



Council and Committees

Membership and Terms of Reference

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PREAMBLE

Section 41 of the Local Government Act 1999 empowers a Council to establish committees

- to assist the Council in the performance of its functions;
- to enquire into and report to the Council on matters within the ambit of the Council's responsibilities;
- to provide advice to the Council; and
- to exercise, perform or discharge delegated powers, functions or duties.

The membership of such Committees and their terms of reference are determined by the Council.

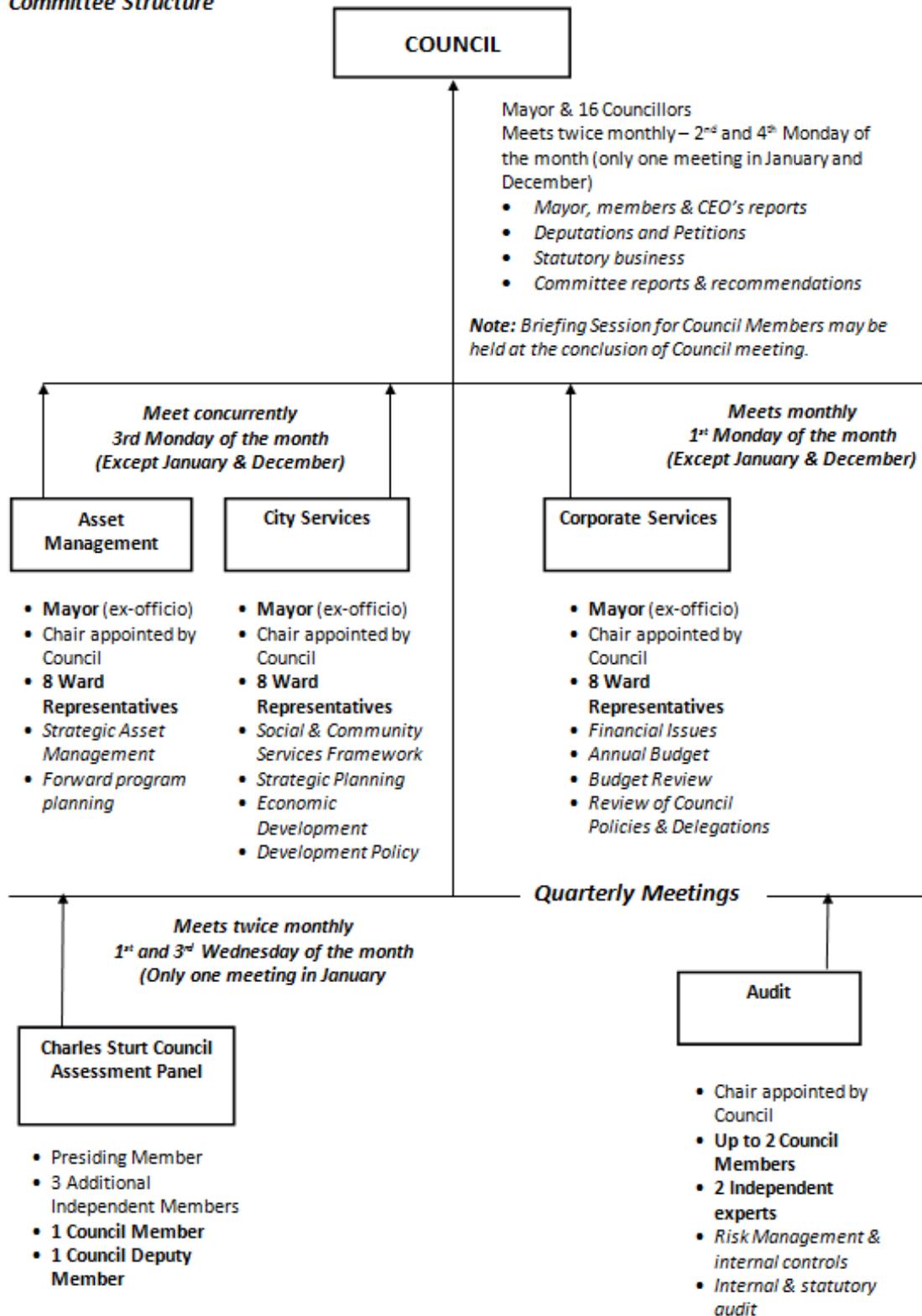
Section 83 of the Planning Development and Infrastructure Act 2016 requires each Council to establish a council assessment panel and determine membership and operating arrangements.

A Council may also establish other working groups to assist in the performance of its functions.

