

# Application for a Planning Permit Meeting Policy

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## 1 Document Information

The electronic version of this document is the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.

RESPONSIBLE GENERAL MANAGER	General Manager Planning and Development
RESPONSIBLE MANAGER (Policy Owner)	Manager City Development
ADOPTED BY	Council
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## 2 Purpose

The purpose of this policy is to provide a framework for the operation of different Planning Application Meetings including meetings and interactions between permit applicant's, Council Officers and Councillors and Planning Consultation Meetings involving objectors. This policy includes details on when and where these meetings should occur, who should facilitate and be invited to attend, and how these meetings should be run.

The policy is in two parts. The first part of the policy establishes protocols for Councillor interactions with permit applicants and Council Officers, to ensure transparent communications and decision making during the planning application process. The second part of the policy sets out the operation of Planning Consultation Meeting's, which provide an opportunity to resolve objector concerns in a professionally facilitated and unbiased forum.

## 3 Definitions

<b>PERMIT APPLICANT / APPLICANT</b>	Refers to the person who has made the planning application, their representative, the owner of the site or any interested party representing the planning application.
<b>PLANNING CONSULTATION MEETING</b>	Is a gathering of stakeholders involved in an application for a planning permit and generally includes the permit applicant, an objector(s), Council Statutory Planning Officer(s), Chairperson (Council staff member) and the relevant Councillor(s).
<b>COUNCILLOR AND APPLICANT MEETING</b>	Is a gathering between a Councillor and permit applicant with a senior Council Officer present.
<b>SENIOR COUNCIL OFFICER</b>	Is a planning officer who is in a Principal Planner position or above (i.e. Team Leader, Manager, General Manager).

## 4 Scope

The policy as it relates to Councillor interactions with the permit applicant and Council Officers applies to any application for a planning permit where there is known Councillor involvement and interest throughout the planning application process.

This policy as it relates to Planning Consultation Meeting's applies to any application for a planning permit where an objection is received.

## 5 Policy Details - Councillor interactions and Councillor/Applicant meetings

Throughout the planning application process, a Councillor may wish to discuss an application with the permit applicant and/or relevant Council Officer. Where a Councillor wishes to involve the relevant Council officer then these interactions must be appropriately recorded and attended at a minimum by a senior Council Officer (refer to definition) to ensure all communications are transparent, agreed actions recorded and in accordance with Council policy and the legislative framework.

When a Councillor wishes to meet with a permit applicant without a planning officer present then these interactions should follow the Councillor and Staff Interactions Protocol/Policy.

### **5.1 Protocols for meetings held between Councillors and a permit applicant where a Council officer is present**

These procedures relate to any statutory planning related meeting, other than a Planning Consultation Meeting, held between one (1) or more Councillors and the applicant where a Council Officer is also present.

- The meeting must be attended by a senior Council Officer and, if applicable, the relevant Planning Officer.
- Where meetings include one (1) or more Councillors the meeting will be recorded in the Councillor's corporate calendar noting the date, time, participants and topic of discussion.
- Notes of the meeting are to be taken by the relevant Council Officer and recorded in TRIM under the relevant planning application file.
- Although such meetings would not result in a statutory determination of the application during the meeting any agreed relevant actions arising from the meeting must be recorded.

### **5.2 Protocols for meetings held between Councillors and an objector where a Council officer is present**

These procedures relate to any statutory planning related meeting, other than a Planning Consultation Meeting, held between one (1) or more Councillors and one (1) or more objector where a Council Officer is also present.

- The meeting must be attended by a senior Council Officer and, if applicable, the relevant Planning Officer.
- Where meetings include one (1) or more Councillors the meeting will be recorded in the Councillor's corporate calendar noting the date, time, participants and topic of discussion.
- Notes of the meeting are to be taken by the relevant Council Officer and recorded in TRIM under the relevant planning application file.
- Although such meetings would not result in a statutory determination of the application during the meeting any agreed relevant actions arising from the meeting must be recorded.

### **5.3 Protocols for interactions between Council Planning Officers and Councillors.**

The following protocols relate to any interactions had between Council Planning Officers and Councillors.

