

CITY OF WEST TORRENS



Notice of Panel Meeting

Notice is Hereby Given that a Meeting of the
COUNCIL ASSESSMENT PANEL

will be held in the George Robertson Room, Civic Centre
165 Sir Donald Bradman Drive, Hilton

on

TUESDAY, 8 MARCH 2022
at 5.00pm

Public access to the meeting will also be available via livestream at:
www.westtorrens.sa.gov.au/livestream

CAP member, applicant and representor attendance via livestream only available by prior arrangement with the Assessment Manager.

Hannah Bateman
Assessment Manager

City of West Torrens Disclaimer

Council Assessment Panel

Please note that the contents of this Council Assessment Panel Agenda have yet to be considered and deliberated by the Council Assessment Panel therefore the recommendations may be adjusted or changed by the Council Assessment Panel in the process of making the formal Council Assessment Panel decision.

Note: The plans contained in this Agenda are subject to copyright and should not be copied without authorisation.

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1 MEETING OPENED**1.1 Acknowledgement of Country****1.2 Evacuation Procedures****1.3 Electronic Platform Meeting****2 PRESENT****3 APOLOGIES****4 CONFIRMATION OF MINUTES****RECOMMENDATION**

That the Minutes of the meeting of the Council Assessment Panel held on 8 February 2022 be confirmed as a true and correct record.

5 DISCLOSURE STATEMENTS

In accordance with section 7 of the *Assessment Panel Members – Code of Conduct* the following information should be considered by Council Assessment Panel members prior to a meeting:

A member of a Council Assessment Panel who has a direct or indirect personal or pecuniary interest in a matter before the Council Assessment Panel (other than an indirect interest that exists in common with a substantial class of persons) –

- a. must, as soon as he or she becomes aware of his or her interest, disclose the nature and extent of the interest to the panel; and
- b. must not take part in any hearings conducted by the panel, or in any deliberations or decision of the panel, on the matter and must be absent from the meeting when any deliberations are taking place or decision is being made.

If an interest has been declared by any member of the panel, the Assessment Manager will record the nature of the interest in the minutes of meeting.

6 REPORTS OF THE ASSESSMENT MANAGER

6.1 TRANSITIONAL APPLICATIONS

6.1.1 31 May Terrace, BROOKLYN PARK

Application No 211/1146/2020

DEVELOPMENT APPLICATION DETAILS

DESCRIPTION OF DEVELOPMENT	Land division - Community Title; SCAP No. 211/C138/20; Creating two (2) additional allotments
APPLICANT	S Desyllas
LODGEMENT DATE	24 Nov 2020
ZONE	Residential Zone
POLICY AREA	Low Density Policy Area 20
APPLICATION TYPE	Merit
PUBLIC NOTIFICATION	Category 1
REFERRALS	Internal <ul style="list-style-type: none"> • Nil External <ul style="list-style-type: none"> • State Commission Assessment Panel (SCAP) • South Australian Water Corporation (SA Water)
DEVELOPMENT PLAN VERSION	Consolidated 21 May 2020
DELEGATION	<ul style="list-style-type: none"> • The relevant application proposes a merit form of development, which does not meet the minimum site area requirements in the relevant Zone or Policy Area by 7.5% or more.
RECOMMENDATION	Support with conditions
REPORT AUTHOR	Amelia De Ruvo

BACKGROUND

The application was lodged prior to 19 March 2021 therefore subject to the transitional provisions in the *Planning, Development and Infrastructure Act 2016* (PDI Act) and to be assessed against the Development Plan in accordance with Regulation 11(2) of the *Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017*.

SUBJECT LAND AND LOCALITY

The subject land is formally described as Allotment 48 Deposited Plan 1898 in the area named Brooklyn Park Hundred of Adelaide, Volume 5259 Folio 675, more commonly known as 31 May Terrace, Brooklyn Park. The subject site is rectangular in shape with an 18.29 metre (m) wide frontage to May Terrace, a depth of 49.28m and a site area of 901.33m² square metres (m²).

It is noted that there are no encumbrances or Land Management Agreements on the Certificate of Title.

The site currently contains single storey detached dwelling with an attached verandah and an outbuilding. The site is relatively flat and is moderately vegetated, with no trees being of a regulated size on the subject site or adjoining site.

The locality is primarily residential in nature comprised of single storey detached dwelling on rectangular allotments which vary in site area between 450m² and 1100m². There are examples of group dwellings and residential flat buildings in the wider locality, which alter the allotment pattern and reduce the site areas on average to 200m². To the south is the Lockleys Primary School, containing a Local Heritage Item (ID no. 21073) and to the west is the Kooyong Golf Club. It is also noted that 300m to the north is Henley Beach Road and 300m to the south is Sir Donald Bradman Drive, both of these being secondary arterial roads.

The subject land and locality are shown on the aerial imagery and maps below:



RELEVANT APPLICATIONS

DA Number	Description of Development	Decision	Decision Date
211/784/2020	Construction of one (1) two storey detached dwelling and two (2) two storey group dwellings and associated landscaping	To be withdrawn	
211/1212/2020	Land Division - Torrens Title; SCAP No. 211/D143/20; Creating one (1) additional allotment	To be withdrawn	
21020428	Construction of three (3) two-storey group dwellings and associated landscaping	Planning Consent	18 Nov 2021

The subject application (211/1146/2020) was original lodged as a Community Title Land Division to create one additional allotment, however was amended in November 2021 to create two additional allotments. The application was amended to formalise the built form application that was lodged and approved under the PDI Act, application ID 21020428, for the construction of three (3) two-storey group dwellings.

Council Administration has since requested the applicants to withdraw applications 211/784/2020 and 211/1212/2020 and it is understood that the applicant intends to do this shortly.

PROPOSAL

The application seeks to divide the subject land into three Community Title Allotments. The proposed allotments are in the form of a battle-axe style development with common property (the driveway) located along the northern boundary. The proposed allotments site area and dimensions are as follows:

Allotments	741	742	743
Site Area	256m ²	212m ²	201m ²
Frontage	8.69m	N/A	N/A

The existing dwelling, all remaining structures and the vegetation on site is to be removed. A separate application has been lodged and approved under the PDI Act for the dwellings to be constructed on each allotment.

The relevant application plans and documents are contained in **Attachment 2**. In addition, a copy of the approved site plan for the separate built form application is included in **Attachment 4**.

PUBLIC NOTIFICATION

The application is a Category 1 form of development pursuant to Schedule 9 of the *Development Regulations 2008*. As the proposal is Category 1, public notification was not required to be undertaken.

INTERNAL REFERRALS

All internal referrals to City Assets and City Operations have been undertaken as part of the Built Form application.

EXTERNAL REFERRALS

Department	Comments
SPC	<ul style="list-style-type: none"> SCAP has raised no concerns with the proposal. Standard conditions of consent have been recommended should the application be supported.
SA Water	<ul style="list-style-type: none"> SA Water has raised no concerns with the proposal. The developer will be required to meet the requirements of SA Water for the provision of water and sewerages services. Standard conditions of consent have been recommended should the application be supported.

A copy of the relevant referral response is contained in **Attachment 3**.

RELEVANT DEVELOPMENT PLAN PROVISIONS

The subject land is located within the Residential Zone and, more specifically, Low Density Policy Area 20 as described in the West Torrens Council Development Plan.

The relevant Desired Character statements are as follows:

Residential Zone - Desired Character	
<p><i>This zone will contain predominantly residential development. There may also be some small-scale non-residential activities such as offices, shops, consulting rooms and educational establishments in certain locations. Non-residential activities will be complementary to surrounding dwellings.</i></p> <p><i>Allotments will be at very low, low and medium densities to provide a diversity of housing options in different parts of the zone. The range of allotment sizes will support the desired dwelling types anticipated in each policy area, and the minimum allotment sizes shall be treated as such in order to achieve the Desired Character for each policy area and, in turn, reinforce distinction between policy areas. Row dwellings and residential flat buildings will be common near centres and in policy areas where the desired density is higher, in contrast to the predominance of detached dwellings in policy areas where the distinct established character is identified for protection and enhancement. There will also be potential for semi-detached dwellings and group dwellings in other policy areas.</i></p> <p><i>Residential development in the form of a multiple dwelling, residential flat building or group dwelling will not be undertaken in a Historic Conservation Area.</i></p> <p><i>Landscaping will be provided throughout the zone to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer.</i></p>	
Objectives	1, 2, 3, 4
Principles of Development Control	1, 5, 6, 7, 8, 11, 12, 13

Low Density Policy Area 20 - Desired Character	
<p><i>Allotments in the policy area will be at low density, accommodating predominantly detached dwellings and some other dwellings types such as semi-detached and group dwellings. There will be a denser allotment pattern close to centre zones where it is desirable for more residents to live and take advantage of the variety of facilities focused on centre zones. Battle-axe subdivision will not occur in the policy area to preserve a pattern of rectangular allotments developed with buildings that have a direct street frontage.</i></p> <p><i>Buildings will be up to 2 storeys in height. Garages and carports will be located behind the front façade of buildings.</i></p> <p><i>Development will be interspersed with landscaping, particularly behind the main road frontage, to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer. Low and open-style front fencing will contribute to a sense of space between buildings.</i></p>	
Objective	1
Principles of Development Control	1, 2 & 5

Additional provisions of the Development Plan, which relate to the proposed development are contained in **Attachment 1**.

QUANTITATIVE STANDARDS

The proposal is assessed for consistency with the quantitative requirements of the Development Plan as outlined in the table below:

DEVELOPMENT PLAN PROVISIONS	STANDARD	ASSESSMENT
ALLOTMENT AREA <i>Low Density Policy Area 20 PDC 4</i>	300m ² (min.)	Lot 741: 256m ² Lot 742: 212m ² Lot 743: 201m ² All proposed allotments do not satisfy by an average of 77m² or 25.7%
ALLOTMENT FRONTAGE <i>Low Density Policy Area 20 PDC 4</i>	9m (min.)	Lot 471: 8.69m Lot 472: N/A Lot 473: N/A Proposed allotment 471 does not satisfy by 310mm or 3.5%

ASSESSMENT

In assessing the merits or otherwise of the application, the proposed development is discussed under the following sub headings:

Built Form Application Context

As stated previously in the report, an application was lodged and approved under the PDI Act for the construction of three (3) two-storey group dwellings (Application ID 21020428 - refer to Attachment 4 for the approved Site Plan). As part of the assessment of the built form, Council Administration assessed the proposal against the relevant Performance Outcomes (PO) and Designated Performance Features (DPF) of the General Neighbourhood Zone in the Planning and Design Code.

The Land Division DPF 2.1 advises that group dwellings are to have a minimum site / allotment area of 300m² and specifically details this is to be calculated on average and including common areas. The approved group dwellings each have an average site / allotment area of 300.3m², satisfying the minimum DPF requirements. The PO and DPF within the General Neighbourhood Zone allow for a land division to be in a form of a battle-axe allotment.

Further, in terms of the order of decisions, it should be noted that under the PDI Act and Planning and Design Code, the Paor decision is no longer relevant and so the land division application was not required to be determined before the built form application. Previously the Courts determined through the Paor decision that without a Land Division a site is not 'held exclusively' and therefore unable to determine the type of dwelling proposed. The definition for dwelling types under the PDI Act has now been altered and does not detail 'exclusive sites' for any dwelling type, allowing the built form application to be determined prior to a land division being approved.

Policy Area considerations

The subject application was lodged in November 2020, prior to the implementation of the Planning and Design Code, and is therefore subject to an assessment against the City of West Torrens Development Plan under the Development Act 1993.

The subject land is located within Low Density Policy Area 20 in the Development Plan, which seeks low density housing predominantly in the form of detached, semi-detached and group dwellings on allotments with site areas of 300m² or more. Additionally, the Desired Character Statement specifically states that battle-axe allotments are not to occur within the Policy Area to preserve the pattern of development. This land division application proposed sites with site areas between 201m² to 256m² (excluding common areas, as the calculation details minimums excluding common areas under the Development Plan framework) and the sites are set out in a battle-axe arrangement. On face value, the proposal does not satisfy the Desired Character Statement or relevant provisions of Low Density Policy Area 20.

However, critical to this assessment, the subject land also has a consent for three (3) two-storey group dwellings in a battle-axe arrangement that will clearly not "preserve the pattern of development" sought by the Policy Area. Therefore, the goal to achieve the site area and pattern of development outcomes sought in the Desired Character Statement is incapable of being upheld as this land division proposal will give effect to formalising the already approved built form.

Procedural considerations

Alternatively, the applicant could have withdrawn this application and lodged the land division proposal under the PDI Act as a Deemed-to-Satisfy application. This option was provided to the Applicant however, no response was received prior to the report deadline. This report is presented to the Panel for consideration as there was no reason to further delay the determination of this application.

If the Panel is of a mind to support this application, this would avert additional application costs, inconvenience and delays with receiving their Titles that would be associated with re-lodging under the PDI Act, therefore resulting in a better customer service outcome with the same eventual development outcome.

As the site / allotment areas satisfactorily meet the requirements of the Planning and Design Code, the land division will be formalising an approved built form. This assessment has taken into consideration procedural discrepancies and procedural shortcomings because of the implementation of the Planning and Design Code.

SUMMARY

Council Administration acknowledge that the proposed allotments fail to satisfy the relevant provisions of Low Density Policy Area 20, specifically in relation to the minimum site areas and configuration of the proposed allotments. However, the proposed land division will be formalising the built form application that has been since lodged and approved under the PDI Act.

In summary this application demonstrates the considerable changes to the form of development envisaged within the locality from the previous Development Plan policy compared to the new Planning and Design Code.

Further, in terms of procedure, had this application been submitted under the PDI Act it would be a Deemed-to-Satisfy application, compared to the Council's Development Act delegations, which require this application to be presented to the Council Assessment Panel for decision.

Having considered all the relevant provisions of the Development Plan and the circumstances of the application, the proposal is not considered to be seriously at variance with the Development Plan.

On balance, the proposed development sufficiently accords with the relevant provisions contained within the West Torrens Council Development Plan Consolidated 21 May 2020 and warrants Planning Consent, Land Division Consent and Development Approval.

RECOMMENDATION

The Council Assessment Panel, having considered all aspects of the report and the application for consent to carry out development of land, resolves to GRANT Development Plan Consent, Land Division Consent and Development Approval for Application No. 211/1146/2020 by S Desyllas to undertake the a land division - Community Title; SCAP No. 211/C138/20; Creating two (2) additional allotments at 31 May Terrace, BROOKLYN PARK (CT5259/675) subject to the following conditions of consent:

Development Plan Consent Conditions:

1. Development is to take place in accordance with the plans prepared by Stock Land Division relating to Development Application No. 211/1146/2020 (SCAP 211/C138/20).

