

# MEETING PROCEDURES FOR THE UNLEY COUNCIL ASSESSMENT PANEL

## Recommended Meeting Procedures

### Guiding Principles

The Meeting Procedures of the Panel should:

1. be fair and contribute to open, transparent and informed decision-making;
  - i. encourage appropriate participation by applicants and representors as may be required under relevant legislation;
  - ii. reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting;
  - iii. be sufficiently certain to give applicants, representors and the general community confidence in the deliberations of the Panel;
2. Other than for relevant legislative requirements, including the Code of Conduct and the Panel's Terms of Reference, the Panel may determine its own procedures.
3. Interactions between Members of the Panel, the public in attendance, and Council staff at a meeting are to be courteous and respectful.
4. Members should act impartially and limit themselves to assessing an application strictly in accordance with the Act and the provisions of the Development Plan and Planning and Design Code, with due regard to relevant matters such as representations, characteristics of the locality, and case law.
5. The Panel should meet at a time, day and frequency that facilitates the timely and efficient processing of development applications in an open and accessible way.
6. Members should respectfully follow the directions and guidance of the Presiding Member.
7. Members of the public are entitled to reasonable and free access to agendas and minutes of the meetings of the Panel.

### Meetings

8. The Panel will meet at the Unley Civic Centre at Oxford Terrace, Unley on the third Tuesday of each month (unless a meeting is not required, or a special meeting is called) commencing at 6.30 pm.
9. The Assessment Manager, in consultation with the Presiding Member, may determine, in circumstances of restricted public gatherings, to hold Panel meetings using electronic means.

Note: In those circumstances, the Assessment Manager will cause the meeting to be

live streamed for viewing by the public, including issuing details of how to access the live stream by representors, applicants, and the public.

#### Notice of the Meeting

10. Each Member of the Panel will be given notice of a meeting at least five (5) clear days before the date of the meeting.
11. The notice, issued under the authority of the Assessment Manager, will be given to each Member by email to an address nominated by the Member which sets out the date, time and place of the meeting and contains a link to the agenda for the meeting.
12. Hard copy of plans for the meeting, as determined necessary by the Assessment Manager, will be posted to each Member at a postal address nominated by the Member.
13. The Assessment Manager will give notice to the public of the times and places of meetings of the Panel by causing a copy of the notice and agenda to be placed on public display at the Unley Administration Centre at least five (5) clear days before the date of the meeting and until completion of the relevant meeting of the Panel.
14. A special meeting of the Panel may be called by the Assessment Manager. Notice of a special meeting of the Panel must be given in the same manner as notice for an ordinary meeting of the Panel, other than Members may be given no less than 24 hours notice.

#### **Commencement of Meeting and Quorum**

15. A meeting of the Panel will commence as soon after the time specified in the notice of the meeting, as a quorum is present.
16. If at the expiration of 30 minutes from the time specified in the notice of meeting as the time of commencement a quorum is not present, the Presiding Member (or in their absence, the Assessment Manager) will adjourn the meeting to a specified day and time.
17. A quorum for a meeting of the Panel is three (3) members.
18. 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.
19. If a meeting is adjourned for want of a quorum, the Assessment Manager will record in the minute book the reason for the adjournment, the names of any Members present, and the date and time to which the meeting is adjourned.

20. If a meeting is adjourned, the Assessment Manager will:

- i. give notice of the adjourned meeting to each Member setting out the date, time and place of the meeting; and
- ii. give notice of the adjourned meeting to the public by causing a notice setting out the date, time and place of the meeting to be placed on display at Council's Administration Centre.

### **When a Deputy Member is to attend a Panel Meeting**

21. A Member, unless unavoidable, should give at least one (1) clear days' notice to the Assessment Manager of their unavailability to attend a meeting. In that event, the Assessment Manager will notify the relevant Deputy Member to attend and participate in that entire meeting.

22. If a Member has a conflict of interest in relation to an item on the meeting agenda and there is a risk that a quorum will not be achieved for that item, the Assessment Manager will notify the Deputy Member to attend the meeting and participate for that item only.

Note: If the elected Member appointed to the Panel is unavailable to attend a meeting, the Deputy Member who will be notified to attend the meeting will be the Deputy Member who is also an elected member of the Council. If an independent Member of the Panel is unavailable to attend a meeting, the Deputy Member who will be notified to attend the meeting will be the Deputy Member who is not an elected member of the Council.

### **Public access to Meetings**

24. Members of the public are entitled to attend a meeting of the Panel other than as set out below.

25. The Panel will ordinarily exclude the public from attendance at a meeting during so much of the meeting as is necessary to receive, discuss or consider in confidence matters listed under Regulation 13 (2) of the PDI (General) Regulations 2017.

Note: Such matters will tend to relate to legal advice, or information relating to litigation.

26. The Panel may also exclude the public from attendance at the meeting during so much of the meeting that consists of its discussion or determination of any application or other matter that falls to be determined by the Panel and which may involve such considerations as public interest, personal safety or security, maintenance of the law, trade secrets etc.

