

TO: **COUNCIL ASSESSMENT PANEL**
DATE: **27 MAY 2020**
SUBJECT: **COUNCIL ASSESSMENT PANEL REPORT**
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ATTACHMENTS: **1. AMENDED COUNCIL ASSESSMENT PANEL OPERATING PROCEDURES**

1. BACKGROUND

Council Assessment Panels are required to conduct meetings in accordance with a set of documented procedures, which are reviewed from time-to-time to maintain relevance and consistency with legislative amendments. Due to the current pandemic sweeping the globe caused by the rise of the new COVID-19 virus, it has been acknowledged that the existing meeting procedures adopted by the City of Holdfast Bay Council Assessment Panel (the Panel) do not support remote meeting practices being conducted as required. As such, the Panel's Operating Procedures require amendment to enable meetings to occur in a forum other than a single physical setting. In addition, recent emergency amendments to the Planning, Development and Infrastructure Act 2016 introduced by State Parliament, enable Panels across South Australia to conduct meetings and hear representations via remote means. As such, the Panel's Operating Procedures require amendment to maintain consistency with State legislation.

2. DISCUSSION

While the existing Operating Procedures are not overly prescriptive, they do imply that an ordinary meeting of the Panel will be held at a specific 'place' and in person. As such, this provides little flexibility in a health or other crisis, disaster or threat, to hold a meeting remotely via technological means. It is also noted that from time-to-time, the Panel may not be able to reach a quorum where meetings do not allow one or more members to participate remotely.

2.2 Amendments

The proposed Operating Procedures are shown in Attachment 1, with amendments tracked in red. The changes involve the following:

Amendment to Section 33 - Providing flexibility as to the location of meetings.

Amendment to Section 34 – Requiring that meetings are 'accessible' rather than 'open' to the general public, enabling anyone to view and hear a livestream transmission of the meeting without the need to physically attend the premises.

New Section 35 – Introducing flexibility as to the Panel's preferred meeting format, enabling reversion to a physical meeting should conditions change (and vice versa).

New Section 36 – Introducing the means for a Panel member to attend a meeting via online means, even if the meeting is conducted in a single physical setting.

New Section 38 – Enabling the Panel to exclude the public from confidential matters even where the meeting is livestreamed.

New Section 47 – Ensuring that meetings conducted in an online setting provide reasonable opportunity to all persons wishing to appear or be heard.

New Section 48 – Enabling the Panel to require that a person appear or be heard remotely in circumstances where their health dictates and where the meeting is otherwise held in a physical setting.

New Section 59 – Introducing some direction around the manner for providing notice of a meeting, acknowledging the multiple formats now available.

Refer to Attachment 1

3. CONCLUSION

The Operating Procedures have been carefully amended to allow for flexibility in manner in which Panel meetings are held. This allows for meetings to proceed despite circumstances such as a health crisis preventing physical, in-person meetings to take place. This is important, as it means that Development Applications can be processed in a more efficient and timely manner without excluding stakeholders and member of the public who are otherwise entitled to participate, but are reluctant to do so in a communal setting due to the social pandemic. It also allows for the consideration and use of new technology, as it is made available, should the Panel choose to operate in such a way beyond the term of the current health crisis.

4. RECOMMENDATION

That the City of Holdfast Bay Council Assessment Panel adopt the revised Operating Procedures provided in Attachment 1 as a means to enable meetings to take place and to provide a reasonable opportunity for entitled parties to participate in circumstances where a physical meeting is not possible.