



Application Assessment Panel (AAP) - Code of Meeting Practice

Adoption Date:	Adopted by the General Manager on 4 May 2020
Late Reviewed:	4 September 2020
Next Review Date:	May 2022
Division/Department:	Corporate Services/Governance
Responsible Officer:	Manager – Governance & Council Support
HPE CM Record Number:	18/183144

1 Policy Statement

The Application Assessment Panel (AAP) is a planning panel of mostly senior Council staff, which is responsible for determining development applications of a certain nature and scale which may involve significant community interest but which are not required to be determined by the Woollahra Local Planning Panel (WLPP), the Sydney Eastern City Planning Panel (SECPP) or the Independent Planning Commission (IPC). The AAP must consider every application having regard to the heads of consideration set out in section 4.15 of the *Environmental Planning and Assessment Act 1979* (EPA Act). An important function of the panel is to be open and transparent in its decision making and enable people who may be affected by the decisions of the panel to be heard prior to those decisions being made.

2 Delegations

On 24 September 2018 Council resolved to adopt delegations to the General Manager as contained in annexure 4 of the report, *Delegations of Authority to the Mayor and Deputy Mayor, the General Manager and Standing Committees*.

Item 5 of Annexure 4 included the following delegation to the General Manager:

5. *Delegates to the General Manager powers under section 4.8(2)(b) of the Environmental Planning and Assessment Act 1979 that are not required to be determined by the Sydney Eastern City Planning Panel or the Woollahra Local Planning Panel.*

The General Manager has, under section 378 of the *Local Government Act 1993*, sub-delegated to the AAP the power to determine a range of applications which are not required to be determined by the WLPP, the SECPP or the IPC. These delegations are set out in the associated policy and procedure, *Development Control – Delegations for Planning Applications*. The General Manager may, from time to time, vary or amend this Code of Meeting Practice as well as the delegations to the AAP.

3 Composition of the AAP

The AAP is comprised of any three (3) of the following panel members:

Panel Members	General Manager, Director – Corporate Services, Director – Planning & Development, Director – Technical Services, Manager – Strategic Planning, Manager – Compliance, Manager – Engineering Services, Manager – Capital Projects, Manager – Placemaking, Team Leader – Building & Compliance, Team Leader – Strategic Planning Other persons with appropriate expertise appointed by the General Manager.
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4 Community Strategic Plan, Delivery Program and Operational Plan

This Code of Meeting Practice relates to Themes, Goals and Strategies outlined in Council's Community Strategic Plan Woollahra 2030 and Priorities outlined in Council's Delivery Program and Operational Plan, specifically:

Theme: Quality places and spaces

Goal 4: Well planned neighbourhoods

Goal 5: Liveable places

Theme: A healthy environment

Goal 7: Protecting our environment

Goal 8: Sustainable use of resources

Theme: Local Prosperity

Goal 9: Community focused economic development

Theme: Community leadership and participation

Goal 11: Well managed Council

5 Relevant Legislation

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulation 2000

Local Government Act 1993

Local Government (General) Regulation 2005

Heritage Act 1977

6 Preparing for an AAP Meeting

6.1 Meeting Schedule

Meetings of the AAP are to be held every Tuesday at 3pm at Council Chambers, except where:

- the General Manager determines, at his/her discretion, that it is desirable to defer or adjourn a meeting due to public holidays, lack of quorum, lack of items for consideration or for other reasons to facilitate the effective operation of the panel,
- the Council Chambers are unavailable, or
- the meeting is conducted by teleconference or video conference (see clause 7.10).

6.2 Notice of Meetings

The time, date and place of each AAP meeting shall be published on Council's website. Applicants and persons who made a submission about any matter on an AAP agenda are to be notified of the meeting at which their item will be considered. The notification is to include the date and time of the meeting and information about how they can make a submission to the panel. Notification may be in person, by telephone, e-mail or by letter.

6.3 Agenda

Council's Governance Department is responsible for preparing the agenda and associated business papers for each AAP meeting.

