

Guidelines of the Georges River Council

Independent Hearing and Assessment Panel 2016

These Guidelines are issued pursuant to the Charter of the Georges River Council Independent Hearing and Assessment Panel (the “Panel”).

Before the public meeting

1. Where a Development Application or Planning Proposal is to be referred to the IHAP, Council will, in writing, notify the applicant and all those that have made a submission of this intention a minimum of five (5) business days prior to the meeting. The notification will include details of the proposed meeting date and procedures to address the Panel or arrange a site inspection.
2. Any resident, objector, applicant or supporter wishing to address the Panel at any meeting of the Panel or request the Panel’s carry out a site inspection from their property must register with the Council by completing the form “Application to Address IHAP” and return via via email by 12 noon on the day before the meeting of their intention to do so. The form is available on the Council website <http://www.georgesriver.nsw.gov.au/Development/IHAP>.
3. Unless the Panel otherwise permits, any such person must have already lodged a written submission on the subject development application OR must, no later than 24 hours prior to the meeting, provide a written summary (no longer than one A4 page) of the matters upon which the person wishes to address the Panel. Documents, plans, etc, which have not been submitted as outlined above will not be received or considered by the Panel at the meeting.
4. At no point is a member of the public, being a resident, objector, applicant or supporter to contact any member of the Panel outside the Public Meeting/Site Inspection process that occurs on the day of the meeting. Any attempts to contact a panel member will be reported in writing to the General Manager.

Site inspections

5. Site inspections are to be held ordinarily in respect of each matter that is to come before any meeting of the Panel or when otherwise considered necessary by the Panel. Site inspections will not take place except as a Panel, and will, so far as practicable, be held on the same day as the meeting of the Panel at which the particular matter is to be considered.

6. Council staff with appropriate and relevant expertise will accompany the Panel on-site inspections.
7. Site inspections are not to be used for lobbying, but as means of procuring probative material for the purpose of good administrative decision making. Site inspections are for the Panel to acquaint itself with the site and relevant issues and conversations will not be entered into except in clarification through the Chairperson.
8. Adjoining and/or affected properties will be visited by the Panel if the objector has first registered their interest for an inspection or if the Panel otherwise agrees to do so at its discretion. It is not a requirement for the Panel to visit an objector's property to complete its assessment.

The public meeting

9. The Public Meeting of the Panel will meet on a monthly basis.
10. Agendas for meetings are to be publicly available 5 business days preceding the meeting.
11. Speakers at the public hearing of the Panel will be heard in the following order:
 - (a) Any objectors or other persons who wish to make submissions or representations;
 - (b) The applicant or the applicant's representative;unless, through the Chairperson, any Panel Member wishes to clarify any matter with the speaker or Council Officer.
12. Unless the Panel otherwise permits, no resident, objector, applicant or supporter who addresses the Panel at any meeting of the Panel may speak for more than 3 minutes in respect of any one matter before any particular meeting. The Chairperson is to exercise discretion and allow for an extension of time, subject to the general agreement of the Panel, as required to ensure all issues are properly considered. As it is acknowledged that this discretion may be exercised more frequently at Site Inspections, it is not required to obtain general agreement of the Panel in this instance.
13. Where a nominated speaker is to represent a group of residents with a common interest or issues, or is to speak on behalf of a community group, the IHAP, in its absolute discretion, may allow additional time for an oral presentation of no more than five (5) minutes.

14. Following the address from residents, objectors, applicants and supporters as above for all matters scheduled for that meeting, the Panel will move to a closed session to deliberate for the express purpose of deciding upon its findings, conclusions and decisions. There is no further opportunity for debate from the members or the applicant and/or their representatives.
15. Should the Panel resolve to request additional information or seek amendment of the application, the Panel may defer the application, providing a written request to the applicant with the reasons for deferral, a copy of which will be made available on the Georges River Council website the following day. Where the Council has resolved that the amended drawings do not require exhibition, the matter will be referred to the Chair to determine if the matter can be determined electronically with the report and recommendations made available on Council's website. In all other cases, objectors will be invited to a subsequent Panel meeting upon receipt of amended/additional plans and documentation from the applicant.
16. Determinations and any relevant decision of the Panel will be by a majority of votes of members present at a meeting and entitled to vote. If votes are tied the Chairperson will have the casting vote. Voting (including the names and vote of each Panel member when the vote is not unanimous) is to be recorded for the public record.
17. In the event that the IHAP determines an application contrary to the officer's recommendation the IHAP will publish its reasons for that decision.
18. All members of the IHAP present at the meeting must sign the Determination and Statement of Reasons (minutes). Where one or two members are in dissent, they must still sign, as the reasons will set out their dissenting views.

After the public hearing

19. Minutes of the Panel are to be made publicly available the next business day following the meeting.
20. The applicant will be provided with a notice of the decision or determination made by the Panel. Those parties which have made written submissions will also be made aware of the decision in writing.