

Council Assessment Panel Operating Procedure

1. Purpose

The CAP must act in accordance with the Act and the Regulations and within the ambit of other relevant delegations, policies, and operating procedures which are relevant to the CAP.

Notwithstanding, and subject to the Act, the operating procedures to be observed in relation to the conduct of the business of the CAP will be as determined by the CAP. These operating procedures must, however, be recorded and available for public inspection in the interest of transparency.

2. Approval and Change History

Procedure ID	Version	Approval Date	Approval by	Change
Not applicable	2	October 2017	Assessment Manager	Amendment
Not applicable	3	20 April 2020	CAP – Resolution No. CAP434	Amendments to allow for participation in meetings by electronic means.

3. Scope

This procedure applies to the Council Assessment Panel and staff who provide assistance to the Panel in meeting proceedings.

4. Definitions


The following definitions apply to this procedure:

CAP means the City of Playford Council Assessment Panel

Connect means able to hear and/or see the meeting, including via a live stream or recording of the meeting.

Development Plan means the City of Playford Development Plan

Disconnect means to remove the connection so as to be unable to hear and see the meeting.

	Procedure No.:	Not Applicable	Version No.:	3
	ECM Document Set No.:	2158798	Initial Date of Adoption:	21/04/2015
	Authorised by:	Council Assessment Panel – Resolution No. CAP434	Date of Current Version:	20/04/2020
	Document Maintained by:	Assessment Manager	Next Review Date:	19/10/2020

Disconnection of the Electronic Means includes –

- (a) ending a telephone connection such that the discussion and voting at the meeting cannot be heard;
- (b) ending a video conferencing connection such that the discussion and voting at the meeting cannot be seen or heard;
- (c) logging out of a virtual meeting room or space such that the discussion and voting at the meeting cannot be seen or heard;
- (d) signing out of a virtual meeting room or space such that the discussion and voting at the meeting cannot be seen or heard; or
- (e) disconnecting any other electronic means such that the discussion and voting at the meeting cannot be seen or heard.


Electronic Means includes a telephone, computer or other electronic device used for communication.

Live Stream means the transmission of audio and/or video from a meeting at the time that the meeting is occurring.

The Act means the *Planning, Development and Infrastructure Act (2016)*

The Regulations means the *Planning, Development and Infrastructure Regulations (2017)*

Staff includes Council employees, contractors, volunteers and all others who perform work on behalf of Council.

	Procedure No.:	Not Applicable	Version No.:	3
	ECM Document Set No.:	2158798	Initial Date of Adoption:	21/04/2015
	Authorised by:	Council Assessment Panel – Resolution No. CAP434	Date of Current Version:	20/04/2020
	Document Maintained by:	Assessment Manager	Next Review Date:	19/10/2020

Electronic version is the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.

5. Procedures

5.1 Natural Justice

In order to foster the respect of applicants, representors and the community, CAP Members should adhere to the principles of natural justice.


5.2 Meeting Processes

The following processes shall be followed for each agenda item:

In the first instance, CAP Members to declare any conflict of interest and leave the meeting room or, in relation to a Panel member participating by electronic means, disconnect from the electronic means, if he or she has a conflict;

- a) The Staff representative(s) to speak to the report and identify the key issues raised by the application;
- b) Representors present and accepted by listing on the Panel agenda to speak;
- c) CAP Members to question representor(s) through the Presiding Member, as required;
- d) Applicant(s) present and listed on the Panel agenda to respond to the comments made by the representor(s). Panel members may ask questions to the applicant through the Presiding member;
- e) Staff representative(s) to provide an overview of issues raised making reference to the objectives and principles within the Development Plan;
- f) CAP Members to discuss the application leading to the development of a recommendation with conditions if required;
- g) Presiding Member to ask if there is any further information required prior to the members determining the matter;
- h) Upon completion of deliberation of an agenda item, members are to move a motion indicating a decision for the relevant agenda item;
- i) Presiding Member to put the motion to a vote;
- j) Each member of a CAP present at a meeting of the CAP is entitled to 1 vote on any matter arising for decision and, if the votes are equal, the Member presiding at the meeting is entitled to a second or casting vote;
- k) Members cannot abstain from voting; and

Members shall raise their hand indicating their voting preference or, where a Panel member is participating in a meeting by electronic means which has audio only, a

	Procedure No.:	Not Applicable	Version No.:	3
	ECM Document Set No.:	2158798	Initial Date of Adoption:	21/04/2015
	Authorised by:	Council Assessment Panel – Resolution No. CAP434	Date of Current Version:	20/04/2020
	Document Maintained by:	Assessment Manager	Next Review Date:	19/10/2020

Electronic version is the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.

verbal indication of voting in the affirmative or voting in the negative, to assist the Presiding Member to determine the outcome.