Copies of the AAP agenda are to be published on Council's website and on the Councillors' portal a week before each meeting, i.e. on the Tuesday preceding each meeting.

Hard copies of the AAP business papers are to be available to any person free of charge at Council's offices and at each meeting of the AAP, except when the AAP is conducted by teleconference or by videoconference.

6.4 Late Correspondence

Late correspondence may be submitted on a matter listed on the agenda by anyone wishing to provide additional information to the Panel. It must be received by Council prior to 12:00pm on the day of the meeting. Late correspondence will be distributed to all Panel Members at the start of the meeting for their consideration.

Late correspondence may be submitted electronically and may include sound clips and videos.

Late correspondence is to be forwarded to records@woollahra.nsw.gov.au and will be collated by Governance staff.

7 Conduct of AAP Meetings

7.1 Quorum

The quorum for a meeting of the AAP is three (3) Panel Members.

7.2 Review Applications

Where the AAP is required to determine an application for review of determination where the original decision was made by the AAP the membership of the AAP must be a different membership from the one which determined the original application.

7.3 Chair

The Chair of the AAP is the Manager Compliance. In the absence of the Manager Compliance, the Director of Planning will chair or appoint an alternative chair.

The Chair is to preside over panel meetings and is responsible for the good and orderly conduct of meetings.

7.4 Voting Entitlements

The AAP shall determine applications on the basis of majority voting by the Panel Members present having regard to the reports and recommendations brought forward by Council's assessment officers and in accordance with its sub-delegations.

A decision supported by a majority of votes cast at the meeting at which a quorum is present is a decision of the AAP.

7.5 Councillor attendance

Any Councillor may, without prior notice, attend an AAP meeting as an observer. Any such attendance shall be recorded in the minutes.

7.6 Public Attendance

Members of the public are entitled to attend AAP meetings. Council must ensure that all meetings of the AAP are open to the public, subject to a meeting (or part thereof) being closed in accordance with Clause 8 below.

7.7 Addressing the meeting

Members of the public, including Councillors, may address the Panel on any item listed on the business paper. It is not necessary for members of the public or Councillors to register before the meeting if they wish to address the meeting.

7.8 Conflicts of interest

The meeting agenda must include an item, *Declarations of Interest*.

Panel Members and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at AAP meetings in accordance with Council's Code of Conduct.

All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.

7.9 Meeting Procedure

The Chair is responsible for calling the meeting to order and shall ask the Panel and staff to present apologies and/or late correspondence and to declare any interests which may be relevant to items to be decided on the agenda. The Chair shall commence the Order of Business as shown in the Index to the Meeting Agenda.

At the beginning of each item the Chair will ask the relevant Assessment Officer to present the item with a focus on the key issues under consideration. Following the officer's presentation the Chair will ask whether any member(s) of the public wish to address the Panel. Any member of the public addressing the Panel is allowed three (3) minutes in which to do so. They are required to direct comments to the issues at hand. If there are persons representing both sides of a matter, the person(s) against the recommendation

shall speak first. At the conclusion of each allocated three (3) minutes, the speaker shall take no further part in the discussion unless specifically called to do so by the Chair.

If there is more than one (1) person wishing to address the Panel from the same side of the item under consideration, the Chair shall request that, where possible, a spokesperson be nominated to represent the parties.

It will be at the Chair's discretion to determine, with a view to fairness of representation, how many people may address the meeting.

After hearing submissions, Panel Members may ask Council staff to comment on matters raised by a speaker and may ask persons making submissions questions relevant to their submission. Panel members may also ask questions relevant to the matter to the persons making submissions. Once submissions have been completed the panel shall consider the matter and make a determination.

7.10 Transacting Business Electronically

The General Manager may determine, at his/her discretion, that the AAP may transact any of its business, including the conduct of meetings electronically by teleconference or videoconference. Meetings must only be conducted by teleconference or by videoconference in special circumstances, such as:

- A panel member is unable to attend in person, or
- For public health reasons.