27. The Assessment Manager may, after consultation with the Presiding Member, indicate on a document or report to Members that the Panel may consider the matter in confidence pursuant to Regulation 13 (2) of the PDI (General) Regulations 2017 provided that the Assessment Manager must also specify the basis on which a decision could be made by the Panel in accordance with that Regulation.

28. At the meeting of the Panel, the Panel Members will consider if it is necessary and appropriate to exclude the public in accordance with clause 25 above.
29. Before excluding the public from a meeting of the Panel, the Panel must formally determine, whilst in public session, whether the exclusion is necessary and, if so, pass an appropriate resolution to exclude the public during discussion of the item.
30. The grounds for exclusion of the public are to be recorded in the minutes of the meeting and communicated to the members of the public in attendance at the meeting at the time they are requested to leave the meeting.
31. At the conclusion of the discussion in relation to a confidential item, the Panel will consider whether it is necessary to determine whether any document associated with the confidential item is to remain confidential.

## **Voting**

32. Each Member present at a meeting of the Panel is entitled to 1 vote on a matter arising for decision and, if the votes are equal, the Member presiding at the meeting is entitled to a second or casting vote.
33. The above clause does not apply to a person who is taken to be a Panel Member under section 85 of the PDI Act.
34. All decisions of the Panel will be made based on a simple majority decision of the Members present.
35. Subject to a Member having a direct or indirect personal or pecuniary interest in accordance with the Code of Conduct adopted by the Minister under the PDI Act, each Member present at a meeting of the Panel must vote on a question arising for decision.

## **Minutes**

36. The Assessment Manager will ensure that accurate minutes are kept of the Panel's proceedings.
37. The Panel may, before it releases a copy of any minutes, exclude from the minutes information about any matter dealt with on a confidential basis by the Panel.
38. Minutes will be made available to a Member within 5 business days after their adoption by the Panel.
39. The minutes of the proceedings of a meeting will be submitted for adoption at the next meeting of the Panel or, if that is omitted, at a subsequent meeting.
40. On the confirmation of the minutes, the Presiding Member will:
  - i. iv. initial each page of the minutes, which pages are to be consecutively numbered; and
  - ii. v. place their signature and the date of confirmation at the foot of the last page of the minutes.

41. The minutes of the proceedings of a meeting will include:

- i. the disclosure by a Member of a direct or indirect pecuniary interest required by the Code of Conduct or under the Act;
- ii. the names of the Members present at the meeting;
- iii. in relation to each Member present;
- iv. the time at which the person entered or left the meeting;
- v. unless the person is present for the whole of the meeting, the point in the proceedings at which the person entered or left the meeting;
- vi. the names of the mover and seconder of a motion or amendment.
- vii. whether a motion or amendment is carried or lost;
- viii. details of the making of an order to exclude the public to consider matters in confidence;
- ix. details of any adjournment of business; and
- x. any other matter required to be included in the minutes under the Act.

### **Any Other Business**

42. A Member may raise a matter that has been deferred by the Panel, is currently before the Courts, or is a general procedural matter as it applies to the assessment of applications by the Panel.

43. The Presiding Member may:

- i. if necessary, allow the reply or response to the matter raised to be given at the next meeting.
- ii. rule that the matter raised is not relevant to the business of the Panel or is not in keeping with the purpose of Any Other Business as defined above.

### **Debate and Motions**

44. The Presiding Member will call for comment/discussion in the first instance on a matter presented to the Panel for determination, with each Member provided the opportunity to speak.

45. After such opportunity to speak, the Presiding Member will call for a motion to enable the Panel to determine the matter.

46. A motion will lapse if it is not seconded at the appropriate time.

47. The Presiding Member may refuse to accept a motion if the subject matter is, in their opinion, beyond the power of the Panel.
48. The mover of a motion or amendment may, with the consent of the seconder, request leave of the Presiding Member to vary, alter or withdraw the motion or amendment.
49. At the end of discussion, the original motion (or as amended) will be put to a vote by the Presiding Member. If carried, the Panel has determined the matter. If lost the Presiding Member will call for an alternate motion to be moved and seconded to enable the Panel to determine the matter.
50. Voting in favour and then against a motion or amendment, as requested by the Presiding Member, shall be by show of hand.
51. The Presiding Member will then declare the outcome of the matter.

Note: The above debate, calling for a motion, and voting procedure will also be followed by the Panel for deliberations on Review Hearings.

### **Declaration of Conflict of Interest**

52. If a Member leaves a Panel meeting for reason of that Member's interest declared in accordance with the PDI Act or the Code of Conduct, the Panel Member must state the reason for leaving, immediately prior to leaving the meeting.

### **Points of Order**

52. The Presiding Member may call to order a Member who is in breach of these Procedures.
53. A Member may draw to the attention of the Presiding Member such a breach and must state briefly the nature of the alleged breach.
54. The Presiding Member will rule on a point of order before continuing with the business of the meeting.
55. Suspected breaches of the PDI Act, the Development Act or the Code of Conduct should be reported in writing to the State Planning Commission in accordance with the PDI Regulations.