- l) In relation to a Panel Member participating in a meeting by electronic means, a Panel Member is not permitted to vote in circumstances where there has been a disconnection of the electronic means.

5.3 Hearing of Representations

In the case of a Category 2 development, the CAP may, in its absolute discretion, allow a person who made a representation to appear personally or by representative before it to be heard in support of the representation. The CAP may, in its discretion, allow a person who made a representation to appear via electronic means.

In the case of a Category 3 development, the CAP must allow a person who made a representation and who, as part of that representation, indicated an interest in appearing before the authority, a reasonable opportunity to appear personally or by representative before it to be heard in support of the representation. The CAP may, in its discretion, allow a person who made a representation to appear via electronic means.

Due to the Public Health Emergency, Council has a commitment to ensure the health, safety and wellbeing of its employees, members and the community. During these challenging circumstances it is preferred and strongly encouraged that persons wishing to be heard take up the video or telephone option to partake in the meeting. It is noted that the Regulations are silent on the electronic meetings and that the current Regulations are written as though the person is attending a physical meeting.


A written representation shall be received by the City of Playford in accordance with Regulation 35 of the *Development Regulations 2008* in which the representor shall state whether that he or she wishes to be heard by the CAP.

Council Administration will advise the representor of the Panel meeting date and time, and if appearing by electronic means, details of how to access the meeting by electronic means.

The Presiding Member may ask a representor or applicant to summarise his or her main points and conclude their representation if:

- a) He or she has spoken for more than five minutes; or
- b) He or she is re-visiting information that has already been presented during the meeting or in his or her written statement, or
- c) He or she is raising issues which are not relevant to planning approval processes.

No new information can be presented by the representor or applicant, subject to the discretion of the Presiding Member.

	Procedure No.:	Not Applicable	Version No.:	3
	ECM Document Set No.:	2158798	Initial Date of Adoption:	21/04/2015
	Authorised by:	Council Assessment Panel – Resolution No. CAP434	Date of Current Version:	20/04/2020
	Document Maintained by:	Assessment Manager	Next Review Date:	19/10/2020

Electronic version is the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.

Representors (or their representative) shall speak first followed by the applicant (or their representative). Representors do not have a right of reply following the applicant's presentation.

The debate and resolution of a matter will still proceed even if a representor or applicant is not present at the scheduled meeting.

5.4 Agenda Papers

An agenda for each Panel meeting will be delivered to Panel members on the Thursday prior to the meeting, and be included on the [City of Playford website](#) with the exception of confidential items.

Confidential agenda items will only be circulated to Members of the CAP, members of the City of Playford Executive Team, staff representing the planning interests of the City of Playford, the Minute Secretary of the Panel and included in the official minute book.

5.5 Minutes

Minutes of Panel meetings (in accordance with legislative requirements) will be kept and delivered to Panel members by no later than the Thursday following the meeting on the Monday.

The minutes will also be published on the [City of Playford website](#).


The minutes will be a true and accurate record of the decisions made. The Members present, the method of attendance of each Panel member and any apologies will be recorded along with the time that members leave and return to the meeting room. The names of representors and applicants who spoke at the meeting will be recorded without reference to the content of their presentation.

For the purposes of recording in the minutes, the following are examples of methods of attendance:

- (a) physical attendance;
- (b) by an audio-visual link;
- (c) by an audio link;
- (d) by telephone.

Only the final decision will be recorded in the minutes, no reference will be made as to who voted for or against the recommendation or any discussion which occurred on the application.

The minutes will record disclosure of interest made by a member, details of any adjournment of business and reasons why the meeting considered an issue in confidence.

	Procedure No.:	Not Applicable	Version No.:	3
	ECM Document Set No.:	2158798	Initial Date of Adoption:	21/04/2015
	Authorised by:	Council Assessment Panel – Resolution No. CAP434	Date of Current Version:	20/04/2020
	Document Maintained by:	Assessment Manager	Next Review Date:	19/10/2020

Electronic version is the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.

At the next Council Assessment Panel meeting, the previous meeting's minutes will be confirmed to formally certify that they are an accurate record of what transpired at the meeting. This does not afford the opportunity to amend decisions.

