

Randwick Development Assessment Panel Guidelines (DRAFT)

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Introduction

The Randwick Development Assessment Panel (RDAP) is an independent committee appointed by council to determine certain development applications and to provide advice on planning proposals. A local planning panel is not subject to the direction or control of the council, except on matters relating to panel procedures and the time within which the panel is to deal with a matter.

The RDAP is comprised of four (4) voting members:

- Chair
- Two (2) expert witnesses
- A community representative

The voting members for each meeting will be selected from the pool of members appointed to the RDAP.

These guidelines detail how the Randwick Development Assessment Panel is to operate.

1. Panel composition

Chair

- 1.1 The chair is responsible for the management of the panel's functions and operations, including managing conflicts of interest.
- 1.2 The chair is to ensure the panel fully discharges its responsibilities under the EP&A Act, the code of conduct and these operational procedures.
- 1.3 The chair is responsible for the good and orderly conduct of the panel. The chair may do all things necessary to fulfil this responsibility.
- 1.4 The chair is to decide which panel members (or alternates) are to hear a matter prior to the meeting commencing.
- 1.5 The chair and alternate chairs shall rotate presiding over meetings (unless the chair or alternative chairs are unavailable for any reason).
- 1.6 Where possible, deferred matters should be considered by the chair that presided over the original deferment.
- 1.7 Alternate chairs have the same role as the chair when presiding over a panel meeting, or other business.

Independent expert members

- 1.8 The independent expert members and alternate members can be interchanged as needed by the chair (or alternate chair) for that meeting for reasons including:
 - a member has a conflict of interest
 - a member is unable to attend on the day
 - to periodically rotate the members.

Community representatives

- 1.9 After the agenda has been set, the chair shall select the community representative that they consider is most closely associated with the matters that are being considered at that meeting. That person shall be the voting member for the meeting.

- 1.10 If the chair considers that the agenda requires an additional community representative, they may appoint a different community representative as the voting member on a particular item.

- 1.11 A community representative can also be interchanged as needed by the chair or alternate chairs for reasons including:
 - a member has a conflict of interest
 - a member is unable to attend on the day
 - to periodically rotate the members.

Quorum

- 1.12 Where a quorum (3 members) for a meeting is not present, the meeting shall be deferred.

Review of panel decisions

- 1.13 The determination of a review application from a panel decision shall be determined by different members of the panel to those who made the original determination.

2. Disclosure of pecuniary interests

- 2.1 If a member of a panel has a pecuniary interest in a matter being considered or about to be considered at a meeting, and the interest appears to raise a conflict with the proper performance of the member's duties, the member must, as soon as possible, disclose the nature of the interest at (or before) a meeting of the panel.

Particulars of any disclosure made must be recorded by the panel and be made publically available upon request.

- 2.2 After a member of a panel has disclosed the nature of an interest in any matter, the member must not be present during any deliberation of the panel with respect to the matter, or take part in any decision of the panel with respect to the matter.

Note: A contravention of this requirement does not invalidate any decision of the panel.

3. Frequency of meetings

- 3.1 The panel shall meet on the 2nd Thursday of every month (excluding January) unless there are insufficient applications/proposals to conduct a meeting.
- 3.1 If required, the panel shall also meet on the 4th Thursday of the month

4. Meeting Procedures

Preparation of Agenda

- 4.1 The agenda shall be prepared two weeks prior to the meeting and sent to the Chair for approval.
- 4.2 No later than 10 days prior to the meeting, the chair shall approve the agenda and nominate which panel members (or alternates) are to sit on the panel for that meeting.
- 4.3 Electronic copies of the agenda and associated plans and submissions shall be made available to all panel members and councillors at least 6 days prior to the meeting. Hard copies of the plans shall be couriered to the voting panel members for that meeting.

Notice of meetings

- 4.4 Notice of panel meetings (time and place) shall be provide through Council's website at least 6 days prior to the meeting. Applicants and submitters shall also be advised (in writing) when an application will be heard by the panel.
- 4.5 Agendas for meetings shall be publicly available 6 days preceding the meeting.
- 4.6 Any person wishing to address the Panel must register their intention to do so with Council by 12 noon on the day before the meeting. If any speaker wishes to use a PowerPoint presentation, it must be received by Council by 12 noon on the day before the panel meeting.
- 4.7 Unless the Panel otherwise permits, the number of speakers shall be limited to one for and one against on each application or planning proposal. A person wishing to speak against an application or proposal must have already lodged a written submission on the subject application OR must provide a written summary (no longer than one A4 page) of the matters upon which they wish to address the Panel. Council must receive this summary by 12 noon on the day before the panel meeting

Site visit

- 4.8 The chair may elect for the panel to undertake site inspections for development applications that will be

considered at a public meeting. Panel members must not undertake site inspections independently, rather the panel shall inspect the sites together.