Land Division Consent Conditions

Council Requirements

Nil

SCAP Requirements

1. The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services (SA Water H0106280). SA Water advises on receipt of the developer details and site specifications, an investigation will be carried out to determine if the connections to your development will be standard or non-standard fees. The developer must inform potential purchasers of the community lots in regards to the servicing arrangements and seek written agreement prior to settlement, as future alterations would be at full cost to the owner/applicant.
2. Payment of \$15,522 into the Planning and Development Fund (2 allotment/s @ \$7,761 /allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the Department of Infrastructure and Transport marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, by cheque or credit card, at Level 5, 50 Flinders Street, Adelaide.
3. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the State Commission Assessment Panel for Land Division Certificate purposes.

Attachments

1. **Relevant Development Plan Provisions**
2. **Division Plan and Certificate of Title**
3. **Referral Reports**
4. **Approved Built Form Site Plan**

Relevant Development Plan Provisions

General Section		
Land Division	<i>Objectives</i>	1, 2, 3 & 4
	<i>Principles of Development Control</i>	1, 2, 4, 5, 6, 8, 11, 12, 13, 14, 15, 16 & 17
Orderly and Sustainable Development	<i>Objectives</i>	1, 2, 3, 4 & 5
	<i>Principles of Development Control</i>	1
Residential Development	<i>Objectives</i>	1, 2, 4 & 5
	<i>Principles of Development Control</i>	1 & 3
Transportation and Access	<i>Objectives</i>	2, 3 & 4
	<i>Principles of Development Control</i>	1, 2, 8, 10, 11, 17, 18, 19, 23, 24 & 36



Product Register Search (CT 5259/675)
Date/Time 21/10/2020 10:28AM
Customer Reference brooklyn park
Order ID 20201021003157

REAL PROPERTY ACT, 1886



South Australia

The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 5259 Folio 675

Parent Title(s) CT 1159/177
Creating Dealing(s) CONVERTED TITLE
Title Issued 04/04/1995 **Edition** 3 **Edition Issued** 31/08/2004

Estate Type

FEE SIMPLE

Registered Proprietor

CON DESYLLAS
 PENNY DESYLLAS
 OF 21 HARDYS ROAD UNDERDALE SA 5032
 AS JOINT TENANTS

Description of Land

ALLOTMENT 48 DEPOSITED PLAN 1898
 IN THE AREA NAMED BROOKLYN PARK
 HUNDRED OF ADELAIDE

Easements

NIL

Schedule of Dealings

NIL

Notations

Dealings Affecting Title NIL

Priority Notices NIL

Notations on Plan NIL

Registrar-General's Notes

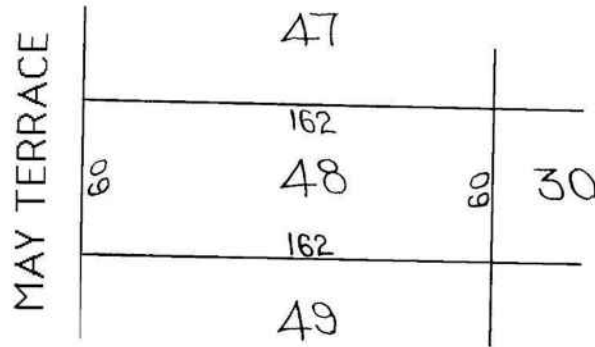
AMENDMENT TO DIAGRAM VIDE 2030/53

Administrative Interests NIL

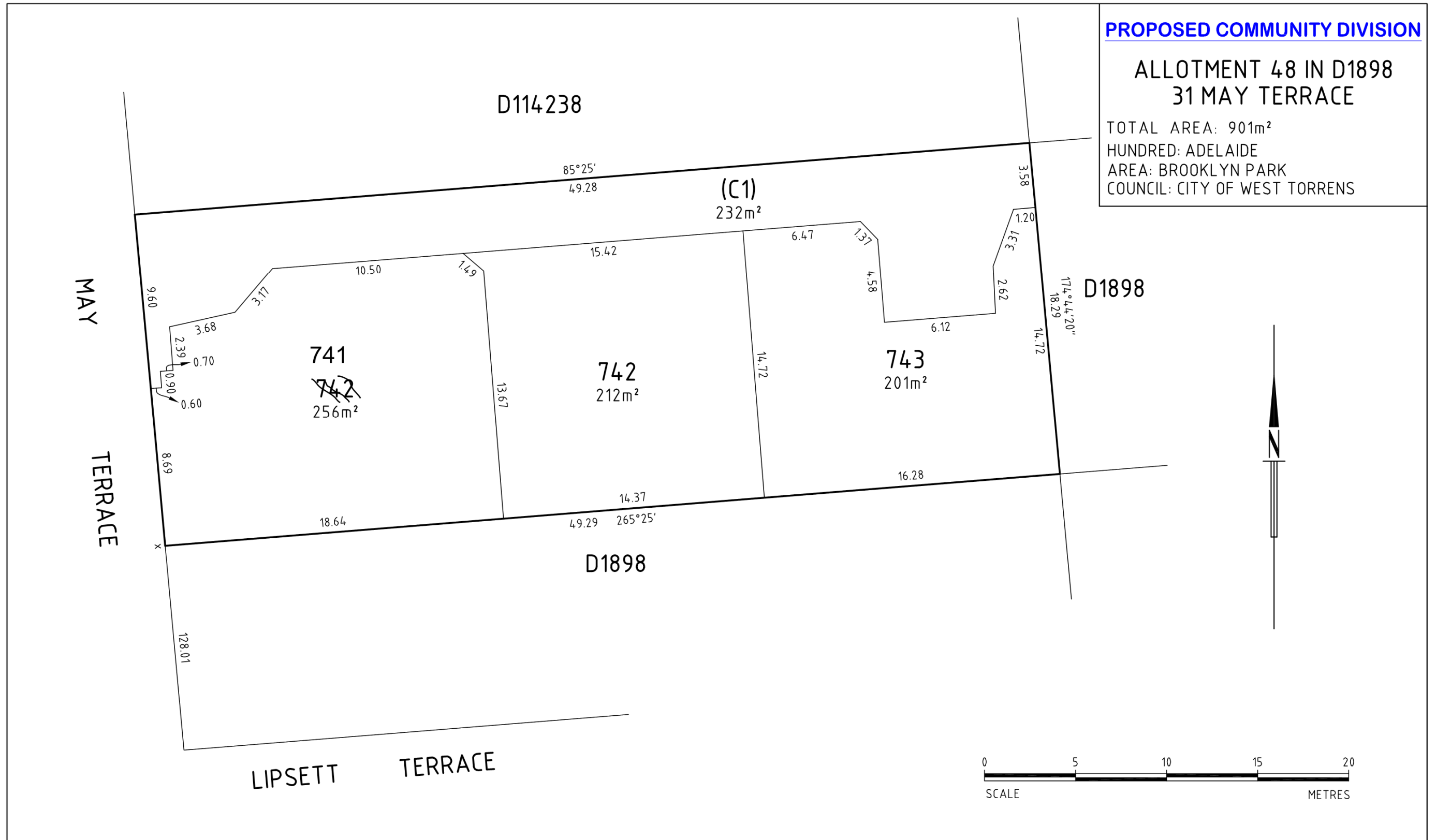


Product
Date/Time
Customer Reference
Order ID

Register Search (CT 5259/675)
21/10/2020 10:28AM
brooklyn park
20201021003157



DISTANCES ARE IN FEET AND INCHES FOR METRIC CONVERSION	
1 FOOT	= 0.3048 metres
1 INCH	= 0.0254 metres



PROPOSED COMMUNITY DIVISION
ALLOTMENT 48 IN D1898
31 MAY TERRACE
 TOTAL AREA: 901m²
 HUNDRED: ADELAIDE
 AREA: BROOKLYN PARK
 COUNCIL: CITY OF WEST TORRENS

STOCK
 LAND DIVISION
 Email : cameron@stocklanddivision.com.au
 PH: 0408 801 141
 ABN: 17 244 537 643
www.stocklanddivision.com.au

STATEMENTS CONCERNING EASEMENTS ANNOTATIONS AND AMENDMENTS

- THE COMMON PROPERTY IS DESIGNATED (C1) FOR LAND INFORMATION PURPOSES AND DOES NOT PROVIDE A LEGAL IDENTIFIER FOR THE COMMON PROPERTY.

IMPORTANT NOTE
 THIS PLAN WAS PREPARED AS A PROPOSED SUBDIVISION AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE.
 THE DIMENSIONS SHOWN HEREON ARE SUBJECT TO SURVEY AND THE REQUIREMENTS OF COUNCIL AND OTHER RELEVANT AUTHORITIES.
 NO RELIANCE SHOULD BE PLACED ON THE INFORMATION ON THIS PLAN FOR ANY FINANCIAL DEALINGS INVOLVING THIS LAND THIS NOTE IS AN INTEGRAL PART OF THE PLAN.

DEVELOPMENT No: MAP REF: 6628/41/K	
TITLE REFERENCE: CT 5259/675	
DATA SUBJECT TO SURVEY	
REFERENCE CAM 36/20 CP	DATE DRAWN 18/12/21
DRAWN BDS	

OFFICIAL

Contact Planning Services
 Telephone 7109 7016
 Email dliditplusclearanceletters@sa.gov.au



10 January 2022

Level 5, 50 Flinders Street
 Adelaide SA 5000

GPO Box 1815
 Adelaide SA 5001

City Manager
 City of West Torrens
 165 Sir Donald Bradman Dr.
 HILTON SA 5033

Dear Sir

Re: Proposed Development Application No. 211/C138/20 (ID 69600) – Amended Plan 21/12/21 for Land Division (Community Title Plan) by Steve Desyllas

Further to my letter dated 24 November 2020 and to assist the Council in reaching a decision on this application, copies of consultation agency reports received by the State Planning Commission are available for your consideration.

IT IS REQUESTED PURSUANT TO SECTION 102 (1) (d) OF THE PLANNING DEVELOPMENT AND INFRASTRUCTURE ACT THAT THE COUNCIL INCLUDE IN ITS DEVELOPMENT APPROVAL THE FOLLOWING REQUIREMENTS OF THE SPC.

1. The financial requirements of the S A Water Corporation shall be met for the provision of water supply and sewerage services. (S A Water H0106280)

SA Water advises on receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non-standard fees.

The developer must inform potential purchasers of the community lots in regards to the servicing arrangements and seek written agreement prior to settlement, as future alterations would be at full cost to the owner/applicant.

2. Payment of \$15,522 into the Planning and Development Fund (2 allotment/s @ \$7,761 /allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the Department of Infrastructure and Transport marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, by cheque or credit card, at Level 5, 50 Flinders Street, Adelaide.
3. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the State Commission Assessment Panel for Land Division Certificate purposes.

IT IS ALSO REQUIRED THAT COUNCIL PROVIDE THE SPC WITH:

- a) the date on which any existing building(s) on the site were erected (if known);
- b) the postal address of the site; and
- c) a copy of its Decision Notification Form (via EDALA) pursuant to Regulations 89 (3)(b)ii & 90

IT IS RECOMMENDED THAT THIS INFORMATION BE INCORPORATED INTO COUNCIL'S ADVICE WHEN REPORTING THAT THEIR REQUIREMENTS (IF ANY) HAVE BEEN FULLY SATISFIED.

Yours faithfully,

A handwritten signature in blue ink that reads "Biljana Prokic".

Biljana Prokic
LAND DIVISION COORDINATOR – PLANNING SERVICES
 as delegate of the
STATE PLANNING COMMISSION

SAPLANNINGCOMMISSION.SA.GOV.AU



Government of South Australia
 Attorney-General's Department



24 November 2020

Our Ref: H0106280

The Chairman
State Commission Assessment Panel
50 Flinders St
ADELAIDE SA 5000

Dear Sir/Madam

PROPOSED LAND DIVISION APPLICATION NO: 211/C138/20 AT BROOKKLYN PARK

In response to the abovementioned proposal, I advise that pursuant to Section 33 of the Development Act it is necessary for the developer to satisfy this Corporation's requirements, which are listed below.

The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.

On receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non-standard fees.

The developer must inform potential purchasers of the community lots of the servicing arrangements and seek written agreement prior to settlement, as future alterations would be at full cost to the owner/applicant.

Yours faithfully

ANN BOND
for MANAGER LAND DEVELOPMENT & CONNECTIONS

SA Water
Level 6, 250 Victoria Square
ADELAIDE SA 5000
Ph (08) 7424 1119
Inquiries ANN BOND
Telephone 7424 1119

FOR PLANNING APPROVAL ONLY

BRICK VENEER CONSTRUCTION
TIMBER FRAME CONSTRUCTION

OVERALL SITE AREA: 902 sqm

AREAS- RESIDENCE 1		AREAS- RESIDENCE 2		AREAS- RESIDENCE 3	
LIVING	65.44	LIVING	65.75	LIVING	65.75
ULIVING	94.76	ULIVING	88.28	ULIVING	88.28
GARAGE	39.97	GARAGE	41.36	GARAGE	41.36
VERANDAH	23.37	VERANDAH	13.35	VERANDAH	13.35
PORCH	7.09	PORCH	1.84	PORCH	1.84
TOTAL	230.63m² (24.82 squares)	TOTAL	210.56m² (22.66 squares)	TOTAL	210.56m² (22.66 squares)

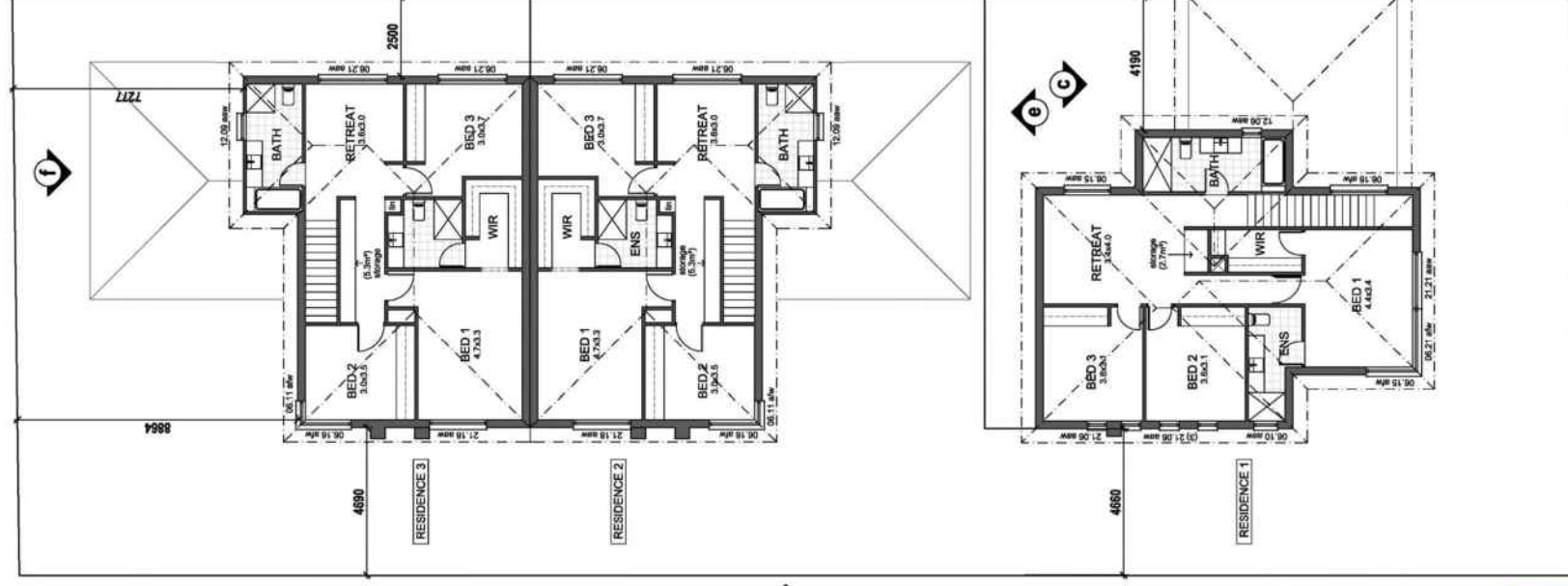


M A Y T E R R A C E

proposed site-lower floor plans

SCALE 1:100 @ A1

OVERALL SITE AREA	902m ²
SITE SOFT LANDSCAPING	221m ² 24.5%
AREA BETWEEN BOUNDARY AND PRIMARY BUILDING LINE	92m ²
FRONT SOFT LANDSCAPING	31m ² 33.7%



proposed site-upper floor plans

SCALE 1:100 @ A1

inspire
Design Studio

PROPOSED RESIDENTIAL
DEVELOPMENT

AT:
31 MAY TERRACE
BROOKLYN PARK

CLIENT:
DESYLLAS

Drawn	Checked	Date
J.R.	A.P.	FEB 2020
Scale	AS SHOWN	Rev A 02.03.21 Rev B 10.06.21 Rev C 07.07.21 Rev D 06.08.21 Rev E 24.08.21 Rev F 27.10.21 Rev H
Job No.	5248.20	Sheet No. 1 OF 3

Contractors are to verify all dimensions and levels on site before commencing any works or preparing shop drawings. Figured dimensions shall take precedence over dimension lines. Any discrepancy shall be reported to the designer immediately.



