



COUNCIL ASSESSMENT PANEL

TERMS OF REFERENCE

1. Establishment and Role of the Council Assessment Panel

1.1 Establishment

Pursuant to Section 83 of the *Planning, Development and Infrastructure Act 2016* (“the PDI Act”), the Council has established a Council Assessment Panel to be known as the City of Unley Council Assessment Panel (“the CAP”) for the purpose of performing the functions assigned to it under Part 4 of the *Development Act 1993* (“the Development Act”).

1.2 Role and functions

The functions of the CAP are:

- 1.2.1 to act as a delegate of the Council in accordance with the requirements of the PDI Act, the Development Act and any relevant instrument of delegation;
- 1.2.2 to provide advice and reports to the Council as it thinks fit on trends, issues and other matters relating to planning or development that have become apparent or arisen through its assessment of applications under the Development Act; and
- 1.2.3 to perform other functions (other than functions involving the formulation of policy) assigned to the CAP by the PDI Act or the *Planning, Development and Infrastructure (General) Regulations 2017* (“the PDI Regulations”) from time to time.

2. Membership

2.1 The CAP shall consist of five Members appointed by the Council as follows:

- 2.1.1 up to one person who is a Member of Council (Council Member);
- 2.1.2 the balance being Independent Members – i.e. persons who are neither an Elected Member nor a member of State Parliament – one of whom shall be appointed by the Council as the Presiding Member;
- 2.1.3 at least 1 Member shall be a male and at least 1 Member shall be female.

2.2 Members of the CAP shall hold their positions for a term determined by the Council.

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- 2.3 At the expiration of a term of appointment, a Member may be eligible for reappointment.
- 2.4 The Council shall appoint one person who is an elected Council member to act in the capacity of the Deputy CAP Member (Elected Member). The Deputy CAP Member (Elected Member):
 - 2.4.1 shall hold their position for a term determined by the Council; and
 - 2.4.2 will only be entitled to sit as a Member of the CAP when the member appointed under clause 2.1.1 of these Terms of Reference is not present at a meeting.
- 2.5 The Council shall appoint one person who is an Independent Member to act in the capacity of the Deputy CAP Member (Independent). The Deputy CAP Member (Independent):
 - 2.5.1 shall hold their position for a term determined by the Council; and
 - 2.5.2 will only be entitled to sit as a Member of the CAP if one of the Members appointed under clause 2.1.2 of these Terms of Reference is not present at a meeting.
- 2.6 CAP Members appointed under subclauses 2.1.2 and 2.5 of these Terms of Reference shall be accredited professionals as required by section 88 of the PDI Act.
- 2.7 The CAP shall appoint an Acting Presiding Member pursuant to section 83(1)(b)(vi) of the PDI Act whenever the Presiding Member is not present at a meeting. The Acting Presiding Member must be an Independent Member of the CAP appointed under Clause 2.1.2.

3. Removal of a Member from the CAP

- 3.1 Subject to the procedural requirements under this Clause, the Council may resolve to remove a Member from the CAP on the following grounds:
 - 3.1.1 breach of, or failure to comply with, conditions of appointment; or
 - 3.1.2 maladministration or misconduct; or
 - 3.1.3 neglect of duty; or
 - 3.1.4 incapacity to carry out satisfactorily the duties of his or her office; or
 - 3.1.5 failure to carry out satisfactorily the duties of his or her office; or
 - 3.1.6 failure to disclose his or her financial interests in accordance with Schedule 1 of the PDI Act (reproduced in full as an attachment to these Terms of Reference); or
 - 3.1.7 upon receipt of a recommendation or direction from the State Planning Commission that the member be removed from office pursuant to regulation 11 of the PDI Regulations.

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- 3.2 The Council must:
- 3.2.1 give written notice to a Member of its intention to consider removing the Member from office under this Clause, together with particulars at least one (1) calendar month before the meeting of the Council at which the matter will be determined;
 - 3.2.2 give the Member an opportunity to respond.
- 3.3 The Member must provide any written representation in response at least fourteen (14) days before the meeting of the Council, at which the matter will be determined, which response must be taken into account in any determination by the Council.
- 3.4 The determination of the Council shall be communicated to the CAP Member, and in the event of an adverse determination the member shall cease to be a member immediately after the Council has communicated its determination to him/her.

4. Vacancy of Office

- 4.1 The office of a Member of the CAP will become vacant if the member:
- 4.1.1 dies;
 - 4.1.2 completes a term of office and is not reappointed;
 - 4.1.3 resigns by written notice to the Council;
 - 4.1.4 becomes bankrupt or applies to take the benefit of a law for the relief of insolvent debtors; or
 - 4.1.5 is convicted of an indictable offence punishable by imprisonment;
 - 4.1.6 is removed from office under Clause 3 of these Terms of Reference.

5. Standards of conduct

- 5.1 The CAP shall act at all times in strict accordance with relevant legislation (being the PDI Act, the PDI Regulations, the Development Act and the *Development Regulations 2008* (“the Development Regulations”)) including any relevant code of conduct under Schedule 3 of the PDI Act which is relevant to the CAP in the performance of its functions.
- 5.2 The CAP is separate from and operates wholly independently of the elected body of the Council.

6. Assessment Manager

- 6.1 The CAP shall also have an Assessment Manager appointed by the Chief Executive Officer of the Council.

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- 6.2 The Assessment Manager shall be an accredited professional or eligible for accreditation or a person of a prescribed class in accordance with sections 87(b) and 88 of the PDI Act.
- 6.3 The functions of the Assessment Manager include those functions determined by Section 87 of the PDI Act.

7. Reports to Council

- 7.1 The CAP shall report to the Council in August of each year in respect of the following matters:
- 7.1.1 the use of the provisions of Regulation 13(2) of the PDI Regulations;
 - 7.1.2 disclosure by CAP Members of interests pursuant to clause 7 of the Minister's Code of Conduct issued under Schedule 3 of the PDI Act;
 - 7.1.3 resignation of a CAP Member;
 - 7.1.4 the incidence of items deferred by the CAP;
 - 7.1.5 the adjournment of consideration of development applications;
 - 7.1.6 any matter that would improve the effectiveness of, or expedite the decisions of the CAP; and
 - 7.1.7 any other matters upon which the CAP is required to report to the Council or thinks fit to report.