

**MEETING PROCEDURES FOR THE
GRANT DISTRICT COUNCIL DEVELOPMENT ASSESSMENT PANEL
(the “CDAP”) – 13 June 2012**

The following Rules shall govern the conduct of the Grant District CDAP meetings:

1. Meetings

- 1.1 The CDAP shall meet at least every month on the second Wednesday commencing at 5.00 pm, subject to there being business to consider. However this may be varied by resolution of the CDAP.
- 1.2 The CDAP shall meet in the District Council of Grant Council Chambers or at such other places as the CDAP may, from time to time, determine.

2. Notice of Meeting

- 2.1 In December of each year, a Schedule of Meeting dates for the next calendar year will be provided to all CDAP members.
- 2.2 Written notice of a meeting of the CDAP must be given to each member of the CDAP by the CEO at least five (5) clear days before the date of the meeting, and the agenda be given to each member of the CDAP at least five (5) clear days before the date of the meeting.
- 2.3 The notice from the CEO (or their delegate) shall include the date, time and place of the meeting and be signed by the CEO of the Council and contain or be accompanied by the agenda for the meeting. The notice may be given to a member of the CDAP -
 - (a) personally; or
 - (b) by delivering the notice (whether by post or otherwise) to the usual place of residence of the member or to another place authorised in writing by the member; or
 - (c) by leaving the notice for the member at an appropriate place at the principal office of the Council, if authorised in writing by the member to do so; or
 - (d) by a means authorised in writing by the member as being an available means of giving notice (e.g., facsimile transmission or email).

- 2.4 A notice that is not given in accordance with Clause 2.2 is taken to have been validly given if the CEO considers it impracticable to give the notice in accordance with that sub-section and takes action the CEO considers reasonably practicable in the circumstances to bring the notice to the attention of the member.
- 2.5 The CEO must maintain a record of all notices of meetings given under this clause to members of the CDAP.
- 2.6 A special meeting of the CDAP may be called by the Presiding Member or any three members of the CDAP or the CEO. The CEO must be provided with an agenda for the meeting at the time of the request or the request will be of no effect. The CEO must deal with a request for a special meeting of the CDAP in the same manner as a request for a special meeting of the Council.
- 2.7 The CEO must ensure that notice is given to the public of the times and places of meetings of the CDAP by causing a copy of the notice and agenda to be placed on public display at the principal office of the Council as soon as practicable after the time that notice of the meeting is given to CDAP members. The notice and agenda must be kept on public display until the completion of the relevant meeting of the CDAP.

3. Agenda

- 3.1 An agenda listing the applications to be considered by the Panel and officer recommendations for applications will be circulated/sent by ordinary post to all Panel members at least five (5) clear days before each Panel meeting.
- 3.2 An agenda item may include a report from Council Officers involved in the processing of an application or from any other person engaged by Council to provide advice in relation to a particular application.

4. Site Visits

- 4.1 If Panel members visit a site for the purposes of informing themselves on an application they will do so together as a Panel and shall not attend on the land as individual members but will not discuss the application with the applicant or any representors prior to the matter coming before the Panel and then only in accordance with the Act and these Procedures.
- 4.2 If Panel members believe entry to the subject land would be a useful component of the assessment process and would assist their understanding of the proposal, the Panel should request that the Council Officers make suitable arrangements for such an inspection at any time prior to the meeting. The Panel shall then undertake the inspection on the date determined by the Council Officers and the applicant.

- 4.3 Although all Panel members must be advised of a site visit and given the opportunity to attend, a quorum is only necessary for a site visit, if the site visit forms part of a formal Panel meeting (i.e. an adjourned meeting, etc).

