



PREAMBLE

On occasion Council is required to establish a Committee for the purposes of undertaking specific functions and duties, to ensure compliance with legislative requirements. Such Committees are classified by Council as Statutory Committees.

1. Establishment of the Council Development Assessment Panel

Pursuant to Section 56A of the *Development Act 1993*, the Council established a Committee to be known as the Council Development Assessment Panel (referred to in these Terms of Reference as 'the Panel').

2. Committee Objectives

The Port Augusta City Council Development Assessment Panel (CDAP) has been established to assist in facilitating the expeditious assessment of development applications made to Council.

To act as a delegate of the Council in accordance with the requirements of the *Development Act 1993*.

To perform other functions (other than functions involving the formulation of Policy) assigned to the Panel by the Council.

3. Committee Activities

The activities of the Council Development Assessment Panel include:

- i) Determining development applications (in accordance with the provisions of Part 4 of the *Development Act 1993*) in its own right;
- ii) providing advice and reports to the Council on trends, issues and other matters as it thinks fit, relating to planning or development that have become apparent or arisen through its assessment of applications under the *Development Act 1993*.

4. Membership:

There will be 7 Members appointed to the Panel and the membership shall be at least one woman and one man and as far as practicable, the Panel will consist of equal numbers of men and women as follows:

- i) 4 independent persons appointed by Council; and
- ii) 3 Elected Members appointed by Council.

Independent Members include:

- iii) Mr Jason Willcocks
- iv) Mr John Veen

- v) Vacancy
- vi) Ms Pauline Zanet

Elected Members include:

- vii) Cr Tony Mitchell
- viii) Cr Ann Johnston
- ix) Cr Brett Benbow

5. Presiding Member of the Committee

The Presiding Member of the Committee is to be appointed by Council. Council has appointed Mr Jason Willcocks as the Presiding Member of the CDAP.

Deputy Presiding Member

The Deputy Presiding Member will be appointed by the Panel and can be either an Independent Member or Elected Member.

6. Term of Office

2 Years – **Independent Members'** Term of Office on the Committee terminates in February 2016 and **Elected Members'** Term of Office on the Committee terminates in November 2014.

7. Reporting Arrangements

Provide advice and reports to the Council on trends, issues and other matters, as it thinks fit, relating to planning or development that have become apparent or arisen through its assessment of applications under the Development Act 1993.

8. Confidentiality

Members of the public are welcome to attend meetings, however may be excluded from attendance pursuant to the provisions of Section 56A(12) of the *Development Act 1993* and as outlined within the Council Development Assessment Panel Meeting/Operation Procedures.

The Panel may exclude the public from attendance –

- i) During so much of a meeting as is necessary to receive, discuss or consider in confidence any of the following information or matters:
 - a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);
 - b) 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;
 - c) information the disclosure of which would reveal a trade secret;
 - d) 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;
- e) matters affecting the safety or security of any person or property;
- f) 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;
- g) 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;
- h) legal advice;
- i) information relating to actual litigation, or litigation that the panel believes on reasonable grounds will take place;
- j) 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; or
- ii) during so much of a meeting that consists of its discussion or determination of any application or other matter that falls to be decided by the panel.

9. Delegated Authority

Council has delegated specific powers and functions relating to the assessment of development applications to the Panel and the Chief Executive Officer, who has the approval of Council to further sub-delegate these powers and functions to Officers of the Council. Refer to the Sub-Delegations Register for a complete schedule of all delegations.

10. Conduct and Conflict of Interest of Committee Members

All members of the Committee must comply with the Code of Conduct for CDAP Members as published by the Minister for Urban Development and Planning for the purposes of Section 21A of the *Development Act 1993* – refer *Statutory Policy Manual Policy 1.2.01 – CDAP Code of Conduct*.

As a member of the Committee, you must not make improper use of your position to gain (directly or indirectly) an advantage for yourself or for another person closely associated with you. You must make sure there is no conflict between your private interests and your role as a public decision maker.

As a Panel Member you will have to declare what your interest is in any matter before the Panel.

11. Meeting Times & Place

The Council Development Assessment Panel will meet on the 2nd Tuesday of each month, commencing at 5:30pm, however this will depend on the receipt of development application which under delegation must be referred to the Panel.

12. Quorum & Voting by Members

A quorum shall be ascertained by dividing the total number of members of the Panel for the time being in office by 2, ignoring any fraction resulting from the division, and adding 1.

All Members have equal voting rights. A question arising for a decision will be decided by a majority of votes cast by all members present. Each member must vote on a motion arising for a decision.

The Presiding Member, in the event of an equality of votes, will have a casting vote.

13. Meeting Procedures

Pursuant to Section 56A(19) of the *Development Act 1993* the Panel has determined its own Meeting Procedures which are outlined within the Council Development Assessment Panel Meeting/Operation Procedures – document AR10/965[v2].

14. Access and Documents

A minimum of three clear days' notice of the meeting, accompanied by the agenda, will be provided to Members of the Committee and the public. Hardcopy agendas will be provided in the Council Chambers for access by members of the public in attendance.

Minutes will be available within five clear days after a meeting in accordance with Section 91 of the *Local Government Act 1999* and will be provided to all Members of the Committee and placed on Council's Website www.portaugusta.sa.gov.au and a hardcopy placed in the Council Office, Civic Centre, 4 Mackay Street, Port Augusta.

Members of the public are able to attend all meetings of the Committee, unless excluded from the meeting by the confidentiality provision of Section 56A(12) of the *Development Act 1993*.

*NOTE: For the purposes of the calculation of **clear days** in relation to the giving of notice before a meeting, the day on which the notice is given, and the day on which the meeting occurs, will not be taken into account; and Saturdays, Sundays and public holidays will be taken into account. However, if a notice is given after 5pm on a day, the notice will be taken to have been given on the next day.*

15. Responsible Officer

Community Planner

16. Liability and Insurance

Pursuant to Section 56A of the *Development Act 1993* incurs no liability for an honest act done in the exercise or performance, or purported exercise or performance, of powers or functions.

17. Administrative Support

To be provided by the Administrative Assistant – Development Services (or another Officer acting in that position).

Executive Officer – the Community Planner shall be the Council Officer responsible for fulfilling the executive officer role for the Committee including arranging the preparation of agendas, ensuring reports are provided as required and ensuring that Committee decisions are implemented.

Public Officer – the Panel must have a public officer (who is not a member of the Panel) appointed to it by the Council.

The Functions of the public officer include ensuring the proper investigation of complaints about the conduct of a member of the Panel pursuant to Section 56A(24) of the *Development Act 1993*.

Council appointed the following Public Officer:

Mr John Banks
Chief Executive Officer
Port Augusta City Council
PO Box 1704
PORT AUGUSTA SA 5700

Phone: (08) 86419100

18. Sitting Fee

Council has approved a Sitting Fees for meetings attended by the Members of Council Development Assessment Panel. The Sitting Fees are as follows:

Presiding Member - \$350 per meeting attended
All Members - \$300 per meeting attended