

MEETING/OPERATION PROCEDURES

COUNCIL DEVELOPMENT ASSESSMENT PANEL

The procedures to be observed in relation to the conduct of the business of the Council Development Assessment Panel will be as prescribed by regulation or as determined by the Panel. The following Meeting Procedures will be observed by the Port Augusta City Council's Development Assessment Panel:

1. OBJECTIVES:

1.1 The Panel will ensure that:

- a) Procedures are fair and contribute to open, transparent and informed decision-making;
- b) Procedures reflect the levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting;
- c) Procedures shall be sufficiently certain to give the community and decision-makers confidence in the deliberations undertaken at the meeting;
- d) Panel Members will always seek to ensure that their comments are made and voting rights exercised in such a way as to ensure that an application is assessed against the provisions of the Port Augusta City Council's Development Plan.

2. MEMBERSHIP OF THE PANEL:

2.1 Membership of the Panel shall comprise the following:

- a) Presiding Member: Mr Jason Willcocks
- b) Independent Members: Mr John Veen
Vacancy
Ms Pauline Zanet
- c) Council Members: Cr Tony Mitchell
Cr Ann Johnston
Cr Brett Benbow

2.2 Administrative support will be provided by Council's Development Section Administrative Assistant.

3. TERM OF OFFICE:

3.1 The Port Augusta City Council's Development Assessment Panel Independent Members' appointments will be for a 2 year period (March 2014 to February 2016 inclusive).

3.2 In respect of Elected Members appointments in the year of a General Election, such appointments will terminate at the conclusion of the Local Government General Elections. Council will appoint three (3) Elected Members to the Council Development Assessment Panel at the first meeting of the new Council, for a two year term.

4. PUBLIC ACCESS TO AGENDAS, MINUTES and MEETINGS:

4.1 Meetings:

4.1.1 The Panel meetings shall be open to the public, however public will be excluded from attendance if during a meeting or part thereof, if it is deemed necessary or appropriate to receive, discuss or consider information on a confidential basis, pursuant to the provisions of Section 56A (12) of the Development Act 1993.

4.2 Agendas

4.2.1 An Agenda for a meeting of the Panel, where possible, will indicate the intention of the Panel to receive, discuss or consider an application on a confidential basis and the provisions within Section 56A (12) of the Development Act 1993 the Panel will impose for confidentiality purposes.

4.2.2 An Agenda outlining the items of business will be made available in hard copy to the public at the Council Offices, 4 Mackay Street, Port Augusta and on Council's Website www.portaugusta.sa.gov.au and will be distributed on Wednesday afternoon in the week prior to the meeting.

4.2.3 Agendas will be forwarded to each member of the Panel at least (3) clear days before the date of the meeting. The Agenda must set out the date, time and place of the meeting and all items of business to be considered by the Panel at the meeting.

4.2.4 The Agenda may be provided to Members of the Development Assessment Panel in the following manner:

- a) personally; or
- b) by postal delivery to the usual place of residence of the Member or to another place authorised in writing by the Member; or
- c) by collection from the Council Offices by the Panel Member as advised in writing to the Development Sections Administrative Officer; or
- d) emailed to an address as advised in writing by the Panel Member.

4.3 Minutes:

4.3.1 The Minutes of the proceedings of a meeting will record:

- a) the names of the Panel Members present;
- b) the name and time of a Panel Member entering or leaving;
- c) the name of a person who has made a representation to the Panel;
- d) each motion moved, the outcome of the vote and any division called in relation to the vote;
- e) any disclosure of interest made by a Panel Member;
- f) a notation, describing the confidential nature of the information and matter, in the event that a matter has been excluded from the Minutes.

4.3.2 Minutes of meetings will be distributed to Panel Members within 5 days after being adopted by the Members of the Panel. Copies of minutes and associated reports will also be available to the public in hard copy form at the Council Offices, 4 Mackay Street, Port Augusta and on Council's Website www.portaugusta.sa.gov.au.

- 4.3.3 Public documents shall exclude any information regarding any matter dealt with on a confidential basis.
- 4.3.4 Debate on the adoption of the Minutes shall relate to the accuracy of the Minutes as a record of proceedings only.
- 4.3.5 On the adoption of the Minutes the Presiding Member shall initial each page and sign and date the last page of the Minutes. The original copy of Council's Development Assessment Panel Meetings shall be retained and stored in the safe.

5. MEETING TIMES & PLACE

- 5.1 Meetings will be held generally on the 2nd Tuesday of each month, commencing at 5.30pm and will generally be held in the Council Chambers, Civic Centre, 4 Mackay Street, Port Augusta and may from time to time be held in other locations as determined by the Panel.

6. QUORUM:

- 6.1 The quorum for the Panel is 4 and no business will be transacted at a meeting unless a quorum is present.

