

**TERMS OF REFERENCE
FOR THE CITY OF ADELAIDE DEVELOPMENT ASSESSMENT PANEL**

Function

1 The Council has established the City of Adelaide Development Assessment Panel:

- (a) to act as a delegate of the Council in accordance with the requirements of the *Development Act 1993* (“the Act”);
- (b) to (at the Panel’s discretion) provide advice and reports to the Council on trends, issues and other matters relating to planning or development that have become apparent or arisen through the Panel’s assessment of applications under the Act;
- (c) to perform other functions apart from policy formulation functions assigned to the Panel by the Council.

[for further detail refer to the Instrument of Delegation and Policy for Applying Delegations].

2 The *Local Government Act 1999* does not apply to, or in relation to, the Development Assessment Panel (including with respect to its members when acting under Section 56A or its processes or procedures).

Development Assessment Role

3 To exercise, perform and discharge the following responsibilities on behalf of the Council:

- (a) the assessment and determination of all applications for planning consent which are the subject of a delegation from the Council to the Panel;
- (b) the provision of comment or advice to the Development Assessment Commission on major matters submitted to the Council by the Commission.

- (c) the consideration of proposals for settlement on matters subject to appeal to the Environment, Resources and Development Court.
 - (d) the consideration of such other assessment matters as may be referred to the Panel by the administration or as may be initiated by the Panel on its own volition.
- 4 At its discretion the Panel will call for and hear specialist technical/professional advice related to assessment matters.

Responsibilities of the Panel

- 5 To determine procedure in relation to the conduct of the business of the Panel not already determined by the *Development Act 1993* or the *Development Regulations 1993*.
- To consider applications for new dwellings in North Adelaide.
- 6 The Presiding Member of the Panel shall be appointed by the Adelaide City Council. The Deputy Presiding Member shall be appointed by the Panel. In the absence of the Presiding Member and Deputy, the Panel will select a Panel Member to preside at a meeting.
- 7 To hold meetings of the Panel in a place open to the public (subject to the power to exclude the public from meetings in accordance with the provisions of Section 56A(12)(a) of the Act).
- 8 To provide reasonable public access to both the agenda for and Minutes of a Meeting of the Panel.
- 9 The determination of an ordinary meeting schedule.
- 10 The determination of the distribution and presentation requirements for agenda and reports for members of the Panel.
- 11 The determination of the distribution requirement for agenda and reports to the public.
- 12 To ensure that accurate minutes are kept of its proceedings.

Review of Delegated Power and Function

- 13** The Council will review annually the delegated powers and functions of the Panel.
- 14** The Panel will report to the Council annually detailing:
- (i) the level of attendance of Panel Members at Panel Meetings;
 - (ii) the Panel's activity and performance in making decisions; and
 - (iii) comment or analysis of policy or process that are relevant to the Panel's assessment functions and suggesting improvements.

Membership and Conditions of Appointment

Composition:

- (a) Nine (9) members (effective 19 November 2007), comprising
- (i) Four (4) Adelaide City Council Members
 - (ii) Five (5) independent members having qualifications and experience in one or more of the following disciplines:
 - Urban Planning
 - Architecture and/or urban design
 - Environmental and/or heritage management
 - Property Management and/or Development
 - Planning Law or Environmental Law and/or Corporate Governance, and strategic, transport, infrastructure and/or social planning.
- (b) Of the five independent members the Council shall select one to be Presiding Member.
- (c) The Presiding Member must have a reasonable knowledge of the operation and requirements of the Act.

15 Membership

Presiding Member:

Ms Shanti Ditter

Council members:

Councillor Michael Henningsen

Councillor Anne Moran

Councillor Sandy Wilkinson

The Right Honourable the Lord Mayor, Stephen Yarwood.

Independent Members:

Mr Rob Cheesman AM

Prof. Mads Gaardboe

Ms Sybella Blencowe

Ms Stephanie Johnston

Conditions of Appointment

- 16** Adelaide City Council Members are appointed by the Council for the period 7 December 2010 to 30 November 2012.
- 17.** The five independent members are appointed by the Council for a period ending March 2011.
- 18** Members may be reappointed at the expiration of their initial term of appointment.
- 19** The Council shall place advertisements calling for expressions of interest from persons wishing to fill the role of an independent member on the Panel.
- 20** The Presiding Member shall be paid a sitting fee of \$600 per meeting. All other members of the Panel shall be paid a sitting fee of \$500 per meeting. The Deputy Presiding Member when sitting as the Presiding Member shall be entitled to payment of a sitting fee at the Presiding Member rate. All members shall be paid an attendance fee to DAP briefings/workshops of \$150/briefing or workshop.

- 21** All members must comply with the provisions of Section 56A(7) and (8) of the *Development Act 1993* namely the requirement to disclose a direct or indirect personal or pecuniary interest.
- 22** Non-compliance with Section 56A(7) of the *Development Act 1993* will constitute a ground for the Council removing a member from the Panel.
- 23** Pursuant to Section 56A(10) of the *Development Act 1993* a member of the Panel incurs no liability for an honest act done in the exercise or performance, or purported exercise or performance, of powers or functions under Division 4 of Part 4 of the Act.
- 24** The Council may remove a member of the Panel from office for:
- Breach of, or failure to comply with, the conditions of appointment;
 - Misconduct
 - Neglect of duty
 - Incapacity to carry out satisfactorily the duties of his or her office, or
 - Failure to carry out satisfactorily the duties of his or her office;
 - Failure to comply with the requirements to disclose a Panel Members financial interests;
 - Failure to disclose a direct or indirect pecuniary interest in a matter before the Panel
 - A breach of or failure to comply with the Code of Conduct under Section 21A of the Act.
- 25** The Office of a Member of the Panel becomes vacant if a member:
- Dies, or
 - Completes a term of office and is not reappointed; or

- Resigns by written notice addressed to the Council; or
- Is removed from office by the Council in accordance with clause 24 above;
- Becomes bankrupt or applies to take the benefit of a law for the relief of insolvent debtors;
- Is convicted of an indictable offence punishable by imprisonment.

All Panel Members who are not Council Members must disclose his or her financial interest in accordance with Schedule 2 of the Act.

- 26** On the office of a member of the Panel becoming vacant, a person will be appointed in accordance with legislative provisions for Adelaide City Council members and the process contained herein for other members of the Panel to the vacant office.
- 27** A Panel Member whose term of office has expired may nevertheless continue to act as a member for a period of up to six months until he or she is reappointed or a successor is appointed (as the case may be).
- 28** The Development Assessment Panel and Panel Members are subject to the complaint and review procedures set out in Chapter 13 Part I of the *Local Government Act 1999* in relation to their duty of disclosure of direct or indirect personal or pecuniary interests.

Public Officer

- 29** The Council has appointed the Chief Executive Officer, Peter Michael Smith, as the Public Officer for the purposes of Section 56A(22) of the Act, and in his absence or, if he has an inability to act, Michael Sedgman, General Manager Corporate Strategy and Performance.