URBAN TREE CANOPY OVERLAY	NO REGULATED OR SIGNIFICANT TREES ON OR IN PROXIMITY OF THE SUBJECT SITE
Laurus nobilis, 'Sweet Bay' All small trees (4m high x 2m spread) Soil areas >10m ² Min. Dm. >1.8m	

LANDSCAPING:	BOTANICAL NAME	COMMON NAME
TREES	Eucalyptus	Prima Donna
SHRUBS	Pinus colleyana	'Coplar' Ornamental Pear
	Crowea	'Festival'
	Bambusa vulgaris	Nana
	Boronia muelleri	Forest Boronia
GROUND COVER	Alphitonia humilimum	Native Cranberry
	Alysicarpus	Collin's Giant
	Kennedia prostrata	Scarlet Runner

6.2 PDI ACT APPLICATIONS

Nil

7 REVIEW OF ASSESSMENT MANAGER DECISION

Nil

8 CONFIDENTIAL REPORTS OF THE ASSESSMENT MANAGER

Nil

9 RELEVANT AUTHORITY ACTIVITIES REPORT**9.1 Activities Summary - March 2022****Brief**

This report presents information in relation to:

1. Any development appeals before the Environment, Resources and Development (ERD) Court where the Council Assessment Panel (CAP) is the relevant authority;
2. Other appeal matters before the ERD Court of which SCAP are the relevant authority;
3. Any deferred items previously considered by the CAP
4. Summary of applications that have been determined under delegated authority where CAP is the relevant authority; and
5. Any matters being determined by the State Commission Assessment Panel (SCAP).

RECOMMENDATION

The Council Assessment Panel receive and note the information.

Development Application appeals before the ERD Court**CAP is the relevant authority**

DA number	Address	Description of development	Status
211/279/2021	5 Palmyra Avenue, TORRENSVILLE	Demolition of existing buildings and construction of 19 two-storey dwellings with common driveway access and associated landscaping.	Appeal lodged by applicant on 22 December 2021. Preliminary conference held on 17 February 2022.
21014960	437 Henley Beach Road, BROOKLYN PARK	Variation to Condition 3 in DA 211/262/2016 - extension to hours of operation to include Mondays 11.00am to 11.00pm and Sundays 11.00am to 11.00pm	Appeal lodged by applicant on 14 February 2022. Preliminary conference to be scheduled.

SCAP is the relevant authority

DA number	Address	Description of development	Status
211/M022/17	79 Port Road, THEBARTON	Multi-storey mixed use development, incorporating commercial tenancy, 2 storey car park, 9-storey residential flat building, four x 3-storey residential flat buildings and car parking	Compromise plans have been received and Council comments provided to SCAP 09 November 2020. The compromise proposal was scheduled for conciliation conference 28 January 2021. No further update available.

Deferred CAP Items

Nil

Development Applications determined under delegation (CAP is the relevant authority)

Awaiting PlanSA Portal functionality to report on relevant applications.

Development Applications pending determination by SCAP

DA Number	Reason for referral	Address	Description of development
211/M135/21 Lodged 16/03/21	Schedule 10	1 Selby Street, Kurralta Park	Construction of a 10-storey residential flat building with associated car parking and site works. Under Assessment.
211/M134/21 Lodged 16/03/21	Schedule 10	4-10 Railway Terrace Mile End	Construction of a mixed use residential/commercial development comprising 51m ² commercial tenancy, two (2) residential flat buildings comprising 6 dwellings and 28 dwellings associated landscaping, carparking, communal spaces and public realm improvements (Stage 2) Under Assessment. Public notification closed on 10 November 2021. Council comments sent to SCAP 02/12/2021.

211/M129/21 Lodged 17/02/21	Schedule 10	8 Eton Road, Keswick	Construction of a six (6) storey mixed use building comprising residential and commercial tenancies together with car parking and landscaping. Under Assessment. Council comments sent to SCAP on 18/03/21. This application has been withdrawn.
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Conclusion

This report is current as at 22 February 2022.

Attachments

Nil

10 OTHER BUSINESS

10.1 Update on applications to the Council Assessment Panel under the PDI Act

Brief

This report provides an update on applications received where Council Assessment Panel is the relevant authority under the Planning, Development and Infrastructure Act 2016 since March 2021.

RECOMMENDATION

It is recommended to Council Assessment Panel that the report be received.

Introduction

The CAP's Meeting Procedures state:

(12) Reporting

- (a) Subject to the available reporting functionality in the SA Planning Portal, the Assessment Manager will present to the CAP a regular summary report of:*
- i. applications that have been determined under delegated authority and CAP is the relevant authority;*

This report aims to provide the Panel with an indication of the types of applications received where CAP is the relevant authority.

The Panel may wish to consider this information in future reviews the Planning and Design Code Public Notification requirements or future reviews of its delegations to the Assessment Manager and Chief Executive Officer.

Discussion

Information on applications received where CAP is the relevant authority that were able to be extracted from the PlanSA Portal and manually verified has been collated and included in **Attached 1**.

The data for this table was initially extracted from the PlanSA Portal on 4 February 2022.

Data Accuracy

Unfortunately at the time the Phase 3 Planning, Development and Infrastructure Act 2016 (PDI Act) transition was implemented the PlanSA Portal did not have functionality to distinguish applications between whether the relevant authority was the Assessment Manager or Assessment Panel.

While Council staff were able to record that the appropriate processes were followed (i.e. public notification), reporting on these early applications is not able to be generated from the PlanSA Portal.

Although the above issue has been rectified, at this point in time the PlanSA Portal still does not provide the functionality to enable accurate reporting on applications by relevant authority.

This matter has been raised with PlanSA numerous times and also the Local Government Association of South Australia has advocated to PlanSA on this matter.

The information in this report has been manually extracted from the PlanSA Portal and its completeness is not assured.

While the information relating to each individual application listed has been manually confirmed, there may be some additional applications where the Council Assessment Panel is the relevant authority but they are omitted from this list.

Unfortunately, there is currently no way to accurately cross reference the PlanSA reports to verify the relevant authority data in the PlanSA Portal. At this time manually reviewing all applications submitted within the PlanSA Portal in the City of West Torrens since March 2021 is a very significant administrative task.

Applications under assessment

In terms of the current status of the applications, those noted as "Under Assessment" include applications where the applicant has been requested to provide additional information.

In terms of some of these applications, the following may yet occur during the assessment process:

- if an applicant amends an application, it may no longer trigger the requirement for public notification in Table 5 of the Planning and Design Code and at that point in time the application transfers to the Assessment Manager as the relevant authority.
- the Assessment Manager (or planning officer under delegation) may determine that the application is 'minor' and not subject to the notification process and at that point in time the application transfers to the Assessment Manager as the relevant authority.

Future reporting to CAP

At this time there is limited functionality in the PlanSA Portal to provide this information with accuracy to CAP on a more regular basis. The Assessment Manager continues to liaise with PlanSA staff and advocate for more effective and accurate reporting mechanisms in the PlanSA Portal. It is understood PlanSA will be undertaking a project to improve reporting in the Portal during the second quarter of 2022.

Conclusion

This report presents, for the Panel's information, a summary of information extracted from the PlanSA Portal on applications received by the Council Assessment Panel as the relevant authority since March 2021.

Attachments

1. Applications to the Council Assessment Panel

DA ID	Location	Description of Development	Public notice Completed? (Yes/No) & Reps received (number)	Status
21027188	240-242 SIR DONALD BRADMAN DR COWANDILLA	5 metre (w) x 1 metre (h) advertising banner erected on front of the boundary fence facing Sir Donald Bradman Drive, and two teardrop banners inserted behind fence	Yes - 1 rep Public notice period: 14 Dec - 11 Jan 2022	Planning Consent granted under staff delegation
21032274	99-103, 105 & 107 MORPHETT RD CAMDEN PARK	Construction of a warehouse with ancillary offices and amenities and associated car parking and landscaping and removal of one (1) Significant tree	Yes - 1 rep (later withdrawn) Public notice period: 19 Nov - 9 Dec 2021	Planning Consent granted under staff delegation
21012531	183 HENLEY BEACH ROAD TORRENSVILLE	Alterations and additions to existing hotel including new balcony/verandah over footpath	Yes - 5 reps (1 wished to be heard) Public notice period: 10 Sep - 1 Oct 2021	Planning Consent Granted by CAP
21013814	14 RANKINE RD TORRENSVILLE	Internal alterations and additions to existing dwelling, including an upper level, and construction of a verandah attached to the rear of the dwelling	Yes - 2 reps (1 wished to be heard) Public notice period: 22 Sep - 13 Oct 2021	Planning Consent Granted by CAP
21002880	364 ANZAC HIGHWAY PLYMPTON	Construction of a carwash and associated plant room, water tanks, acoustic fence, signage and landscaping	Yes - 1 rep (1 wished to be heard) Public notice period: 15 Apr - 7 May 2021	Planning Consent Granted by CAP
21014960	437 HENLEY BEACH RD BROOKLYN PARK	Variation to Condition 3 in DA 211/262/2016 - extension to hours of operation to include Mondays 11.00am to 11.00pm and Sundays 11.00am to 11.00pm	Yes - 3 reps (1 wished to be heard) Public notice period: 15 Sep - 6 Oct 2021	Planning Consent Refused by CAP
21029645	93 HARDYS RD UNDERDALE	Demolition of existing outbuilding and construction of garage/shed on side and rear boundaries	Yes - 0 reps Public notice period: 22 Nov - 10 Dec 2021	Under assessment (to be determined under staff delegation)
21034665	60 BEARE AV NETLEY	Construction of a domestic outbuilding	Yes - 0 reps Public notice period: 31 Jan - 18 Feb 2022	Under assessment (to be determined under staff delegation)
21027190	616 BURBRIDGE RD WEST BEACH	Equipment storage facility for horse club and Scouts/Girl Guides.	Yes - 0 reps Public notice period: 22 Dec - 19 Jan 2022	Under assessment (to be determined under staff delegation)

DA ID	Location	Description of Development	Public notice Completed? (Yes/No) & Reps received (number)	Status
21036745	15-17 WILLINGALE AV LOCKLEYS	Construction of a garage and two Carports	Yes - 0 reps Public Notice period: 14 Jan - 4 Feb 2022	Under assessment (to be determined under staff delegation)
21019833	2-10 & 14 HENLEY BEACH RD MILE END	Change of use of building at 14 Henley Beach Road and alterations and additions to create additional classroom space for art studios, textile & fashion studio and home economics kitchen facilities including coolroom/freezer and acoustic fence, in association with existing educational establishment located at 2-10 Henley Beach Road.	Yes - 0 reps Public notice period: 3 Nov - 23 Nov 2021	Under assessment (to be determined under staff delegation)
21036921	28 DEW ST THEBARTON	Internal alterations and fit-out to existing building to provide common amenity facilities, and a change of use of front portion of building to accommodate bakery (light industry) with associated preparation area, cool room, office and ancillary shop/servery	Yes - 3 reps (none wish to be heard) Public notice period: 4 Feb - 24 Feb 2022	Under assessment (to be determined under staff delegation)
21013155	20-24 & 30-32 SUTTON TCE & 11-13 DESMOND AV MARLESTON	Land division creating 43 allotments, reserve area, and a public road	On notice Public notice period: 21 Feb - 11 Mar 2022	Under assessment
21040121	27 & 29 NORTHCOTE ST TORRENSVILLE	Construction of two (2) two-storey group dwellings, conversion of existing detached dwelling at 29 Northcote Street to a group dwelling including construction of a freestanding carport accessed from common driveway, and erection of boundary fencing up to 1.8m in height	On notice Public Notice Period: 21 Feb - 11 Mar 2022	Under assessment
21038562	34-48 LIPSETT TCE BROOKLYN PARK	Covered outdoor decked areas to existing Early Learning Centre	On notice Public Notice Period: 18 Feb -10 Mar 2022	Under assessment
21039387	6A BALLARA ST MILE END	Demolition of existing outbuilding and construction of new double garage comprising underground cellar and upper level ancillary accommodation	No	Submitted - Awaiting fee payment to finalise lodgement