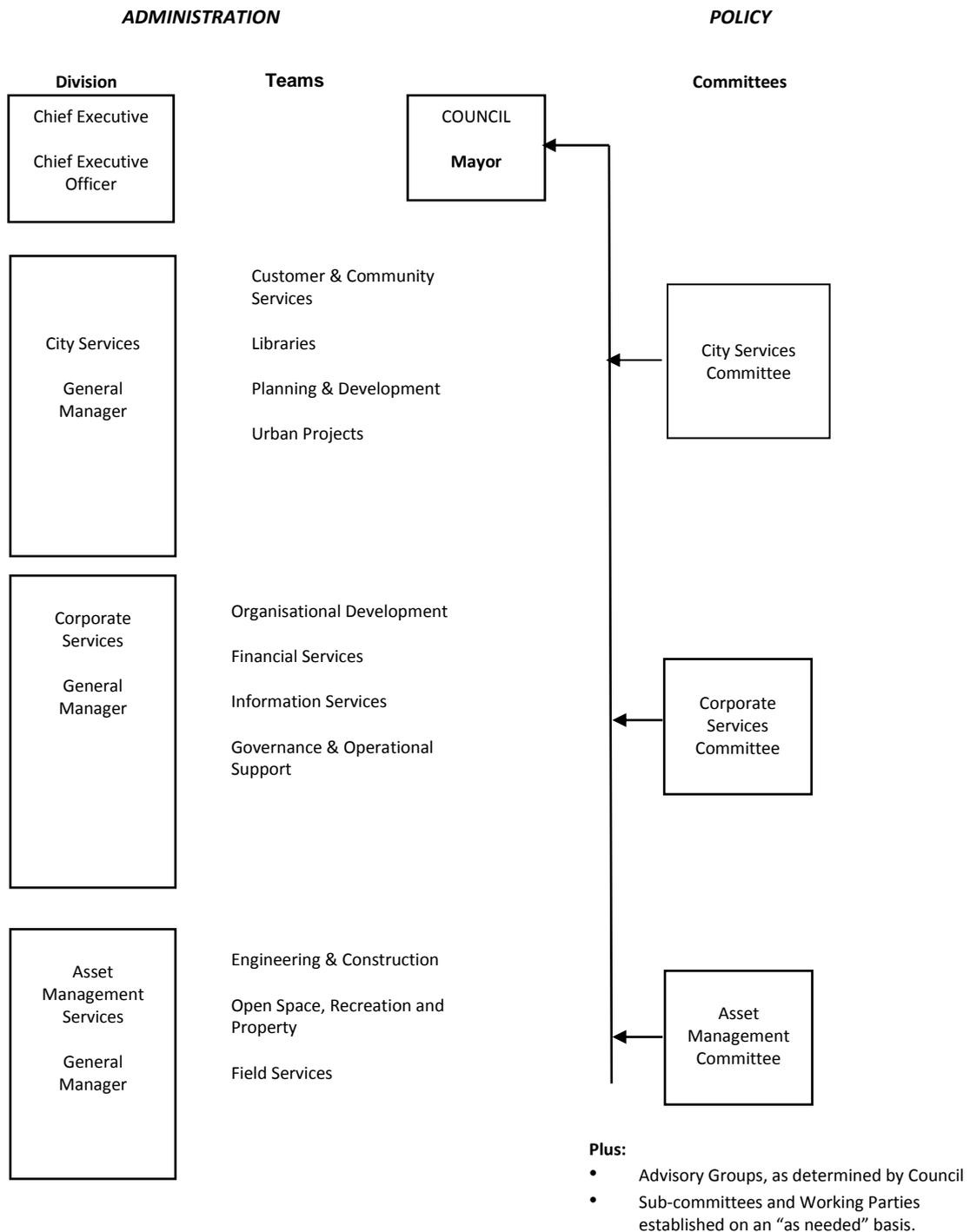
Chapter 6 of the Act and the Local Government (Procedures at Meetings) Regulations 2013 prescribe the way meetings of a Council and its Committees are to be conducted.

This document details the formal establishment, membership and terms of reference of the Council, its standing Committees and other working groups established by the Council of the City of Charles Sturt and is a record of the Council resolutions associated with these details.

Committee Structure



CITY OF CHARLES STURT



1. MEMBERSHIP**1.1 COUNCIL**

All Members of Council (Principal Member – Mayor Evans)

1.2 COMMITTEES**(a) Asset Management Committee**

Her Worship the Mayor (ex officio)
Presiding Member – Councillor Thomas
Deputy Presiding Member – Councillor Ferrao
Councillors (6 Members)

- Councillor Mitchell
- Councillor Scheffler
- Councillor Turelli
- Councillor Sykes
- Councillor Campbell
- Councillor Nguyen

(b) City Services Committee

Her Worship the Mayor (ex officio)
Presiding Member – Councillor Alexandrides
Deputy Presiding Member – Councillor Hibeljic
Councillors (6 Members)

- Councillor Agius
- Councillor McGrath
- Councillor van den Nieuwelaar
- Councillor Ghent
- Councillor Wasylenko
- Councillor Watson