7. DELEGATIONS TO THE PANEL:

- 7.1 The Council will review the delegated powers and functions of the Panel annually.
- 7.2 The Panel will report to the Council annually detailing:
 - a) The level of attendance of Panel Members;
 - b) The Panel's activity and performance in making decisions; and
 - c) Comment or analysis of policy or process that is relevant to the Panel's assessment functions, and suggesting improvements.

8. PRESIDING MEMBER:

- 8.1 In the absence of the Presiding Member, the Deputy Presiding Member will act in the position of the Presiding Member. Council will appoint the Presiding Member and the Panel shall appoint a Deputy Presiding Member at its first Meeting, for a 12 month period. In March each year nominations will be called for a new Deputy Presiding Member.

9. HEARING REPRESENTATIONS AT MEETINGS:

- 9.1 Category 2 & 3 Applications:
 - a) A person wishing to support their development application or a person wishing to object (under Category 2 or 3 public notification) to a particular development application must indicate their intentions to be heard by the Panel either verbally or in writing to the Community Planner (86419142).
 - b) The applicant must advise the Community Planner at the seven days prior to the scheduled meeting at which the relevant development application will be determined.

10. PANEL MEMBERS SPEAKING:

- 10.1 Members of the Panel may speak more than once with the consent of the Presiding Member in order to facilitate discussion and agreement on a matter before the Panel prior to the moving and seconding of a motion for determination.

10.2 When a motion for determination is before the Panel, a member may speak once to debate or move a variation to the motion. The mover and seconder of the motion and any subsequent variation have spoken and may not be heard again on the motion.

10.3 A member of the Panel must not speak for longer than five minutes at any one time.

11. DECISION MAKING:

11.1 The Presiding Member will call for comment/discussion in the first instance on a matter presented to the Panel for determination in order to facilitate consensus.

11.2 Any consensus that may be reached must be given effect by, and shall only be valid when presented as, a motion by a mover and seconder.

11.3 Voting in favour and then against a motion, as requested by the Presiding Member shall be by show of hand.

11.4 The Presiding Member will request each Member to vote on the motion and declare the outcome.

11.5 The Presiding Member, in the absence of comments to be made in relation to the business requiring determination, will request a motion to be moved and seconded as per the recommendation before the Panel.

11.6 When a Member(s) has indicated an intention to discuss the matter before the Panel, the Presiding Member will facilitate discussion in order to reach consensus and utilise his/her discretion to determine when to call for a motion enabling the Panel to determine the matter.

11.7 The Presiding Member will utilise his/her discretion to conclude that consensus is unlikely to be reached:

a) The Presiding Member will call for a motion to be moved and seconded as per the recommendation with suggested/agreed inclusions or deletions or a motion reflecting discussion;

b) The Presiding Member will then call for debate, including the opportunity for a variation (maximum of two) to be moved.

c) At the conclusion of debate if no variation has been moved the Presiding Member will put the motion to a vote and declare the outcome.

d) If carried the Panel has determined the matter and will proceed to the next item of business. If lost the Presiding Member will request an alternate motion to be moved and seconded to enable the Panel to determine the matter.

e) If a variation to the motion has been moved and seconded the Presiding Member will call for debate and comment from Members eligible to speak and then put the variation to a vote.

f) At the conclusion of debate the original motion (as varied) 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.

12. VARIATION MOTIONS:

12.1 If a motion to vary is lost only one further variation may be moved to the original motion.

- 12.2 If a motion to vary is carried only one further variation may be moved to the original motion.
 - 12.3 A variation motion must detail the effect, if carried, on the original motion.
 - 12.4 A variation motion may seek to include, alter or delete a part(s) of the original motion.
 - 12.5 A variation motion may seek to delete and then replace a part(s) of the original motion.
 - 12.6 A variation motion may seek to delete the original motion with an alternate motion in its entirety.
 - 12.7 A variation motion may seek to defer the matter.
13. **VOTING RIGHTS:**
- 13.1 Each Member present at a meeting of the panel is entitled to 1 vote on any matter arising for decision.
 - 13.2 If the votes are equal the Member presiding at the meeting is entitled to a second or casting vote.
14. **DECISIONS:**
- 14.1 Notification of Assessment will be provided within five business days after the decision is made on the application.
15. **CONFLICT OF INTEREST:**
- 15.1 As a member of the Panel, you must not make improper use of your position to gain (directly or indirectly) an advantage for yourself or for another person closely associated with you. You must make sure there is no conflict between your private interests and your role as a public decision maker.
 - 15.2 Subject to Section 56A(7) of the Development Act 1993, a Panel Member must declare their interest in any matter before the Panel, as soon as they become aware they have a direct or indirect personal or pecuniary interest in a matter before the Council Development Assessment Panel.
 - 15.3 The Member must not take part in any deliberations or decision of the Panel on the matter and must be absent from the room when any deliberations are taking place or decision is being made.
16. **EXCLUSION OF THE PUBLIC FROM ATTENDANCE AT A MEETING:**
- 16.1 Pursuant to Section 56(A) (12) of the *Development Act 1993*, the Council Development Assessment Panel may exclude the public from attendance, if any of the following criteria are applicable:
 - a) during so much of the meeting as necessary to receive, discuss or consider on a confidential basis any of the following information or matters:
 - i) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);