5. Commencement of Meeting & Quorums

- 5.1 A quorum for a meeting of the CDAP shall be determined by dividing the total number of members of the CDAP for the time being in office by two (2), ignoring any fraction, and adding one (1). By example, when the CDAP has seven (7) members, quorum will be four (4).
- 5.2 If both the Presiding Member or Deputy Presiding member of the CDAP are absent from a meeting of the CDAP, a member of the CDAP shall be chosen from those present to preside at the meeting.
- 5.3 A meeting will commence as soon after the time specified in the notice of meeting as a quorum is present.
- 5.4 If the number of apologies received by the CEO prior to the meeting indicates that a quorum will not be present at a meeting, the CEO may adjourn the meeting to a specified day and time.
- 5.5 If at the expiration of 30 minutes from the time specified in the notice of meeting as the time of commencement a quorum is not present, the Presiding Member or, in the absence of a Presiding Member, the Deputy Presiding Member, or in the absence of both members, CEO, will adjourn the meeting to a specified day and time.
- 5.6 If a meeting is adjourned for want of a quorum, the CEO will record in the minute book the reason for the adjournment, the names of any members present, and the date and time to which the meeting is adjourned.
- 5.7 If a meeting is adjourned to another day, the CEO must:
- 5.7.1 give notice of the adjourned meeting to each member setting out the date, time and place of the meeting; and
 - 5.7.2 give notice of the adjourned meeting to the public by causing a notice setting out the date, time and place of the meeting to be placed on display at the principal office of the Council.

6. Meetings to be held in public

- 6.1 Subject to clause 6.3, the meetings of the Panel will be held in public unless the Panel determines to exclude the public in accordance with the criteria set out in Section 56A(12) of the Development Act 1993, herein after referred to as "the Act";
- 6.2 Pursuant to Section 56A(12)(a) of the Act the public may be excluded 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:

- 6.2.1 information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);
- 6.2.2 information the disclosure of which –
 - (a) could reasonably be expected to confer a commercial advantage on a person, or to prejudice the commercial position of a person; and
 - (b) would, on balance, be contrary to the public interest;
- 6.2.3 information the disclosure of which would reveal a trade secret;
- 6.2.4 commercial information of a confidential nature (not being a trade secret) the disclosure of which –
 - (a) 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
 - (b) would, on balance, be contrary to the public interest;
- 6.2.5 matters affecting the safety or security of any person or property;
- 6.2.6 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;
- 6.2.7 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;
- 6.2.8 legal advice;
- 6.2.9 information relating to actual litigation, or litigation that the panel believes on reasonable grounds will take place;
- 6.2.10 information the disclosure of which –
 - (a) 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
 - (b) would, on balance, be contrary to the public interest.

6.3

- 6.3.1 Pursuant to Section 56A(12)(b) of the Act the public will at all times be excluded from attendance during so much of a meeting that consists of the Panel's discussion or determination of any application or other matter that falls to be determined by the Panel.
- 6.3.2 At the conclusion of the confidential determination or discussion of any application by the Panel, the meeting will be reconvened in public where the Presiding Member will outline the decisions made by the Panel on any application.

7. Confidential Items

- 7.1 The CEO may, after consultation with the Presiding Member of the CDAP indicate on a document or report to CDAP Members that the CDAP may consider the matter in confidence pursuant to Section 56A(12) of the Act provided that the CEO must also specify the basis on which a decision could be made by the CDAP in accordance with that sub-section.
- 7.2 At the meeting of the CDAP, the CDAP Members will consider if it is necessary and appropriate to exclude the public in accordance with Section 56A(12) of the Act.
- 7.3 Before excluding the public from a meeting of the CDAP, the CDAP must formally determine, whilst in public session, whether the exclusion is necessary and, if so, pass an appropriate resolution to exclude the public during discussion of the item(s).
- 7.4 The grounds for exclusion of the public are to be recorded in the minutes of the meeting by the CEO and communicated to the members of the public in attendance at the meeting at the time they are requested to leave the meeting.
- 7.5 At the conclusion of the discussion in relation to a confidential item, the CDAP will consider whether it is necessary to determine whether any document associated with the confidential item is to remain confidential.

8. Hearing of Representors and Applicants

- 8.1 The Panel will hear Category 2 representors (where deemed necessary by Council Officers) and Category 3 representors who indicate a desire to be heard by the Panel in respect of their representations.
- 8.2 The Panel shall hear representors and applicants in the 'open' part of the Panel meeting (i.e. not "In Confidence", etc), unless otherwise determined by the Panel.
- 8.3 Representors will speak first, followed by the applicant who will be invited to respond to the issues raised by the representors. Representors and applicants may speak on their own behalf or seek assistance from other

persons such as lawyers, planning consultants or other advisors or supporters.