(c) Corporate Services Committee

Her Worship the Mayor (ex officio)
Presiding Member – Councillor Campbell
Deputy Presiding Member – Councillor Mitchell
Councillors (6 Members)

- Councillor Turelli
- Councillor Hibeljic
- Councillor Ghent
- Councillor Wasylenko
- Councillor Nguyen
- Councillor Ferrao

(d) **Audit Committee**

- Presiding Member – Councillor Nguyen
- Deputy Presiding Member – Councillor Watson
- Councillors (1 Member)
 - Councillor Scheffler
- 2 Independent Members
 - Roberto Bria
 - Peter Brass

1.3 **PANEL (PLANNING DEVELOPMENT AND INFRASTRUCTURE ACT)**

(a) **Council Assessment Panel**

- Presiding Member – Ms Stephanie Johnson
- Additional Members
 - Mr Julian Rutt
 - Ms Chelsea Tully
 - Ms Andreea Caddy
 - Councillor Sykes
- Deputy Member – Cr Wasylenko

2. TERMS OF REFERENCE**2.1 COUNCIL****COUNCIL**

| | |
|---------------------------------|--|
| <u>Comprising:</u> | All Members of Council |
| <u>Presiding Member:</u> | Her Worship the Mayor |
| <u>Attended by:</u> | Chief Executive Officer and Leadership Team (as required) |
| <u>Coordinator:</u> | Manager Governance & Operational Support |
| <u>Meeting Times:</u> | 2 nd and 4 th Monday of each month, (except January and December – in January 4 th Monday only, in December 2 nd Monday only). Commencing at 7.00 pm. [NOTE: If Monday is a public holiday, Council meets on the following Tuesday] |

Definitions

“Council” is the body corporate consisting of elected members as constituted under the Local Government Act 1999.

Principal Role

Council is established to provide for the government and management of its area at the local level and, in particular:

- a) to act as a representative, informed and responsible decision-maker in the interests of its community;
- b) to provide and co-ordinate various public services and facilities and to develop its community and resources in a socially just and ecologically sustainable manner;
- c) to encourage and develop initiatives within its community for improving the quality of life of the community;
- d) to represent the interests of its community to the wider community; and
- e) to exercise, perform and discharge the powers, functions and duties of local government under this and other Acts in relation to the area for which it is constituted. [s.6, LG Act 1999]

2. TERMS OF REFERENCE

Continued

2.1 COUNCIL**Functions**

The functions of Council include:

- (a) to plan at the local and regional level for the development and future requirements of its area;
- (b) to provide services and facilities that benefit its area, its ratepayers and residents, and visitors to its area (including general public services or facilities (including electricity, gas and water services, and waste collection, control or disposal services or facilities), health, welfare or community services or facilities, and cultural or recreational services or facilities);
- (c) to provide for the welfare, well-being and interests of individuals and groups within its community;
- (d) to take measures to protect its area from natural and other hazards and to mitigate the effects of such hazards;
- (e) to manage, develop, protect, restore, enhance and conserve the environment in an ecologically sustainable manner and to improve amenity;
- (f) to provide infrastructure for its community and for development within its area (including infrastructure that helps to protect any part of the local or broader community from any hazard or other event, or that assists in the management of any area);
- (g) to promote its area and to provide an attractive climate and locations for the development of business, commerce, industry and tourism;
- (h) to establish or support organisations or programs that benefit people in its area or local government generally;
- (i) to manage and, if appropriate, develop, public areas vested in, or occupied by the Council;
- (j) to manage, improve and develop resources available to the Council; and
- (k) to undertake other functions and activities conferred by or under an Act. [s.6, LG Act 1999]

2. TERMS OF REFERENCE

Continued

2.1 COUNCIL**Objectives**

In the performance of its roles and functions, Council will –

- (a) provide open, responsible and accountable government;
- (b) be responsive to the needs, interests and aspirations of individuals and groups within its community;
- (c) participate with other Councils, and with State and national Governments, in setting public policy and achieving regional, State and national objectives;
- (d) give due weight, in all its plans, policies and activities, to regional, State and national objectives and strategies concerning the economic, social, physical and environmental development and management of the community;
- (e) seek to co-ordinate with State and national government in the planning and delivery of services in which those governments have an interest;
- (f) seek to facilitate sustainable development and the protection of the environment and to ensure a proper balance within its community between economic, social, environmental and cultural considerations;
- (g) manage its operations and affairs in a manner that emphasises the importance of service to the community;
- (h) seek to ensure that Council resources are used fairly, effectively and efficiently; and
- (i) seek to provide services, facilities and programs that are adequate and appropriate and seek to ensure equitable access to its services, facilities and programs.
[s.8, LG Act 1999]

2. TERMS OF REFERENCE**2.2 COMMITTEES****(a) ASSET MANAGEMENT COMMITTEE**

Comprising: Her Worship the Mayor (ex officio)
Presiding Member – appointed by Council
One member of Council from each of the other 7 Wards

Presiding Member:

Attended by: Chief Executive Officer and Leadership Team (as required)

Co-ordinator: GM Asset Management Services (in liaison with the Presiding Member)

Meeting Times: 3rd Monday of each month at 6.00pm, except January and December. [NOTE: This Committee meets concurrently with the City Services Committee. If Monday is a public holiday the Committee meets on the following Tuesday.]

