

ASSESSMENT PANEL MEMBERS – MEETING PROCEDURES

1. Application

- 1.1 These Meeting Procedures are to be read in conjunction with the meeting procedures contained within the Planning, Development and Infrastructure (General) Regulations 2017 (Regulations).
- 1.2 From 1 October 2017 to a date to be determined by the Minister, the Council Assessment Panel (Panel) is a delegate of the Council pursuant to Sections 34(23) and 34(24) of the Development Act 1993 (the Development Act).

2. Meeting notice, times and venue

- 2.1 Scheduled meetings of the Panel will be held on the third Wednesday of the month at 6.30pm at the Phil Barry Chamber, Scotland Street Balaklava, unless there are no matters to be considered.
- 2.2 Written notice of a meeting of the Panel must be given to each member of the Panel by the Assessment Manager not less than three (3) clear days before the date of the meeting.
- 2.3 The notice of the meeting must:
 - a. be in writing;
 - b. state the date, time and place of the meeting;
 - c. be signed by the Assessment Manager;
 - d. 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
 - e. be given to the members of the Panel
 - (i) personally; or
 - (ii) by delivering the notice (whether by post or otherwise) to the usual place of residence , or other place authorised by the member in writing; or
 - (iii) by leaving the notice at the Council office if authorised by the member in writing; or
 - (iv) by means authorised in writing by the member as being an available means of giving notice (e.g. email)
- 2.4 A notice that is not given in accordance with clause 2.3 is taken to have been validly given if the Assessment Manger 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.

- 2.5 Special meetings (being additional meetings or alternative meeting dates, times or venues) of the Panel will be called at the discretion of the Presiding Member in written consultation with the Assessment Manager. Members of the Panel, applicants, representors and the public shall be given three (3) clear business days notice of a special meeting of the Panel.
- 2.6 Public notice of a scheduled meeting and a copy of the Agenda will be provided at the Council office and on the Council's website as soon as practicable after the time that the notice of the meeting has been given to the Panel members.

3. Quorum

- 3.1 A quorum at a meeting of the Panel is a number obtained by dividing the total number of members of the Panel for the time being in office by 2, ignoring any fraction resulting from the division, and adding one (1).
- 3.2 If the number of apologies received by the Assessment Manager or Presiding Member indicates that a quorum will not be present at a meeting, the Presiding Member may adjourn the meeting to a specified day and time.
- 3.3 Should a quorum not be reached within 30 minutes from the scheduled commencement time of the meeting and there is no apparent prospect of achieving a quorum within a reasonable time thereafter, the Presiding Member may adjourn the meeting to a specified date and time.
- 3.4 In the event that the Presiding Member is absent from the 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.

Deputy Members

- 3.5 If a 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 Presiding Member or Assessment Manager at his or her earliest opportunity.
- 3.6 If notification pursuant to clause 3.5 is given, the Assessment Manager may request a Deputy Member attend the meeting in place of the Panel Member for the meeting or part of the meeting.
- 3.7 Unless the context otherwise requires, a reference to a Member in these Meeting Procedures includes a Deputy Member.

4. Information provided following preparation of the meeting agenda

- 4.1 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 the Panel. 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.

- 4.2 Full disclosure of all relevant information prior to the Panel meeting is necessary for adequate assessment and appropriate decision making. In circumstances where new information is discovered as a result of the hearing of representation(s) the Panel may, in its discretion, agree to defer the application, conduct a further hearing, or undertake other investigations to determine the relevance of new information if it believes it will assist reaching a decision.
- 4.3 At the discretion of the Presiding Member, any new or additional material submitted to the Panel by a person who has made a development application or a valid representation, may or may not be accepted and considered by the Panel. The Presiding Member's determination in this regard is final.

5. Hearing of Representations

- 5.1 The Assessment Manager may in his or her discretion exclude:
- a representation or response to representation(s) which is received out of time;
 - a representation in relation to Category 2 development from a person who was not entitled to be given notice of the application; or
 - a representation or response to representation(s) which is otherwise invalid.
- 5.2 The Assessment Manager may in his or her discretion accept and allow to be considered by the Panel any new or additional material submitted by a representor or applicant. The Panel may defer consideration of the application to enable full and proper assessment of the further information
- 5.3 Any material to be considered by the Panel pursuant to clause 5.2 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 Assessment Manager
- 5.4 In relation to each application to be considered and determined by the Panel:
- 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 Panel and be heard in support of their representation, in person or by an agent;

- b. a person who has lodged a representation in relation to a Category 2 application which has not been excluded pursuant to clause 4.1 and who has indicated that they wish to be heard on their representation may, at the discretion of the Presiding Member, appear before the Panel and be heard in support of their representation, in person or by an agent.
- c. where one or more representors are heard by the Panel, the applicant is entitled to appear before the Panel to respond to any relevant matter raised by a representor, in person or by an agent;
- d. where no representors appear at the meeting, the Presiding Member may, in his or her discretion, allow an applicant to be heard in support of his or her application, in person or by an agent;
- e. representors and applicants will be allowed five minutes each to address the Panel. The Presiding Member may allow a party additional time at his or her discretion;
- f. Panel members may question and seek clarification from a representor or applicant who has addressed the Panel at the conclusion of their address; and
- g. following addresses from representors and the applicant, the Presiding Member will invite all Members to speak on any matter relevant to the application.