- All communication between Councillors and Council Planning Officers to be in accordance with the Councillor and Staff Interactions Protocol/Policy.
- Councillor enquiries for statutory planning matters are to be made via the General Manager Planning and Development, Manager City Development or Team Leader, Statutory Planning.
- Meetings between one (1) or more Councillors and Council Planning Officers will be recorded in the Councillor's corporate calendar noting the date, time, participants and topic of discussion.
- Notes of the meeting are to be taken by the relevant Council Officer and recorded in TRIM under the relevant planning application file.

## **6 Policy Details - Planning Consultation Meetings**

During the processing of an application for a planning permit it is common practice when objections are received, for Council's City Development Department to hold a meeting between the permit applicant (including its representatives) and objectors, to discuss objector concerns.

The main function of a Planning Consultation Meeting is to bring the permit applicant and objector(s) together in the presence of Council Officers to enable the permit applicant and objector(s) to explain their views and issues, and to be heard by the other party with the intention of being able to mediate an outcome (in part or in full).

The meeting allows for a productive discussion between the permit applicant and objectors in achieving agreed outcomes whilst being appropriately facilitated by the Council Officers. It can also provide an opportunity for generally the relevant Councillor to observe and ask questions of all parties in attendance.

It should be noted that there is no decision made on an application for a planning permit at a Planning Consultation Meeting, however general agreement can be reached between parties in relation to certain issues.

The planning officers are not precluded from mediating an outcome outside of a formal Planning Consultation Meeting.

### **6.1 When are Planning Consultation Meetings required**

Applications that receive six (6) or more objections will be subject to a Planning Consultation Meeting.

For applications that receive five (5) or less objections, the assigned Planning Officer and/or Team Leader may decide that a Planning Consultation Meeting is still required.

Regardless of the number of objections if the application for a planning permit requires a decision to be made by Council (eg. where officers are recommending approval), in accordance with the Planning Delegation Policy, consideration will be given to conducting a Planning Consultation Meeting to aid Councillors in further understanding objector concerns.

A Planning Consultation Meeting will also be held upon the request of an objector.

If a Planning Consultation Meeting is not held, where appropriate, the Planning Officer will contact all objectors to discuss their submission and relay any additional information/issues to the permit applicant.

### **6.2 General procedures for scheduling a Planning Consultation Meetings**

A Planning Consultation Meeting will be held following the end of the notification (advertising) period.

Given the statutory time frames associated with determining Planning Applications a Planning Consultation Meeting will generally be arranged within twenty-one (21) days from the completion of the advertising period. The Planning Officer will schedule the meeting at an appropriate day and time.

On most occasions Planning Consultation Meetings will be organised to commence between 5.00pm and 5.30pm, Tuesday to Thursday.

There will be some instances where a different time may need to be set, which is at the discretion of the relevant Planning Officer/Team Leader and will be assessed on a case-by-case basis (e.g. applications of major significance that generate a high number of objections).

There is also opportunity for conducting Planning Consultation Meetings during business hours where it suits the permit applicant and all objectors.

For online meetings, the planner should follow the Planning Department's set procedures using the online format.

### **6.3 Procedures for notifying parties of Planning Consultation Meetings**

The electronic invitation (via email) advising the permit applicant, objectors and relevant Councillor, of the time, date and venue of the Planning Consultation Meeting must be sent no less than seven (7) days from the date set for the Planning Consultation Meeting, providing all invitees adequate time to organise their attendance. This timeframe must be extended to fourteen (14) days for posting invitations in the mail.

Invitations will be sent to the Ward Councillor and any additional interested Councillor(s) via electronic invitation. Councillors are encouraged to confirm their intention to attend a Planning Consultation Meeting by accepting the meeting request sent to them via Microsoft Outlook. If the application for a planning permit relates to a site directly adjoining another Ward, the Councillor of this Ward will also be notified.

### **6.4 General protocols for conducting Planning Consultation Meetings**

#### **The role and responsibilities of Council Officer's and Councillors**

Two (2) Council Officers are required to be present at a Planning Consultation Meeting. One (1) will be the Chairperson and the other the assigned Planning Officer.

#### *Chairperson*

Each Planning Consultation Meeting must have a nominated Chairperson. The Chairperson is responsible for the conduct of the meeting, following the agenda and ensuring that everyone has an opportunity to be heard. For the majority of Planning Consultation Meetings the Chairperson will be a staff member other than the assigned planning officer. In the event that a Planning Consultation Meeting is held where there are less than six (6) objectors in attendance, the assigned planning officer may also act as the Chairperson.

