	Function: DEVELOPMENT SERVICES	Adopted: 20 th December 2006 Resolution No.: C140:06
	Policy Number: DEV010	Last Review: 7 th July 2021 Resolution No.: C204:0721
	Version Number: 4.1	Next Review: As Required
TERMS OF REFERENCE OF THE COUNCIL ASSESSMENT PANEL (CAP)		

1. Commencement

These Terms of Reference came into operation on the day on which Council established its Council Assessment Panel (CAP) pursuant to the provisions of the Planning, Development and Infrastructure Act 2016 and should be applied with respect to the appointment of members.

CAP was established on 17 January 2017.

2. Applicable Legislation

The Panel has been established by the Copper Coast Council to meet the requirements of Section 83 of the Act.

3. Definitions

In these Terms of Reference and Procedures:

Act means the Planning, Development and Infrastructure Act, 2016.

Chief Executive Officer means the Chief Executive Officer of the Council.

Council means the Copper Coast Council.

Deputy Presiding Member means the member of the Panel who is appointed by the Council as its Deputy Presiding Member.

Member means a member of the Panel.

Panel means the Council Assessment Panel (CAP) established by the Council pursuant to the provisions of the Act.

Presiding Member means the Member of the Panel who is appointed by the Council as its Presiding Member.

4. Application

4.1. Mission

To assist in the efficient and effective discharge of the development assessment functions in accordance with the responsibilities of a Relevant Authority under the Planning, Development and Infrastructure Act, 2016 and the Planning, Development and Infrastructure (Transitional Provision) Regulations 2017.

4.2. Objectives

At all times exercise and perform its powers and functions in accordance with the Act and the Regulations thereunder including the Planning, Development and Infrastructure (Transitional Provision) Regulations 2017 for development applications lodged under the repealed Development Act 1993.

Determine development applications in accordance with the powers outlined herein.

Carry out the proceedings of the Panel in accordance with the meeting procedures outlined herein.

Maintain confidentiality where necessary whilst ensuring transparent and accountable decision-making and a reasonable level of public accessibility.

Ensure accountability of individual Panel Members in relation to declarations of potential conflicts of interest.

5. Membership

5.1. Appointment of Members

The Council will call for expressions of interest for appointment of any Panel Member.

Each member of the Panel will be appointed at the discretion of the Council in accordance with the provisions of the Act on such terms and conditions as determined by Council.

The Panel will consist of a minimum of three (3) and a maximum of five (5) members.

Only one (1) member of the Panel may be a serving member of Council.

5.2. Appointment of Deputy Members

The Council shall appoint one person to be a Deputy Member of the Panel for the purpose of filling in for the member of the Council that serves as a Panel Member, in the event that the member is not available for a Panel meeting or part of a Panel meeting.

Unless the context otherwise requires, a reference to a Panel Member in this document includes a Deputy Member.

5.3. Appointment of Presiding Member and Deputy Presiding Member

The Council will appoint the Presiding Member and the Deputy Presiding Member of the Panel on such terms and conditions as determined by the Council.

It is desirable that a current Elected Member of a council is not appointed as the Presiding Member or the Deputy Presiding Member.

The Presiding Member will preside at any Panel meeting at which he or she is present. In the event that the Presiding Member is not present at a meeting (or part thereof) the Deputy Presiding Member will preside at the meeting (or part thereof).

5.4. Vacancy in Membership

In the event of a vacancy arising in the office of a Panel Member, the Council may appoint a person to be a Panel Member for the balance of the appointed term (in the event that the member who vacated the position was appointed for a fixed term) of the member who vacated the position as soon as is reasonably practicable in the same manner as the original Panel Member was appointed.

A vacancy in the membership of the Panel will not invalidate any decisions of the Panel provided a quorum is maintained during meetings.

5.5. Quorum

A minimum of three (3) members of the Panel (which includes the member presiding the meeting) constitutes a quorum.

5.6. Responsibilities of Panel Members

A current member of Council that is appointed as a member of the Panel does not have to be an Accredited Professional pursuant to subsection 83(1)(c) of the Act.

A person appointed as a member of the Panel must be an Accredited Professional pursuant to subsection 83(1)(c) of the Act unless the person is a *former* member of any local government council and the Council is satisfied that the person is appropriately qualified to act as a member of the Panel on account of the person's experience in local government.

Individual members must take reasonable steps to ensure regular attendance at meetings of the Panel.

A Member shall be considered present at a meeting where the Panel have made telephone contact or video conferencing arrangements for the member to participate in the deliberations of the Panel.

No liability attaches to a member of the Panel for an honest act or omission by that member or the Panel in the performance or discharge, or purported performance or discharge, of the member's or the Panel's functions or duties.

Accountability of individual Panel Members shall be in accordance with Section 83 of the Act.

5.7. Removal of a Member

Council may remove any member from the Panel if that member has been absent without leave of the Council from three or more consecutive meetings of the Panel.

Subject to giving a member of the Panel an opportunity to be heard or to make a written submission, the Council may resolve to remove a member upon a charge of misconduct detrimental to the interests of the Panel.

Grounds for removal include failure to declare an interest in a matter before the Panel in accordance with Subsection 83(1)(g) of the Act.

A member of the Panel will automatically lose membership of the Panel where the member has been declared bankrupt, convicted of an indictable offence punishable by imprisonment, ceases to be a member of the Council (in the case of the Council nominated member) or in the event of the death of the member.

Particulars of the charge shall be communicated to the member at least fourteen (14) days before the meeting of the Council at which the matter will be determined.


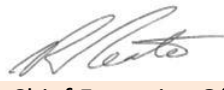
The determination of the Council shall be communicated to the Panel Member, and in the event of an adverse determination the member shall cease to be a member of the Panel fourteen (14) days after the Council has communicated its determination to him/her.

5.8. Appointment of an Assessment Manager

The Chief Executive Officer of Council must appoint an Assessment Manager as required by the Act.

6. Availability of Terms of Reference

These Terms of Reference will be available for inspection without charge at the Council's Principal Office during normal business hours, and on Council's website. A copy of this document may be obtained on payment of a nominated fee from Councils' principal office or may be downloaded from Councils' website.

Signed		
	Mayor	Chief Executive Officer
Date		