DA ID	Location	Description of Development	Public notice Completed? (Yes/No) & Reps received (number)	Status
21027349	199, 201 & 205 RICHMOND RD RICHMOND SA 5033	Erection of two non-permanent marquees, placement of two shipping containers and associated verandah to cover, freestanding carport, and associated car parking	No	Submitted - Awaiting fee payment to finalise lodgement
22000566	11-17 JAMES CONGDON DR MILE END	Alterations and additions to existing self-storage facility comprising 90 additional single storey self-storage units, conversion of existing ground level office space to 26 storage units, variation to conditions 2, 3, and 6 in DA 211/985/2015 to allow for 24/7 access to the site, relocation of access, reconfiguration of on-site parking, associated landscaping and construction of a 3m high acoustic all along portion of the western boundary	No	Under Assessment
21041454	9 WILFORD AV UNDERDALE	Community Title Land Division 1 into 5 and construction of a residential flat building comprised of 5 dwellings	No	Under assessment
21041450	16 MALURUS AV LOCKLEYS	Construction of a domestic outbuilding	No	Under assessment
21040187	183 HOLBROOKS RD UNDERDALE	Construction of workshop/store (light industry) and enclosure of existing verandah	No	Under assessment
21039722	1 & 3 FARNHAM RD & 94 RICHMOND RD KESWICK	Extension to existing carpark ancillary to existing shop	No	Under assessment
21037468	116-118 SOUTH RD TORRENSVILLE	Installation of signage attached to fence	No	Under assessment
21037287	248 & 250 RICHMOND RD MARLESTON	Construction of four (4) warehouse tenancies with ancillary offices and associated car parking and landscaping	No	Under assessment
21037204	24 TARRAGON ST MILE END	Partial demolition of existing dwelling and the construction of a two-storey dwelling addition - Staged application: Stage 1 - Concrete slab and external frame; Stage 2 - Balance of works	No	Under assessment
21035714	27 CLIFFORD ST TORRENSVILLE	Construction of a two-storey detached dwelling	No	Under assessment

DA ID	Location	Description of Development	Public notice Completed? (Yes/No) & Reqs received (number)	Status
21034828	213-215 RICHMOND RD RICHMOND	Additions to existing warehouse	No	Under assessment
21034250	15 OSBORN TCE PLYMPTON	Two (2), two storey detached dwellings	No	Under assessment
21033122	262 SOUTH RD HILTON	Construction of a two-storey office building with rooftop terrace and associated car parking and landscaping	No	Under assessment
21030311	27 HOLLAND ST THEBARTON	Placement of a refrigerated shipping container within the front carpark area for storage of frozen goods	No	Under assessment
21029641	1 KENNETH AV UNDERDALE	Workshop addition to rear of existing industry	No	Under assessment
21028599	239 & 241-243 RICHMOND RD RICHMOND	Demolition of existing dwellings and associated structures, and construction of three (3) warehouses with associated office and storage space, two retail tenancies with associated offices along with associated car parking landscaping and freestanding pylon signage	No	Under assessment
21027926	6 TROON ST NOVAR GARDENS	Two storey detached dwelling including a below ground cellar and a swimming pool with associated safety fencing and pool equipment	No	Under assessment
21026832	45 KINTORE LANE MILE END	Two Storey Detached Dwelling	No	Under assessment
21025617	31 GLENGYLE TCE GLANDORE	Internal alterations and additions to existing dwelling including an upper level	No	Under assessment
21014495	235 RICHMOND RD RICHMOND	Demolition of existing offices building and shed and construction of warehouse, ancillary offices with associated car parking and landscaping	No	Under assessment
21008732	34 SURREY RD KESWICK	Warehouse with associated car parking and landscaping	No	Under assessment
2101 4129	43 MALURUS AV LOCKLEYS	Retaining wall and fence along southern boundary for a length of 14.4m up to maximum cumulative height of 2.8m	N/A	Withdrawn

DA ID	Location	Description of Development	Public notice Completed? (Yes/No) & Reps received (number)	Status
21013337	41-43 ASHWIN PDE TORRENSVILLE	Change of use to shop, store and ancillary offices	N/A	Withdrawn
21041561	32B ASHBURN AV FULHAM	Construction of a fence to a maximum cumulative height of 2.7 metres	N/A	Withdrawn

The data for this table was initially extracted from the PlanSA Portal on 4 February 2022.

10.2 Procedures at Council Assessment Panel Meeting

Brief

This report presents potential changes to the *Procedures at Council Assessment Panel Meetings (Meeting Procedures)* for the Council Assessment Panel's consideration.

RECOMMENDATION

It is recommended to the Council Assessment Panel that:

1. The revised *Procedures at Council Assessment Panel Meetings* in **Attachment 2** of the Agenda report be adopted.
2. That the Assessment Manager be authorised to make changes of a technical and/or minor nature.

Introduction

The *Planning, Development and Infrastructure (General) Regulations 2017* (Regulations) stipulate the statutory procedures to be undertaken during the operation of Council Assessment Panel (CAP) meetings. In accordance with the Regulations, CAP may adopt meeting procedures for its meetings and may determine its own procedures so long as they are not inconsistent with the Planning, Development and Infrastructure Act or Regulations.

The CAP has previously adopted these meeting procedures in a document titled *Procedures at Council Assessment Panel Meetings (Meeting Procedures)*. A copy of the current Meeting Procedures are enclosed in **Attachment 1**.

Clause 14(1) of the Meeting Procedures states that CAP should review the operation of its Meeting Procedures at least once in every financial year.

This review is timely given the CAP has been operating as a relevant authority within the *Planning, Development and Infrastructure Act 2016* statutory framework for approximately one year.

Accordingly, this report seeks formal approval by the CAP of the draft revised *Procedures at Council Assessment Panel Meetings (Attachment 2)*.

Discussion

Following a previous call for feedback to CAP Members for proposed revisions to the *Procedures at Council Assessment Panel Meetings* and in consideration of recent legislative changes, a draft revised *Procedures at Council Assessment Panel Meetings* has been prepared for the CAP's consideration.

The draft revised *Procedures at Council Assessment Panel Meetings* includes the following amendments:

- Add new clauses and amend existing clauses to facilitate meetings to be held remotely by means of audio visual and audio communication. On 1 January 2022, the *Legislation Interpretation Act 2021* repealed the previous *Acts Interpretation Act 1915*. Section 39 of the new Act allows meetings prescribed by legislation to be held remotely even when not a State Emergency.
- Add a new clause to allow for the submission of late items to the agenda with the leave of or at request of the Presiding Member.
- Add a new clause to include the Presiding Member to read the Acknowledgement of Country prior to the commencement of business.

- A new range of clauses relating to the CAP's deliberations and voting, including
 - Order of discussion
 - Introduce process of calling for a mover
 - Process of making a decision via consensus and formal voting
 - Circumstances in which a decision on an application may be deferred

- Amend clauses relating to the hearing of representors to remove specific references to Category 2 and 3 applications.
- Amend references to the Development Plan and Development Plan Consent to also apply to the PDI Act framework.
- Add a clause to enable the Presiding Member to invite a representor who is not scheduled to be heard, to be heard.
- Add a clause to allow the applicant of an application, where no representors appear at the meeting and the staff recommendation is to refuse consent, to be heard.
- Add a clause to allow the Presiding Member to limit representors to only speak on planning issues
- Remove the requirements relating to the recording of meetings where the meeting is livestreamed.
- Add new clauses relating to the scope of assistance provided during CAP meetings by the Assessment Manager and planning staff.
- Consequential and minor amendments to formatting, layout and wording.

Many of the above changes are intended to document existing practices the CAP already adopt within its meetings and a number of clauses are intended to provide clarity to members of the public, applicants and representors regarding the CAP's practices.

A tracked changes version of the draft revised *Procedures at Council Assessment Panel Meetings* is included in **Attachment 3**.

Further amendments to the draft revised *Procedures at Council Assessment Panel Meetings* may be considered during the CAP's deliberations.

Conclusion

The report seeks the CAP's endorsement of the revised *Procedures at Council Assessment Panel Meetings*.

Attachments

1. **Current CAP Procedures**
2. **Draft CAP Meeting Procedures**
3. **Draft CAP Meeting Procedures - tracked changes version**

CITY OF WEST TORRENS



Procedures at Council Assessment Panel Meetings

Classification:	Meeting Procedures
First Issued:	10 October 2017
Dates of Review:	2017, 2018, 2020, 2021
Version Number:	5
Next Review Due:	2022
Objective ID:	A2637120
Applicable Legislation:	<ul style="list-style-type: none"> • Planning, Development and Infrastructure Act 2016 (SA) • Planning, Development and Infrastructure (General) Regulations 2017 (SA) • Assessment Panel Members - Code of Conduct
Related Policies or Corporate Documents:	<ul style="list-style-type: none"> • Terms of Reference - Council Assessment Panel
Associated Forms:	<ul style="list-style-type: none"> • Council Assessment Panel Member Conflict of Interest Declaration Form
Note:	
Responsible Manager:	Assessment Manager
Endorsed by CAP:	Council Assessment Panel Date 9 February 2021 Minutes

City of West Torrens - - Procedures at Council Assessment Panel Meetings

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City of West Torrens - - Procedures at Council Assessment Panel Meetings

Procedures at Council Assessment Panel Meetings

(1) Introduction

The *Planning, Development and Infrastructure (General) Regulations 2017* (Regulations) stipulate certain statutory procedures to be observed at or undertaken during meetings of the Council Assessment Panel (CAP). Otherwise, the CAP determines its own meeting procedures so long as they are not inconsistent with the Regulations.

The combined document is the City of West Torrens' Procedures at CAP Meetings (Meeting Procedures) adopted by the CAP.

These Meeting Procedures operate at CAP meetings. They are also available to the public to assist their understanding of the procedures associated with the operation of CAP meetings. These Meeting Procedures are reviewed annually.

The CAP may, at any time by resolution, alter or substitute these Meeting Procedures.

(2) Interpretation

Act means the *Planning, Development and Infrastructure Act 2016*;

Additional Member - a person who holds a qualification, or has expertise or experience recognised by a practice direction for the purposes of section 85 of the Act. An Additional Member is not able to vote on any matter arising for determination by the CAP.

Assessment Manager means a person appointed by the Chief Executive Officer pursuant to section 87 of the Act. The Assessment Manager is responsible for overseeing the operations of and providing advice to the CAP.

Member means a member of the Council Assessment Panel and includes a Deputy Member.

Presiding Member means the person who is formally appointed by Council as the presiding member of the CAP and includes any person who is presiding at a particular meeting of the CAP;

Representor means a member of the public who wishes to present information to the CAP in relation to a proposed development being considered by the CAP;

State Emergency means a major emergency declaration, identified major incident declaration, disaster declaration, public health emergency or any other emergency as so declared under the *Emergency Management Act 2004 (SA)*.

Written notice includes a notice given in a manner or form determined by the CAP.

- (1) In the calculation of “**clear days**” in relation to the giving of notice before a meeting -
 - (a) the day on which the notice is given, and the day on which the meeting occurs, will not be taken into account; and
 - (b) Saturdays, Sundays and public holidays will be taken into account.

City of West Torrens - - Procedures at Council Assessment Panel Meetings

- (2) For the purposes of the calculation of clear days, if a notice is given after 5 pm on a day, the notice will be taken to have been given on the next day.

(3) Guiding Principles

The following principles (the **Guiding Principles**) should be applied with respect to the procedures to be observed at a meeting of the CAP:

- (a) procedures should be fair and contribute to open, transparent and informed decision-making;
- (b) procedures should encourage appropriate community participation in the affairs of the CAP;
- (c) procedures should reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting;
- (d) procedures should be sufficiently certain so as to give the community and decision-makers confidence in the deliberations undertaken at the meeting.

(4) Notice of Meetings

- (1) Subject to this clause, clause (11) and clause (14) of these Meeting Procedures, the CAP will meet at 165 Sir Donald Bradman Drive, Hilton SA 5033 at 5pm on the second Tuesday of each month and in January of each year when it will meet on the third Tuesday of the month at 5:00pm.
- (2) Notice of a CAP meeting must:
 - (a) be in writing;
 - (b) set out the time, date and place of the meeting;
 - (c) be signed by the Assessment Manager to the CAP;
 - (d) contain or be accompanied by the agenda and any documents and/or reports that are to be considered at the meeting (in so far as practicable);
 - (e) be provided electronically to CAP Members a minimum of three (3) clear days before the meeting; and
 - (f) be displayed at the Civic Centre, Hamra Centre Library and on Council's website a minimum of three (3) clear days before the meeting.
- (3) The Assessment Manager may vary the meeting place, date and time in consultation with the Presiding Member but must ensure that a minimum of three (3) clear days' notice of the new meeting date is provided and the meeting is notified according to clause (4)(2) of these Meeting Procedures. NOTE: this clause is subject to clauses (11) and (14) of these Meeting Procedures during a State Emergency.
- (4) The Assessment Manager may vary the meeting place and/or time in consultation with the Presiding Member without the requirement for three (3) clear days' notice during a declared State Emergency.
- (5) Special meetings of the CAP may be required in special circumstances to expedite decisions on applications before the CAP and will be called at the discretion of the Assessment Manager in consultation with the Presiding Member. Members of the CAP, applicants, representors and the public must be given a minimum of four (4) hours' notice before the commencement of the special meeting.

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(5) Deputy Members

- (1) If a CAP Member is unable to attend a meeting, s/he must notify the Assessment Manager as soon as reasonably practicable.
- (2) The Assessment Manager may request the Deputy Member to the Elected Member attend a meeting in the place of the CAP Elected Member for all or part of a meeting.
- (3) The Assessment Manager may request that the Deputy Independent Member or Members attend a meeting in lieu of an Independent CAP Member or Members for all or part of a meeting.

(6) Additional Members

- (1) The CAP may, by resolution, appoint up to two Additional Members to assist the CAP in dealing with a particular matter.
- (2) Such Additional Members must hold a qualification, or have expertise or experience, recognised by *Practice Direction 5 - Appointment of additional members to an Assessment Panel* issued by the State Planning Commission.
- (3) The Assessment Manager may request in writing for an Additional Member to attend a CAP meeting and this request must be accompanied by the notice for the meeting in accordance with clause 4(2), highlighting the item(s) the Additional Member is required to consider.
- (4) Additional Members appointed by the CAP are not entitled to vote at meetings.
- (5) Additional Members will be remunerated accordingly.

(7) Quorums (Regulation 15)

A quorum at a meeting of the CAP is the minimum number of voting Members in order for the meeting to occur and/or continue. The quorum is derived by dividing the total number of voting members of the CAP by 2, ignoring any fraction resulting from the division, and adding 1 i.e. as the CAP is constituted of 5 members, quorum is three (3).

(8) Commencement of Meetings

- (1) A meeting will commence as soon after the time specified in the notice of meeting as a quorum is present.
- (2) If the number of apologies received by the Assessment Manager indicates that a quorum will not be present at a meeting, the Assessment Manager may adjourn the meeting to a specified day and time.
- (3) If, at the expiration of 30 minutes from the time specified in the notice of meeting as the time of commencement a quorum is not present, the Presiding Member or, in the absence of the Presiding Member, the Deputy Presiding Member, or in the

City of West Torrens - - Procedures at Council Assessment Panel Meetings

absence of both members, the Assessment Manager, will adjourn the meeting to a specified day and time.

- (4) If a meeting is adjourned for want of a quorum, the Assessment Manager will record in the minutes the reason for the adjournment, the names of any members present, and the date and time to which the meeting is adjourned.
- (5) The Presiding Member may, with the leave of the meeting, adjourn the meeting to a future date and time.
- (6) If a meeting is adjourned to another day, the Assessment Manager must:
 - (a) give notice of the adjourned meeting to each Member setting out the date, time and place of the meeting;
 - (b) give notice of the adjourned meeting to applicants and representors setting out the date, time and place of the meeting; and
 - (c) give notice of the adjourned meeting to the public by causing a notice setting out the date, time and place of the meeting to be placed on display at the principal office of the Council and on the Council's website.