- 4.9 Appropriate council planning staff shall accompany the Panel on site inspections.
- 4.10 Site visits should be conducted on the same day as the public meeting.
- 4.11 Site visits are solely to be used to identify and clarify issues with a proposal. At a site visit, a panel member must not offer an opinion on the merit of the proposal.
- 4.12 Adjoining and/or affected properties may be visited by the Panel if the objector has first registered their interest for an inspection or if the Panel otherwise agrees to do so at their discretion. It is not a requirement for the Panel to visit every objector's property to complete their assessment
- 4.13 The Panel shall normally meet at 10am on the day of the meeting, or as otherwise determined by the chair, to commence site inspections.

Briefing

- 4.14 At the conclusion of the site visits, Council staff shall brief panel members on the applications. Panel members are able to ask questions and clarify issues.

Public Meeting

- 4.15 The Public Meeting shall then commence at 1pm in the Council Chambers, (1st floor, Town Hall Building, 90 Avoca Street, Randwick).
- 4.16 Electronic audio recordings shall be made of public meetings and these recordings shall be made publicly available on Council's website.
- 4.17 The chair, or in the absence of the chair, a member appointed by the panel, is to preside at the meeting.
- 4.18 Speakers shall be heard for each item in the agenda in the following order:
- Councillor/s addressing any item of relevance in their ward
 - Objector (or representative) speaking against the application; and then
 - The applicant (or the applicant's representative) speaking for the application.

- 4.19 A person is not entitled to be legally represented at any meeting of the Panel unless the chair grants permission in any particular case. On granting any such permission the chair shall have regard to the following matters;

- the nature and complexity of the matter and whether it involves a question of law,
- whether the person has the capacity to present their submission without legal representation, and
- such other matters as the chair considers relevant.

- 4.20 Unless the Panel otherwise permits, no speaker may address the panel for more than 3 minutes in respect of any one matter at any particular meeting. The chair is to exercise discretion and allow for an extension of time, subject to the general agreement of the Panel, as required to ensure all issues are properly considered.

- 4.21 A person, whether a member of the Panel or a member of the public, shall not speak while another person is speaking or otherwise interrupt that person while speaking.

- 4.22 Panel members may seek to clarify any matter with a speaker or council officer.

- 4.23 The panel is not bound by the rules of evidence and may inquire into and inform itself on any matter, in such manner as it thinks fit, subject to the rules of natural justice and procedural fairness.

- 4.24 The panel is to act with as little formality as the circumstances of the case permit and according to equity, good conscience and the substantial merits of the case without regard to technicalities or legal forms.

Deliberation

- 4.25 Following the address from councillors, objectors and applicants on all matters scheduled for that meeting, the Panel shall adjourn from the public meeting to deliberate. Only voting members of the panel (and council staff) are able to attend the closed session.

The panel shall prepare a written resolution/decision for each matter.

Voting and determination

- 4.26 Following deliberation, the panel shall reconvene the public meeting (in the Council Chambers) for voting and determination. There is no opportunity for debate or discussion at this point in the meeting.
- 4.27 The panel shall articulate their decision and panel members shall then vote on the decision. A decision supported by a majority of the votes is the decision of the panel. The presiding member has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.
- 4.28 Applications shall be determined by the panel in the order they appear on the agenda
- 4.29 A panel shall give written reasons for its decision and the council shall make those written reasons publicly available on its website.
- 4.30 The chair shall review and confirm the decisions made by the panel at the end of the meeting.

Post-meeting procedures

- 4.31 Minutes of the meeting shall include the decision, the outcome of voting and the reasons for decision. These minutes shall be made publicly available on Council's website.
- 4.32 All parties that made written submissions shall be advised of the outcome in writing.
- 4.33 The Notice of Determination shall be provided to the applicant
- 4.34 Should the Panel resolve to request additional information or seek amendment of the application, the Panel may defer the application. A written request to the applicant with the reasons for deferral shall be sent to the applicant the following day. In these cases, objectors shall be invited to a subsequent Panel meeting upon receipt of amended/additional plans and documentation from the applicant.

5. Transaction of business outside meetings

- 5.1 A panel may, if it thinks fit, transact any of its business by the circulation of papers (electronically or in hard copy) among all the members of the panel. A resolution approved in writing by a majority of those members is taken to be a decision of the panel.

The chair and each member of the panel have the same voting rights as they have at an ordinary meeting of the panel.

The resolution is to be recorded in the minutes of the meetings of the panel.

- 5.2 A panel may, if it thinks fit, transact any of its business at a meeting at which members (or some members) participate by telephone, closed-circuit television or other means, but only if any member who speaks on a matter before the meeting can be heard by the other members