Meeting Cancellation: If after considering advice from the CEO or delegate, the Presiding Member of a Council Committee is authorised to cancel the respective committee meeting if it is clear that there is no business to transact for that designated meeting.

Members are to be advised at least 3 clear days before the scheduled meeting. Advice of the same will also be posted on Council's website.

Meeting Procedures: Part 2 of Local Government (Procedures at Meetings) Regulations 2013 and the City of Charles Sturt Code of Practice for Meeting Procedures apply.

Reporting: The Asset Management Committee is responsible to and reports direct to Council. This is by way of report and recommendations documented as minutes of the Committee meeting.

Basic Function

The basic function of the Asset Management Committee is to make recommendations to Council on its asset management strategy and policy framework and on divisional operations to best meet the needs and aspirations of the Charles Sturt community.

2. TERMS OF REFERENCE Continued**2.2 COMMITTEES****(a) ASSET MANAGEMENT COMMITTEE****Functions**

1. To guide the development of an asset management policy framework for the City and make recommendations for consideration in forward financial estimates, and to deal with matters in respect of Council's asset management programs;
2. To oversee the regular evaluation of asset management and programs and the review of relevant service levels;
3. To advise Council in formulating and delivering appropriate strategies in relation to its strategic property holdings;
4. To monitor and report on the performance of Council owned subsidiaries against the charters with which they have been established;
5. To review as required, relevant legislation affecting Local Government and recommending appropriate course(s) of action;
6. To receive deputations and/or representations from interested parties which may aid Council in determining its objectives, strategies and priorities;
7. To establish sub-committees and/or working parties to assist in carrying out the Committee's functions;
8. To consider any other matters referred to it by the Council, other Council Committees and the Chief Executive;
9. To guide and oversee the implementation of the Council's Environmental Management Plan;
10. To review and make recommendations on specific Council Environmental initiative and projects; and
11. To monitor Council's Environmental response, obligations and performance as defined by the Council's Corporate and Strategic Plan.

2. TERMS OF REFERENCE**2.2 COMMITTEES****(b) CITY SERVICES COMMITTEE**

Comprising: Her Worship the Mayor (ex officio)
Presiding Member – appointed by Council
One member of Council from each of the other 7 Wards

Presiding Member:

Attended by: Chief Executive Officer and Leadership Team (as required)

Co-ordinator: GM City Services

Meeting Times: 3rd Monday of each month at 6.00pm, except January and December. [NOTE: This Committee meets concurrently with the Asset Management Committee. If Monday is a public holiday the Committee meets on the following Tuesday.]

Meeting Cancellation: If after considering advice from the CEO or delegate, the Presiding Member of a Council Committee is authorised to cancel the respective committee meeting if it is clear that there is no business to transact for that designated meeting.

Members are to be advised at least 3 clear days before the scheduled meeting. Advice of the same will also be posted on Council's website.

Meeting Procedures: Part 2 of Local Government (Procedures at Meetings) Regulations 2013 and the City of Charles Sturt Code of Practice for Meeting Procedures apply to this Committee.

Reporting: The City Services Committee is responsible to and reports direct to Council. This is by way of report and recommendations documented as minutes of the Committee meeting.

Basic Function

The basic function of the City Services Committee is to make recommendations to Council on the overall priorities and strategies which should be adopted to ensure the provision of the full range of Council services to best meet the needs and aspirations of the Charles Sturt community.

2. **TERMS OF REFERENCE** Continued

2.2 ***COMMITTEES***

(b) **CITY SERVICES COMMITTEE**

Functions

1. To provide advice to the Council in relation to the extent to which the Council's strategic planning and development policies accord with the Planning Strategy; and
2. To assist the Council in undertaking strategic planning and monitoring directed at achieving:
 - i orderly and efficient development within the area of the Council; and
 - ii high levels of integration of transport and land-use planning; and
 - iii relevant targets set out in the Planning Strategy within the area of the Council; and
 - iv other outcomes of a prescribed kind (if any).
3. To provide advice to the Council (or to act as its delegate) in relation to strategic planning and development policy issues when Council is preparing:
 - i a Strategic Directions Report; or
 - ii a Development Plan Amendment proposal
4. To review and, if necessary, guide the development of a city-wide economic development strategy and a local heritage strategy and policy.
5. To guide and oversee the implementation of major projects and events within the City.
6. To review and consider specific changes to the Development Plan as identified in Council's Corporate Business Plan and/or as initiated by State Government.
7. To review as required, relevant legislation affecting Local Government and recommending appropriate course(s) of action.
8. To receive reports, at least six (6) monthly, from the Charles Sturt Development Assessment Panel (DAP) re trends, issues and other relevant matters.

