



Tatiara District Council

Council Development Assessment Panel (CDAP)

TERMS OF REFERENCE

A Committee of Council established pursuant to the provisions of Section 83 of the Planning, Development and Infrastructure Act 2016

Terms of Reference for the conduct of the business of the Council Committee were approved and adopted by Tatiara District Council at its meeting held on 20 November 2018, Council Res No. 18.

Council Development Assessment Panel

Objectives

1. At all times exercise and perform its powers and functions in accordance with the Planning, Development and Infrastructure Act 2016 (as amended) and the Regulations.
2. To keep Council informed of its decisions and activities.
3. Determine Development Applications in accordance with powers outlined herein.
4. Carry out the proceedings of the Panel in accordance with the meeting procedures outlined herein.
5. Maintain confidentiality where necessary whilst ensuring transparent and accountable decision-making.
6. Allow reasonable level of public accessibility.

Conditions of Membership

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 Planning, Development and Infrastructure Act 2016, and appropriate qualifications or experience in a field that is relevant to the activities of the panel.
 - 1 sitting Tatiara District Councilor who shall be the Chairperson of Council's Strategic Planning and Development Planning Committee
 - 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. In the event that a Council member of the panel resigns from Council he or she will automatically forfeit their position on the panel.
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.
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.
5. Ensure accountability of individual panel members in accordance with Section 83(1) sections (e), (f) and (g) of the Planning Development & Infrastructure Act, 2016.
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.

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.

Delegations

1. All powers, responsibilities and functions of Council pursuant to the Planning Development & Infrastructure Act, 2016 are delegated to the Council Assessment Panel.
2. Delegations to Councils Director Development Manager shall remain as per Councils Delegations Policy.
3. The panel shall assess applications that are:
 - 3.1 Non-complying;
 - 3.2 Controversial and/or the Assessment Manager decides it should be referred to the panel
 - 3.3 Category 2 or 3 applications and eligible third parties who have submitted a representation.
4. Council shall review the operation, delegation, Terms of Reference and membership of the panel on a yearly basis or earlier if deemed necessary.

Operating Procedures

1. The Council Development Assessment Panel shall operate in accordance with the following:
 - 1.1. The panel shall meet at a place deemed necessary by the panel.
 - 1.2. The panel shall hold meetings where possible at a time and place reasonably accessible to representors wishing to be heard in relation to a development.
 - 1.3. A quorum of members shall be 50% + 1 (4 members - quorum is 3).
2. Written notice of a meeting of the Council Development Assessment Panel must be given to each member of the panel at least three (3) clear 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.
3. The Chairman shall if present preside at all meetings of the Panel.
4. 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.
5. 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.
6. 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 (i.e. no division).
7. All members of the panel shall have a deliberative vote.
8. 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.
9. Meetings of the Council Development Assessment Panel shall be generally open to the public, however in matters where the Planning Development & Infrastructure 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.

10. The Council Development Assessment Panel shall report monthly to Council listing those applications that have been considered and decided upon.

RECORD OF AMENDMENTS

Date	Revision No.	Comment
20 Nov 2018	Rev 01	Reformed Committee, adopted new TOR, due to Council elections