP as to whether the proposal is seriously at variance with the Development Plan;

- 6.3.5.2 the reasons for refusing Development Plan consent (including reasons for any determination that the proposal is seriously at variance), or for the imposition of any conditions, as the case may be; and
  - 6.3.6 if an application is not determined by the CAP, the deferral of the application and the reasons for the deferral;
  - 6.3.7 a decision to exclude the public from attendance and retain the minutes of the item in confidence pursuant to the *Regulations*;
  - 6.3.8 any disclosure of a direct or indirect pecuniary interest in any aspect of a development or anybody associated with any aspect of a development made by a Member in accordance with Section 83(1)(g) of the Act, and the nature of the interest;
  - 6.3.9 any disclosure of a conflict of interest made by a Member pursuant to the Code of Conduct adopted by the Minister under Clause 1(1)(c) of Schedule 3 of the Act (Code of Conduct), and the nature of the interest; and
  - 6.3.10 if a meeting is adjourned by the Presiding Member, the reason for the adjournment and the date and time to which the meeting is adjourned.
- 6.4 All minutes must be confirmed by the CAP as being accurate, at the commencement of the following CAP meeting.

## 7. Additional Procedures and Support

- 7.1 Insofar as any procedure to be followed by the CAP is not prescribed by the Act and Regulations (and, during the transition to the *Act* and *Regulations*, the *Development Act* and *Development Regulations 2008*), the CAP's Terms of Reference, the Code of Conduct or these Meeting Procedures - the CAP may by resolution determine the procedure for itself. Any such determination may be added to these Meeting Procedures.
- 7.2 The CAP may call for and consider such professional assistance from the Assessment Manager and, in consultation with the Assessment Manager, other professional advisors as it deems necessary and appropriate from time to time.
- 7.1 The CAP will permit and encourage active participation of Council staff in attendance at a meeting in providing advice to the CAP.
- 7.2 If a Panel Member requires additional information or clarification on a matter contained within an Agenda, an email shall be directed to the Assessment Manager as soon as practicable. The response will be provided to all Panel Members.
- 7.3 If a Panel Member has a conflict of interest on a matter contained with the Agenda, the Assessment Manager shall be advised in writing as soon as practicable after distribution of the Agenda.