Meetings conducted by teleconference or videoconference are subject to the same procedures as meetings conducted in the offices of the Council. Where meetings are conducted electronically persons who may wish to address the panel must be given notice that the meeting is to be conducted electronically and provided with the necessary information such as the meeting I.D. number, password and log in details.

8 Closed Meetings

The AAP may close to the public so much of its meeting as comprises the discussion or consideration of any of the following types of matters:

- Information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting or proposes to conduct business;
- Commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, or confer a commercial advantage on a competitor of Council, or reveal a trade secret.
- Information that would, if disclosed, prejudice the maintenance of law;
- Matters affecting the security of Council, Councillors, Council staff or Council property;
- Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege; or
- Information concerning the nature and location of a place or an item of Aboriginal significance.

The AAP may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

A meeting is not to remain closed during the discussion of anything referred to above except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and the Panel Members are satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

If the AAP passes a resolution during a meeting, or part of a meeting, that is closed to the public, the Chair must make the resolution public as soon as practicable after the closed meeting or part of the closed meeting has ended.

9 Determination of Applications

The AAP may make any of the following decisions in relation to each item.

9.1 Adopt the assessment officer's recommendation with or without change.

This decision becomes the resolution of Council and Council staff will take action to implement the decision. Staff will forward notification letters to the applicant, objectors and other parties who have submitted written comments to Council.

9.2 Not adopt the assessment officer's recommendation

This decision becomes the resolution of Council and Council staff will take action to implement the decision. Staff will forward notification letters to the applicant, objectors and

Note: in relation to 9.1 and 9.2 the AAP is not required to defer the matter to a future meeting.

9.3 Defer the matter to a future AAP meeting.

The Panel Members may require additional information from interested parties or Council staff in order to properly consider an application. It may defer any matter to a future AAP meeting to allow the additional information to be obtained.

9.5 Carry out a site inspection.

The Panel may wish to undertake a site inspection to obtain a better understanding of the issues of the application. Site inspections will be held at a time convenient to Panel Members and where possible, at times convenient to the applicant and/or objectors.

After the site inspection has been held, the assessment officer will report on the outcome of the inspection, with recommendations, to the next available AAP.

10 Use of Mobile Phones

Councillors, Council staff and members of the public must ensure that mobile phones are turned to silent during AAP meetings.

A person must not use a tape recorder, video camera, mobile phone or any other device to make a recording of the proceedings of an AAP meeting without the prior authorisation of the AAP.

11 Minutes

Council's Governance Department shall keep full and accurate minutes of the proceedings of meetings of the AAP. The minutes must record details of each motion moved, the names of the mover and seconder of the motion and whether the motion was passed or lost.

The minutes must include the reasons for decision and how community views were taken into account in making the decision, as required by Schedule 1, cl.20 of the *Environmental Planning and Assessment Act 1979*.

The minutes must be confirmed at a subsequent meeting of the Panel. When the minutes have been confirmed, they are to be signed by the person presiding as the Chair at that subsequent meeting.

The confirmed minutes may be amended to correct typographical or administrative errors after they have been confirmed. The confirmed minutes must be published on Council's website. This clause does not prevent Council from also publishing unconfirmed minutes on its website prior to their confirmation. The minutes will be available three (3) days after each meeting on Council's website.

12 Related Policies and Procedures

	HPECM Reference
Code of Conduct	18/209692
Development Control – Delegations for Planning Applications	18/095745

This Code of Meeting Practice will be reviewed every year or as required in the event of legislative changes. This Policy may also be changed as a result of other amendments that are to the advantage of Council and in the spirit of this Policy.

Policy Amendments

Date	Responsible Officer	Description
04/05/2020	Director – Planning & Development	Document updated to reference current practices and to include transacting business electronically (clause 7.10).
04/09/2020	Director – Planning & Development	Reference to other persons with appropriate expertise appointed by the General Manager (clause 3.0).