



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. Definitions

<i>connect</i>	means able to hear and/or see the meeting by electronic means, including via a live stream.
<i>disconnect</i>	means to remove the connection so as to be unable to hear and see the meeting.
<i>electronic</i>	means includes a telephone, computer or other electronic device used for communication.
<i>public gallery</i>	means the provision of space in the meeting room at which members of the public may attend the meeting.

2. CAP Meetings

Ordinary Meetings

- 2.1 Subject to clause 2.2, ordinary meetings of the Barunga West Council Assessment Panel (CAP) will be held at such times and places as determined by the CAP.
- 2.2 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 2.4 and 2.6.
- 2.3 Notice of an ordinary meeting will be given to all CAP Members by the Assessment Manager not less than 5 clear days prior to the holding of the meeting in accordance with clause 2.4
- 2.4 Notice of a meeting of the CAP must:
 - 2.4.1 be in writing;
 - 2.4.2 set out the date, time and place of the meeting;
 - 2.4.3 be signed by the Assessment Manager;

- 2.4.4 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);
- 2.4.5 be given to a CAP Member personally, by post to a place authorised in writing by the Member or by other means authorised by the Member as being an available means of giving notice;
- 2.4.6 where attendance at the meeting is to include attendance by electronic means, include details of how public can access the meeting; and
- 2.5 A notice that is not given in accordance with clause 2.4 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.
- 2.6 A copy of the agenda 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.
- 2.7 The Assessment Manger 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 Manger 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.
- 2.8 The Presiding Member may adjourn a CAP Meeting to a future date and time, unless the CAP resolves to continue the meeting.
- 2.9 A meeting will break for Ten (10) minutes once every two (2) hours or more or less often as determined by the Presiding Member.
- 2.10 A quorum at a meeting of the CAP consists of a number ascertained by dividing the total number of members by half, ignoring any fraction resulting from the division, and adding one (and no business may be transacted at a meeting of the CAP unless a quorum is present).

Special Meetings

- 2.11 The Presiding Member, or two or more CAP Members, may by delivering a written request to the Assessment Manager require a special meeting of the CAP to be held. The written request must be accompanied by the agenda for the special meeting.
- 2.12 On receipt of a request pursuant to clause 2.11, 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.

3. Deputy Members

- 3.1 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 Presiding Member or Assessment Manager at his or her earliest opportunity.
- 3.2 If notification pursuant to clause 3.1 is given, the Assessment Manager may request a Deputy Member attend the meeting in place of the CAP Member for the meeting or part of the meeting.
- 3.3 Unless the context otherwise requires, a reference to a Member in these Meeting Procedures includes a Deputy Member.

4. Additional Members

- 4.1 The CAP may appoint up to two Additional Members in accordance with Section 85 of the *Planning, Development and Infrastructure Act 2016 (Act)*.
- 4.2 Where the CAP has appointed Additional Member(s), the Presiding Member, in consultation with the Assessment Manager, may invite one or both Additional Members to attend any meeting (or part thereof) where he or she considers the Additional Member(s) will, by virtue of their qualifications, expertise or experience, assist the CAP in dealing with a matter that it must assess under the Act (or, during the transition to the Act, the *Development Act 1993*).
- 4.3 A request that an Additional Member attend a meeting must be made in writing and be accompanied by the notice for the meeting in accordance with clause 2.4, highlighting the item(s) the Additional Member is required to consider.
- 4.4 Unless the context otherwise requires, a reference to a Member in these Meeting Procedures includes an Additional Member, save that an Additional Member is not able to vote on any matter arising for determination by the CAP.
- 4.5 The reference to a Member pursuant to clause 2.10 does not include an Additional Member.