Once the Panel members have resolved the minutes to be an accurate record of the proceedings of the meeting, the Presiding Member will confirm the Panel Minutes by initialling each page and signing and dating the last page. The Presiding Member may initial or sign the minutes in hardcopy or electronically


5.6 Public Access to Meetings

5.6.1 CAP meetings shall be held as open forums with the public able to attend, except where the CAP believes it is necessary in the broader community interest to exclude the public from the deliberation (and, if necessary, the decision) of a particular matter.”

.This includes times when the CAP may consider information of a confidential or sensitive nature.

In these instances, the CAP may exclude the public from attendance during so much of a meeting as is necessary to receive, discuss or consider in confidence any of the following information or matters:

- a) Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);
- b) Information the disclosure of which could reasonably be expected to confer a commercial advantage on a person, or to prejudice the commercial position of a person;
- c) Information the disclosure of which would, on balance, be contrary to the public interest;
- d) Information the disclosure of which would reveal a trade secret;
- e) Commercial information of a confidential nature (not being a trade secret) the disclosure of which 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 would, on balance, be contrary to the public interest;
- f) Matters affecting the safety or security of any person or property;
- g) Information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial;

	Procedure No.:	Not Applicable	Version No.:	3
	ECM Document Set No.:	2158798	Initial Date of Adoption:	21/04/2015
	Authorised by:	Council Assessment Panel – Resolution No. CAP434	Date of Current Version:	20/04/2020
	Document Maintained by:	Assessment Manager	Next Review Date:	19/10/2020

Electronic version is the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.

- h) Matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;
- i) Legal advice;
- j) Information relating to actual litigation, or litigation that the panel believes on reasonable grounds will take place;
- k) Information the disclosure of which would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the council), and would, on balance, be contrary to the public interest.


5.6.2 Attendees for confidential items will be those only who have received official confidential agenda documents to a particular item and will be allowed to remain in the room or connected by electronic means during decision discussion, or as identified by CAP.

5.6.3 If the CAP Members resolve to exclude the public from a meeting, a resolution shall be moved stating the reason for the exclusion of the public and the timeframe in which the Panel shall consider the release of the agenda, attachments or minutes relating to the matter.

5.6.4 If the Panel members resolve to exclude the public from a meeting then the live stream or recording will be disconnected for the particular matter.

5.6.5 Once the Panel has made an order to exclude the public, it is an offence for a person, who knowing that an order is in force, enters or connects to a meeting or fails to disconnect or remains in a room in which such a meeting is being held.

5.6.6 Once discussion on a particular matter for which the public has been excluded is concluded, the live stream or recording will be recommenced. If there is a further matter to be considered in confidence it is necessary to again undertake the formal determination process and to resolve to exclude the public.

	Procedure No.:	Not Applicable	Version No.:	3
	ECM Document Set No.:	2158798	Initial Date of Adoption:	21/04/2015
	Authorised by:	Council Assessment Panel – Resolution No. CAP434	Date of Current Version:	20/04/2020
	Document Maintained by:	Assessment Manager	Next Review Date:	19/10/2020

5.7 Conflicts of Interest

The responsibilities of Members of the CAP regarding conflict of interest are contained within the Act and the Minister's Code of Conduct.

CAP Members shall declare any conflict of interest or perceived conflict of interest prior to the discussion of the item. If a CAP Member has a conflict of interest he or she shall leave the meeting room or, in relation to a Panel member participating by electronic means, cause a disconnection of the electronic means, and not take part in any of the deliberations or decisions of the CAP on the matter.

5.8 Site Visits

Except where required as part of the assessment of a particular decision such as a formal panel viewing of a development site, Panel members must not enter a development site, even if invited by the land owner or a neighbouring property owner or any other person.

Where a viewing is considered to be necessary, the visit shall be arranged by the Assessment Manager, with the agreement of the Presiding Member, on behalf of the CAP. Staff will accompany the CAP on to the site.


5.9 Review of the Operating Procedures

Further to Section 83 of the Act, the CAP may review these Operating Procedures at any time, and as they see fit.

6. Supporting Documentation

The following documents support this procedure:

- City of Playford Planning, Development and Infrastructure Act Delegations Policy
- City of Playford CAP Terms of Reference

	Procedure No.:	Not Applicable	Version No.:	3
	ECM Document Set No.:	2158798	Initial Date of Adoption:	21/04/2015
	Authorised by:	Council Assessment Panel – Resolution No. CAP434	Date of Current Version:	20/04/2020
	Document Maintained by:	Assessment Manager	Next Review Date:	19/10/2020

Electronic version is the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.