(9) Order of Business

- (1) Prior to the commencement of business the Presiding Member will read the Fire Evacuation Statement if members of the public are present.
- (2) If any Members or the public are attending the CAP meeting remotely, prior to the commencement of business, the Presiding Member will explain the particulars relating to remote access.
- (3) If both the Presiding Member and the Deputy Presiding Member are absent from a meeting, or for any agenda item at the meeting, a Member will be chosen from those present to preside at the meeting until the Presiding Member or the Deputy Presiding Member is present. That Member presiding will have all the powers and duties of the Presiding Member at that meeting.
- (4) The Presiding Member may alter the order of business listed in the agenda with the leave of the meeting, e.g. if the majority of the representors are interested in a particular item.
- (5) Members are required to make any disclosure of a conflict of interest, pursuant to the Act and/or the Code of Conduct adopted by the Minister, prior to the commencement of the items of business before the meeting.

(10) Voting (Regulation 16)

- (1) Each Member of the CAP who is present at a meeting of the CAP is entitled to 1 vote on a matter arising for decision and, if the votes are equal, the Presiding Member will have an additional, casting vote.
- (2) Sub-regulation (1) does not apply to a person who is taken to be a Member of the CAP under section 85 of the Act*.

*Section 85 precludes additional members from voting.

City of West Torrens - - Procedures at Council Assessment Panel Meetings

(11) Public Access to Meetings (Regulation 13)

- (1) In connection with the conduct of the proceedings of the CAP, members of the public are entitled to attend a meeting of the CAP other than as set out in sub-regulation (2).

- (1) The Presiding Member may adjourn a meeting in the event of a disruption or disturbance by any person (including a Member, applicant, representor or other member of the public) to a specified date and time.
- (2) The Presiding Member may ask a member of the public (including an applicant, representor or other member of the public) to leave a meeting where they are, in the opinion of the Presiding Member:
- (a) behaving in a disorderly manner; or
 - (b) causing an interruption or disruption to the meeting.
- (3) In the event that that the member of public refuses to leave the meeting, a senior member of staff will contact SAPOL for assistance.
- (4) In the event of a declared State Emergency, public access to meetings may be facilitated via telephone or online platforms to be determined by the Assessment Manager in consultation with the Presiding Member.
- (5) If it is determined that public access will be facilitated via telephone and/or online platforms, the Presiding Member must ensure that the public are able to hear the meeting if they are accessing the meeting via telephone, and hear and see the meeting if they are accessing via online platform.
- (6) The Presiding Member may cause the broadcast to be muted if appropriate and required to facilitate the proper carrying out of the meeting.

- (2) The CAP may exclude the public from attendance at a meeting:
- (a) during so much of the meeting as is necessary to receive, discuss or consider in confidence any of the following matters:
 - i. information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);
 - ii. information the disclosure of which:
 - A. could unreasonably 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;
 - iii. information the disclosure of which would reveal a trade secret;
 - iv. 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;
 - v. matters affecting the safety or security of any person or property;
 - vi. information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially

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- affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial;
- vii. matters that should be considered in confidence in order to ensure that the assessment panel, or any other entity, does not breach any law, or any order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;
 - viii. legal advice;
 - ix. information relating to actual litigation, or litigation that the assessment panel believes on reasonable grounds will take place;
 - x. information the disclosure of which:
 - A. would divulge information provided on a confidential basis by or to a Minister of the Crown, the Commission, or another public authority or official; and
 - B. would, on balance, be contrary to the public interest;
- (b) during so much of the meeting that consists of its discussion or determination of any application or other matter that falls to be determined by the assessment panel.

- (1) If the public have been excluded from attendance at a meeting, the CAP must resolve whether or not to retain, (in confidence), the reports and documents which have been considered by it in confidence.
- (2) If the CAP orders, by resolution, that the information is to remain confidential it must also determine the circumstances in which that the confidential order will cease to apply or a period after which the order is to be reviewed. Any order exceeding a twelve (12) month period will be reviewed at least once in every twelve (12) month period.
- (3) At the end of each financial year the Assessment Manager will undertake a review of the reports and documents which remain in confidence.
- (4) The annual review will be presented to CAP and will identify which confidentiality orders have expired and which remain in place.
- (5) The outcome of the annual review will also be presented to Council for information and included within the Annual Report.
- (6) If public access to the meeting is being facilitated via telephone and/or online platform, the Presiding Member must ensure that any broadcast ceases at the time the meeting enters into confidence

(12) Minutes and Other Documents (Regulation 14)

- (1) The Assessment Manager must ensure that accurate minutes are kept of the proceedings of the CAP.
- (2) Any disclosure by a Member of a direct or indirect pecuniary interest in any aspect of a development or any body associated with any aspect of a development required under the Act must be recorded in the minutes of the CAP.
- (3) Members of the public are entitled to reasonable access to:

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- (a) the agendas for meetings of the CAP; and
 - (b) the minutes of meetings of the CAP.
- (4) However, the CAP may, before it releases a copy of any minutes under sub-regulation (3), exclude from the minutes information about any matter dealt with on a confidential basis by it.
- (5) Minutes must be available under sub-regulation (3) within 5 business days after being adopted by the CAP.

- (6) The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.
- (7) No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.
- (8) On the confirmation of the minutes, the Presiding Member will:
- (a) initial each page of the minutes, which pages are to be consecutively numbered; and
 - (b) place his or her signature and the date of confirmation at the foot of the last page of the minutes.
- (9) The minutes of proceedings of a meeting must include:
- (a) the names of all Members present;
 - (b) the names of all Members from whom apologies have been received;
 - (c) any disclosure by a Member pursuant to regulation 14(2) of the Regulations;
 - (d) the name and time that a Member enters or leaves the meeting, once the meeting has commenced;
 - (e) the name of every person who makes a representation;
 - (f) in relation to each application determined by the CAP:
 - i. the determination of the CAP as to whether the proposal is seriously at variance with the Development Plan;
 - ii. the reasons for granting or refusing Development Plan consent and for the imposition of any conditions;
 - (g) if an application is not determined by the CAP, the deferral of the application and the reasons for the deferral;
 - (h) a decision to exclude the public from attendance pursuant to the Regulations; and
 - (i) if a meeting is adjourned by the Presiding Member, the reason for the adjournment and the date and time to which the meeting is adjourned.
- (10) All minutes must be confirmed by the Assessment Manager in conjunction with the Presiding Member as being accurate prior to, or at the commencement of, the subsequent CAP meeting.
- (11) If Members, applicants or representors are attending the meeting remotely (either via telephone and/or by online platform), the method of their attendance at the meeting must be accurately recorded in the minutes.

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(13) Validity of Proceedings (Regulation 17)

A proceeding of the CAP (and any decision made by it) is not invalid by reason only of a vacancy in its membership or a defect in the appointment of a Member.

(14) Discretionary Procedures (Regulation 18)

Except insofar as a procedure is not prescribed by the Act or Regulations, the procedures of the CAP in relation to the conduct of its business will be as determined by the CAP.

- (1) The CAP should, at least once in every financial year, review the operation of its Meeting Procedures.
- (2) The CAP may, at any time, by resolution supported by the majority of the Members entitled to vote on the resolution, alter or substitute the Meeting Procedures.
- (3) The CAP must, in considering the exercise of a power under this regulation, take into account the Guiding Principles.
- (4) A person is entitled to inspect (without charge) the Meeting Procedures of the CAP at the principal office of the Council during ordinary office hours. These Meeting Procedures are also published and available for public access on Council's website.
- (5) A person is entitled, on payment of a fee fixed by Council, to a copy of these Meeting Procedures.
- (6) The Presiding Member may, at her/his discretion, exclude:
 - (a) a representation or response to representation(s) which is received out of time;
 - (b) a representation in relation to a Category 2 development from a person who was not entitled to be given notice of the application; or
 - (c) a representation or response to representation(s) which is otherwise invalid.
- (7) The Presiding Member may, at her/his discretion, accept and allow to be considered by the CAP any new or additional material submitted by an applicant for a Category 1 development. The CAP may defer consideration of the application to enable full and proper assessment of the further information.
- (8) For Category 2 and/or 3 developments, any new or additional material must be submitted to the Assessment Manager at least three (3) clear days before the relevant meeting. This material must be provided to the applicant and/or representor(s) (as the case may be) and those parties be provided with an opportunity to respond, either in writing or verbally, at the discretion of the Presiding Member.
- (9) In relation to each application it considers, the CAP must:
 - (a) determine whether the proposal is seriously at variance with the Development Plan and provide reasons for its determination;
 - (b) if refusing Development Plan consent, provide reasons for refusing; and
 - (c) if granting Development Plan consent provide reasons for the imposition of any conditions.
- (10) If the CAP determines that a proposal is seriously at variance with the Development Plan, it must refuse Development Plan consent to the application.

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- (11) In relation to each application to be considered and determined by the CAP:
- (a) a person who has lodged a representation in relation to a Category 2 or 3 application which has not been excluded pursuant to clause 11 of these Meeting Procedures, and who has indicated that they wish to be heard on their representation, is entitled to appear before the CAP and be heard in support of their representation, in person or by an agent;
 - (b) where one or more representors are heard by the CAP, the applicant is entitled to appear before the CAP to respond to any relevant matter raised by a representor, in person or by an agent;
 - (c) unless otherwise determined by the Presiding Member, representors will not be entitled to a right of reply;
 - (d) where no representors appear at the meeting, the Presiding Member may, at his or her discretion, allow an applicant to be heard to answer questions of the CAP, in person or by an agent;
 - (e) representors and applicants will be allowed five minutes each to address the CAP. The Presiding Member may allow a party additional time at his or her discretion;
 - (f) Members may question and seek clarification from a representor or applicant who has addressed the CAP at the conclusion of their address;
 - (g) following addresses from representors and the applicant, the Presiding Member will invite all Members to speak on any matter relevant to the application; and
 - (h) for Category 2 or 3 applications that are deferred by the CAP, the Assessment Manager shall inform representors of the date and time of the meeting when the deferred application is re-presented to the CAP (noting that these representors are not entitled to make any further representation(s)).
- (12) Remote Access to Meetings
- (a) During a State Emergency the Assessment Manager may determine that some or all members may attend the meeting remotely.
 - (b) Remote access may be by either telephone and/or online platform.
 - (c) Where remote access is granted to Members, public streaming via online platform of the meeting should also be facilitated.
 - (d) If a Member has been granted remote access to the meeting, their participation must be captured on any live stream and/or recording.
 - (e) If multiple Members are participating in the meeting remotely, the Presiding Member must ensure that it is clear as to which Member is making a contribution.
 - (f) During a State Emergency the Assessment Manager may determine that any applicant or representor that is entitled to appear at the meeting is provided with a reasonable opportunity to appear personally or by representative before the CAP via telephone or online platform, as relevant.
 - (g) While every effort will be made to ensure that live streaming and recording of CAP meetings occur, Council does not accept responsibility for instances when this cannot occur due to technical difficulties associated with the live streaming software or hardware or Council's website.
 - (h) All live streams meetings will be recorded. Should the live stream fail during a meeting, public access to the meeting will be facilitated by a recording of

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that live stream to be published on the Council's website.

- (i) Any recordings of meetings where the live stream failed will be accessible on Council's website for a period of six (6) months.

(13) Reporting

- (a) Subject to the available reporting functionality in the SA Planning Portal, the Assessment Manager will present to the CAP a regular summary report of:
 - iii. applications that have been determined under delegated authority and CAP is the relevant authority;
 - iv. applications that are currently under appeal and CAP is the relevant authority;
 - v. applications previously deferred by CAP and yet to be returned to CAP for decision; and
 - vi. applications under assessment where SCAP is the relevant authority.
- (b) Following receipt of a deemed consent notice on an application where CAP is the relevant authority, the Assessment Manager will present a report at the next available CAP meeting.

(14) Appeals to external bodies

- (a) The Chief Executive Officer of the City of West Torrens and/or Assessment Manager are authorised to make decisions as to the conduct of appeals, subject to consulting with the Presiding Member.
- (b) When the Chief Executive Officer of the City of West Torrens and/or Assessment Manager has acted on a matter under appeal, a report will be provided to the CAP at the next meeting.
- (c) Any proposed compromise arising from an appeal shall be presented to the CAP for decision.
- (d) In the event of an urgent matter, the CAP may determine the matter by meeting held via remote access in accordance with its *Procedures at Council Assessment Panel Meetings*.

CITY OF WEST TORRENS



Procedures at Council Assessment Panel Meetings

Classification:	Meeting Procedures
First Issued:	10 October 2017
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Applicable Legislation:	<ul style="list-style-type: none"> • Planning, Development and Infrastructure Act 2016 (SA) • Planning, Development and Infrastructure (General) Regulations 2017 (SA) • Assessment Panel Members - Code of Conduct
Related Policies or Corporate Documents:	<ul style="list-style-type: none"> • Terms of Reference - Council Assessment Panel
Associated Forms:	<ul style="list-style-type: none"> • Council Assessment Panel Member Conflict of Interest Declaration Form
Note:	
Responsible Manager:	Assessment Manager
Endorsed by CAP:	Council Assessment Panel Date Minutes

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Procedures at Council Assessment Panel Meetings

(1) Introduction

The *Planning, Development and Infrastructure (General) Regulations 2017* (Regulations) stipulate certain statutory procedures to be observed at or undertaken during meetings of the Council Assessment Panel (CAP). Otherwise, the CAP determines its own meeting procedures so long as they are not inconsistent with the Regulations.

The combined document is the City of West Torrens' Procedures at CAP Meetings (Meeting Procedures) adopted by the CAP.

These Meeting Procedures operate at CAP meetings. They are also available to the public to assist their understanding of the procedures associated with the operation of CAP meetings. These Meeting Procedures are reviewed annually.

The CAP may, at any time by resolution, alter or substitute these Meeting Procedures.

(2) Interpretation

Act means the *Planning, Development and Infrastructure Act 2016*;

Additional Member - a person who holds a qualification, or has expertise or experience recognised by a practice direction for the purposes of section 85 of the Act. An Additional Member is not able to vote on any matter arising for determination by the CAP.

Assessment Manager means a person appointed by the Chief Executive Officer pursuant to section 87 of the Act. The Assessment Manager is responsible for overseeing the operations of and providing advice to the CAP.

Member means a member of the Council Assessment Panel and includes a Deputy Member.

Presiding Member means the person who is formally appointed by Council as the presiding member of the CAP and includes any person who is presiding at a particular meeting of the CAP;

Representor means a member of the public who wishes to present information to the CAP in relation to a proposed development being considered by the CAP;

Written notice includes a notice given in a manner or form determined by the CAP.

- (1) In the calculation of "**clear days**" in relation to the giving of notice before a meeting -
 - (a) the day on which the notice is given, and the day on which the meeting occurs, will not be taken into account; and
 - (b) Saturdays, Sundays and public holidays will be taken into account.
- (2) For the purposes of the calculation of clear days, if a notice is given after 5 pm on a day, the notice will be taken to have been given on the next day.

