Adelaide Plains Council

2026

TERMS OF REFERENCE
Council Assessment Panel



ADELAIDE PLAINS COUNCIL

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Adelaide Plains Council acknowledges that we are located on the traditional Country of the Kaurna people of the Adelaide Plains and pays respect to Elders past, present and emerging. We recognise and respect their cultural heritage, beliefs and relationship with the land and we acknowledge that they are of continuing importance to the Kaurna people living today.

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Definitions

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

1.2. ***CEO*** means Chief Executive Officer of Council;

1.3. ***CAP*** means Council Assessment Panel

1.4. ***Council*** means Adelaide Plains Council;

1.5. **CAP Meeting** means formal meetings of the CAP open to the public (under certain conditions, CAP Meetings can be closed to the public under provisions of the Act);

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1. Preamble

1.1 The Adelaide Plains Council Assessment Panel (CAP) is a relevant authority under sections 82 and 83 of the Planning, Development and Infrastructure Act 2016 (Act).

1.2 These Terms of Reference detail the operating parameters of the CAP.

2. Establishment and purpose

2.1 Pursuant to section 83 of the Planning, Development and Infrastructure Act 2016 (the Act) Council establishes a Council Assessment Panel to be known as the Adelaide Plains Council Assessment Panel for the purpose of acting as a "relevant authority" in respect of relevant development assessment matters.

2.2 The Terms of Reference have been reviewed, and this document constitutes the Terms of Reference for the CAP from 1 July 2026.

3. Functions

The functions of the CAP are:

(a) To act as the relevant authority for the assessment of proposed development to be undertaken in the council area pursuant to legislative requirements;

(b) To provide advice and reports to Council on trends, issues and other matters relating to planning or development that have become apparent or arisen through its assessment of applications under this Act; and

(c) To perform other functions (other than functions involving the formulation of policy) assigned to the CAP by the Act.

4. Membership

(a) Membership of the CAP will be appointed by Council, taking into account the requirements of sections 83(1)(b)(i), 83(1)(c) and 83(1)(d) of the Act.

(b) The CAP shall consist of a maximum of five (5) members, being:

i. one Council Member and;

ii. four (4) Independent Members (Independent Members), not being Council Members or State Parliament Members.

(c) The Council may determine that the CAP will be constituted by a different number of members for different classes of development, in which case the relevant details will be specified by the Council.

4.1. Member appointment

(a) The Presiding Member will be appointed by Council and must be a person who has reasonable knowledge of the operation and requirements of the Act; and have experience in a recognised profession.

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(b) The Council may appoint an Independent Member to stand as a Deputy Member to the Independent Members appointed to the CAP.
(c) If the Presiding Member is not in attendance, the Assessment Manager will open the meeting, and the Presiding Member will be selected from the attending panel members.
(d) The CAP may appoint 1 or 2 members to act as additional members of the assessment panel for the purposes of dealing with a matter that it must assess under this Act provided the person holds a qualification, or has expertise or experience, recognised by a practice direction for the purposes of section 85 of the Act.
(e) Additional Members are taken to be members of the assessment panel in all respects with the exception of being able to vote on matters for determination. As such they will be subject to the Code of Conduct relating to Assessment Panel Members.
(f) Members will hold their positions for a period of 2 years, or as determined by Council.
(g) Subject to clause 4.1(i), the Council will call for expressions of interest for appointment of independent CAP Members.
(h) The Council may reappoint an existing member without calling for expressions of interest.
(i) A CAP Member is eligible for reappointment for a further term, or further terms, upon the expiry of their current term.
(j) A member 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 (whichever the case may be) except in the instance they have not obtained accreditation as required.
(k) A member may resign from the CAP by giving notice, in writing, to that effect to the Chief Executive Officer (CEO) or Assessment Manager.
(l) All members of the CAP are public officers for the purpose of the Independent Commissioner Against Corruption Act 2012 and Part 7 Division 4 (Offences relating to Public Officers) of the Criminal Law Consolidation Act 1935. As such they are subject to the provisions of those Acts, including reporting requirements.
(m) Independent Members to the CAP are subject to the Code of Conduct relating to Assessment Panel Members.
(n) Council Members to the CAP are subject to both the Code of Conduct relating to Assessment Panel Members and the Code of Conduct for Council Members.
(o) Independent Members of the CAP must be Accredited Professionals pursuant to section 83(1)(c) of the Act.