2. **TERMS OF REFERENCE** Continued

2.2 ***COMMITTEES***

(b) **CITY SERVICES COMMITTEE**

9. To guide the development of a city services framework for the City, including social and community services, customer and community relations, public health and safety, and natural and built environment, and deal with matters in respect of Council's city services program.

10. To recommend strategies and actions to guide the public and private sector towards achieving the City's priorities, in particular in relation to social and community development, public health & safety, and natural & built environment.

11. Raise awareness and educate the sector on the need for gender equity at both councillor and executive levels, and the important role that women play in terms of the effectiveness and long term health of local government.

Provide networking and information sharing opportunities for women aspiring to leadership and decision making roles.

Provide additional professional and personal development opportunities for women to enable them to achieve their desired roles in the sector.

13. To receive deputations and/or representations from interested parties which may aid Council in determining its objectives, strategies and priorities.

14. To establish sub-committees and/or working parties to assist in carrying out the Committee's functions.

The Committee may seek advice from any independent experts on any matter that it sees as relevant in regards to fulfilling these Terms of Reference.

The City Services Committee is responsible to and reports direct to Council. This is by way of report and recommendations documented as minutes of the Committee meeting.

2. **TERMS OF REFERENCE** Continued

2.2 **COMMITTEES**

(c) **CORPORATE SERVICES COMMITTEE**

Comprising: Her Worship the Mayor (ex officio)
Presiding Member – appointed by Council
Up to 7 other members of Council

Presiding Member:

Attended by: Chief Executive and Leadership Team (as required)

Co-ordinator: GM Corporate Services

Meeting Times: Monthly at 6.00pm on the 1st Monday of the month except January and December; and when the Committee may otherwise deem necessary. [NOTE: If Monday is a public holiday, the Committee meets on the following Tuesday.]

Meeting Cancellation: If after considering advice from the CEO or delegate, the Presiding Member of a Council Committee is authorised to cancel the respective committee meeting if it is clear that there is no business to transact for that designated meeting.

Members are to be advised at least 3 clear days before the scheduled meeting. Advice of the same will also be posted on Council's website.

Meeting Procedures: Part 2 of Local Government (Procedures at Meetings) Regulations 2013 and the City of Charles Sturt Code of Practice for Meeting Procedures apply to this Committee.

Reporting: The Corporate Services Committee is responsible to and reports direct to Council. This is by way of report and recommendations documented as minutes of the Committee meeting.

Basic Function

The basic function of the Corporate Services Committee is to make recommendations to Council on all financial and Council policy and delegation issues affecting the business of Council to ensure it governs in a responsible and accountable way.

2. **TERMS OF REFERENCE** Continued

2.2 ***COMMITTEES***

(c) **CORPORATE SERVICES COMMITTEE**

Functions

1. To guide the development and regular review of Council's long term financial plan (Forward Financial Estimates), and each annual budget and corporate business plan in alignment with the long term financial plan and relevant strategies and policies;
2. To monitor the performance of Council's financial and administrative activities, including undertaking the statutory quarterly budget review;
3. To recommend to Council new or desired changes to its policies relating to financial and revenue matters, including budgets and rating;
4. To undertake the review of Council's policies and recommend any changes which are considered necessary;
5. To identify any gaps in Council's Governance and Policy framework and work with other Council committees to identify areas where policy support is required;
6. To undertake the annual review of Council's Delegations Register and recommend any changes which are considered necessary;
7. To review as required relevant legislation affecting Local Government and recommend appropriate policy responses;
8. To consider reports and make recommendations to Council on matters referred to it by Council, other Council Committees or by the Chief Executive; and
9. To establish sub-Committees and/or Working Parties to assist in carrying out the Committee's functions.

The Corporate Services Committee is responsible to and reports direct to Council. This is by way of report and recommendations documented as minutes of the Committee meeting.

2. **TERMS OF REFERENCE** Continued

2.2 **COMMITTEES**

(d) **AUDIT COMMITTEE**

Comprising: Presiding Member – Council member appointed by Council
Up to 2 other members of Council
2 Independent members with finance/business/risk expertise
[Membership of the Committee must be between 3 and 5 members (inclusive)]

Presiding Member:

Attended by: Chief Executive and Leadership Team (as required)
Council’s Internal and External Auditors (as required)

Co-ordinator: GM Corporate Services

Meeting Times: Quarterly at 6.00 pm on the 5th Monday of the month, except January and December; and when the Committee may otherwise deem necessary. [NOTE: If Monday is a public holiday the Committee meets on the following Tuesday.]