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(3) Guiding Principles

The following principles (the **Guiding Principles**) should be applied with respect to the procedures to be observed at a meeting of the CAP:

- (a) procedures should be fair and contribute to open, transparent and informed decision-making;
- (b) procedures should encourage appropriate community participation in the affairs of the CAP;
- (c) procedures should reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting;
- (d) procedures should be sufficiently certain so as to give the community and decision-makers confidence in the deliberations undertaken at the meeting.

(4) Notice of Meetings

- (1) Subject to this clause, clause (11) and clause (14) of these Meeting Procedures, the CAP will meet at 165 Sir Donald Bradman Drive, Hilton SA 5033 at 5pm on the second Tuesday of each month and in January of each year when it will meet on the third Tuesday of the month at 5:00pm.
- (2) Notice of a CAP meeting must:
 - (a) be in writing;
 - (b) set out the time, date and place of the meeting;
 - (c) be signed by the Assessment Manager to the CAP;
 - (d) contain or be accompanied by the agenda and any documents and/or reports that are to be considered at the meeting (in so far as practicable);
 - (e) be provided electronically to Members a minimum of three (3) clear days before the meeting; and
 - (f) be displayed at the Civic Centre, Hamra Centre Library and on Council's website a minimum of three (3) clear days before the meeting.
- (3) The Assessment Manager may vary the meeting place, date and time in consultation with the Presiding Member but must ensure that a minimum of three (3) clear days' notice of the new meeting date is provided and the meeting is notified according to clause (4)(2) of these Meeting Procedures.
- (4) The Assessment Manager may vary the meeting place and/or time in consultation with the Presiding Member to facilitate all or part of a meeting to be held remotely by means of audio visual and/or audio communication without the requirement for three (3) clear days' notice. Members of the CAP, applicants, representors and the public that will access the meeting by means of audio visual and/or audio communication must be given appropriate notice before the commencement of the meeting. .
- (5) Special meetings of the CAP may be required in special circumstances to expedite decisions on applications before the CAP and will be called at the discretion of the Assessment Manager in consultation with the Presiding Member. Members of the CAP, applicants, representors and the public must be given a minimum of four (4) hours' notice before the commencement of the special meeting.
- (6) The Assessment Manager may, with leave or at the request of the Presiding Member, include in the agenda an item to be considered at the meeting to which

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the agenda relates after notice of the meeting has been given to Members. In such instance, the Assessment Manager shall provide an updated agenda and any documents and/or reports relating to that item to be considered at the meeting to Members as soon as practicable. The Assessment Manager will also make an updated agenda available to the public in accordance with clause (4)(2) despite it may be within the minimum of three (3) clear days before the meeting.

(5) Deputy Members

- (1) If a Member is unable to attend a meeting, s/he must notify the Assessment Manager as soon as reasonably practicable.
- (2) The Assessment Manager may request the Deputy Member to the Elected Member attend a meeting in the place of the CAP Elected Member for all or part of a meeting.
- (3) The Assessment Manager may request that the Deputy Independent Member or Members attend a meeting in lieu of an Independent Member or Members for all or part of a meeting.

(6) Additional Members

- (1) The CAP may, by resolution, appoint up to two Additional Members to assist the CAP in dealing with a particular matter.
- (2) Such Additional Members must hold a qualification, or have expertise or experience, recognised by *Practice Direction 5 - Appointment of additional members to an Assessment Panel* issued by the State Planning Commission.
- (3) The Assessment Manager may request in writing for an Additional Member to attend a CAP meeting and this request must be accompanied by the notice for the meeting in accordance with clause 4(2), highlighting the item(s) the Additional Member is required to consider.
- (4) Additional Members appointed by the CAP are not entitled to vote at meetings.
- (5) Additional Members will be remunerated accordingly.

(7) Quorums (Regulation 15)

- (1) A quorum at a meeting of the CAP is the minimum number of voting Members in order for the meeting to occur and/or continue. The quorum is derived by dividing the total number of voting members of the CAP by 2, ignoring any fraction resulting from the division, and adding 1 i.e. as the CAP is constituted of 5 members, quorum is three (3).

(8) Commencement of Meetings

- (1) A meeting will commence as soon after the time specified in the notice of meeting as a quorum is present.

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- (2) If the number of apologies received by the Assessment Manager indicates that a quorum will not be present at a meeting, the Assessment Manager may adjourn the meeting to a specified day and time.
- (3) If, at the expiration of 30 minutes from the time specified in the notice of meeting as the time of commencement a quorum is not present, the Presiding Member or, in the absence of the Presiding Member, the Deputy Presiding Member, or in the absence of both members, the Assessment Manager, will adjourn the meeting to a specified day and time.
- (4) If a meeting is adjourned for want of a quorum, the Assessment Manager will record in the minutes the reason for the adjournment, the names of any members present, and the date and time to which the meeting is adjourned.
- (5) The Presiding Member may, with the leave of the meeting, adjourn the meeting to a future date and time.
- (6) If a meeting is adjourned to another day, the Assessment Manager must:
 - (a) give notice of the adjourned meeting to each Member setting out the date, time and place of the meeting;
 - (b) give notice of the adjourned meeting to applicants and representors setting out the date, time and place of the meeting; and
 - (c) give notice of the adjourned meeting to the public by causing a notice setting out the date, time and place of the meeting to be placed on display at the principal office of the Council and on the Council's website.

(9) Order of Business

- (1) Prior to the commencement of business the Presiding Member will read the Fire Evacuation Statement if members of the public are present.
- (2) Prior to the commencement of business the Presiding Member will read the Acknowledgement of Country.
- (3) If any Members or the public are attending the CAP meeting remotely by means of audio visual and/or audio communication, prior to the commencement of business, the Presiding Member will explain the particulars relating to the communication methods for the meeting.
- (4) If both the Presiding Member and the Deputy Presiding Member are absent from a meeting, or for any agenda item at the meeting, a Member will be chosen from those present to preside at the meeting until the Presiding Member or the Deputy Presiding Member is present. That Member presiding will have all the powers and duties of the Presiding Member at that meeting.
- (5) The Presiding Member may alter the order of business listed in the agenda with the leave of the meeting, e.g. if the majority of the representors are interested in a particular item.
- (6) Members are required to make any disclosure of a conflict of interest, pursuant to the Act and/or the Code of Conduct adopted by the Minister, prior to the commencement of the items of business before the meeting.

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(10) Debate and Voting (Regulation 16)

- (1) Each Member of the CAP who is present at a meeting of the CAP is entitled to 1 vote on a matter arising for decision and, if the votes are equal, the Presiding Member will have an additional, casting vote.
- (2) Sub-regulation (1) does not apply to a person who is taken to be a Member of the CAP under section 85 of the Act*.

*Section 85 precludes additional members from voting.

- (3) Comment and discussion in the first instance on a matter presented to the CAP for determination may be sought by a Panel member or the Presiding Member. These discussions are not minuted.
- (4) Prior to calling for a motion, the Presiding Member will utilise his/her discretion to conclude the opportunity for discussion and comment only after each Panel member present at the meeting has been provided the opportunity to speak.
- (5) Decisions of the Panel will be where possible by consensus determined through debate and discussion of the agenda item, and where a consensus is reached the Presiding Member shall then call for a mover, and confirm the consensus by a show of hands. Motions or amendments need not be seconded.
- (6) Where it is evident through debate and discussion that a consensus will not be reached by the CAP, the Presiding Member shall call for a mover, and put the matter to a formal vote to determine. Motions or amendments need not be seconded.
- (7) All decisions of the CAP shall be made on the basis of a majority decision of the Members present and the minutes shall record that decision only (votes for/against will not be recorded, and are not relevant once the majority is determined).
- (8) The Presiding Member may refuse to accept a motion if the subject matter, is in his or her opinion, beyond the power of the CAP with reasons being provided to the Panel and recorded in the minutes.
- (9) The Presiding Member, in the absence of comment/discussion in relation to the business requiring determination, will request a motion to be moved and may also move a motion.
- (10) Decisions will normally be made at the meeting at which the application is considered by the CAP, however the CAP may defer consideration of an application to a future meeting to enable further information to be obtained to assist in the determination of the application. Panel members, however should be aware of the time frames within which certain decision are required to be made under the Act.
- (11) Where notice is given to representors in accordance with the requirements of the Act and the representor is not present at the time for the hearing of the representation the CAP will not defer consideration of the application.

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(11) Public Access to Meetings (Regulation 13)

- (1) In connection with the conduct of the proceedings of the CAP, members of the public are entitled to attend a meeting of the CAP other than as set out in sub-regulation (2).

- (2) The Presiding Member may adjourn a meeting in the event of a disruption or disturbance by any person (including a Member, applicant, representor or other member of the public) to a specified date and time.
- (3) The Presiding Member may ask a member of the public (including an applicant, representor or other member of the public) to leave a meeting where they are, in the opinion of the Presiding Member:
- (a) behaving in a disorderly manner; or
 - (b) causing an interruption or disruption to the meeting.
- (4) In the event that that the member of public refuses to leave the meeting, a senior member of staff will contact SAPOL for assistance or in the case of a meeting held remotely, mute or disconnect their audio visual or audio connection.
- (5) Public access to meetings may be facilitated remotely by means of audio visual and/or audio communication to be determined by the Assessment Manager.
- (6) If it is determined that public access will be facilitated means of audio visual and/or audio communication, the Presiding Member must ensure that the remote access technology allows the public to hear the meeting if they are accessing the meeting via audio communication, and hear and see the meeting if they are accessing audio visual communication .
- (7) Where public access to the CAP meeting is provided remotely by means of audio visual and/or audio communication, Council does not accept responsibility for any attendees' technical difficulties associated with the remote access technology.
- (8) The Presiding Member may cause the broadcast to be muted if appropriate and required to facilitate the proper carrying out of the meeting.

- (9) The CAP may exclude the public from attendance at a meeting:
- (a) during so much of the meeting as is necessary to receive, discuss or consider in confidence any of the following matters:
 - i. information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);
 - ii. information the disclosure of which:
 - A. could unreasonably 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;
 - iii. information the disclosure of which would reveal a trade secret;
 - iv. 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;

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- v. matters affecting the safety or security of any person or property;
 - vi. 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;
 - vii. matters that should be considered in confidence in order to ensure that the assessment panel, or any other entity, does not breach any law, or any order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;
 - viii. legal advice;
 - ix. information relating to actual litigation, or litigation that the assessment panel believes on reasonable grounds will take place;
 - x. information the disclosure of which:
 - A. would divulge information provided on a confidential basis by or to a Minister of the Crown, the Commission, or another public authority or official; and
 - B. would, on balance, be contrary to the public interest;
- (b) during so much of the meeting that consists of its discussion or determination of any application or other matter that falls to be determined by the assessment panel.

- (9) If the public have been excluded from attendance at a meeting, the CAP must resolve whether or not to retain, (in confidence), the reports and documents which have been considered by it in confidence.
- (10) If the CAP orders, by resolution, that the information is to remain confidential it must also determine the circumstances in which that the confidential order will cease to apply or a period after which the order is to be reviewed. Any order exceeding a twelve (12) month period will be reviewed at least once in every twelve (12) month period.
- (11) At the end of each financial year the Assessment Manager will undertake a review of the reports and documents which remain in confidence.
- (12) The annual review will be presented to CAP and will identify which confidentiality orders have expired and which remain in place.
- (13) The outcome of the annual review will also be presented to Council for information and included within the Annual Report.
- (14) If public access to the meeting is being facilitated via means of audio visual and/or audio communication, the Presiding Member must ensure that any broadcast ceases at the time the meeting enters into confidence

(12) Minutes and Other Documents (Regulation 14)

- (1) The Assessment Manager must ensure that accurate minutes are kept of the proceedings of the CAP.

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- (2) Any disclosure by a Member of a direct or indirect pecuniary interest in any aspect of a development or any body associated with any aspect of a development required under the Act must be recorded in the minutes of the CAP.
- (3) Members of the public are entitled to reasonable access to:
 - (a) the agendas for meetings of the CAP; and
 - (b) the minutes of meetings of the CAP.
- (4) However, the CAP may, before it releases a copy of any minutes under sub-regulation (3), exclude from the minutes information about any matter dealt with on a confidential basis by it.
- (5) Minutes must be available under sub-regulation (3) within 5 business days after being adopted by the CAP.

- (6) The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.
- (7) No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.
- (8) On the confirmation of the minutes, the Presiding Member will:
 - (a) initial each page of the minutes, which pages are to be consecutively numbered; and
 - (b) place his or her signature and the date of confirmation at the foot of the last page of the minutes.
- (9) The minutes of proceedings of a meeting must include:
 - (a) the names of all Members present;
 - (b) the names of all Members from whom apologies have been received;
 - (c) any disclosure by a Member pursuant to regulation 14(2) of the Regulations;
 - (d) the name and time that a Member enters or leaves the meeting, once the meeting has commenced;
 - (e) the name of every person who makes a representation;
 - (f) in relation to each application determined by the CAP:
 - i. the determination of the CAP as to whether the proposal is seriously at variance with the Development Plan or Planning and Design Code (whichever relevant);
 - ii. the reasons for granting or refusing the relevant consent and for the imposition of any conditions;
 - (g) if an application is not determined by the CAP, the deferral of the application and the reasons for the deferral;
 - (h) a decision to exclude the public from attendance pursuant to the Regulations; and
 - (i) if a meeting is adjourned by the Presiding Member, the reason for the adjournment and the date and time to which the meeting is adjourned.
- (10) All minutes must be confirmed by the Assessment Manager in conjunction with the Presiding Member as being accurate prior to, or at the commencement of, the subsequent CAP meeting.
- (11) If Members, applicants or representors are attending the meeting remotely (either via telephone and/or by online platform), the method of their attendance at the meeting must be accurately recorded in the minutes.

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(13) Validity of Proceedings (Regulation 17)

A proceeding of the CAP (and any decision made by it) is not invalid by reason only of a vacancy in its membership or a defect in the appointment of a Member.

(14) Discretionary Procedures (Regulation 18)

Except insofar as a procedure is not prescribed by the Act or Regulations, the procedures of the CAP in relation to the conduct of its business will be as determined by the CAP.