4.2. Vacancy of office

(a) The office of a member will become vacant if the member:
    a. dies;
    b. completes a term of office and is not reappointed;
    c. resigns by written notice to the CEO or Assessment Manager;
    d. is convicted of a relevant offence; or
    e. is removed from office under clause 6 of these Terms of Reference.
(b) If a vacancy in membership occurs at any time, then the Council will fill that vacancy at the earliest opportunity by Council resolution.

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(c) The CAP Member appointed to fill a vacancy may be a Deputy Member in which case that person will automatically cease to be a Deputy Member.
(d) A vacancy in the membership of the CAP will not invalidate any decisions of the CAP, provided a quorum is maintained during meetings.

5. Meeting time and place

(a) The CAP will meet on the first Wednesday of each month at 5:30pm, as required.
(b) The Assessment Manager, in consultation with the Presiding Member of the CAP, is delegated the authority to vary the time, date and location of any CAP meeting.

6. Removal from office

(a) Subject to giving a member an opportunity to be heard or to make a written submission, the Council may resolve to remove a member for:
    a. breach of, or failure to comply with, the conditions of appointment; or
    b. failure to disclose his or her financial interests in accordance with section 83(1)(e) of the Act; or
    c. failure to comply with a requirement under section 83(1)(g) of the Act or a breach of, or failure to comply with, a code of conduct in accordance with the Schedule 3(1) of the Act; or
    d. failure to obtain or retain Accredited Professional status, pursuant to clause 4.1(p).
(b) The Council must substitute existing members of the CAP with new members if directed to do so by the Minister acting on the recommendation from the State Planning Commission.
(c) Particulars of the grounds for removal will be communicated to the member at least one (1) calendar month before the meeting of the Council at which the matter will be determined
(d) The member will provide any written representation in response to the particulars at least fourteen (14) days before the meeting of the Council at which the matter will be determined.
(e) The determination of the Council will be communicated to the member, and in the event of an adverse determination the member shall cease to be a member immediately when the Council has communicated its determination to him/her.
(f) The determination must be communicated to the member:
    a. personally; or
    b. by delivering the notice (whether by post or otherwise) to the usual place of residence of the member or to another place authorised in writing by the member for the purpose of receiving notices of CAP or Council meetings, as the case may be; or
    c. by leaving it for the member at an appropriate place at the principal office of the Council, if authorised in writing by the member to do so for the purpose of receiving notices of CAP meetings, as the case may be; or
    d. by a means authorised in writing by the member as being an available means of giving notice (e.g. email) for the purpose of receiving notices of CAP or Council meetings, as the case may be.
(g) Notice of the determination not given in accordance with clause 4.6 is taken to have been validly given if the CEO considers it impracticable to give the notice in accordance with that clause and

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takes action the CEO considers reasonably practicable in the circumstances to bring the notice to the attention of the member.

(h) A member who has been removed from the CAP pursuant to clause 4 of these Terms of Reference may apply to the Council for reappointment to the CAP. The decision whether to allow a person to re-join the CAP is at the Council's absolute discretion.

7. Conflict of interest

(a) Members of the CAP must disclose their financial interests in accordance with section 83(1)(e) and Schedule 1 of the Act. Failure to do so may result in the removal of the member from office pursuant to clause 4 of these Terms of Reference.

(b) Members must not act in relation to a development if he or she has a direct or indirect pecuniary interest in any aspect of the development or any body associated with any aspect of the development in accordance with section 83(1)(g) of the Act. Failure to do so is an offence with a maximum penalty of $20 000.

8. Liability

(a) No civil liability attaches to a member of a committee for an honest act or omission in the exercise, performance or discharge, or purported exercise, performance or discharge, of the members' or committee's powers, functions or duties. Such a liability attaches instead to the Council.

9. Remuneration

(a) The members of the CAP, including Deputy Members and Members appointed in accordance with clause 4.1(e) of these Terms of Reference, will receive a meeting sitting fee (exclusive of GST), as approved by Council.

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