



Tatiara District Council

TERMS OF REFERENCE

Tatiara District Council Development Assessment Panel

Council Meeting held on 12th June 2012

Development & Strategic Planning Res 37 – That Council confirms the following Terms of Reference for its Development Assessment Panel:

Development Assessment Panel – Terms of Reference

The Tatiara District Council Development Assessment Panel ("the TDCDAP") has been established by the Tatiara District Council to meet the requirements of Section 56A of the Development Act 1993.

1. Objectives

- 1.1 At all times exercise and perform its powers and functions in accordance with the Development Act, 1993 (as amended) and the Regulations.
- 1.2 To keep Council informed of its decisions and activities.
- 1.3 Determine Development Applications in accordance with powers outlined herein.
- 1.4 Carry out the proceedings of the Panel in accordance with the meeting procedures outlined herein.
- 1.5 Maintain confidentially where necessary whilst ensuring transparent and accountable decision-making.
- 1.6 Allow reasonable level of public accessibility.

2. Conditions of Membership

2.1 The panel shall consist of:

- 3 Independent members who are determined by the Council to have a reasonable knowledge of the operation and requirements of the Development Act, and appropriate qualifications or experience in a field that is relevant to the activities of the panel.
- 2 Councillors with 1 to be the Development Committee Chairperson.
- At least 1 member of the panel is to be a woman and at least 1 member shall be a man.
- The Chair of the Panel shall be appointed by Council and shall come from one of the independent members.

- 2.2 In the event that a member of the panel resigns from Council he or she will automatically forfeit their position on the panel.
- 2.3 A member shall be considered present at a meeting where a panel has made telephone contact or video conferencing arrangements for the member to participate in the deliberations of the panel.
- 2.4 No liability attaches a member of the panel for an honest act or omission by that member or the panel in the performance or discharge of the members or the panels' functions or duties.
- 2.5 All panel members must comply with the provisions of Sections 56A 7 (a) & (b) and 8 of the Development Act, 1993, namely the requirement to disclose a direct or indirect personal or pecuniary interest.
- 2.6 A member of the panel absent from three consecutive meetings, without the panel's approval shall forfeit the rights as a member of the panel and the Council may fill the vacancy on the recommendation of the panel.
- 2.7 Subject to giving a member of the panel an opportunity to be heard or to make a written submission, the Council may resolve to remove a member upon a charge of misconduct detrimental to the interests of the panel.

3. Delegations

- 3.1 All powers, responsibilities and functions at Council pursuant to the Development Act, 1993 are delegated to the Development Assessment Panel.
- 3.2 Delegations to Councils Development Manager shall remain as per Councils delegated authority manual.
- 3.3 The panel shall assess applications that:
- Are Non-complying;
 - Are Subject to third party representors wanting to be heard; or
 - The Authorised Officer decides it should be referred to the panel.
- 3.4 Council shall review the operation, delegation, Terms of Reference and membership of the panel in November each year or earlier if deemed necessary.

4. Operating Procedures

- 4.1 The Development Assessment Panel shall operate in accordance with the following:
- (a) The panel shall meet at a place deemed necessary by the panel.
- (b) The panel shall hold meetings where possible prior to Council Committee Meetings at the Bordertown Council Offices or where necessary hold its meetings at a time and place reasonably accessible to representors wishing to be heard in relation to a development.
- 4.2 A quorum of members shall be 50% + 1. Thus 5 members equals quorum of 3.
- 4.3 Written notice of a meeting of the Development Assessment Panel must be given to each member of the panel at least three (3) clear business days before the date of the meeting. The notice must set out the date, time and place of the meeting and shall be accompanied by an agenda for the meeting.
- 4.4 The Chairman shall if present preside at all meetings of the panel.
- 4.5 When the Chairman is absent from a meeting, the panel members may appoint a person from those present to act as Chairman for the duration of the meeting.
- 4.6 Every decision of the panel shall be decided by consensus or in the absence of consensus via a majority of votes of all members present and in the event of a tied vote the conferral upon the chair of both a deliberate and casting vote.
- 4.7 A decision by the panel shall be recorded as a decision of the panel as a whole and the vote of individual members shall not be recorded (ie no division).
- 4.8 All members of the panel shall have a deliberative vote.
- 4.9 Agendas and minutes of the panel shall be produced and kept on record in the same manner as required under the Local Government Act 1999.
- 4.10 Meetings of the Development Assessment Panel shall be generally open to the public, however in matters where the Development Act provides that members of the public may be excluded or where the presiding member directs that portion of a meeting that consists of discussion or determination of any application, the panel may exclude members of the public in order to consider such matters on a confidential basis.
- 4.11 Pursuant to Section 56A (2) (b) of the Development Act, 1993 the Development Assessment Panel shall report monthly to Council listing those applications that have been considered and decided upon.

5. Sitting Fees

- 5.1 The Independent Presiding member and the Independent members of the Panel shall be paid a sitting fee of \$120 per meeting in addition to travel costs as per Council policy to attend meetings. Travel costs will only be paid from within the Tatiara District Council area.
- 5.2 Elected members on the Panel shall be paid travel costs only.

6. Term of Appointment

- 6.1 The term of the Independent Panel members shall be two years. The term of the Independent Panel Members shall expire on November 13th 2012.
- 6.2 The term of the Council Members shall be one year. The term of the Council members shall expire on November 13th 2012.
- 6.3 All members of the panel may be reappointed at the expiration of their current term of appointment.

7. Public Officer

7.1 The Public Officer appointed by the Council is the Tatiara District Council Chief Executive Officer.

7.2 The functions of the Public Officer include ensuring the proper investigation of complaints about the conduct of a member of the Panel occurs, should a complaint be received.