#### *Assigned Planning Officer*

The assigned Planning Officer will be present at the Planning Consultation Meeting to provide technical advice on Council Policy and the Kingston Planning Scheme. The assigned Planning Officer may take notes for their own record of issues raised and/or any agreements reached.

#### *Councillor*

The role of the relevant Councillor or other interested Councillor(s) is to observe and ask any questions of the participating parties. Any questions must not indicate a Councillor's position on the application.

Note: Planning Consultation Meetings do not require a Senior Council Officer (as defined above) to be present given the nature of the meetings with both objectors and the permit applicant invited. Consideration will be given to the need for a Senior Council Officer to be

present in situations where it is deemed necessary.

## **6.5 How are Planning Consultation Meetings to be conducted?**

Planning Consultation Meetings can be held either in-person or online. The method of how Planning Consultation Meetings are conducted is at the discretion of the relevant Planning Officer and/or Team Leader. If a request is received by a party to hold these meetings in-person, then the meeting will be conducted in this way unless there is extenuating circumstances to suggest otherwise.

Council Officers will prepare an agenda to be presented at the meeting. The agenda will provide an opportunity for all interested parties to discuss the application. Parties can table items, talk to submissions and make presentations, at the Chairperson's discretion.

At the commencement of each Planning Consultation Meeting, a Code of Behaviour for Planning Consultation Meetings is to be conveyed to those present.

The Code of Behaviour for both in person and online meetings must consist of the following key points:

- Respect others around you and their opinions
- Do not talk over others, or interrupt those speaking. In online meetings, parties that are not speaking will be put on mute
- Refrain from being derogatory to others
- Unruly or threatening behaviour will not be tolerated and will result in the termination of the Planning Consultation meeting
- If you do not understand something that has been said, please ask for assistance and/or clarification. In online meetings, this can be done via the raising of the hand function or in the chat box
- Keep to the planning issues and not unrelated matters

At the conclusion of the Planning Consultation Meeting, the Chairperson will provide a verbal summary of the issues raised and discussed, and any agreements made between parties, if applicable. Any agreements made between parties will be included in the Planning Officer notes.

The Chairperson and/or assigned Planning Officer will then outline the next steps in the processing of the planning application and when the objectors are next likely to hear from Council in relation to that application.

### **Media**

Members of the media should identify themselves to the Chairperson and seek permission to observe the meeting. It is important that the presence of media representative does not inhibit full discussion of the issues by the participants of the meeting.

### **Recording Devices**

Council Officers may use cameras or other recording devices to assist in the decision-making process and for Council's internal records. Council Officers will notify attendees if recording devices are to be used during the meeting.

The use of recording devices by attendees is generally not encouraged as it may inhibit full discussion of the issues. Attendees wishing to record meetings must seek permission of the Chairperson and the agreement of all other participants before doing so.

## **7 Delegation Authority and Decision Guidelines**

This Policy is applicable to all applications for planning permits. A Planning Consultation Meeting is not required if any of the following circumstances apply:

- i. The Team Leader considers the objector issues are highly unlikely or cannot be resolved. In such circumstances this will be formally conveyed to the objector(s).
- ii. Where objections are solely on grounds that are not relevant to the application for a planning permit and/or are outside the scope of planning consideration.
- iii. The permit applicant declines to attend a meeting and no practical purpose would be achieved
- iv. The application for a planning permit departs significantly from the Planning Officers interpretation of the relevant sections of the Kingston Planning Scheme and is recommended for Refusal.

### **7.1 Delegations/Authorisations**

There is no formal delegation relevant to this policy.

### **7.2 Exemptions**

There are no exemptions to this Policy.

### **7.3 Human Rights Charter**

This policy has been reviewed against and complies with the Charter of Human Rights and Responsibilities Act 2006.

## **8 Related Documents and Resources**

### **Legislation**

- The Planning and Environment Act 1987
- Subdivision Act 1988
- Local Government Act 2020
- Planning and Environment Regulations 2015
- Kingston Planning Scheme
- Privacy and Data Protection Act 2014

### **City of Kingston Documents**

- Councillor Code of Conduct
- Planning Consultation Meeting Procedure using Zoom or other online platforms