6. Conduct

- 6.1 Members of the Panel must act at all times in accordance with Section 15(2) of the Planning, Development and Infrastructure Act (PDI) and with the Code of Conduct and professional standards adopted pursuant to Schedule 3 of the PDI Act.
- 6.2 The Presiding Member may adjourn a meeting in the event of a disruption or disturbance by any person (including a Panel Member, applicant, representor or other member of the public) to a specified date and time.
- 6.3 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:
 - a. behaving in a disorderly manner; or
 - b. causing an interruption or disruption to the meeting.
- 6.4 Members of the Panel must not initiate individual discussion with applicants, representors or government agencies regarding a matter that is or is likely to be before the Panel for determination, and, if placed in a situation where such discussion is unavoidable, should not express an opinion that could be constructed as having made a decision in relation to the proposal before the Panel has collectively assessed and determined the development application.

- 6.5 If a member of the Panel is of the view that they have a conflict of interest in relation to a matter before the Panel, the member must make a disclosure clearly stating the nature of that interest in writing to the Presiding Member, and then in the meeting when the relevant agenda item is reached, make a verbal disclosure to the Panel and remove themselves from the meeting in accordance with clause 7(b) of the Code of Conduct.

7. Site inspections and locality visits

- 7.1 Formal site visits may be arranged on request from a member of the Panel. A member of the Panel may require attendance of a Council Officer to provide relevant information. The Panel will not hear deputations at a formal site visit.
- 7.2 Locality visits by one or more members of the Panel will be undertaken in accordance with the Code of Conduct and professional standards adopted by the Minister and the State Planning Commission pursuant to the PDI Act.

8. Decision making and voting

- 8.1 The Panel 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.
- 8.2 The Panel must have regard to the relevant Development Plan of the Council (or Planning and Design Code, if relevant) as the basis for its decisions, and also have regard to any written and verbal representations made in accordance with the provisions of the PDI Act.
- 8.3 In making a decision, the Panel must:
- determine whether the proposal is seriously at variance with the Development Plan and provide reasons for its determination; and
 - provide reasons for granting or refusing Development Plan consent and for the imposition of any conditions.
- 8.4 If the Panel determines that a proposal is seriously at variance with the Development Plan, it must refuse Development Plan consent to the application.
- 8.5 Each member of the Panel present at a meeting is entitled to one vote on any matter arising for decision. If the votes are equal, the Presiding Member is entitled to a second or casting vote.
- 8.6 All members of the Panel will participate in the decision of the Panel by a vote.
- 8.7 All decision of the Panel shall be made on the basis of a majority consensus decision of the members present.
- 8.8 Minutes shall record the decision of the Panel on each development application and record a mover and seconder for items decided by vote, but not the vote or views of individual members.

9. Minutes and other documents

9.1 The Panel must ensure that accurate minutes are kept of its proceedings

9.2 The minutes will record:

- a. the names of all Members present;
- b. the names of all Members from whom apologies have been received;
- c. the name and time that a Member enters or leaves the meeting;
- d. the name of every person who makes a representation;
- e. the decision by the Panel:
 - (i) the determination of the Panel as to whether the proposal is seriously at variance with the Development Plan;
 - (ii) the reasons for granting or refusing Development Plan consent and for the imposition of any conditions; and
 - (iii) where a decision is by majority vote, the decision and its mover and seconder, but not each Members' vote;
- f. if an application is not determined by the Panel, the deferral of the application and the reasons for the deferral;
- g. a decision to exclude the public from attendance pursuant to the Regulations;
- h. 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;
- i. 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
- j. 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.

9.3 Members of the public are entitled to reasonable access to:

- a. the agenda for meetings of the Panel; and
- b. the minutes of meetings of the Panel.

9.4 However, the Panel may, before it releases a copy of any minutes under clause 9.3 of this document, exclude from the minutes information about any matter dealt with on a confidential basis by the Panel.

- 9.5 Minutes must be available under clause 9.3 of this document within 5 business days after their adoption by the members of the Panel.
- 9.6 Minutes shall not be formal minutes until adopted by the Panel at the next meeting of the Panel. However that does not preclude the issue of Decision Notification under the Development Act advising of the determination of the Panel immediately after a meeting at which the Panel made its determination.
- 9.7 All minutes must be confirmed as being accurate prior to, or at the commencement of, the next Panel meeting, upon adoption of the minutes, the Presiding Member shall authorise the minutes by signature and date of adoption on the last page of the minutes.

10. Compliance with the Code of Conduct

- 10.1 A person may make a complaint to the State Planning Commission (the Commission) if the person believes that a member of the Panel has acted in contravention of the Code of Conduct
- 10.2 A complaint must:
- be in writing; and
 - contain particulars of the allegation on which the complaint is based; and
 - be verified by statutory declaration.
- 10.3 Except with approval of the Commission, a complaint must not be lodged with the Commission more than six (6) months after the day on which the complainant first had notice of the matters alleged in the complaint.

Document History

Version No:	Date Approved:	Description of Change:
1.0	28/11/2018	New Document