5. Attendance at Meetings

- 5.1 Subject to clauses 7.6.1 and 7.6.2.2, Members may attend a meeting by electronic means.
- 5.2 A Member attending a meeting by electronic means is taken to be present at the meeting provided that the Member:
- 5.2.1 can hear and see all other Members, who are present at the meeting;
 - 5.2.2 can hear and, where possible, see, all Representor/s (or their representatives) and applicants (or their representatives) who speak at the meeting;
 - 5.2.3 can be heard and seen by all other Members present at the meeting; and
 - 5.2.4 can be heard and seen by the person recording the minutes of the meeting.
- 5.3 Where:
- 5.3.1 **it is considered necessary in the opinion of the Presiding Member to manage risk associated with a public health emergency;** and/or
 - 5.3.2 all CAP members will be attending a meeting by electronic means,
- the Assessment Manager will ensure a public gallery is in a place open to the public at which members of the public can attend the meeting, except for those parts of the meeting during which the public has been excluded from attendance pursuant to Regulation 13(2) of the Regulations.
- 5.5 Where practicable, all CAP Members shall be able to see the public gallery via electronic means throughout the meeting, except for those parts of the meeting during which the public has been excluded from attendance pursuant to Regulation 13(2) of the Regulations.
- 5.6 Where the public has been excluded from attendance pursuant to Regulation 13(2) of the Regulations, the Assessment Manager or a person nominated by the Assessment Manager shall ensure that all parties except for CAP members and any other parties provided for in the exclusion disconnect from the meeting.

6. Commencement of Meetings

- 6.1 Subject to a quorum being present, pursuant to clause 2.11, a meeting of the CAP will commence as soon as possible after the time specified in the notice of a meeting.
- 6.2 If the number of apologies received by the Assessment Manager and 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.

- 6.3 If at the expiration of thirty minutes from the commencement time specified in the notice of the meeting a meeting a quorum is not present, the Presiding Member may adjourn the meeting to a specified date and time.
- 6.4 In the event that 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.

7. Decision Making

- 7.1 The Presiding Member may in his or her discretion exclude:
 - 7.1.1 a representation or response to representation(s) which is received out of time;
 - 7.1.2 a representation in relation to Category 2 application under the *Development Act 1993* or a Performance Assessed application from a person who was not entitled to be given notice of the application; or
 - 7.1.3 a representation or response to representation(s) which is otherwise invalid.
- 7.2 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.
- 7.3 Any material to be considered by the CAP pursuant to clause 7.2 must be provided to the applicant and/or Representor(s) (as the case may be) in a manner directed by the Presiding Member and those parties be provided with an opportunity to respond, either in writing or verbally, at the discretion of the Presiding Member.
- 7.4 In relation to each application it considers, the CAP must:
 - 7.4.1 determine whether the proposal is seriously at variance with the Development Plan or the Planning Rules (as relevant) and provide reasons for its determination; and
 - 7.4.2 provide reasons for granting or refusing Development Plan Consent or Planning Consent and for the imposition of any conditions.
- 7.5 If the CAP determines that a proposal is seriously at variance with the Development Plan or the Planning Rules (as relevant), it must refuse development authorisation to the application.

- 7.6 In relation to each application to be considered and determined by the CAP:
- 7.6.1 a person who has lodged a representation in relation to a Category 3 application under the *Development Act 1993*, or a Performance Assessed application under the Act, or an application for which notice must be given under the Act, which has not been excluded pursuant to clause 7.1 and who has indicated that they wish to be heard on their representation is entitled to appear before a meeting of the CAP at which Members are present in person and be heard in the meeting room in support of their representation, personally or by an agent;
 - 7.6.2 a person to whom clause 7.6.1 applies may:
 - 7.6.2.1 by agreement with the Presiding Member, appear before the CAP by electronic means (personally or by an agent); and/or
 - 7.6.2.2 agree to one or more CAP Members attending by electronic means;
 - 7.6.3 A person who has lodged a representation in relation to either a Category 2 application under the *Development Act 1993* or an application for which notice must be given under the Act, which has not been excluded pursuant to clause 7.1 and who has indicated that they wish to be heard on their representation may, at the discretion of the Presiding Member, appear before the CAP and be heard in support of their representation personally or by an agent. The Presiding Member may, at his or her discretion, require that any such appearance be via electronic means;
 - 7.6.4 where one or more Representor/s are heard by the CAP, either in person or via electronic means, the applicant is entitled to appear before a meeting of the CAP at which Members are present in person and be heard in the meeting room to respond to any relevant matter raised by a Representor, personally or by an agent;
 - 7.6.5 an applicant to whom clause 7.6.4 applies may:
 - 7.6.5.1 by agreement with the Presiding Member, appear before the CAP by electronic means (personally or by an agent); and/or
 - 7.6.5.2 agree to one or more CAP Members attending by electronic means;
 - 7.6.6 where no Representor/s 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, personally or by an agent. The Presiding Member may, at his or her discretion, require that any such appearance be via electronic means;