- 8.4 Representors will be allowed up to five (5) minutes to address the Panel in respect of their representation and in the event that there is more than one signatory or name on a representation, only one representative of the names or signatories will be entitled to speak to the representation. The time specified for speaking to the representation may be extended in the discretion of the Presiding Member for up to a total time of ten (10) minutes.
- 8.5 Applicants will be allowed up to five (5) minutes to address representations heard by the Panel.
- 8.6 Members of the Panel may address questions through the Presiding Member to the representors and the applicant or their representatives in relation to any matter relevant to the determination of the application. The time taken to address those issues shall be in addition to the time allocated to representors and applicants in Clauses 8.4 and 8.5.
- 8.7 The hearing of representors and applicants shall be confined to the summary of relevant issues and to response to those issues. The Panel may restrict submissions not related to the planning issues of a particular matter.
- 8.8 Elected members who are not members of the Panel are not entitled to be heard on an application unless they have made a representation in relation to an application and would be entitled under the Act to be heard in relation to that representation or appear as advocates or spokespersons nominated by a representor, in which case they are governed by the requirements of clause 8.7 in relation to restriction to relevant issues before the Panel.

9. Questions

- 9.1 A member may ask a question on notice by giving the CEO written notice of the question at least five clear days before the date of the meeting at which the question is to be asked.
- 9.2 If notice of a question is given under Clause 9.1:
 - 9.2.1 the CEO must ensure that the question is placed on the agenda for the meeting at which the question is to be asked; and
 - 9.2.2 the question and the reply must be entered in the minutes of the relevant meeting by the CEO.
- 9.3 A member may ask a question without notice at a meeting.
- 9.4 The Presiding Member may allow the reply to a question without notice to be given at the next meeting.

- 9.5 A question without notice and the reply will not be entered in the minutes of the relevant meeting by the CEO unless the members present at the meeting resolve that an entry should be made.
- 9.6 The Presiding Member may rule that a question with or without notice not be answered if the Presiding Member considers that the question is vague, irrelevant, insulting or improper.

10. Motions

- 10.1 CDAP meetings shall generally allow for open discussion, in a reasonably informal and relaxed atmosphere, however;
- 10.2 A member may bring forward any business in the form of a written notice of motion.
- 10.3 The notice of motion must be given to the CEO at least five clear days before the date of the meeting at which the motion is to be moved.
- 10.4 Subject to these Rules, a member may also bring forward any business by way of a motion without notice.
- 10.5 The Presiding Member may refuse to accept a motion without notice if he or she considers that the motion should be dealt with by way of a written notice of motion.
- 10.6 The Presiding Member may refuse to accept a motion if the subject matter is, in his or her opinion, beyond the power of the CDAP.
- 10.7 A motion will lapse if it is not seconded at the appropriate time.
- 10.8 A member moving or seconding a motion will speak to the motion at the time of moving or seconding the motion.
- 10.9 A member may only speak once to a motion except:
 - 10.9.1 to provide an explanation in regard to a material part of his or her speech, but not so as to introduce any new matter; or
 - 10.9.2 with leave of the meeting; or
 - 10.9.3 as the mover in reply.
- 10.10 A member who has spoken to a motion may not at a later stage of the debate, move or second an amendment to the motion.
- 10.11 Formal motions cannot be brought before the CDAP.
- 10.12 Clauses 10.9 and 10.10 may be varied at the discretion of the CDAP.

11. Amendments to Motions

- 11.1 A member who has not spoken to a motion at an earlier stage of the debate may move or second an amendment to the motion.
- 11.2 An amendment will lapse if it is not seconded at the appropriate time.
- 11.3 A person who moves or seconds an amendment (and, if he or she chooses to do so, speaks to the amendment) will, in so doing, be taken to have spoken to the motion to which the amendment relates.
- 11.4 If an amendment is lost, only one further amendment may be moved to the original motion.
- 11.5 If an amendment is carried, only one further amendment may be moved to the original motion.
- 11.6 Clauses 11.1, 11.3, 11.4, and 11.5 may be varied at the discretion of the CDAP.

12. Leave to Alter Motions

- 12.1 The mover of a motion or amendment may, with the consent of the seconder, request leave of the meeting to vary, alter or withdraw the motion or amendment.
- 12.2 The Presiding Member must immediately put the question for leave to be granted and no debate will be allowed on that question.

13. Addresses by Members

- 13.1 A member must not speak for longer than five minutes at any one time without leave of the meeting.
- 13.2 A member may, with leave of the meeting, raise a matter of urgency.
- 13.3 A member may, with leave of the meeting, make a personal explanation.
- 13.4 The subject matter of a personal explanation may not be debated.
- 13.5 The contribution of a member must be relevant to the subject matter of the debate.
- 13.6 Clauses 13.1 and 13.2 may be varied at the discretion of the CDAP.