- (1) The CAP should, at least once in every financial year, review the operation of its Meeting Procedures.
- (2) The CAP may, at any time, by resolution supported by the majority of the Members entitled to vote on the resolution, alter or substitute the Meeting Procedures.
- (3) The CAP must, in considering the exercise of a power under this regulation, take into account the Guiding Principles.
- (4) A person is entitled to inspect (without charge) the Meeting Procedures of the CAP at the principal office of the Council during ordinary office hours. These Meeting Procedures are also published and available for public access on Council's website.
- (5) A person is entitled, on payment of a fee fixed by Council, to a copy of these Meeting Procedures.
- (6) The Presiding Member may, at her/his discretion, exclude:
 - (a) a representation or response to representation(s) which is received out of time;
 - (b) a representation from a person who was not entitled to submit a representation; or
 - (c) a representation or response to representation(s) which is otherwise invalid.
- (7) Any new or additional material must be submitted to the Assessment Manager at least three (3) clear days before the relevant meeting. This material must be provided to the applicant and/or representor(s) (as the case may be) and those parties be provided with an opportunity to respond, either in writing or verbally, at the discretion of the Presiding Member.
- (8) In relation to each application it considers, the CAP must:
 - (a) determine whether the proposal is seriously at variance with the Development Plan or Planning and Design Code (whichever relevant) and provide reasons for its determination;
 - (b) if refusing consent, provide reasons for refusing; and
 - (c) if granting consent, provide reasons for the imposition of any conditions.
- (9) If the CAP determines that a proposal is seriously at variance with the Development Plan or Planning and Design Code (whichever relevant), it must refuse consent to the application.
- (10) In relation to each application to be considered and determined by the CAP:
 - (a) a person who has lodged a representation in relation to a application which has not been excluded pursuant to clause (14)(6) of these Meeting

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- Procedures, and who has indicated that they wish to be heard on their representation, is entitled to appear before the CAP and be heard in support of their representation, in person or by an agent;
- (b) the Presiding Member may invite a representor who has made a written representation and is present at the meeting, who has not been scheduled to be heard but that wishes to be heard, to appear before the CAP and be heard in support of their representation, in person or by an agent;
 - (c) where one or more representors are heard by the CAP, the applicant is entitled to appear before the CAP to respond to any relevant matter raised by a representor, in person or by an agent;
 - (d) unless otherwise determined by the Presiding Member, representors will not be entitled to a right of reply;
 - (e) where no representors appear at the meeting and the staff recommendation is to refuse consent, the applicant is entitled to appear before the CAP and be heard in support of their representation, in person or by an agent;
 - (f) where no representors appear at the meeting and the staff recommendation is to approve consent, the Presiding Member may, at his or her discretion, allow an applicant to be heard to answer questions of the CAP, in person or by an agent;
 - (g) representors and applicants will be allowed five minutes each to address the CAP. The Presiding Member may allow a party additional time at his or her discretion;
 - (h) the hearing of representors and applicants shall be confined to the summary of relevant issues and to response on those issues. The Presiding Member may restrict submissions not related to the planning issues of a particular matter.
 - (i) Members may question and seek clarification from a representor or applicant who has addressed the CAP at the conclusion of their address; and
 - (j) for applications that are deferred by the CAP, the Assessment Manager shall inform representors of the date and time of the meeting when the deferred application is re-presented to the CAP (noting that these representors are not entitled to make any further representation(s)).
- (11) In relation to meetings to be held remotely:
The Assessment Manager may determine that some or all Members may attend the meeting remotely.
- (a) Attendance at meetings held remotely may be by means of using audio visual and/or audio communication.
 - (b) If a Member has been granted permission to attend a meeting remotely, their participation must be able to be viewed and heard by representors, applicants and the public gallery.
 - (c) If multiple Members are participating in the meeting remotely, the Presiding Member must ensure that it is clear as to which Member is making a contribution.
 - (d) The Assessment Manager may determine that any applicant or representor (and/or their agent) is entitled to appear at the meeting may appear before the CAP remotely by means of audio visual and/or audio communication, as relevant.
- (12) In relation to reporting provided to CAP:
- (a) Subject to the available reporting functionality in the SA Planning Portal, the Assessment Manager will present to the CAP a regular summary report of:
 - iii. applications that have been determined under delegated authority and CAP is the relevant authority;

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- iv. applications that are currently under appeal and CAP is the relevant authority;
 - v. applications previously deferred by CAP and yet to be returned to CAP for decision; and
 - vi. applications under assessment where SCAP is the relevant authority.
- (b) Following receipt of a deemed consent notice on an application where CAP is the relevant authority, the Assessment Manager will present a report at the next available CAP meeting.
- (13) In relation to appeals to external bodies:
- (a) The Chief Executive Officer of the City of West Torrens and/or Assessment Manager are authorised to make decisions as to the conduct of appeals, subject to consulting with the Presiding Member.
 - (b) When the Chief Executive Officer of the City of West Torrens and/or Assessment Manager has acted on a matter under appeal, a report will be provided to the CAP at the next meeting.
 - (c) Any proposed compromise arising from an appeal shall be presented to the CAP for decision.
- (14) In relation to assistance from staff or experts:
- (a) At its discretion, the CAP can call for and hear professional advice from the Assessment Manager or planning staff as it deems necessary and appropriate.
 - (b) In calling for specialist assistance, the CAP should be mindful of allowing the applicant and representors a reasonable opportunity to consider the information that may be provided before making a determination on a development application.
 - (c) Where a Member disagrees with a recommendation put forward by staff, they may seek the assistance of staff in the wording of, but not the substance of, an alternate resolution.

CITY OF WEST TORRENS



Procedures at Council Assessment Panel Meetings

Classification:	Meeting Procedures
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Applicable Legislation:	<ul style="list-style-type: none"> • Planning, Development and Infrastructure Act 2016 (SA) • Planning, Development and Infrastructure (General) Regulations 2017 (SA) • Assessment Panel Members - Code of Conduct
Related Policies or Corporate Documents:	<ul style="list-style-type: none"> • Terms of Reference - Council Assessment Panel
Associated Forms:	<ul style="list-style-type: none"> • Council Assessment Panel Member Conflict of Interest Declaration Form
Note:	
Responsible Manager:	Assessment Manager
Endorsed by CAP:	Council Assessment Panel Date Minutes

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City of West Torrens - - Procedures at Council Assessment Panel Meetings

Procedures at Council Assessment Panel Meetings

(1) Introduction

The *Planning, Development and Infrastructure (General) Regulations 2017* (Regulations) stipulate certain statutory procedures to be observed at or undertaken during meetings of the Council Assessment Panel (CAP). Otherwise, the CAP determines its own meeting procedures so long as they are not inconsistent with the Regulations.

The combined document is the City of West Torrens' Procedures at CAP Meetings (Meeting Procedures) adopted by the CAP.

These Meeting Procedures operate at CAP meetings. They are also available to the public to assist their understanding of the procedures associated with the operation of CAP meetings. These Meeting Procedures are reviewed annually.

The CAP may, at any time by resolution, alter or substitute these Meeting Procedures.

(2) Interpretation

Act means the *Planning, Development and Infrastructure Act 2016*;

Additional Member - a person who holds a qualification, or has expertise or experience recognised by a practice direction for the purposes of section 85 of the Act. An Additional Member is not able to vote on any matter arising for determination by the CAP.

Assessment Manager means a person appointed by the Chief Executive Officer pursuant to section 87 of the Act. The Assessment Manager is responsible for overseeing the operations of and providing advice to the CAP.

Member means a member of the Council Assessment Panel and includes a Deputy Member.

Presiding Member means the person who is formally appointed by Council as the presiding member of the CAP and includes any person who is presiding at a particular meeting of the CAP;

Representor means a member of the public who wishes to present information to the CAP in relation to a proposed development being considered by the CAP;

~~**State Emergency** means a major emergency declaration, identified major incident declaration, disaster declaration, public health emergency or any other emergency as so declared under the *Emergency Management Act 2004 (SA)*.~~

Written notice includes a notice given in a manner or form determined by the CAP.

- (1) In the calculation of "clear days" in relation to the giving of notice before a meeting -
 - (a) the day on which the notice is given, and the day on which the meeting occurs, will not be taken into account; and
 - (b) Saturdays, Sundays and public holidays will be taken into account.

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- (2) For the purposes of the calculation of clear days, if a notice is given after 5 pm on a day, the notice will be taken to have been given on the next day.

(3) Guiding Principles

The following principles (the **Guiding Principles**) should be applied with respect to the procedures to be observed at a meeting of the CAP:

- (a) procedures should be fair and contribute to open, transparent and informed decision-making;
- (b) procedures should encourage appropriate community participation in the affairs of the CAP;
- (c) procedures should reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting;
- (d) procedures should be sufficiently certain so as to give the community and decision-makers confidence in the deliberations undertaken at the meeting.

(4) Notice of Meetings

- (1) Subject to this clause, clause (11) and clause (14) of these Meeting Procedures, the CAP will meet at 165 Sir Donald Bradman Drive, Hilton SA 5033 at 5pm on the second Tuesday of each month and in January of each year when it will meet on the third Tuesday of the month at 5:00pm.
- (2) Notice of a CAP meeting must:
 - (a) be in writing;
 - (b) set out the time, date and place of the meeting;
 - (c) be signed by the Assessment Manager to the CAP;
 - (d) contain or be accompanied by the agenda and any documents and/or reports that are to be considered at the meeting (in so far as practicable);
 - (e) be provided electronically to CAP-Members a minimum of three (3) clear days before the meeting; and
 - (f) be displayed at the Civic Centre, Hamra Centre Library and on Council's website a minimum of three (3) clear days before the meeting.
- (3) The Assessment Manager may vary the meeting place, date and time in consultation with the Presiding Member but must ensure that a minimum of three (3) clear days' notice of the new meeting date is provided and the meeting is notified according to clause (4)(2) of these Meeting Procedures. ~~NOTE: this clause is subject to clauses (11) and (14) of these Meeting Procedures during a State Emergency.~~
- (4) The Assessment Manager may vary the meeting place and/or time in consultation with the Presiding Member to facilitate all of part of a meeting to be held remotely by means of audio visual and/or audio communication without the requirement for three (3) clear days' notice. Members of the CAP, applicants, representors and the public that will access the meeting by means of audio visual and/or audio communication must be given appropriate notice before the commencement of the meeting. -during a declared State Emergency.
- (5) Special meetings of the CAP may be required in special circumstances to expedite decisions on applications before the CAP and will be called at the discretion of the

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Assessment Manager in consultation with the Presiding Member. Members of the CAP, applicants, representors and the public must be given a minimum of four (4) hours' notice before the commencement of the special meeting.

~~(5)~~(6) The Assessment Manager may, with leave or at the request of the Presiding Member, include in the agenda an item to be considered at the meeting to which the agenda relates after notice of the meeting has been given to Members. In such instance, the Assessment Manager shall provide an updated agenda and any documents and/or reports relating to that item to be considered at the meeting to Members as soon as practicable. The Assessment Manager will also make an updated agenda available to the public in accordance with clause (4)(2) despite it may be within the minimum of three (3) clear days before the meeting.

(5) Deputy Members

- (1) If a ~~CAP~~ Member is unable to attend a meeting, s/he must notify the Assessment Manager as soon as reasonably practicable.
- (2) The Assessment Manager may request the Deputy Member to the Elected Member attend a meeting in the place of the CAP Elected Member for all or part of a meeting.
- (3) The Assessment Manager may request that the Deputy Independent Member or Members attend a meeting in lieu of an Independent ~~CAP~~ Member or Members for all or part of a meeting.

(6) Additional Members

- (1) The CAP may, by resolution, appoint up to two Additional Members to assist the CAP in dealing with a particular matter.
- (2) Such Additional Members must hold a qualification, or have expertise or experience, recognised by *Practice Direction 5 - Appointment of additional members to an Assessment Panel* issued by the State Planning Commission.
- (3) The Assessment Manager may request in writing for an Additional Member to attend a CAP meeting and this request must be accompanied by the notice for the meeting in accordance with clause 4(2), highlighting the item(s) the Additional Member is required to consider.
- (4) Additional Members appointed by the CAP are not entitled to vote at meetings.
- (5) Additional Members will be remunerated accordingly.

(7) Quorums (Regulation 15)

- (1) A quorum at a meeting of the CAP is the minimum number of voting Members in order for the meeting to occur and/or continue. The quorum is derived by dividing the total number of voting members of the CAP by 2, ignoring any fraction resulting from the division, and adding 1 i.e. as the CAP is constituted of 5 members, quorum is three (3).

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(8) Commencement of Meetings

- (1) A meeting will commence as soon after the time specified in the notice of meeting as a quorum is present.
- (2) If the number of apologies received by the Assessment Manager indicates that a quorum will not be present at a meeting, the Assessment Manager may adjourn the meeting to a specified day and time.
- (3) If, at the expiration of 30 minutes from the time specified in the notice of meeting as the time of commencement a quorum is not present, the Presiding Member or, in the absence of the Presiding Member, the Deputy Presiding Member, or in the absence of both members, the Assessment Manager, will adjourn the meeting to a specified day and time.
- (4) If a meeting is adjourned for want of a quorum, the Assessment Manager will record in the minutes the reason for the adjournment, the names of any members present, and the date and time to which the meeting is adjourned.
- (5) The Presiding Member may, with the leave of the meeting, adjourn the meeting to a future date and time.
- (6) If a meeting is adjourned to another day, the Assessment Manager must:
 - (a) give notice of the adjourned meeting to each Member setting out the date, time and place of the meeting;
 - (b) give notice of the adjourned meeting to applicants and representors setting out the date, time and place of the meeting; and
 - (c) give notice of the adjourned meeting to the public by causing a notice setting out the date, time and place of the meeting to be placed on display at the principal office of the Council and on the Council's website.

(9) Order of Business

- (1) Prior to the commencement of business the Presiding Member will read the Fire Evacuation Statement if members of the public are present.
- (2) Prior to the commencement of business the Presiding Member will read the Acknowledgement of Country.
- ~~(1)~~(3) If any Members or the public are attending the CAP meeting remotely by means of audio visual and/or audio communication~~remotely~~, prior to the commencement of business, the Presiding Member will explain the particulars relating to ~~remote access~~ the communication methods for the meeting.
- ~~(2)~~(4) If both the Presiding Member and the Deputy Presiding Member are absent from a meeting, or for any agenda item at the meeting, a Member will be chosen from those present to preside at the meeting until the Presiding Member or the Deputy Presiding Member is present. That Member presiding will have all the powers and duties of the Presiding Member at that meeting.

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~~(3)~~(5) The Presiding Member may alter the order of business listed in the agenda with the leave of the meeting, e.g. if the majority of the representors are interested in a particular item.

~~(4)~~(6) Members are required to make any disclosure of a conflict of interest, pursuant to the Act and/or the Code of Conduct adopted by the Minister, prior to the commencement of the items of business before the meeting.

(10) **Debate and Voting (Regulation 16)**

- (1) Each Member of the CAP who is present at a meeting of the CAP is entitled to 1 vote on a matter arising for decision and, if the votes are equal, the Presiding Member will have an additional, casting vote.
- (2) Sub-regulation (1) does not apply to a person who is taken to be a Member of the CAP under section 85 of the Act*.

*Section 85 precludes additional members from voting.

(3) Comment and discussion in the first instance on a matter presented to the CAP for determination may be sought by a Panel member or the Presiding Member. These discussions are not minuted.

(4) Prior to calling for a motion, the Presiding Member will utilise his/her discretion to conclude the opportunity for discussion and comment only after each Panel member present at the meeting has been provided the opportunity to speak.