7.6.7 Representor/s 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;

7.6.8 CAP members may question and seek clarification from a Representor/s or applicant who has addressed the CAP at the conclusion of their address; and

7.6.9 following addresses from Representor/s and the applicant (or their respective agents), any such parties present within the meeting must leave the meeting, but may remain in the public gallery, unless the public is excluded from the meeting pursuant to Regulation 13(2) of the Regulations. The Presiding Member will then invite all Members to speak on any matter relevant to the application.

7.7 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. If the votes are equal, the Presiding Member is entitled to a second or casting vote. Pursuant to clause 4.4, additional Members appointed to the CAP to provide expert advice and assistance are not entitled to vote.

7.8 Matters arising for decision at a meeting of the CAP will be decided by a majority of the votes cast by Members present at the meeting and entitled to vote.

7.9 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 specified date and time.

7.10 The Presiding Member may ask a member of the public (including an applicant, Representor or other member of the public) to leave or disconnect from a meeting, including by leaving the public gallery, where he or she is, in the opinion of the Presiding Member:

7.10.1 behaving in a disorderly manner; or

7.10.2 causing an interruption or disruption to the meeting.

8. Minutes and Reporting

8.1 The CAP must ensure that accurate minutes are kept of all meetings.

8.2 The Assessment Manager, or a person nominated by the Assessment Manager, will take minutes of all meetings.

- 8.3 The minutes will record:
- 8.3.1 the names of all Members present;
 - 8.3.2 the method of attendance by all Members present;
 - 8.3.3 the names of all Members from whom apologies have been received;
 - 8.3.4 the name and time that a Member enters or leaves the meeting;
 - 8.3.5 the name of every person who makes or responds to a representation;
 - 8.3.6 the method of attendance by every person who makes or responds to a representation;
 - 8.3.7 the name of every person who appears in relation to an application for review of an Assessment Manager decision (including the Assessment Manager or delegate);
 - 8.3.8 in relation to each application determined by the CAP:
 - 8.3.8.1 the determination of the CAP as to whether the proposal is seriously at variance with the Development Plan or Planning Rules (as relevant);
 - 8.3.8.2 the reasons for granting or refusing development planning consent and for the imposition of any conditions;
 - 8.3.8.3 the reasons for a decision under Section 203(4) of the Act in relation to an application for review of an Assessment Manager decision, including the reasons for the imposition of any new or varied conditions; and
 - 8.3.8.4 where a decision is by majority vote, the decision and its mover and seconder, but not each Members' vote;
 - 8.3.9 if an application is not determined by the CAP, the deferral of the application and the reasons for the deferral;
 - 8.3.10 a decision to exclude the public from attendance pursuant to the Regulations;
 - 8.3.11 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;
 - 8.3.12 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

8.3.13 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.

8.4 All minutes must be confirmed by the Assessment Manager in conjunction with the Presiding Member as being accurate prior to, or at the commencement of, the following CAP meeting.

9. Additional Procedures

9.1 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.

9.2 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.

10. Review

The procedure will be subject to review by the CAP on a two (2) year basis, or upon appointment of a new Panel.

Version No	Issue Date	Description of Change
1	18/02/2009	Adopted by CDAP
2	28/06/2022	Complete review undertaken to accommodate the New <i>PDI Act 2016</i> and <i>PDI (General) Regulations 2017</i> . Updated title from CDAP to CAP.