

APPENDIX B

Establishment and Terms of Reference of the District Council of Coober Pedy Development Assessment Committee

1. Establishment

- 1.1. By letter from the Minister for Urban Development and Planning dated 28 November 2006, the Council was granted an exemption from establishing a Development Assessment Panel under section 56A of the *Development Act 1993*. This exemption was granted on the condition that the Council instead establish a development assessment committee.
- 1.2. Pursuant to Section 41 of the Local Government Act 1999, the Council establishes a committee to be known as the District Council of Coober Pedy Development Assessment Committee ("the Committee").

2. Objectives

The Committee is established to act as a delegate of the Council, to determine development applications in accordance with Part 4 of the *Development Act 1993* and in this regard to exercise the powers and functions delegated to the Committee by the Council.

3. Membership

- 3.1. Membership of the Committee shall consist of five (5) elected members of the Council, appointed by the Council.
- 3.2. The Council authorises the Committee to appoint the Presiding Member and the Deputy Presiding Member of the Committee.
- 3.3. Members are appointed to the Committee for a term of two (2) years.
- 3.4. Upon appointing new members to the Committee, the Chief Executive Officer of the Council will cause a letter to be sent to the Minister identifying the new membership of the Committee and the term of appointment of each member.

4. Terms of Reference

- 4.1. The Council has delegated to the Committee all of the relevant powers and functions of the Council necessary for the Committee to perform its functions as set out in these Terms of Reference.
- 4.2. The Committee is charged with responsibility for all matters arising under Part 4 of the Development Act 1993 and the Development Regulations 2008 in accordance with the delegations conferred by the Council.
- 4.3. The Committee shall act at all times in strict accordance with:

- 4.3.1. the requirements of the Local Government Act 1999 which require that a meeting of the Committee be conducted in a place open to the public unless the Committee, in strict reliance upon section 90 of the Local Government Act 1999 excludes the public from attendance in relation to any particular agenda item.
 - 4.3.2. the *Local Government Act 1999* and Part 2 of the *Local Government (Procedures at Meetings) Regulations 2000* (with the exception of regulations 9(4)(h)(i), 11, 12, 18 and 19) provided that the Committee may further alter in whole or in part the application of Part 2 of the Regulations where it forms the opinion that such alterations are necessary for the better operation of its meetings;
 - 4.3.3. Part 4 of the Development Act 1993 and the Development Regulations 2008;
 - 4.3.4. any relevant Code of Conduct made by the Minister pursuant to section 21A of the Development Act 1993 which may be relevant to the Committee in the performance of its functions; and
 - 4.3.5. policies, guidelines and protocols which are relevant to the Committee.
- 4.4. The Committee shall meet at Council Chambers, Hutchison Street, Coober Pedy in accordance with the responsibilities imposed upon it at clause 5 of these Terms of Reference.
 - 4.5. Subject to clause 4.6 of these Terms of Reference, the Committee shall meet on such dates and at such times as the Presiding Member of the Committee, or the Committee by resolution, shall determine.
 - 4.6. The Committee shall meet, where necessary, once in each Calendar month, or otherwise as often as the Committee considers necessary.
 - 4.7. A quorum for a meeting of the Committee shall be three (3) members.
 - 4.8. The Committee must ensure that accurate minutes are kept of its proceedings consistent, so far as is applicable, with regulation 9 of the Local Government (Procedures at Meetings) Regulations 2006.
 - 4.9. All members of the Committee present at a meeting must vote on a question arising for decision, unless a member has declared a conflict of interest pursuant to clause 4.11 of these Terms of Reference. In such a situation, the Member must act in accordance with clauses 4.11 to 4.12 of these Terms of Reference.
 - 4.10. All decisions of the Committee shall be made on the basis of a majority decision of the members present and entitled to vote, in accordance with clause 4.9 of these Terms of Reference.
 - 4.11. Members shall disclose to the Committee the nature and extent of any direct or indirect pecuniary or non-pecuniary interest in a matter (to be known as "a conflict of interest") before the Committee, other than an indirect interest that exists in common

with a substantial class of persons and otherwise as required by the Code of Conduct referred to at 4.3.3 of these Terms of Reference.

- 4.12. Insofar as the Local Government Act 1999, the Local Government (Procedures at Meetings) Regulations 2000 and these Terms of Reference do not prescribe the procedure to be observed in relation to the conduct of a meeting of the Committee, the Committee may determine its own procedures.