Meeting Cancellation: If after considering advice from the CEO or delegate, the Presiding Member of a Council Committee is authorised to cancel the respective committee meeting if it is clear that there is no business to transact for that designated meeting.

Members are to be advised at least 3 clear days before the scheduled meeting. Advice of the same will also be posted on Council’s website.

Meeting Procedures: Part 2 of Local Government (Procedures at Meetings) Regulations 2013 and the City of Charles Sturt Code of Practice for Meeting Procedures apply to this Committee.

Reporting: The Audit Committee is responsible to and reports direct to Council. This is by way of report and recommendations documented as minutes of the Committee meeting.

Basic Function

The basic function of the Audit Committee responsibility will be to monitoring the risk management and internal control environment of Council’s operations. It also has the responsibility to oversee Council’s internal and statutory audit responsibilities and functions.

2. **TERMS OF REFERENCE** Continued

2.2 ***COMMITTEES***

(d) **AUDIT COMMITTEE**

Functions

Financial and Business Reporting

The Committee shall:

- 1) Monitor the integrity of the annual financial statements of the Council to ensure that they present fairly the state of affairs of the Council, reviewing significant financial reporting issues and judgements which they contain.
- 2) Review and challenge where necessary:
 - a) the consistency of, and/or any changes to, accounting policies;
 - b) the methods used to account for significant or unusual transactions where different approaches are possible;
 - c) whether the Council has followed appropriate accounting standards and made appropriate estimates and judgements, taking into account the views of the external auditor;
 - d) the clarity of disclosure in the Council's financial reports and the context in which statements are made; and
 - e) all material information presented with the financial statements, such as the operating and financial review and the corporate governance statement (insofar as it relates to the audit and risk management).
- 3) Propose and provide information relevant to, a review of Council's strategic management plans or annual business plan.
- 4) Propose and review the exercise of powers in relation to 'other investigations' as specified under relevant legislation (eg. section 130A of the Local Government Act 1999).
- 5) If the Council has exempted a subsidiary from the requirement to have an audit committee, to perform the functions that would, apart from the exemption, have been performed by the subsidiary's audit committee.

Internal Controls and Risk Management Systems

The Committee shall:

- 6) Ensure that appropriate policies, practices and procedures of internal control (and other financial and risk management systems) are implemented, reviewed and maintained in order to assist the Council to carry out its activities in an efficient and orderly manner to achieve its objectives.
- 7) Review Council's risk management framework and monitor the performance of Council's risk management program.

2. TERMS OF REFERENCE Continued**2.2 COMMITTEES****(d) AUDIT COMMITTEE**

- 8) Monitor the corporate risk profile and significant risk exposure for the organisation to ensure that there are appropriate management plans to manage and mitigate this business risk.
- 9) Ensure an appropriate legislative compliance framework exists to identify risks and controls over compliance with applicable legislation and regulations.

Internal Audit

The Committee shall:

- 10) Liaise and meet with Council's internal auditor(s).
- 11) Monitor and review the effectiveness of the Council's internal audit function and program in the context of the Council's overall risk management system.
- 12) Ensure the existence and provide input into an effective long-term internal audit plan
- 13) Review and consider all reports (or summary/significant findings of reports) on the Council's operations from Council's internal auditors together with recommendations and management responses.
- 14) Monitor the implementation and status of agreed actions from previous internal audit reviews.

External Audit

The Committee shall:

- 15) Liaise and meet with Council's external auditor(s). The Committee shall meet the external auditor at least once a year.
- 16) Consider and make recommendations to the Council, in relation to the selection, appointment, re-appointment and removal of the external auditor.
- 17) Oversee Council's relationship with the external auditor including, but not limited to:
 - a) recommending the approval of the external auditor's terms of engagement, including any engagement letter issued at the commencement of each audit and the scope of the audit;
 - b) assessing the external auditor's independence and objectivity taking into account relevant professional and regulatory requirements and the extent of Council's relationship with the auditor, including the provision of any non-audit services;
 - c) satisfying itself that there are no relationships (such as family, employment, investment, financial or business) between the external auditor and the Council (other than in the ordinary course of business);

2. **TERMS OF REFERENCE** Continued

2.2 ***COMMITTEES***

(d) **AUDIT COMMITTEE**

- d) monitoring the external auditor’s compliance with legislative requirements on the rotation of audit partners; and
- e) assessing the external auditor’s qualifications, expertise and resources and the effectiveness of the audit process (which shall include a report from the external auditor on the audit committee’s own internal quality procedures).

18) Review and make recommendations on the annual audit plan, and in particular its consistency with the scope of the external audit engagement.