14. Decision Making

- 14.1 The outcome of comment/discussion can only be effective as a decision if presented as a motion by a mover supported by a seconder, and thereafter undertaking a vote in accordance with clause 10. (Motions or amendments need to be seconded.)

15. Voting

- 15.1 All decisions of the CDAP shall be made on the basis of a majority decision of the members present.
- 15.2 Subject to a member of the CDAP having a direct or indirect personal or pecuniary interest in accordance with Section 56A(7) and (8) of the Act, each member present at a meeting of the CDAP must vote on a question arising for decision.
- 15.3 Where a member of the CDAP declares a direct or indirect personal or pecuniary interest in accordance with Section 56A(7) the member must remove themselves from the room where the CDAP is considering the matter and cannot return until consideration of that item has concluded. The member must not take part in any hearings conducted by the CDAP, or in any deliberations or decision of the CDAP, on the matter and must be absent from the meeting when any deliberations are taking place or decision is being made. It is inappropriate for a member of the CDAP to represent any third parties before the CDAP in relation to any matter or to make representations on their own behalf in relation to a matter on which they have declared an interest.
- 15.4 All Members of the CDAP including the Presiding Member shall have a deliberative vote. If the votes are equal, the Presiding Member is entitled to a second or casting vote.
- 15.5 The Presiding Member, or any other member, may ask the CEO (or other Council Officer present at the meeting) to read out a motion before a vote is taken.
- 15.6 The Presiding Member will, in taking a vote, ask for the votes of those members in favour of the question and then for the votes of those members against the question (and may do so as often as is necessary to enable him or her to determine the result of the voting), and will then declare the outcome.
- 15.7 Prior to the Presiding Member of the CDAP declaring a motion carried or lost the Presiding Member shall clearly indicate the numbers voting for and the numbers voting against the motion.
- 15.8 A member who is not in a place allocated for members of the CDAP shall not be permitted to vote.

16. Adjournments

- 16.1 The CDAP may by vote of the majority of members present and voting at a meeting adjourn its business of the CDAP to a later hour of the same day, to another day or to another place and the debate will, on resumption, continue from the point at which it was adjourned.
- 16.2 If debate is interrupted for want of a quorum and the meeting is then adjourned, the debate will, on resumption, continue from the point at which it was interrupted.
- 16.3 Business adjourned from a previous meeting must be dealt with before any new business at a subsequent meeting.
- 16.4 The Presiding Member may adjourn a meeting in the event of a disruption or disturbance by a Member, an applicant, a representor or any person present at the meeting of the CDAP until such time as the disruption or disturbance ceases.

17. Short-term Suspension of Proceedings

- 17.1 If the Presiding Member considers that the conduct of a meeting would benefit from suspending the operation of all or some of the provisions of these Rules for a period of time in order to allow or facilitate informal discussions, the Presiding Member may, with the approval of at least two-thirds of the members present at the meeting, suspend the operation of these Rules (or any part of these Rules) for a period determined by the Presiding Member.
- 17.2 If a suspension occurs under Clause 17.1:
 - 17.2.1 a note of the suspension, including the reasons for and period of suspension, must be entered in the minutes by the CEO; and
 - 17.2.2 the meeting may proceed provided that a quorum is maintained but, during the period of suspension:
 - 17.2.2.1 the provisions of Section 56A (6), (7), (10), (11), (12), (13), (14), (15), (16), (17), (18), (18a), (18b) and (19) of the Act must continue to be observed; and
 - 17.2.2.2 no act or discussion will have any status or significance under the provisions which have been suspended; and
 - 17.2.2.3 no motion may be moved, seconded, amended or voted on, other than a motion that the period of suspension should be brought to an end; and
 - 17.2.3 the period of suspension should be limited to achieving the purpose for which it was declared; and
 - 17.2.4 the period of suspension will come to an end if:

17.2.4.1 the Presiding Member determines that the period should be brought to an end; or

17.2.4.2 at least two-thirds of the members present at the meeting resolve that the period should be brought to an end.

18. Points of Order

18.1 The Presiding Member may call to order a Member who is in breach of the Procedures.

18.2 A Member of the CDAP may draw to the attention of the Presiding Member a breach of the procedures and must state briefly the nature of the alleged breach.