(5) Decisions of the Panel will be where possible by consensus determined through debate and discussion of the agenda item, and where a consensus is reached the Presiding Member shall then call for a mover, and confirm the consensus by a show of hands. Motions or amendments need not be seconded.

(6) Where it is evident through debate and discussion that a consensus will not be reached by the CAP, the Presiding Member shall call for a mover, and put the matter to a formal vote to determine. Motions or amendments need not be seconded.

(7) All decisions of the CAP shall be made on the basis of a majority decision of the Members present and the minutes shall record that decision only (votes for/against will not be recorded, and are not relevant once the majority is determined).

(8) The Presiding Member may refuse to accept a motion if the subject matter, is in his or her opinion, beyond the power of the CAP with reasons being provided to the Panel and recorded in the minutes.

(9) The Presiding Member, in the absence of comment/discussion in relation to the business requiring determination, will request a motion to be moved and may also move a motion.

(10) Decisions will normally be made at the meeting at which the application is considered by the CAP, however the CAP may defer consideration of an application to a future meeting to enable further information to be obtained to assist in the determination of the application. Panel members, however should be aware of the time frames within which certain decision are required to be made under the Act.

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(11) Where notice is given to representors in accordance with the requirements of the Act and the representor is not present at the time for the hearing of the representation the CAP will not defer consideration of the application.

(11) Public Access to Meetings (Regulation 13)

(1) In connection with the conduct of the proceedings of the CAP, members of the public are entitled to attend a meeting of the CAP other than as set out in sub-regulation (2).

- (2) The Presiding Member may adjourn a meeting in the event of a disruption or disturbance by any person (including a Member, applicant, representor or other member of the public) to a specified date and time.
- (3) The Presiding Member may ask a member of the public (including an applicant, representor or other member of the public) to leave a meeting where they are, in the opinion of the Presiding Member:
- (a) behaving in a disorderly manner; or
 - (b) causing an interruption or disruption to the meeting.
- (4) In the event that that the member of public refuses to leave the meeting, a senior member of staff will contact SAPOL for assistance or in the case of a meeting held remotely, mute or disconnect their audio visual or audio connection.
- (5) ~~In the event of a declared State Emergency, p~~Public access to meetings may be facilitated remotely by means of audio visual and/or audio communication via telephone or online platforms to be determined by the Assessment Manager ~~in consultation with the Presiding Member.~~
- (6) If it is determined that public access will be facilitated means of audio visual and/or audio communication via telephone and/or online platforms, the Presiding Member must ensure that the remote access technology allows the public ~~are able to~~ hear the meeting if they are accessing the meeting via audio communication telephone, and hear and see the meeting if they are accessing audio visual communication via online platform.
- ~~(6)~~(7) Where public access to the CAP meeting is provided remotely by means of audio visual and/or audio communication, Council does not accept responsibility for any attendees' technical difficulties associated with the remote access technology.
- ~~(7)~~(8) The Presiding Member may cause the broadcast to be muted if appropriate and required to facilitate the proper carrying out of the meeting.

~~(8)~~(9) The CAP may exclude the public from attendance at a meeting:

- (a) during so much of the meeting as is necessary to receive, discuss or consider in confidence any of the following matters:
 - i. information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);
 - ii. information the disclosure of which:

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- A. could unreasonably 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;
 - iii. information the disclosure of which would reveal a trade secret;
 - iv. 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;
 - v. matters affecting the safety or security of any person or property;
 - vi. 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;
 - vii. matters that should be considered in confidence in order to ensure that the assessment panel, or any other entity, does not breach any law, or any order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;
 - viii. legal advice;
 - ix. information relating to actual litigation, or litigation that the assessment panel believes on reasonable grounds will take place;
 - x. information the disclosure of which:
 - A. would divulge information provided on a confidential basis by or to a Minister of the Crown, the Commission, or another public authority or official; and
 - B. would, on balance, be contrary to the public interest;
- (b) during so much of the meeting that consists of its discussion or determination of any application or other matter that falls to be determined by the assessment panel.

- (9) If the public have been excluded from attendance at a meeting, the CAP must resolve whether or not to retain, (in confidence), the reports and documents which have been considered by it in confidence.
- (10) If the CAP orders, by resolution, that the information is to remain confidential it must also determine the circumstances in which that the confidential order will cease to apply or a period after which the order is to be reviewed. Any order exceeding a twelve (12) month period will be reviewed at least once in every twelve (12) month period.
- (11) At the end of each financial year the Assessment Manager will undertake a review of the reports and documents which remain in confidence.
- (12) The annual review will be presented to CAP and will identify which confidentiality orders have expired and which remain in place.
- (13) The outcome of the annual review will also be presented to Council for information and included within the Annual Report.

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- (14) If public access to the meeting is being facilitated via means of audio visual and/or audio communication telephone and/or online platform, the Presiding Member must ensure that any broadcast ceases at the time the meeting enters into confidence

(12) Minutes and Other Documents (Regulation 14)

- (1) The Assessment Manager must ensure that accurate minutes are kept of the proceedings of the CAP.
- (2) Any disclosure by a Member of a direct or indirect pecuniary interest in any aspect of a development or any body associated with any aspect of a development required under the Act must be recorded in the minutes of the CAP.
- (3) Members of the public are entitled to reasonable access to:
 - (a) the agendas for meetings of the CAP; and
 - (b) the minutes of meetings of the CAP.
- (4) However, the CAP may, before it releases a copy of any minutes under sub-regulation (3), exclude from the minutes information about any matter dealt with on a confidential basis by it.
- (5) Minutes must be available under sub-regulation (3) within 5 business days after being adopted by the CAP.

- (6) The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.
- (7) No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.
- (8) On the confirmation of the minutes, the Presiding Member will:
 - (a) initial each page of the minutes, which pages are to be consecutively numbered; and
 - (b) place his or her signature and the date of confirmation at the foot of the last page of the minutes.
- (9) The minutes of proceedings of a meeting must include:
 - (a) the names of all Members present;
 - (b) the names of all Members from whom apologies have been received;
 - (c) any disclosure by a Member pursuant to regulation 14(2) of the Regulations;
 - (d) the name and time that a Member enters or leaves the meeting, once the meeting has commenced;
 - (e) the name of every person who makes a representation;
 - (f) in relation to each application determined by the CAP:
 - i. the determination of the CAP as to whether the proposal is seriously at variance with the Development Plan or Planning and Design Code (whichever relevant);
 - ii. the reasons for granting or refusing Development Plan the relevant consent and for the imposition of any conditions;
 - (g) if an application is not determined by the CAP, the deferral of the application and the reasons for the deferral;

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- (h) a decision to exclude the public from attendance pursuant to the Regulations; and
 - (i) if a meeting is adjourned by the Presiding Member, the reason for the adjournment and the date and time to which the meeting is adjourned.
- (10) All minutes must be confirmed by the Assessment Manager in conjunction with the Presiding Member as being accurate prior to, or at the commencement of, the subsequent CAP meeting.
- (11) If Members, applicants or representors are attending the meeting remotely (either via telephone and/or by online platform), the method of their attendance at the meeting must be accurately recorded in the minutes.

(13) Validity of Proceedings (Regulation 17)

A proceeding of the CAP (and any decision made by it) is not invalid by reason only of a vacancy in its membership or a defect in the appointment of a Member.

(14) Discretionary Procedures (Regulation 18)

Except insofar as a procedure is not prescribed by the Act or Regulations, the procedures of the CAP in relation to the conduct of its business will be as determined by the CAP.

- (1) The CAP should, at least once in every financial year, review the operation of its Meeting Procedures.
- (2) The CAP may, at any time, by resolution supported by the majority of the Members entitled to vote on the resolution, alter or substitute the Meeting Procedures.
- (3) The CAP must, in considering the exercise of a power under this regulation, take into account the Guiding Principles.
- (4) A person is entitled to inspect (without charge) the Meeting Procedures of the CAP at the principal office of the Council during ordinary office hours. These Meeting Procedures are also published and available for public access on Council's website.
- (5) A person is entitled, on payment of a fee fixed by Council, to a copy of these Meeting Procedures.
- (6) The Presiding Member may, at her/his discretion, exclude:
 - (a) a representation or response to representation(s) which is received out of time;
 - (b) a representation ~~in relation to a Category 2 development~~ from a person who was not entitled to ~~be given notice of the applications~~ submit a representation; or
 - (c) a representation or response to representation(s) which is otherwise invalid.
- ~~(7) The Presiding Member may, at her/his discretion, accept and allow to be considered by the CAP any new or additional material submitted by an applicant for a Category 1 development. The CAP may defer consideration of the application to enable full and proper assessment of the further information.~~
- ~~(8)~~ (7) For Category 2 and/or 3 developments, a Any new or additional material must be submitted to the Assessment Manager at least three (3) clear days before the

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relevant meeting. This material must be provided to the applicant and/or representor(s) (as the case may be) and those parties be provided with an opportunity to respond, either in writing or verbally, at the discretion of the Presiding Member.

~~(9)~~(8) In relation to each application it considers, the CAP must:

- (a) determine whether the proposal is seriously at variance with the Development Plan or Planning and Design Code (whichever relevant) and provide reasons for its determination;
- (b) if refusing ~~Development Plan~~ consent, provide reasons for refusing; and
- (c) if granting ~~Development Plan~~ consent, provide reasons for the imposition of any conditions.

~~(10)~~(9) If the CAP determines that a proposal is seriously at variance with the Development Plan or Planning and Design Code (whichever relevant), it must refuse ~~Development Plan~~ consent to the application.

~~(11)~~(10) In relation to each application to be considered and determined by the CAP:

- ~~(a)~~ a person who has lodged a representation in relation to a Category 2 or 3 application which has not been excluded pursuant to clause ~~(14)(6)~~14 of these Meeting Procedures, and who has indicated that they wish to be heard on their representation, is entitled to appear before the CAP and be heard in support of their representation, in person or by an agent;
- ~~(a)~~~~(b)~~ the Presiding Member may invite a representor who has made a written representation and is present at the meeting, who has not been scheduled to be heard but that wishes to be heard, to appear before the CAP and be heard in support of their representation, in person or by an agent;
- ~~(b)~~~~(c)~~ where one or more representors are heard by the CAP, the applicant is entitled to appear before the CAP to respond to any relevant matter raised by a representor, in person or by an agent;
- ~~(c)~~~~(d)~~ unless otherwise determined by the Presiding Member, representors will not be entitled to a right of reply;
- ~~(d)~~~~(e)~~ where no representors appear at the meeting and the staff recommendation is to refuse consent, the applicant is entitled to appear before the CAP and be heard in support of their representation, in person or by an agent;
- ~~(e)~~~~(f)~~ where no representors appear at the meeting and the staff recommendation is to approve consent, the Presiding Member may, at his or her discretion, allow an applicant to be heard to answer questions of the CAP, in person or by an agent;
- ~~(f)~~~~(g)~~ representors and applicants will be allowed five minutes each to address the CAP. The Presiding Member may allow a party additional time at his or her discretion;
- ~~(g)~~~~(h)~~ the hearing of representors and applicants shall be confined to the summary of relevant issues and to response on those issues. The Presiding Member may restrict submissions not related to the planning issues of a particular matter.
- ~~(h)~~~~(i)~~ Members may question and seek clarification from a representor or applicant who has addressed the CAP at the conclusion of their address; and
- ~~(i)~~~~(j)~~ following addresses from representors and the applicant, the Presiding Member will invite all Members to speak on any matter relevant to the application; and
- ~~(j)~~~~(k)~~ for Category 2 or 3 applications that are deferred by the CAP, the Assessment Manager shall inform representors of the date and time of the

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meeting when the deferred application is re-presented to the CAP (noting that these representors are not entitled to make any further representation(s)).

~~(12)~~(11) In relation to meetings to be held Rremotely:

~~Access to Meetings During a State Emergency t~~The Assessment Manager may determine that some or all ~~m~~Members may attend the meeting remotely.

(a) ~~Attendance at meetings held remotely may be by means of using audio visual and/or audio communication. Remote access may be by either telephone and/or online platform.~~

~~(b) Where remote access is granted to Members, public streaming via online platform of the meeting should also be facilitated.~~

~~(c)–~~

~~(d)~~(b) If a Member has been granted permission to attend a meeting remotely access to the meeting, their participation must be able to be viewed and heard by representors, applicants and the public gallery captured on any live stream and/or recording.

~~(e)~~(c) If multiple Members are participating in the meeting ~~remotely~~remotely, the Presiding Member must ensure that it is clear as to which Member is making a contribution.

~~(f)~~(d) ~~During a State Emergency t~~The Assessment Manager may determine that any applicant or representor (and/or their agent) that is entitled to appear at the meeting is provided with a reasonable opportunity to appear personally or by representative may appear before the CAP remotely by means of audio visual and/or audio communication via telephone or online platform, as relevant.

~~(a) While every effort will be made to ensure that live streaming and recording of CAP meetings occur, Council does not accept responsibility for instances when this cannot occur due to technical difficulties associated with the live streaming software or hardware or Council's we~~

~~(b) All live streams meetings will be recorded. Should the live stream fail during a meeting, public access to the meeting will be facilitated by a recording of that live stream to be published on the Council's website.~~

~~(c) Any recordings of meetings where the live stream failed will be accessible on Council's website for a period of six (6) months.~~

~~(13)~~(12) In relation to Rreporting provided to CAP:

(a) Subject to the available reporting functionality in the SA Planning Portal, the Assessment Manager will present to the CAP a regular summary report of:

- iii. applications that have been determined under delegated authority and CAP is the relevant authority;
- iv. applications that are currently under appeal and CAP is the relevant authority;
- v. applications previously deferred by CAP and yet to be returned to CAP for decision; and
- vi. applications under assessment where SCAP is the relevant authority.

(b) Following receipt of a deemed consent notice on an application where CAP is the relevant authority, the Assessment Manager will present a report at the next available CAP meeting.

~~(14)~~(13) AIn relation to a appeals to external bodies:

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- (a) The Chief Executive Officer of the City of West Torrens and/or Assessment Manager are authorised to make decisions as to the conduct of appeals, subject to consulting with the Presiding Member.
 - (b) When the Chief Executive Officer of the City of West Torrens and/or Assessment Manager has acted on a matter under appeal, a report will be provided to the CAP at the next meeting.
 - (c) Any proposed compromise arising from an appeal shall be presented to the CAP for decision. ~~In the event of an urgent matter, the CAP may determine the matter by meeting held via remote access in accordance with its Procedures at Council Assessment Panel Meetings~~
- (a)-

(14) In relation to assistance from staff or experts:

- (a) At its discretion, the CAP can call for and hear professional advice from the Assessment Manager or planning staff as it deems necessary and appropriate.
- (b) In calling for specialist assistance, the CAP should be mindful of allowing the applicant and representors a reasonable opportunity to consider the information that may be provided before making a determination on a development application.
- (c) Where a Member disagrees with a recommendation put forward by staff, they may seek the assistance of staff in the wording of, but not the substance of, an alternate resolution.

11 MEETING CLOSE