19) Review the findings of the audit with the external auditor. This shall include, but not be limited to, the following:

- a) a discussion of any major issues which arose during the external audit;
- b) any accounting and audit judgements; and
- c) levels of errors identified during the external audit.

20) Review the effectiveness of the external audit.

21) Review any representation letter(s) requested by the external auditor before they are signed by management.

22) Review the management letter and management’s response to the external auditor’s findings and recommendations.

23) Deal with any other matters referred to it by the Council, other Council Committees or the Chief Executive.

24) Make whatever recommendations to the Council it deems appropriate on any area within its charter where in its view action or improvement is needed.

2. **TERMS OF REFERENCE** Continued

2.3 ***PANEL (PLANNING DEVELOPMENT AND INFRASTRUCTURE ACT)***

(a) **COUNCIL ASSESSMENT PANEL**
(“CAP” or “Panel”)

Comprising: Presiding Member, appointed by the Council
Four (4) other members appointed by the Council with one being a member of Council

Co-ordinator: Assessment Manager

Meeting Times: 1st and 3rd Wednesday of each month, (except January – in January 3rd Wednesday only). Commencing at 6.30 pm.

Functions:

1. ESTABLISHMENT OF COUNCIL ASSESSMENT PANEL (Panel)

- 1.1 The Panel is established by the City of Charles Sturt (Council) pursuant to Section 83(1)(b) of the Planning Development and Infrastructure Act, 2016 (PDIA).
- 1.2 Council has delegated its powers and functions as a relevant authority under the Development Act to the Panel with respect to determining whether or not to grant development plan consent for:
Other than where the development is a complying form of development;
- a) Category 2 applications where representations have been received and the representor(s) wish to be heard
 - b) Category 3 applications where representations have been received, and the representor(s) wish to be heard
 - c) Category 3 Non-complying Development with representations.
 - d) Category 2 Non-complying Development with representations.
 - e) Development (including advice or comment to the Development Assessment Commission or Coordinator General except where of a minor nature or where Council is the vendor or the proponent individually or jointly) that is a significant, controversial or contentious application as listed below;
 - Large scale (greater than 2000m²) retail or commercial developments

2. **TERMS OF REFERENCE** Continued

2.3 ***PANEL (PLANNING DEVELOPMENT AND INFRASTRUCTURE ACT)***

(a) **COUNCIL ASSESSMENT PANEL**
("CAP" or "Panel")

- Amendments to licensed premises, or potentially licensed premises, that will increase the hours of trade or numbers of patrons at the venue (excluding restaurants and where these are consistent with policy standards).

In addition to those application types listed above all applications that in the opinion of the relevant officer and having regard to the relevant zone and subject locality are significant, controversial or otherwise contentious; or, any other matter that the CEO, General Manager City Services, Manager, Planning & Development, or Team Leader, Major Planning Assessment consider requires a Panel decision.

- f) Applications for development involving heritage places or within the Heritage Conservation Area where:
- Officer's recommendation is contrary to Council's Heritage Advisor's advice; or
 - Council's Heritage Advisor's advice is at odds with the recommendation of State Heritage.
- g) All refusals, including declining to proceed with a non-complying assessment, other than in relation to further information requests not being responded to within the prescribed time.
- h) Any form of new dwelling application in the Residential Zone or Residential Character Zone that involves the establishment of a new site area 10% or more below the minimum area specified for a semi-detached dwelling in the relevant Policy Area or Precinct but not including those proposed on site areas appropriate for the relevant form of dwelling in the Policy Area or Precinct.
- i) Any dwelling of two or more stories located to the rear of another dwelling within the Residential Zone or Residential Character Zone (except in Policy Areas 20, 22 and 23).

Further, the CAP can call in applications that undergo the following Development Assessment Unit (DAU) process.

2. **TERMS OF REFERENCE** Continued
- 2.3 ***PANEL (PLANNING DEVELOPMENT AND INFRASTRUCTURE ACT)***
- (a) **COUNCIL ASSESSMENT PANEL**
(“CAP” or “Panel”)
- 1.3 The DAU process is an intermediary step between straight delegated decisions made by staff and those decided by the CAP
- 1.4 The Unit shall comprise of the Manager Planning and Development or Team Leader Major Planning Assessment and Development Officers (Senior Planners). The role of the Unit is to consider the following matters;
- a) Applications which have received representations against the development where the representor does not wish to be heard.
- b) Determining to proceed with an assessment of a Non-complying application other than where the application is deemed minor and Category 1 pursuant to Schedule 9, Part 1, Section 3.
- 1.5 The agreed recommendation of the DAU is to be circulated to the members of the CAP with a report prepared by the responsible officer and associated application documents.
- 1.6 Should any of the CAP members not agree with the recommended decision the application can be called in to the CAP for a decision. These call in provisions need to be enacted within 5 business days from the date of circulation of the report.
- 1.7 If no member of the CAP calls in the application, the proposal will be decided under delegation by the responsible officer.
- 1.8 Where the Panel makes a decision that is appealed to the Environment, Resources and Development court the Panel will consider any compromise proposal put forward by the Applicant.