### **Interruption of Meetings by Panel Members**

56. A Member while at a meeting should not:
  - i. Behave in an improper or disorderly manner;
  - ii. cause an interruption or interrupt another Member who is speaking;
  - iii. behave in a manner which is disrespectful to other Members, staff or the public;
  - iv. disobey a direction of the Presiding Member.

57. If the Presiding Member considers that a Member may have acted in contravention of the above, the Member will be allowed to make a personal explanation.
58. After making such an explanation, the relevant Member will leave the meeting while the matter is considered by the Panel.
59. If the remaining Members resolve that a contravention of clause 54 has occurred, those Members may, by resolution:
  - i. censure the Member; or
  - ii. suspend the Member for a part, or for the remainder, of the meeting.

### **Addresses by Members**

60. A Member may speak for up to five (5) minutes at any one time on an item of business of the Panel.
61. The contribution of a Member must be relevant to the subject matter of the discussion.

### **Addresses by Members of the Public**

62. The Panel will hear:
  - a. valid representors or their representative (as a result of giving public notification) who request to be heard\*;
  - b. the applicant or their representative, in response to representors who are heard.
  - c. the applicant (or representative) where Members have any questions of the applicant which may assist them in assessing the proposal.
  - d. the applicant when there is a review request of the Panel in relation to a decision of the Assessment Manager.
63. Representors and applicants will be allowed up to five (5) minutes each to address the Panel.
64. The Presiding Member will restrict submissions not related to the planning issues of the particular matter.
65. Representors, or their nominated spokesperson, will speak first followed by the applicant who will be invited to respond to the points made by the representors.
66. Members may ask, through the Presiding Member, the representors or applicant questions to clarify points.
67. Any person who has not indicated on their representation that they wish to be heard may only be heard at the Panel meeting at the discretion of the Presiding Member.

\* Inclusive of representations made under the Development Act (Cat 2 or Cat 3) prior to the 19 March 2021.

### **Additional Information**

68. Additional information submitted after distribution of the meeting agenda, and before a meeting, must be submitted to the Assessment Manager no later than 4pm on the day prior to the Panel's meeting so that it may be verified and distributed to Members and other affected parties.
69. Additional information submitted at the Panel meeting will not normally be considered unless the Presiding Member in their discretion allows the consideration of the additional information. Such additional information should be circulated to other affected parties present at the meeting.

### **Site Visits**

70. Subject to compliance with the Code of Conduct, Members are expected to undertake a site inspection in relation to any development assessment matter presented to the Panel for determination.
71. If Members believe entry to the subject land would be a useful component of the assessment process and would assist their understanding of the proposal, the Panel should request that the Assessment Manager make suitable arrangements for such an inspection.
72. The Panel will undertake the inspection on the date determined by the Assessment Manager and the applicant.

### **Assistance from the Assessment Manager and Additional Members**

73. At its discretion, the Panel can call for and hear professional advice from the Assessment Manager or planning staff at the meeting.
74. Where a Member disagrees with a recommendation put forward by the Assessment Manager, they may seek the assistance of the Assessment Manager in the wording of, but not the substance of, an alternate resolution.

### **Deferrals**

75. In the interests of expeditious decision-making, if all information is before the Panel, a decision will be made at the meeting the matter is considered.
76. The Panel may defer the matter to:
  - i. enable further information to be obtained to fully address matters raised during consideration of the matter.
    - i. allow Members and representors time to adequately consider further information received from the applicant after the circulation of agendas.

- ii. allow the applicant and representors, if both parties are inclined, to attempt to resolve differences.

Note: The PDI Act imposes a duty upon a planning authority to deal with an application within specified time frames, failing which a deemed consent notice may be served on Council.

### **Training and Development**

- 77. As and when required, Members will attend training sessions aimed at enhancing the Members' capability and understanding of their role and responsibilities, and to comply with their continuing professional development obligations under the PDI (Accredited Professionals) Regulations 2019.

### **Review of Procedures**

- 78. The Panel will review these procedures on an annual basis

### **Reports to Council**

- 79. The Panel shall present an Annual Report to the Council no later than September of each year in respect of the following matters –
  - a. the number of meetings held and the attendance of Members;
  - b. the number and range of matters considered by the Panel, in terms of applications approved, refused, or deferred by the Panel, and appeals lodged against the decisions of the Panel, including a comparison with previous years;
  - c. the adjournment of consideration of development applications;
  - d. any matter, including policy provisions, that would improve the effectiveness of, or expedite, the decisions of the Panel; and
  - e. any other matters upon which the Panel thinks fit to report

### **Panel Review of a Decision of the Assessment Manager**

- 80. The Panel has adopted a Policy setting out the way it will review a decision of the Assessment Manager in respect to certain defined matters. An applicant wishing to lodge an Application for Review should refer to the Policy.