18.3 A point of order takes precedence over all other business until determined.

18.4 The Presiding Member will rule on a point of order.

18.5 If an objection is taken to the ruling of the Presiding Member, a motion that the ruling not be agreed with must be moved immediately.

18.6 The Presiding Member is entitled to make a statement in support of the ruling before a motion under paragraph 18.5 is put.

18.7 A resolution under paragraph 18.5 binds the meeting and if a ruling is not agreed with –

18.7.1 the ruling has no effect; and

18.7.2 the point of order is annulled.

19. Interruption of Meetings by Members

19.1 A Member must not while at a meeting –

19.1.1 Behave in an improper or disorderly manner; or

19.1.2 Cause an interruption or interrupt another Member who is speaking.

19.2 If the Presiding member considers that a Member may have acted in contravention of paragraph 19.1, the Member must be allowed to make a personal explanation.

19.3 Subject to complying with paragraph 19.2, the relevant member must leave the meeting while the matter is considered by the meeting.

19.4 If the remaining Members resolve that a contravention of paragraph 19.1 has occurred, those members may, by resolution –

19.4.1 censure the Member; or

19.4.2 suspend the Member for a part, or for the remainder, of the meeting.

20. Minutes

20.1 The minutes of the proceedings at a meeting must be submitted by the CEO for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.

20.2 No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.

20.3 Subject to Clause 5, the CEO must ensure that the minutes of the proceedings of a meeting include:

20.3.1 the names of the members present at the meeting; and

20.3.2 in relation to each member present:

20.3.2.1 the time at which the person entered or left the meeting; and

20.3.2.2 unless the person is present for the whole meeting, the point in the proceedings at which the person entered or left the meeting; and

20.3.3 each motion or amendment, and the names of the mover and seconder, unless otherwise determined by the Panel ; and

20.3.4 any amendment or withdrawal of a motion or amendment; and

20.3.5 whether a motion or amendment is carried or lost; and

20.3.6 any disclosure of interest made by a member; and

20.3.7 a brief summary of any personal explanation given by a member unless the member provides a written explanation and requests that the full documentation be included in the minutes; and

20.3.8 details of any adjournment of business; and

20.3.9 any other matter required to be included in the minutes by or under the Act or any regulation under that Act including the disclosure of an interest pursuant to Section 56A(7) of the Act.

- 20.4 The Presiding Member is responsible for ensuring that accurate minutes are kept of all proceedings of the CDAP and that they are confirmed at the next meeting of the CDAP and signed by the Presiding Member.
- 20.5 The Minutes of the proceedings at a meeting shall be circulated within five (5) business/working days after the close of the meeting to the Panel members, Council Staff and Elected Members, noting that they may be unconfirmed Minutes.
- 20.6 Panel members shall contact Council's Planning Staff as soon as possible after the meeting if they have any queries on any item recorded in the Minutes.
- 20.7 On the confirmation of the minutes, the Presiding Member will:
 - 20.7.1 initial each page of the minutes, which pages are to be consecutively numbered; and
 - 20.7.2 place his or her signature and the date of confirmation at the foot of the last page of the minutes.
- 20.8 For the purpose of Sections 56A(15)(b) and 56A(17) of the Act, the CEO is required to make available copies of the minutes of the meeting of the CDAP within five (5) days of their adoption by the CDAP.
- 20.9 Pursuant to Section 56A(16) of the Act the Panel may, before releasing a copy of minutes, exclude any information dealt with on a confidential basis by the Panel under Section 56A(12) of the Act.

21. CDAP Procedures

- 21.1 Insofar as the Act, Regulations under the Act, the Terms of Reference, these Meeting Procedures or Code of Conduct determined by the Minister under Section 21A of the Act do not prescribe the procedure to be followed at a meeting of the CDAP, the CDAP may determine its own procedure.
- 21.2 Subject to compliance with the Act, the CDAP may at any time, resolve to alter these Procedures, or substitute or revoke these Procedures.
- 21.3 The CDAP may call for and consider such professional assistance from Council staff and other professional advisors as it deems necessary and appropriate
- 21.4 The CDAP will permit and encourage the active participation of Council staff in attendance and in providing advice to the CDAP at a meeting.
- 21.5 Procedures will be fair and open and facilitate transparent and informed decision making.

- 21.6 Procedures will be responsive to the level of formality appropriate to the nature and scope of matters to be discussed at the meeting of the Panel.

Note: *The District Council of Grant also has a Complaints Policy which applies to CDAP.*