2. **TERMS OF REFERENCE** Continued

2.3 ***PANEL (PLANNING DEVELOPMENT AND INFRASTRUCTURE ACT)***

(a) **COUNCIL ASSESSMENT PANEL**
("CAP" or "Panel")

1.9 The Panel has the functions as set out in Section 56A(2) of the Development Act:

- (a) to act as a delegate of the Council in accordance with the requirements of the Development Act;
- (b) as it thinks fit to provide advice and reports to the Council via the City Services Committee on trends, issues and other matters relating to planning or development that have become apparent or arisen through its assessment of applications under the Development Act;
- (c) to perform other functions (other than functions involving the formulation of policy) assigned to the Panel by the Council.

2. **MEMBERSHIP OF THE PANEL**

2.1 Membership

The Council Assessment Panel (CAP) will consist of five members with one of these being an elected member of Council.

2.2 Appointment of members

Council will commence the appointment of members to the CAP by first determining which option for a path of appointment they wish to follow.

Option 1 will be to publicly seek expressions of interest for suitably qualified and accredited persons to form the CAP.

This option will require;

- 1. Advertising for expressions of interest;
- 2. Appointment of elected members to a selection panel;
- 3. Review of submissions and possible interview of candidates if required by the selection panel; and
- 4. A subsequent report to Council recommending specific candidates to the role.

Option 2 will be to consider reappointment of existing Development Assessment Panel (DAP) members or CAP members to a new term on the CAP.

This option will require;

- 1. Consultation with current members of the panel to establish that they are prepared to continue in the role; and
- 2. A report to Council recommending appointments.

2. **TERMS OF REFERENCE** Continued

2.3 ***PANEL (PLANNING DEVELOPMENT AND INFRASTRUCTURE ACT)***

(a) **COUNCIL ASSESSMENT PANEL**
("CAP" or "Panel")

2.3 **Term of Office for Members**

- (a) The term of office of a member will be for a period, not exceeding 2 years, determined by the council (and, at the expiration of a term of appointment, a member is eligible for reappointment);
- (b) A member of a council development assessment panel whose term of office expires may nevertheless continue to act as a member, for a period of up to 6 months, until he or she is reappointed or a successor is appointed (as the case may be).
- (c) The council may remove a member of the panel from office for—
- (i) Breach of, or failure to comply with, the conditions of appointment; or
 - (ii) Misconduct; or
 - (iii) Neglect of duty; or
 - (iv) Incapacity to carry out satisfactorily the duties of his or her office; or
 - (v) Failure to carry out satisfactorily the duties of his or her office; or
 - (vi) Failure to comply with a requirement under Section 83(1)(e) or (g) or a breach of, or failure to comply with a code of conduct;
- (d) The office of a member of the panel will become vacant if the member—
- (i) Dies; or
 - (ii) Completes a term of office and is not reappointed; or
 - (iii) Resigns by written notice to the council; or
 - (iv) Is no longer an Accredited Professional and is required to be an Accredited Professional; or
 - (v) Becomes bankrupt or applies to take the benefit of a law for the relief of insolvent debtors; or
 - (vi) Is convicted of an indictable offence punishable by imprisonment; or
 - (vii) Is removed from office by the council under paragraph (c).

2.4 **Remuneration**

The remuneration for a member of the CAP shall be determined by Council when new appointments are made and the level of remuneration will be reviewed every two years.

2. **TERMS OF REFERENCE** Continued

2.3 ***PANEL (PLANNING DEVELOPMENT AND INFRASTRUCTURE ACT)***

(a) **COUNCIL ASSESSMENT PANEL**
("CAP" or "Panel")

2.5 Deputy Member

A deputy member of the CAP will only be appointed on the following terms;

1. The deputy member will be an elected member appointed only to perform as a deputy for the regular elected member of the CAP.
2. The deputy member will only come into effect where at least two weeks' notice has been given by the regular elected member of the CAP advising that they will not be able to attend a meeting or meetings of the CAP and the deputy member will take their place.
3. Only one elected member of council will be present as a member of the CAP at any time.
4. They will be remunerated for their actual attendance at a CAP meeting in accordance with the level of remuneration established by Council under section 2.4 of this procedure.
5. They are bound by the same terms of office as a regular member of the CAP.

2.6 Presiding member

- (a) The council will appoint the presiding member of the CAP from the independent members of the panel at the time of appointing the membership of the panel.
- (b) The CAP will appoint the acting presiding member from the remaining CAP membership at its first meeting as a committee.