- ii) information the disclosure of which-
 - (A) could reasonably be expected to confer a commercial advantage on a person, or to prejudice the commercial position of a person; and
 - (B) would, on balance, be contrary to the public interest;
 - iii) information the disclosure of which would reveal a trade secret;
 - iv) commercial information of a confidential nature (not being a trade secret) the disclosure of which-
 - (A) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
 - (B) would, on balance, be contrary to the public interest;
 - v) matters affecting the safety or security of any person or property;
 - vi) information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by effecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial;
 - vii) matters that must be considered in confidence in order to ensure that the Council does not breach of law, order or direction of a Court or Tribunal constituted by law, any duty of confidence, or other legal obligation or duty;
 - viii) legal advice;
 - ix) information relation to actual litigation, or litigation that the Panel believes on reasonable grounds will take place;
 - x) information the disclosure of which-
 - (A) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority of official (not being an employee of the Council, or a person engaged by the Council); and
 - (B) would, on balance, be contrary to the public interest; or
- (b) during so much of a meeting that consists of its discussion or determination of any application or other matter that falls to be decided by the Panel.

17. SCHEDULED MEETINGS:

- 17.1 Prior to the Notice of Meeting being sent to Panel Members, if the number of apologies received by the Development Section's Administrative Assistant indicates that a quorum of 4 will not be achieved for a scheduled meeting the Community Planner in consultation with the Presiding Member may cancel the meeting and reschedule the meeting to another suitable time and date.

18. SPECIAL MEETINGS:

- 18.1 Special Meetings of the Panel may be held at any time.

- 18.2 A Special Meeting of the Panel may be called at the request of-
- a) the Presiding Member of the Panel; or
 - b) at least 3 serving Panel Members; or
 - c) the Chief Executive Officer or Community Planner.
- 18.3 A Special Meeting will only deal with the business for which the meeting has been called.
- 18.4 A request to call a Special Meeting must be accompanied with an Agenda stating the item(s) of business for which the Panel is being requested to convene. If an Agenda is not provided at the time of the request, the Special Meeting will not be called.
- 18.5 Each Member of the Panel will be provided verbal and/or sent a notice of a Special Meeting at least four (4) hours before the commencement of the Meeting, accompanied by the Agenda for the Meeting.
19. **SITTING FEE:**
- 19.1 Members of the Port Augusta City Council's Development Assessment Panel will receive a "Sitting Fee" as determined by Council for each meeting attended.
20. **PUBLIC OFFICER:**
- 20.1 Council at its meeting held on Monday 28th July 2014 appointed the following person as the Port Augusta City Council's Development Assessment Panel Public Officer:
- Mr John Banks
Chief Executive Officer
Port Augusta City Council
PO Box 1704
PORT AUGUSTA SA 5700
- Phone: (08) 86419100
21. **REMOVAL OF PANEL MEMBER:**
- 21.1 The Council may remove a member of the Panel from office for:
- a) breach of, or failure to comply with, the conditions of appointment; or
 - b) misconduct; or
 - c) neglect of duty; or
 - d) incapacity to carry out satisfactorily the duties of his or her office; or
 - e) failure to carry out satisfactorily the duties of his or her office; or
 - f) failure to comply with a requirement under subsection (6) or (7) or a breach of, or failure to comply with, a code of conduct under Section 21A.
- 21.2 The office of a Panel Member will also become vacant if the Member:
- a) dies;
 - b) completes a term and is not reappointed;
 - c) resigns by written notice;
 - d) becomes bankrupt or applies for insolvency;
 - e) is convicted of an indictable offence punishable by imprisonment; or
 - f) is removed from office, as above.

22. **PANEL EXPIRATION:**

22.1 The Panel will expire in line with the term of office as determined by Council (refer Clause 3 above).

22.2 A Member whose term of office expires, may nevertheless continue to act as a Member, for a period of up to 6 months, until he or she is reappointed or a successor is appointed (as the case may be).

23. **DISCLOSURE OF FINANCIAL INTEREST:**

23.1 A Panel Member who is not a Member of the Council must disclose his or her financial interests in accordance with Schedule 2 of the Development Act 1993.