



Policy No. 2017- 49

Public Comment on Planning Agenda Items at Committee Meetings

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1.0 Purpose:

The purpose of this policy is establish clear guidelines for public comments and/or questions on agenda items when Council is acting as Planning Authority.

2.0 Objectives:

The Land Use Planning and Approvals Act 1993 (“LUPA Act”) provides a process for people affected by planning decisions to submit statutory written representations to the Council in its capacity as the planning authority within the statutory notice period.

The LUPA Act requires the planning authority to consider the written representations it receives in the statutory notice period.

The LUPA Act does not provide for how a Council may consider representations made to it other than in accordance with the statutory process. The purpose of this policy is to provide a fair and transparent process that will apply to requests to speak at a Council meeting made by a member of the public in its capacity as planning authority.

The objectives of this policy are:

- (a) To provide a fair and transparent process to apply to all requests to speak at Council meetings on issues relating to the Council’s role as the Planning Authority;
- (b) To inform applicants and the public of Council meeting procedures and expectations; and
- (c) To maintain order and process during Council meetings.

3.0 Policy:

3.1 Planning Committee Meetings

A person may speak about an item on the agenda to be considered by the Planning Committee during Public question time or at the beginning of the item, as determined by the Chairperson.

Speakers should follow the procedure detailed in section 4 below.

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4.0 Planning Committee Meeting Procedure :

4.1 Only those people that have:

- (a) Initiated the planning decision under the Land Use Planning and Approvals Act 1993 (Act) (“Applicant”); or
- (b) The owner of the land subject to the planning decision (“Owner”); or
- (c) made a representation within the statutory notice period in relation to a planning decision (“Representor”)

will be entitled to speak at a Planning Committee Meeting (“Meeting”).

4.2 Prior to the commencement of the Meeting a person who wishes to address the Meeting must:

4.2.1 Notify the Council in writing by close of business on the Friday prior to the Planning Committee meeting of the person’s intention to address the Meeting, including with the following detail:

- (a) Identify whether the person is the Applicant or a Representor;
- (b) If a Representor, the date the person made a representation in respect to the planning decision; and
- (c) the relevant planning decision by the Council allocated number, or by reference to the land to which it relates (eg, by certificate of title, PID or address);
- (d) the question or topic on which the person wishes to speak.

4.2.2 Notify the Chairperson of his or her arrival prior to the commencement of the PCM and complete a register.

4.3 If a person has complied with the procedure in 4.2, the person will be entitled speak at the meeting.

4.4 The Chairperson will determine the order of speakers.

4.5 All people entitled to speak will be given equal opportunity to speak.

4.6 Each person will be limited to 5 minutes unless otherwise allowed by the Chairperson.

4.7 A person may make a statement only or ask questions that are directed through the Chairperson.

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- 4.8 A person may not direct questions to staff members unless directed through the Chairperson. The Chairperson may ask staff members to answer any question.
- 4.9 The Council is under no obligation to answer questions. Questions may be taken on notice by the Planning Committee. The Planning Committee may answer such questions at its discretion.
- 4.10 (a) Planning Committee members may ask questions of the person speaking.
- (b) Councillors present who are not members of the Planning Committee may ask questions or seek clarification only at the discretion of the Chairperson.
- 4.11 The Applicant may be given notice of a person's intention to speak. The Applicant will be given an opportunity to speak in reply, limited to 5 minutes unless otherwise allowed by the Chairperson. If the Applicant is not present at the Meeting, the Planning Committee may provide the Applicant with an opportunity to respond.
- 4.12 No debate or argument is permitted at any time.
- 4.13 Members of the gallery must not interject while another party is speaking.

5.0 Weight to be given to verbal representations made at Planning Committee Meetings in planning decisions

- 5.1 The Planning Committee is under no obligation to consider or to give any weight to any oral submission or questions made at its Meeting.
- 5.2 The Planning Committee is under no obligation to give reasons if it chooses not to rely upon or give weight to a verbal representation made pursuant to this Policy.
- 5.3 The hearing of an oral submission at a Meeting by the Planning Committee does not take any special weight or precedence over the written application and representations made.

Note

This Policy will also apply to Planning Items that are being considered by the Planning Authority at an Ordinary Meeting of Council, without firstly being considered by the Planning Committee.

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